



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** August 27, 2012

**COUNCIL DISTRICT:** 6

**SUBJECT: FILE NO. PDC08-067. A PLANNED DEVELOPMENT REZONING FROM THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW THE DEVELOPMENT OF UP TO 103 MULTI-FAMILY ATTACHED RESIDENCES AT AN EXISTING APARTMENT COMPLEX ON A 3.52 GROSS ACRE PORTION OF A 12.9 GROSS ACRE SITE, LOCATED ON THE NORTH SIDE OF SUMMERSIDE DRIVE BETWEEN MCLAUGHLIN AND LUCRETIA AVENUES.**

## RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioner Cahan and Commissioner Kamkar absent) to recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Planned Development Rezoning as recommended by staff.

## OUTCOME

Should the City Council approve the Planned Development Rezoning as recommended by the Planning Commission and staff, the applicant would be able to move forward with a Planned Development Permit and subsequent building permits to allow for the construction of 103 multi-family attached residences on the subject site.

## BACKGROUND

On August 22, 2012, the Planning Commission opened a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building, and Code Enforcement recommended approval of the proposed Planned Development Rezoning.

Staff provided introductory comments by acknowledging the additional written neighbor correspondence that was provided at the meeting and which is attached to this report, and that the

public hearing notice for the project incorrectly stated that the subject site was located on the south side of Summerside Drive, but that the site is actually located on the north side of Summerside Drive; however, the address listed on the notice and the map attached to the notice were correct.

Additionally, as discussed in the staff report, the subject Planned Development Rezoning is consistent with the goals and policies of the San José 2020 General Plan, most specifically the project is consistent with the housing and growth management major strategies, as the project will add residential units within an area already served by urban services and one that is surrounded by similar existing multi-family residential developments. Further, the proposed product type is designed consistent with the intent of the Residential Design Guidelines. The new four-story building is located at the rear of the subject site with adequate building setbacks on all sides and the multi-level parking garage is well screened as it is wrapped by the residential units.

Marvin Bamburg, representing the property owners, spoke on behalf of the project. He stated that he thought the staff report was thorough and that he had nothing to add.

Following the applicant's presentation, the Commission took public testimony from three community members, who made the following comments:

- "The new building is too large and will be right next to my two-story townhome and affect my rear yard by blocking light. The access to the garage is near my home as well and will worsen the air quality in the area with all of the new cars coming and going."
- "The existing apartment units are mismanaged and they are known for having a lot of police activity. The property owner does not deserve to build more units that will not be maintained."
- Objection to increased development as it will bring more traffic and on-street parking is already inadequate.
- "The market in this area is over saturated with rental units and this project will affect my ability to rent my property."
- More residential units will equal more problems for the neighborhood. There is also no where for kids to play.

The applicant provided follow-up comments by stating that the site has plenty of parking for the new residents and the current tenants do not use the recreation facilities that will be demolished with this project. Commissioner O'Halloran asked the applicant about the child care center on site, and the applicant stated that the center would be eliminated.

The Commission then closed the public hearing and discussed the item.

Commissioner O'Halloran questioned staff about the thresholds for environmental mitigation and if Mitigated Negative Declarations (MND's) were typical. Staff responded that most environmental clearance documents for projects in the City of San José were in fact MND's. He

also stated that the text of the initial study indicated that there were mitigation measures for concrete crushing but that those measures were not in the development standards. Staff responded that he was correct and that should have been included. The development standards have since been revised to include this mitigation. The revised development standards are attached to the memorandum.

Commissioner O'Halloran made a motion to recommend that the City Council approve the project as recommended by staff with the addition of the concrete crushing mitigation. The Planning Commission then voted 5-0-2 (Commissioner Cahan and Commissioner Kamkar absent) to recommend that the City Council approve the proposed Planned Development Rezoning as recommended by staff.

### ANALYSIS

A complete analysis of the issues regarding this project, including General Plan conformance, is contained in the staff report. This report is attached for reference.

### EVALUATION AND FOLLOW-UP

If the zoning is approved, the applicant would be required to file subsequent development permits with the Planning Division in order to implement the project on the subject site.

### PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

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Additionally, the project was presented before the Tully-Senter NAC at their regular meeting on June 4, 2009. A notice of this community meeting was mailed to residents within a 1000 foot radius of the site.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Building Division, Fire Department, Police Department, Environmental Services Department, and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

### **CEQA**

An Initial Study (IS) and Mitigated Negative Declaration (MND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject rezoning. The documents were circulated for public review between July 20, 2012 and August 8, 2012. No comments were received on the document.

/s/

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions, please contact Lesley Xavier, Project Manager, at 408-535-7852.

**FILE NO. PDC08-067**  
**DEVELOPMENT STANDARDS**  
REVISED 8-23-12

*\*In any cases where the graphic plans and text may differ, the text takes precedence.\**

USE ALLOWANCES: Multi-family attached residential units and those permitted, special, and conditional uses of the R-M Zoning District, as amended, shall apply.

MAXIMUM NUMBER OF UNITS: 391 units

SETBACKS: *(setbacks are measured from the property line)*

- Front – 25 feet
- Side – 25 feet
- Rear – 25 feet

BUILDING HEIGHT:

- 55 feet/4 stories

PARKING REQUIREMENTS: *(BASED ON ALL OPEN PARKING)*

- Studio: 1.2 spaces per unit
- 1-bedroom: 1.5 spaces per unit
- 2-bedroom: 1.8 spaces per unit
- 3-bedroom: 2 spaces per unit

BICYCLE PARKING REQUIREMENTS:

- Shall be provided per Title 20, Table 20-210, as amended.

MOTORCYCLE PARKING REQUIREMENTS:

- Shall be provided per Title 20, Table 20-250, as amended.

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.

ARCHITECTURAL DESIGN:

- The architectural design of the project shall conform to the standards of the Residential Design Guidelines.

## **PUBLIC WORKS CLEARANCE:**

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**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:** A Traffic Impact Analysis has been performed for this project based on 77 AM and 77 PM peak hour trips. We conclude that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts. See separate Traffic memo dated 12/14/11 for additional information.
3. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance.
  - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
  - c) Because this project involves a land disturbance of more than one acre, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
  - d) The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
  - a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD Permit stage, submit the final

Stormwater Control Plan and numeric sizing calculations and address the following:

- i) Submit a completed C3 Data Form and Infiltration/Harvesting and Use Feasibility Screening Worksheet and Pervious and Impervious Surfaces Comparison Table (go to <http://www.sanjoseca.gov/planning/stormwater/>).
  - ii) Revise the bioretention cross-section to match the approved detail in the new C.3 Stormwater Handbook (April 2012).
  - iii) Expand the Drainage Area A to include the EVA and property boundary. All the project square footage must be included in the calculations.
  - iv) The bioretention cell square footage calculation for Drainage Areas 1,4 and 5 are incorrect on Sheet 4.1 and 4.2. A 50' long by 2' wide cell is only 100 square feet.
  - v) Indicate the source of the rainfall intensity (0.183) for the media filter calculation on Sheet 4.2. The standard is 0.2.
  - vi) Include final inspection and maintenance information on the post-construction treatment control measures.
5. **Stormwater Peak Flow Control Measures:** This project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
6. **Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
7. **Sewage Fees:** In accordance with City Ordinance, all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
8. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
9. **Street Improvements:**
- a) At PD Permit stage, indicate whether the new driveway proposed on Summerside Drive will have gates in order to verify that they will meet the City's Off-site Stacking Policy.
  - b) Construct a City standard driveway cut at the project entrance on Summerside Drive. Proposed driveway width to be 26'.
  - c) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
  - d) Extend the storm main in Summerside Drive to the project entry.
  - e) Close unused driveway cuts.

- f) Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
  - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
10. **SNI:** This project is located within the Tully/ Senter SNI area. Public improvements shall conform to the approved EIR and neighborhood improvement plan.
  11. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
  12. **Street Trees:** Replace any missing street trees in the park strips along Summerside Drive and match existing trees per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings.
  13. **Private Streets:** In the future, if this apartment project converts to condominiums, it will be required that private streets and infrastructure comply with current Common Interest Development Standards, which may result in the reconstruction or modification of all private infrastructure. The developer has the option to construct the project in accordance with CID standards at present time if conversion is anticipated in the future.

