



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 9, 2018

SUBJECT: FILE NO. GP18-001: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM RURAL RESIDENTIAL TO NEIGHBORHOOD/COMMUNITY COMMERCIAL, RURAL RESIDENTIAL, AND OPEN SPACE, PARKLANDS AND HABITAT ON A 1.0-GROSS ACRE SITE, LOCATED ON THE WEST SIDE OF SAN FELIPE ROAD, APPROXIMATELY 1,010 FEET SOUTH OF DELTA ROAD (4349 SAN FELIPE ROAD) (DOUGLAS & NANCY VIERRA, OWNER).

RECOMMENDATION

The Planning Commission voted (4-3; Commissioners Ballard, Marquez and Leyba opposed) to recommend that the City Council take the following actions:

1. Consider the Initial Study/Negative Declaration in accordance with CEQA; and
2. Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-gross acre site, located on the west side of San Felipe Road, approximately 1,010 feet south of Delta Road (4349 San Felipe Road).

OUTCOME

If City Council approves the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation changes to Neighborhood/Community Commercial, Rural Residential and Open Space, Parklands and Habitat.

BACKGROUND

On October 24, 2018, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. Planning staff recommended approval of the General Plan Amendment. The Planning Commission made a recommendation to the City Council to consider the Negative Declaration in accordance with CEQA and adopt staff's recommendation to approve the applicant's proposed General Plan Amendment.

Staff Presentation

Staff presented a summary of the proposed General Plan Amendment, including a description of the proposed project and details of the public engagement process with summarized comments and concerns from the nearby residential community.

Public Testimony

The applicant's representative stated that the intent of the applicant is to develop an off-site parking lot for employees of the adjacent medical office building.

Nine members of the public spoke on the item with most speakers opposed to the proposed General Plan Amendment. Residents of Mousa Court were specifically concerned with regards to future access from the site to Mousa Court and the potential impacts a parking lot would have related to traffic, safety, and potential nuisances, such as loitering and litter. Residents living on Mousa Court questioned the need for more commercial uses in the Evergreen area, and stated that their homeowners' association (HOA) Covenants, Conditions and Restrictions (CC&Rs) would restrict access to Mousa Court if the subject site was developed with non-residential commercial uses. Two members of the public were supportive of the proposed project. A member of the public who works at the adjacent medical-office building stated that additional parking would be an improvement for their employees and customers who are currently parking on San Felipe Road.

Staff's Response to Public Comments

Staff emphasized that the proposed project is only for a General Plan Amendment and that the intended use of an off-site parking lot would need subsequent permits. With regards to access, staff clarified that the City of San José does not regulate or enforce private CC&R's and that any dispute regarding legal access to Mousa Court would be a private matter between the HOA and the property owner of the subject site. The Deputy City Attorney also clarified that the City requires proof that access through neighboring property is authorized and lawful prior to approving any permit or plan that relies upon such access.

Planning Commission Discussion

Commissioner Griswold asked Staff if the proposed project would land-lock the parcel or require the private property to have access to Mousa Court. Staff responded that the subject site does not

require access to Mousa Court and any future proposal would be reviewed for access either to Mousa Court or San Felipe Road.

Commissioners Leyba asked the applicant if they explored a Residential Neighborhood designation to be consistent with the surrounding community and if they explored an exception to the riparian setback policy. The applicant stated former applications for subdivisions to build an additional home were not supported by Planning staff and that the best option available was a commercial land use designation.

Commissioner Ballard asked how many additional parking spaces are needed for the medical office. The applicant responded that the potential parking lot would add an additional 20 parking spaces and noted that the businesses encourage ride sharing and alternative modes of transit. Commissioner Ballard emphasized that an off-site parking lot may not be necessary in the future with regards to future transportation needs and potential autonomous vehicles.

Commissioner Yesney clarified that it would not be appropriate for a private parking lot to access a private cul de sac and noted that any changes to the Planned Development Zoning District would require subsequent permits. The applicant agreed and stated that the intent is to construct the parking lot with access to San Felipe Road with the single-family home taking access on Mousa Court.