## **ENVIRONMENTAL MITIGATION:**

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### **1. Biological Resources:**

- a. Raptors. If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

**2. Noise:**

- a. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- b. Concrete crushing activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday.
- c. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- d. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- e. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

# Objections to the Proposed Re-zoning and Construction Plan at 2055 Summerside Drive (File No. PDC08-067)

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## Introduction

Dear members of the Planning Commission and City Council and all readers, I'm very grateful to be given this opportunity to present my opinions on the proposed re-zoning and construction plan.

I am Xintai Chang, the long-time owner of 952 Deer Meadow Ct., a townhouse on the northeast corner of the Deer Meadow Ct. community. Along with many home owners and residents in the neighborhood, I am strongly objecting to the proposed re-zoning and construction plan at 2055 Summerside Drive (Summerwind Apartments). I believe the facts and evidence will convince you to agree with my objection.

This plan should not go forward because **1)** the Summerwind Apartments has a horrible track record in managing even its existing complex and is not qualified for any significant expansion; **2)** the proposed buildings present a traumatic impact on the life and property values of the owners and residents of Deer Meadow Ct. community, due to the excessive building height, ill-conceived design of garage entrance-exit, and the disturbance from the long construction period; **3)** the proposed plan will significantly degrade the safety and traffic conditions of the greater neighborhood in this part of the city.

It is very obvious that this plan will only benefit the developer/owner of the proposed development, at a great long-term cost to neighborhood and the city. Below, I will explain the facts and evidence that support my objection in detail.

### **Summerwind Apartments not qualified to expand**

The Summerwind Apartments has a **very bad track record managing its existing apartment complex** and serving its residents. Over the years, it has developed an awful reputation with **unsanitary conditions** (for example, dirty interior, roaches, rain water leaks), **significant noise**, **grossly insufficient parking**, **safety issues** (for example, fight, burglary, car theft, vandalism, and even alleged gang and drug issues, etc.), and **poor maintenance**. On one of the most popular apartment rating website (<http://www.apartmentratings.com/rate/CA-San-Jose-Summerwind-Apartments.html>), among 106 reviews (as of 8/18/2012), over 60% do not recommend others to rent at Summerwind; the **overall rating is only 1.6 (out of 5)** and the average rating is 2 or below on every single aspect. Some of the renter reviews highlighted many of the problems mentioned above. With such a horrible reputation and track record, how can we entrust the Summerwind Apartments to further expand its management responsibility? Instead, they should focus on improving its existing conditions and better serving its existing residents.

What's even more appalling is that the proposed plan will **demolish the existing swimming pool and sports facilities**, which may be the only convenient recreation options for many of its existing renters. This only further degrades the quality of life for all existing and prospect renters, creating a more crowded and hostile living environment. This inhumane activity has to be stopped.

### **Traumatic impact on the Deer Meadow Ct. Community**

Deer Meadow Ct. community is surrounded on two sides by Summerwind Apartments, and at least four of the townhouses in the community (952, 956, 960 and 964) are directly bordering the proposed building site of the new apartment buildings. The existing Summerwind Apartments have already been a source of various issues to these townhouses, such as noise and safety concerns. The proposed building plan will have a traumatic impact on the well-being of the townhouse residents.

The proposed new apartment buildings will be four-story tall, at over 48ft above ground, and many times as wide. This is an **unprecedented building height** in and around this residential area of the city, destroying the integrity of the city planning. Currently the aforementioned two-story townhouses in Deer Meadow Ct. have a relatively open view from its second floor windows to a fairly great distance (only modestly blocked by the existing Summerwind Apartments management office building). However, with only 35ft between the proposed new buildings and the backyards of the townhouses, it will **reduce the view to essentially non-existent**. Against much taller apartment buildings within a short distance, it also creates a **privacy nightmare** that doesn't exist today for the townhouse residents, with their **windows and backyards fully exposed** to a large number of apartment residents. Furthermore, the 48ft tall building cast a great shadow on the townhouse properties, and with only 35ft distance, it **reduces direct sunlight time** on the townhouse properties by **up to a whopping 30%** - which is a loss of **up to three and half hours a day** on average (48ft height and 35ft horizontal distance is equivalent to about 54 degrees of blocking angle, 30% of total possible direct sunlight range). Such a dramatic change of living environment is totally unacceptable to the townhouse residents and reflects the extremely inconsiderate spirits of the proposed building plan.