Commissioner Leyba expressed disappointment with the proposal and asked staff if the proposed project was changed to Residential Neighborhood, instead of Rural Residential, would it change the development potential. Staff responded that regardless of the designation, Residential Neighborhood or Rural Residential, the property would still only be able to develop one single-family home because of riparian setback policy requirements, fire access, and policies opposing flag lots. Commissioner Leyba asked staff what the process would be if the applicant, in the future, chose to change the designation from Rural Residential to Residential Neighborhood. Staff responded that a General Plan Amendment would be the appropriate process.

Commissioner Marquez requested clarification on access to the property in the future. The Deputy City Attorney clarified that it would depend entirely on who can prove who has rights to access and that lawful right to access would be required in order to approve any permit or plan dependent upon such access. Planning staff also stated that a future parking lot permitted through the Special Use Permit or Conditional Use Permit process would be required to have access onto San Felipe Road.

Commissioner Allen stated that land use decisions and process is difficult, and at times not all projects are considered at once. Commissioner Allen, stated support for the proposed project and urged the property owner of the subject site and residents of Mousa Court to amicably resolve their differences.

Commissioner Griswold made a motion to adopt staff recommendation for approval. Commissioner Leyba, speaking on the motion, stated his disappointment of the proposed project coming forth as Rural Residential and in the interest of compatibility would like to have seen a

proposal to Residential Neighborhood. He stated disappointment in adding additional parking to the commercial building and that he would not be supporting the project.

Commissioner Marquez spoke pertaining to the CEQA document and felt that the document could have been more transparent and explicit with regards to the concerns of the community. She stated it would be helpful to the community to elaborate on the analysis to help them understand the document.

Commissioner Ballard stated she would not support the motion because she would like to help the City achieve its mode shift goals. She shared that if more parking is built, the City would continue to enable dependency on solo driving. She stated perhaps there are other ways to encourage people to drive less in the area.

A vote was taken on Commissioner Griswold's motion, and the motion passed (4-3; Commissioners Ballard, Marquez and Leyba opposed).

ANALYSIS

For complete analysis, please see the Planning Commission staff report (attached).

EVALUATION AND FOLLOW UP

If City Council approves the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation change from Rural Residential to Rural Residential, Neighborhood Community Commercial, and Open Space Parkland and Habitat on the 1.0-gross acre site.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

November 9, 2018

Subject: File No. GP18-001

Page 5

CEQA

Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

/s/

ROSALYNN HUGHEY, Secretary
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachment: Planning Commission Staff Report:



PLANNING COMMISSION STAFF REPORT

File No.	GP18-001
Applicant:	Douglas & Nancy Vierra
Location	4349 San Felipe Road
Existing General Plan Land Use Designation	Rural Residential
Proposed General Plan Land Use Designation	Rural Residential, Open Space Parklands and Habitat, and Neighborhood/ Community Commercial
Existing Zoning	R-1-5 Single-Family Residence
Council District	8
Historic Resource	No
Annexation Date:	September 15, 1986 (Evergreen No. 118-A)
CEQA:	Initial Study Negative Declaration for 4349 San Felipe Road General Plan Amendment

APPLICATION SUMMARY:

General Plan Amendment to change the General Plan land use designation from Rural Residential to Neighborhood/Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-gross acre site.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Consider the Initial Study Negative Declaration in accordance with CEQA; and
2. Recommend that the City Council adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-gross acre site, located on the west side of San Felipe Road, approximately 1,010 feet south of Delta Road (4349 San Felipe Road)

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Rural Residential; Open Space, Parkland and Habitat	
Consistent General Plan Policies		Major Strategy #4, FS-4.1, LU-4.3, LU-5.2,	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	A(PD)	single-family residential community
South	Residential Neighborhood	A(PD)	retirement home
East	Residential Neighborhood	R-1-5 Single-Family Residence	single-family residential homes
West	Open Space, Parklands and Habitat	R-1-5 Single-Family Residence	Thompson Creek, open space

PROJECT DESCRIPTION**Background:**

On January 16, 2018, the applicant submitted an application for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood/Community Commercial on 0.19-acre, Rural Residential on 0.37-acre, and Open Space, Parklands and Habitat on 0.43-acre of the a 1.0-gross acre site. Changing the General Plan land use designation to Neighborhood/Community Commercial would allow a wide variety of commercial land uses with a Floor Area Ratio (FAR) up to 3.5 on a 0.19-acre portion of the property nearest San Felipe Road. Approximately 0.37-acre of the middle portion of the site is proposed to remain Rural Residential, which would allow residential uses with a low density or rural character up to 2 dwelling units per acre. At this density, one single-family home could be allowed on this portion of the site. The existing Open Space, Parklands and Habitat land use designation is proposed to be expanded on 0.13-acre of the site to 0.43-acre of the site to provide a larger riparian and habitat buffer. The Open Space, Parklands and Habitat land use designation limits land uses to low intensity uses such as trails, open space, and habitat buffers.

The 0.19-acre portion of the property proposed to be changed to Neighborhood/Community Commercial is currently vacant. Approximately from 2013 to 2017 the 0.19-acre portion of the property was used as an unpermitted off-site parking for medical offices located approximately 250 feet north on the west side of San Felipe Road. The applicant has represented that they intend to use this portion of the site for legal off-site parking for the medical offices along San Felipe Road, although no specific development proposal has been submitted by the applicant at this time. If the applicant's General Plan Amendment request were approved by the City Council, the 0.19-acre portion of the site proposed to be changed to Neighborhood/Community Commercial would need the following approvals to allow off-site parking:

Approval	Decision Making Body	Appealable Body
Tentative Map or Parcel Map	Director of Planning	City Council
Rezoning	City Council	No Appeal
Special Use Permit OR	Director of Planning	Planning Commission
Conditional Use Permit	Planning Commission	City Council

Specific land uses cannot be a condition of approval or required through the General Plan Amendment process, so the above table only represents the likely process required for the applicant’s stated intention. A wide range of commercial uses consistent with the Neighborhood/Community Commercial land use designation would be allowed on the 0.19-acre portion of the site if the General Plan Amendment request were approved by City Council, which is analyzed below with respect to consistency with General Plan goals and policies.

Site Location:

The subject site is located in the Evergreen area of San José. Approximately one acre in size, the property contains one single-family home; and is surrounded by other single-family homes. To the north is a medical office building, to the east of San Felipe Road are single family homes, to the south is an assisted living facility, and to the west is Thompson Creek. The site is not located in a General Plan Growth Area.



Figure 1: Aerial Image of Subject Site

ANALYSIS

The proposed General Plan Amendment was analyzed with respect to and conformance with the following plans and policies: 1) Envision San José 2040 General Plan; 2) City of San José Municipal Code; 3) Evergreen-Eat Hills Development Policy (EEHDP); and 4) California Environmental Quality Act of 1970, as amended (CEQA).

Envision San José 2040 General Plan Conformance

Existing General Plan Land Use Designation

The subject site is designated **Rural Residential** and **Open Space, Parklands and Habitat** on the Land Use/Transportation Diagram of the Envision San José 2040 General Plan.

Rural Residential

This designation is applied to areas already largely developed for residential use with a low density or rural character. Any new infill development should be limited to densities that match the established density, lot size, and character of surrounding properties. Properties with this designation that have existing zoning entitlements or traffic allocations in place may proceed with development of those entitlements, even if at a higher density than 2 DU/AC or existing land use pattern. New development in this designation may also be limited to densities lower than 2 DU/AC due to issues such as geologic conditions, grading limitations, proximity to creeks, or higher costs for provision of services. Since this designation is planned on the fringes of the City, the type and level of services required to support future developments in this category is expected to be less than that required for more urban land uses. Projects should minimize the demand for urban services and provide their own major funding for construction of service facilities necessitated for the project. Discretionary development permits should be required for new development and subdivisions in these areas as a mechanism to address public service levels, grading, geologic, environmental, aesthetics, and other issues.

The Rural Residential land use designation allows residential densities up to 2 DU/AC and a FAR up to 0.35.

Open Space, Parklands and Habitat

This land use designation is applied to lands typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. This designation is applied within the Urban Growth Boundary to lands that are owned by non-profits or public agencies that intend their permanent use as open space, including lands adjacent to various creeks throughout the City.

New development on lands within this designation should be limited to minimize potential environmental and visual impacts. Privately-owned lands in this designation are to be used for low intensity, open space activities. Appropriate uses for privately-owned lands in this category include cemeteries, salt ponds, and private buffer lands such as riparian setbacks. Where appropriate and where it has not otherwise been identified for use as open space (through a zoning, for instance), privately owned land in this designation may be considered for low-intensity agricultural uses provided that such uses do not involve the addition of buildings or other structures or use of irrigation on significant portions of the site.