Another very disturbing feature of the proposed building project is the ridiculous placement of entrance and exit of its garage. The proposed building is located by Summerton Drive, so its car entrance and exit should directly in that street. However, a **parking garage exit and associated driveway and passage road** is designed **right behind the townhouses**. Imagine what kind of impact these **hundreds of car passings a day, possibly at any hours**, has on the residents of the townhouses whose bedroom windows are right above it from the second floor. The **noise and pollution** this traffic generates will have detrimental effects on the health and well-being of the townhouse residents. It is not difficult to understand the significantly increased severity/risks of sleep disorders, stress, and respiratory issues that this plan will bring.

Furthermore, the proposed major building project will last for more than two years – anyone living a few feet from a **large construction zone** for such an **extended period of time** will understand what this means to the residents of an established neighborhood! Have these selfish developers given any thoughts to the neighbors?

Besides the direct traumatic impact on the residents, this **degraded living environment** will undoubtedly **slash the property values** of the Deer Meadow Ct. townhouses by a significant amount. In the difficult economic environment we have today, this will bring or worsen the financial hardship to many of the property owners, decrease the property market prospect of the entire neighborhood, and **lower the expected tax revenue** to the city (and hence reduce the public services it will be able to provide).

I will challenge anyone, including the developers/investors of the proposed plan, to put yourself in our shoes and imagine what the plan would do to your life?

### **Impact on city and greater neighborhood**

The negative impact from this project will go far beyond the immediate neighbors such as Deer Meadow Ct. community. Today, the larger neighborhood that Summerwind Apartments is located in already has one of the **highest population densities** in the city of San Jose, with greater than 50 persons/acre according to official census statistics (<http://www.sanjoseca.gov/planning/census/blockpop.pdf>). Many of the areas' shopping and business centers already have a **significant parking shortage**. The **crime rate** in the neighborhood is also significantly higher than most part of the city and numerous crimes and incidents are frequently reported in and around the Summerwind Apartments (<http://www.sjpd.org/CrimeStats/CrimeReports.html>).

As mentioned above, currently Summerwind Apartments already have a **severe parking shortage**. This is evident from the **packed curbside parking spots** along Summerside Drive, as well as Lucretia Ave., a major thoroughfare of traffic in this neighborhood. Now with the proposed project, the planned parking capacity is impossible to meet the demand of the increased renter population. This will put additional strain on the already dire parking situation and generate traffic, safety, and crime problems of all sorts.

With this project going forward, how is the city going to cope with the further **deteriorating conditions of traffic and safety**, as well as many other **public services**, in this neighborhood? The proposed project developers/investors can care less about who is going to foot that bill – but we cannot and the city cannot.

### **Final remarks**

With all these mounting evidences against the proposed building project, we can only speculate how this plan has been put forward by the developers/investors. They are trying to benefit themselves financially at a great economic and psychological cost to the neighbors and the city of San Jose. We absolutely cannot allow this ill-conceived plan to go forward and we will take whatever action necessary, including legal means, to stop this disastrous construction plan.

Current View

2055 Summerside Drive

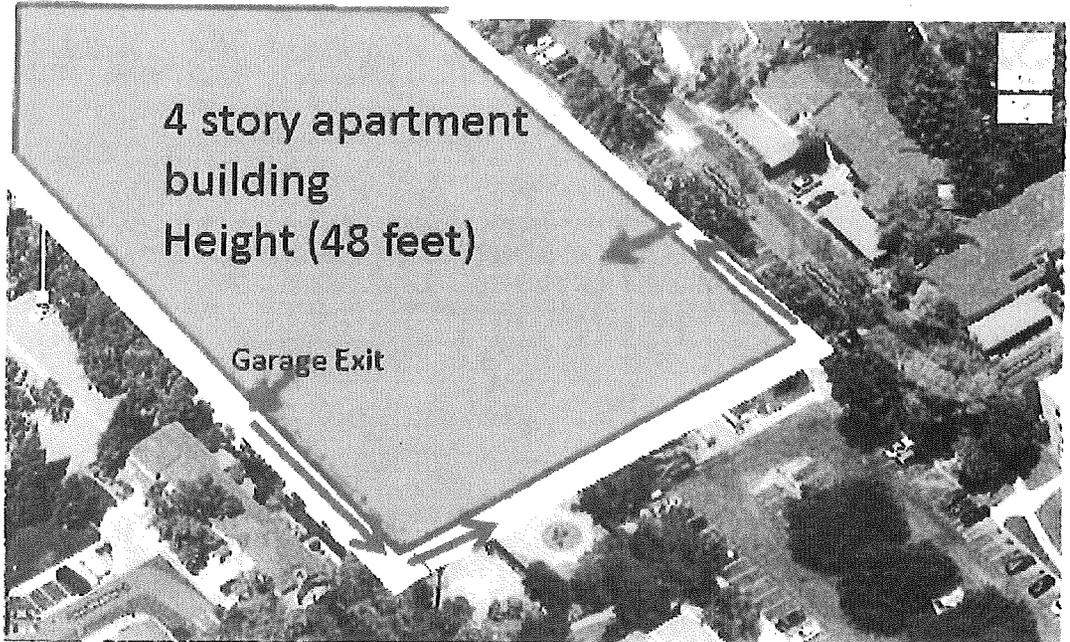
952, 956, 960, 964  
Deer Meadow Ct.