Proposed General Plan Land Use Designation

Neighborhood/Community Commercial

The **Neighborhood/Community Commercial** land use designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood / Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The applicant's stated goal of using this portion of the property for parking is consistent with this designation, although numerous other uses are also authorized in this General Plan designation.

Rural Residential

See description above. The project proposes to decrease the Rural Residential designation from 0.87-acre to 0.37-acre on the site. At the 2 DU/AC maximum density and a FAR up to 0.35, one single-family home could be allowed on this portion of the site.

Open Space, Parklands and Habitat

See description above. The project proposes to increase the Open Space, Parklands and Habitat designation from 0.13-acre to 0.43-acre on the site.



Figure 2: Existing General Plan Land Use Designation



Figure 3: Proposed General Plan Land Use Designation

The proposed project is consistent with the following Major Strategies, goals and policies of the Envision San José 2040 General Plan:

1. **Major Strategy #4: Innovation/Regional Employment Center:** The Innovation/Regional Employment Center Major Strategy emphasizes economic development within the City to support San José's growth as a center of innovation and regional employment. To implement the Major Strategy, the General Plan (Plan) focuses employment growth in the Downtown, in proximity of regional and transit facilities, and on existing employment lands citywide, while also encouraging the development of neighborhood serving commercial uses throughout the community and close to the residents they serve. The General Plan preserves employment lands and promotes the addition of new employment lands when opportunities arise.

Fiscal Sustainability Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

Land Use and Employment Goal IE-1: Proactively manage land uses to provide and enhance economic development and job growth in San José.

Diverse and Innovative Economy Policy IE-2.6: Promote retail development to the maximum extent feasible, consistent with other General Plan goals and policies, in order to generate City revenue, create jobs, improve customer convenience, and enhance neighborhood livability.

Land Use Policy LU-4.3: Concentrate new commercial development in identified growth areas and other sites designated for commercial uses on the Land Use/Transportation Diagram. Allow new and expansion of existing commercial development within established neighborhoods when such development is appropriately located and designed, and is primarily neighborhood serving.

Land Use Policy LU-5.2: To facilitate pedestrian access to a variety of commercial establishments and services that meet the daily needs of residents and employees, locate neighborhood-serving commercial uses throughout the city, including identified growth areas and areas where there is existing or future demand for such uses.

Neighborhood Serving Commercial Goal LU-5: Locate viable neighborhood-serving commercial uses throughout the City in order to stimulate economic development, create complete neighborhoods, and minimize vehicle miles traveled.

Neighborhood Serving Commercial Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

Analysis: The applicant's proposed General Plan Amendment to Neighborhood/Community Commercial promotes the creation of employment land and opportunity for uses such as retail, office and commercial that would serve the Evergreen community. Expanding the City's current employment land acreage on the site provides more opportunity for small businesses to locate in San José, and would support the goal of achieving a 1.1 jobs per employed resident ratio by the year 2040. Although the applicant has expressed their intent to develop a parking lot, this would not preclude future commercial development which would be consistent with the Neighborhood Community/ Commercial designation.

Municipal Code

The subject site is currently zoned R-1-5 Single-Family-Residence. Any future commercial development would require a Conforming Rezoning and may require other permits. The proposed project does not propose any development, and any future development would be analyzed for conformance with the General Plan, Municipal Code and City Council Policies.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment. The documents were circulated for public review between October 2, 2018 and October 22, 2018. Comments and responses to those comments are listed on the Negative Declaration/Initial Studies web page at: <http://www.sanjoseca.gov/index.aspx?nid=6193>

The ND states that the proposed General Plan Amendment will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required.

The entire ND and Initial Study are available for review on the Planning website at: <http://www.sanjoseca.gov/planning>. To find the document, click on the "Environmental Planning" link on menu bar to the left of the screen, then click "Environmental Review" and select the link to "Negative Declaration/Initial Study Library". The project is listed under File No. GP18-001.

PUBLIC HEARING NOTIFICATION

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 500 feet of the project site and posted on the City website. The staff report is also posted on the City’s website. Staff has been available to respond to questions from the public.

Community Meeting

On Monday, July 9th, 2018 at City Hall, approximately 13 community members attended a joint community meeting for File No. GP18-001. Residents and stakeholders expressed their concerns and asked questions related to pedestrian access, environmental impacts, and procedural processes.

Residents of Mousa Court, and members of the Creekside Home Owners Association were specifically concerned about the access of the proposed project. They stated that the subject site would not comply with the Home Owners Associate CC&R’s and would not have access to Moussa Court. Although the City does not enforce private CC&Rs, staff received a copy of the CC&R’s.

Residents of Moussa Court stated the applicant’s intent was for an unsupervised parking lot that poses safety issues for residents in nearby houses. They stated that the project would create public nuisances such as loitering, litter and potential burglary.

Staff stated that the proposed project review was limited to the proposed General Plan Amendment and that any future use or development of the site would be reviewed for consistency with the General Plan, Municipal Code and City Council policies including public notification and community outreach.

Project Manager: Robert Rivera

Approved by: *Michael Rivera*, Deputy Director for Rosalynn Hughey, Planning Director

Date: 10/16/18

Attachments:
A) Draft Resolution
B) Initial Study Negative Declaration and Addendum
C) Public Correspondence

Owner:	Applicant:
Douglas & Nancy Vierra 5655 Silver Creek Valley Road, #305 San Jose, CA 95138	Sue Dillon 255 W. Julian St. #200 San Jose, CA 95110

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM TO NEIGHBORHOOD/ COMMUNITY COMMERCIAL, RURAL RESIDENTIAL, AND OPEN SPACE, PARKLANDS AND HABITAT AT 4349 SAN FELIPE ROAD

Fall 2018 General Plan Amendment Cycle (Cycle 4)

File No. GP18-001

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on October 24, 2018, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan, File No. GP18-001 specified in Exhibit "A", hereto ("General Plan Amendment"), at which hearing interested persons

were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, on December 4, 2018, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on December 4, 2018 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, prior to making its determination on the General Plan Amendments, the Council reviewed and considered the Negative Declaration for File No. GP18-001 (Resolution No. ____); and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The Council's determinations regarding General Plan Amendment File No. GP18-001 are hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP18-001. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood/Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-gross acre site located on the west side of San Felipe Road, approximately 1,010 feet south of Delta Road (4349 San Felipe Road) (Douglas & Nancy Vierra, Owner).

Council District: 8.

DRAFT

Attachment B:

The Initial Study Negative Declaration and
Addendum

for GP18-001

Can be viewed online at:

<http://www.sanjoseca.gov/index.aspx?nid=6193>

RE: Proposed Project: File No. GP18-001

Thursday, July 05, 2018

3:16 PM

Subject	RE: Proposed Project: File No. GP18-001
From	Rivera, Robert
To	'Regency Evergreen BOD'; 'sdillon@cwdco.com'
Sent	Thursday, July 05, 2018 3:06 PM

Hi Jean,

Thank you for reaching out. The proposed General Plan Land Use Designation is the only change for this project. There is no development proposed with this project at this time. The only thing that would change would be the color on the map, changing some of the potential land uses. If in the future, the owner or an applicant proposes to develop the site with a new building or change the use of the site, then they would need to go through an additional permitting or approval process, which requires community notices and outreach.

Hope this clarifies the project to you. Let me know if you have any questions.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Regency Evergreen BOD [<mailto:regencyevergreenBOD@ISLLLC.com>]

Sent: Thursday, July 05, 2018 2:04 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>; 'sdillon@cwdco.com' <sdillon@cwdco.com>

Subject: Proposed Project: File No. GP18-001

Good afternoon,

Our Assisted Living Community sits directly next door to this proposed project. Can you tell us what the proposition is aside from amending the site's General Plan Land Use Designation?