Proposed plan (PDC08-067)

4 story apartment  
building  
Height (48 feet)

Garage Exit



Our objections to the proposed re-zoning plan  
at 2055 Summerside Drive (PDC08-067)

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Dear City Council Members of San Jose,

I am Xintai Chang, owner of a townhouse at 952 Deer Meadow Court.

I have spoken at the city planning commission hearing on August 22, 2012, after submitted a written objection to the proposed re-zoning plan. Although I appreciate the planning manager's response to our concerns, we do not believe they were addressed nearly adequately on the essential issues I and other speakers had pointed out. Please allow me to reiterate those critical points for the city council.

**1) Summerwind Apartments is not qualified for any significant expansion.**

Summerwind Apartments has a very bad track record and reputation managing its apartment complex and serving its existing residents, with numerous issues in safety, maintenance, sanitary, noise, parking, etc. Its overall rating on some popular apartment rental website is only 1.6 (out of 5), and majority of the reviewers do not recommend it. The proposed plan will only add to the crowdedness and management difficulties to the already horrible conditions. And the replacement of large swimming pools and sports facilities with much smaller and inferior recreation options will only reduce the quality of life for existing and prospect residents at the apartment.

**2) The proposed plan is not positioned in a right area of the city.**

This small area already has one of the highest population densities (50+ persons/acre) in San Jose, with a severe shortage of parking, congested traffic, and high crime rate. The re-zoning plan with a large number of crowded, low-end housing units and inadequate parking will only bring greater stress to the neighborhood and city services. At present, I do not believe it is in the city's vision and citizens' interests to approve this plan which would significantly degrade the safety and traffic conditions of this entire neighborhood.

**3) The location of car entrance and exit for proposed building is terribly wrong.**

The proposed building is located by Summerton Drive, but its car entrance and exit are not directly on that street. The developer chose to place a garage exit and a driveway right behind my townhouse and other three neighbors' townhouses. This will not only interrupt the existing quiet and clean environment making us in close contact with the noise and pollution generated by hundreds of car passings each day, but also severely worsen traffic and parking condition along the streets of Lucretia Avenue and Summerside Drive around the apartments.

**4) The plan has traumatic impact on neighbors' interest in the life and property values.**

The proposed large four story building with its car passage is right behind our four townhouses in Deer Meadow community. This would totally change the currently open, quiet, clean, bright and sunny environment of our houses, and have a devastating effect on the life, health, and property values of the owners and residents in the community nearby.

Clearly, through this project, the developers try to benefit themselves at a great cost to the innocent neighbors and all citizens of the city. The developer and planning managers only addressed the basic city code compliance of the re-zoning plan but did not think much about the significant impact on the neighbors. The city planning commission has also failed to take into consideration of many important issues when approving the re-zoning plan. We sincerely hope the city council will seriously consider the impacts of this project and protect the interests of existing residents and all citizens of San Jose.

Please see following documents for detailed information.

## Current View

Summerwind Apartments  
( 2055 Summerside Drive )

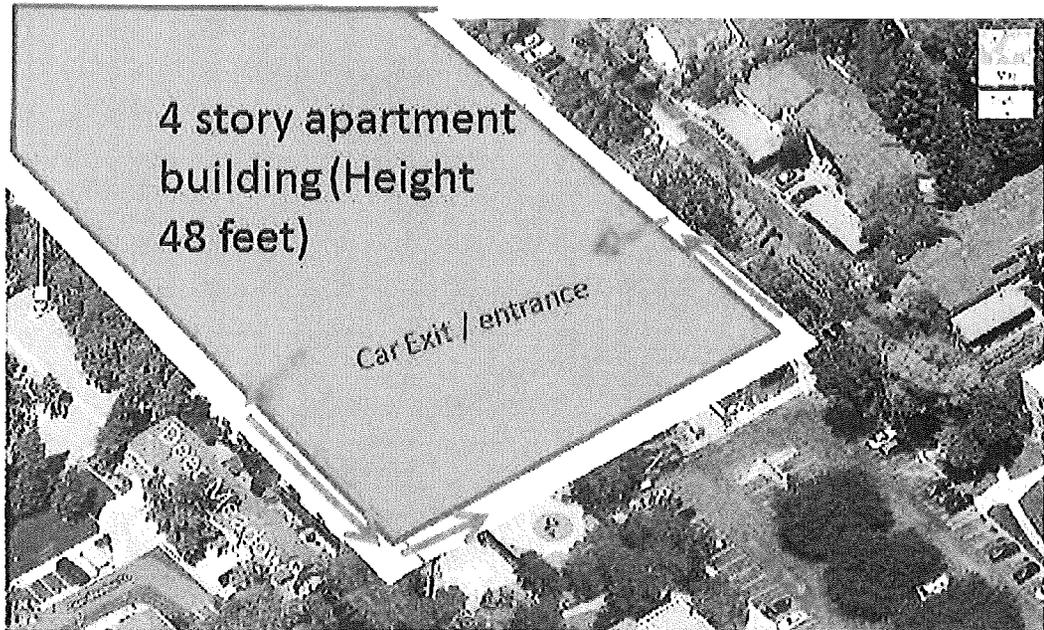


952, 956, 960, 964  
Deer Meadow Ct.

## Proposed plan (PDC08-067)

? !

*The car entrance and exit of new building are not on its adjacent street, Summerton Dr. but a passage road is made right behind Deer Meadow Ct. townhouses.*



4 story apartment  
building (Height  
48 feet)

Car Exit / entrance

# Objections to the Proposed Re-zoning and Construction Plan at 2055 Summerside Drive (File No. PDC08-067)

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It is very obvious that this plan will only benefit the developer/owner of the proposed development, at a great long-term cost to neighborhood and the city. Below, I will explain the facts and evidence that support my objection in detail.

## **Summerwind Apartments not qualified to expand**

The Summerwind Apartments has a **very bad track record managing its existing apartment complex** and serving its residents. Over the years, it has developed an awful reputation with **unsanitary conditions** (for example, dirty interior, roaches, rain water leaks), **significant noise**, **grossly insufficient parking**, **safety issues** (for example, fight, burglary, car theft, vandalism, and even alleged gang and drug issues, etc.), and **poor maintenance**. On one of the most popular apartment rating website (<http://www.apartmentratings.com/rate/CA-San-Jose-Summerwind-Apartments.html>), among 106 reviews (as of 8/18/2012), over 60% do not recommend others to rent at Summerwind; the **overall rating is only 1.6 (out of 5)** and the average rating is 2 or below on every single aspect. Some of the renter reviews highlighted many of the problems mentioned above. With such a horrible reputation and track record, how can we entrust the Summerwind Apartments to further expand its management responsibility? Instead, they should focus on improving its existing conditions and better serving its existing residents. It is not the right time for them to add more crowded units.

What's even more appalling is that the proposed plan will **demolish the existing large and open swimming pool and sports facilities**, which may be the only convenient recreation options for many of its existing renters. This only further degrades the quality of life for all existing and prospect renters, creating a more crowded and hostile living environment. This inhumane activity has to be stopped.

## **Traumatic impact on the Deer Meadow Ct. Community**

Deer Meadow Ct. community is surrounded on two sides by Summerwind Apartments, and at least four of the townhouses in the community (952, 956, 960 and 964) are directly bordering the proposed building site of the new apartment buildings. The existing Summerwind Apartments have already been a source of various issues to these townhouses, such as noise and safety concerns. The proposed building plan will have a traumatic impact on the well-being of the townhouse residents.