Thank you,

Jean

Jean Rinerson

Business Office Director

Regency of Evergreen Valley

4463 San Felipe Road

San Jose, Ca. 95135

408.532.7677

408.532.6270 (f)

www.regencyofevergreenvalley.com



follow us
Pinterest

RE: GP18-001 4349 San Felipe Road

Wednesday, July 11, 2018

4:46 PM

Subject	RE: GP18-001 4349 San Felipe Road
From	Rivera, Robert
To	'Robert Reese'
Sent	Wednesday, July 11, 2018 4:46 PM
Attachments	<<GP18-001 30 Day Letter.pdf>> <<Updated Plan Set 2-28-18.pdf>>

Hi Robert,

Please find attached 30 day letter provided to the applicant. The 3 day and 14 day are check-ins with the applicant. We don't actually provide them with responses or review resubmittals.

You'll also find attached the latest submittal for the project.

A PD zoning and PD permit would not be required for the proposed project.

I don't know the goal of the applicant, but if this project is approved and the Neighborhood/Community Commercial designation is given to the property. The applicant would need to apply for a rezoning to a conforming Commercial District and a Conditional Use Permit for an "off-site parking establishment".

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Robert Reese [<mailto:reeserlest@yahoo.com>]

Sent: Wednesday, July 11, 2018 2:17 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Subject: GP18-001 4349 San Felipe Road

Good Afternoon Robert!

I would appreciate your emailing me all the applicant's submittals regarding GP18-001 4349 San Felipe Road as well as all City responses to the applicants submittals.

In particular your website indicates that the City provided 3 day, 14 day and 30 day responses to the applicant's submittals which are part of what I would like to receive as well as any newer applicant submittals and City responses.

What is the last input can be provided to you before you render your Planning Staff recommendation to the Planning Commission?

Is the applicant's purpose in requesting the GP change to resolve the parking problems associated with the office building northerly on San Felipe Road? If so I do not see that a PD Zoning request PD Permit have been submitted concurrently with the GP change request which details the resolution of the parking problem.

Please give me a call as well @ 408-332-1211

Thank you for your good help!

Robert Reese
408-332-1211

Project GP18-001

Tuesday, October 16, 2018

10:57 AM

Subject	Project GP18-001
From	lydia perez
To	Rivera, Robert
Sent	Sunday, October 14, 2018 3:27 PM

I am writing to voice my support for this amendment which will change the land use designation on 4349 San Felipe Rd., San Jose.

I realize the existing home will remain, however, what this amendment will do is bring this site into conformance. It will also allow improvements which will benefit the street frontage with a proper curb and sidewalk.

I work in the busy nearby commercial building. I know that the original owner of the house used this existing gravel lot to park her and her customer automobiles for her home business.

This GP amendment should have no impact on the neighbors since the use for this site is not changi

RE: regarding GP18-001

Tuesday, October 16, 2018

10:59 AM

Subject	RE: regarding GP18-001
From	Rivera, Robert
To	'Jatin B'
Cc	Raman Bindlish; Pankaj Rastogi
Sent	Monday, June 25, 2018 11:42 AM

Hi Jatin,

Sorry for the delay. Yes as summary the General Plan Amendment for publicly proposed project is heard once a year. As we review a project we must review the project as to what is being proposed and not what we speculate could or could not be built. The proposal for this project is to change the land use designation of one parcel from Residential Neighborhood, to Open space, Residential Neighborhood and Neighborhood Community Commercial. The proposal does not include any development (i.e. building a home, building a building, walls, fences etc.), and does not include any changes to the parcel itself (i.e. subdivision, lot line adjustments etc.). If the applicant would eventually like to build a home, subdivide, or has other plans for the property, then the project would be required to go through another process which would require additional hearings, permits and community outreach. A sign is being sent to the applicant to post on-site.

Hope this answers your questions. I urge you to attend the community meeting on Monday July 9th, 2018 at the City managers conference room.

Thanks,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Jatin B [<mailto:jatinb@gmail.com>]

Sent: Monday, June 25, 2018 11:33 AM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Cc: Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>

Subject: Re: regarding GP18-001

Hello Mr. Rivera,

During our conversation last week, you had mentioned that you'd provide a summary of answers to our questions.

Can you please provide that?

Thank you,
Jatin

On Thu, Jun 21, 2018 at 11:05 AM, Jatin B <jatinb@gmail.com> wrote:
Hi Mr. Rivera,

Just a reminder to provide a summary of answers.

Thanks again
Jatin

On Wed, Jun 20, 2018 at 10:02 AM, Jatin B <jatinb@gmail.com> wrote:
Hi Mr. Rivera,

I believe you were out of the office last week. I was hoping you had a chance to review our questions.