The proposed new apartment buildings will be four-story tall, at over 48ft above ground, and many times as wide. This is an **unprecedented building height** in and around this residential area of the city. Currently the aforementioned two-story townhouses in Deer Meadow Ct. have a relatively open view from its second floor windows to a fairly great distance (only modestly

blocked by the existing Summerwind Apartments management office building). However, with only 35ft between the proposed new buildings and the backyards of the townhouses, it will **reduce the view to essentially non-existent**. Against much taller apartment buildings within a short distance, it also creates a **privacy nightmare** that doesn't exist today for the townhouse residents, with their **windows and backyards fully exposed** to a large number of apartment residents. Furthermore, the 48ft tall building cast a great shadow on the townhouse properties, and with only 35ft distance, it **reduces direct sunlight time** on the townhouse properties by up to a **whopping 30%** - which is a loss of **up to three and half hours a day on average** (48ft height and 35ft horizontal distance is equivalent to about 54 degrees of blocking angle, 30% of total possible direct sunlight range). Such a dramatic change of living environment is totally unacceptable to the townhouse residents and reflects the extremely inconsiderate spirits of the proposed building plan.

Another very disturbing feature of the proposed building project is the ridiculous placement of entrance and exit of its garage. The proposed building is located by Summerton Drive, but its car entrance and exit are not directly on that street. A **parking garage exit and associated driveway and passage road** is designed **right behind the townhouses**. Imagine what kind of impact these **hundreds of car passings a day, possibly at any hours**, has on the residents of the townhouses whose bedroom windows are right above it from the second floor. The **noise and pollution** this traffic generates will have detrimental effects on the health and well-being of the townhouse residents. It is not difficult to understand the significantly increased severity/risks of sleep disorders, stress, and respiratory issues that this plan will bring. According to the design, all the cars in the new garage will go through the current front or side gates of Summerwind Apartments, and eventually exit onto the already congested Lucretia ave. and Summerside Dr. In addition, those apartment residents with extra cars will have to park along curbs of those two streets, which are already packed most of the times and often have double parking issues.

Furthermore, the proposed major building project will last for more than two years – anyone living a few feet from a **large construction zone** for such an **extended period of time** will understand what this means to the residents of an established neighborhood! Have these selfish developers given any thoughts to the neighbors?

Besides the direct traumatic impact on the residents, this **degraded living environment** will undoubtedly **slash the property values** of the Deer Meadow Ct. townhouses by a significant amount. In the difficult economic environment we have today, this will bring or worsen the financial hardship to many of the property owners, decrease the property market prospect of the entire neighborhood, and **lower the expected tax revenue** to the city (and hence reduce the public services it will be able to provide).

I will challenge anyone, including the developers/investors of the proposed plan, to put yourself in our shoes and imagine what the plan would do to your life?

## **Impact on city and greater neighborhood**

The negative impact from this project will go far beyond the immediate neighbors such as Deer Meadow Ct. community. Today, the larger neighborhood that Summerwind Apartments is located in already has one of the **highest population densities** in the city of San Jose, with greater than 50 persons/acre according to official census statistics (<http://www.sanjoseca.gov/planning/census/blockpop.pdf>). Many of the areas' shopping and business centers already have a **significant parking shortage**. The **crime rate** in the neighborhood is also significantly higher than most part of the city and numerous crimes and incidents are frequently reported in and around the Summerwind Apartments (<http://www.sjpd.org/CrimeStats/CrimeReports.html>).

As mentioned above, currently Summerwind Apartments already have a **severe parking shortage**. This is evident from the **packed curbside parking** spots along Summerside Drive, as well as Lucretia Ave., a major thoroughfare of traffic in this neighborhood. Now with the proposed project, the planned parking capacity is impossible to meet the demand of the increased renter population. This will put additional strain on the already dire parking situation and generate traffic, safety, and crime problems of all sorts.

With this project going forward, how is the city going to cope with the further **deteriorating conditions of traffic and safety**, as well as many other **public services**, in this neighborhood? The proposed project developers/investors can be careless about who is going to foot that bill – but we cannot and the city cannot. Thus, I do not believe it is in the city's vision and citizens' interests to approve this plan.

## **Final remarks**

With all these mounting evidences against the proposed building project, we can only speculate how this plan has been put forward by the developers/investors. They are trying to benefit themselves financially at a great economic and psychological cost to the neighbors and the city of San Jose. We absolutely cannot allow this ill-conceived plan to go forward and we will take whatever action necessary, including legal means, to stop this disastrous construction plan.