We await you reply.

Thanks again,
Jatin

On Mon, Jun 18, 2018 at 4:26 PM, Jatin B <jatinb@gmail.com> wrote:
Hello Mr. Rivera,

I wanted to follow up with you to see if you had a chance to research the answers to the questions we sent you on Thursday.

Thank you again,
Jatin

On Thu, Jun 14, 2018 at 10:50 AM, Jatin B <jatinb@gmail.com> wrote:
Hello Mr. Rivera.

Thanks for offering to answer our questions, which follow:

1. What is the overall timeline for a General Plan Amendment? When will this be considered by the City?
2. What considerations does the City take when deciding on a General Plan Amendment. What say do neighbors have in this matter? The HOA on Mousa Ct firmly believes that commercial zoning of a portion of the lot will have an adverse impact to our home values, safety, and quality of life. What say do we have in this decision? How do we register our objection and how much weight does it carry?

3. Is a sign required to be posted on the property (there is currently no sign posted)? If no sign is posted, are there any repercussions?
4. As part of the GPA, the property is proposed to be split in 3 (Comm. Commercial in front, Residential in the middle, and Open Space in the back). Does the city assume that the entrance to the residential property would still remain from San Felipe Road? The current GPA application says nothing about changing the entrance direction of the existing house, but it indirectly means so since the applicant has requested that the portion of the lot containing the existing entrance be rezoned as commercial. So, will the city seek vote/approval from the Mousa Ct neighborhood in making a decision on the GPA application?
5. From our last meeting, we understood that the applicant will have to submit a separate application to the city if he plans to change the entrance of the existing house. And in that case, the city will seek approval from Mousa Ct residents. Is that understanding correct? If so, then will the city approve only if the majority of the Mousa Ct residents vote in favor?

We look forward to hearing from you soon.

Regards,
Jatin

On Mon, Jun 11, 2018 at 4:41 PM, Rivera, Robert <robert.rivera@sanjoseca.gov> wrote:
Hi Jatin,

What questions did you have. I'd be happy to answer any questions via. Email.

Thank you,

Robert Rivera

Planner I

City of San Jose

(408) 535-4843

www.sanjoseca.gov/planning

From: Jatin B [mailto:jatinb@gmail.com]

Sent: Monday, June 11, 2018 3:51 PM

To: Rivera, Robert <robert.rivera@sanjoseca.gov>

Cc: Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>

Subject: regarding GP18-001

Hello Mr. Rivera,

I hope you are well. It was nice to meet with you a month ago to discuss GP18-001. We were wondering if you would be available this Thursday to answer some follow-up questions we had regarding the same GPA ([4349 San Felipe Road](#)).

Perhaps Thursday morning around 9? If not, we can be mindful of your schedule.

Thanks in advance,
Jatin

The following
items were
received after
packets were
distributed.

From: Do, Sylvia
Sent: Tuesday, October 23, 2018 2:11 PM
To: 'Jatin B' <jatinb@gmail.com>
Cc: Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>; Rivera, Robert <robert.rivera@sanjoseca.gov>; Hart, Jared <Jared.Hart@sanjoseca.gov>
Subject: RE: Regarding GP18-001

Thank you. Project manager Robert Rivera will share this with the Planning Commission, and include these documents as part of the public record.

.....

Sylvia Do | Acting Deputy Director
Planning Division | City of San Jose
200 East Santa Clara Street, Third Floor Tower
San Jose, CA 95113
Main: (408) 535-3555
Direct: (408) 535-7907
www.sanjoseca.gov/planning

From: Jatin B [<mailto:jatinb@gmail.com>]
Sent: Tuesday, October 23, 2018 2:01 PM
To: Planning Commission 2 <PlanningCom2@sanjoseca.gov>
Cc: Do, Sylvia <sylvia.do@sanjoseca.gov>; Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>
Subject: Re: Regarding GP18-001

Hello Commissioner Marquez and Ms Do,

Following up on our previous email, we have some points we'd like to convey to you before the public hearing tomorrow related to GP18-001.

You can see the information here:

<https://app.box.com/s/mhcah8d0y45mjbqih7d9gmouya54xvc5>

We hope you will take a few minutes to review them before the hearing tomorrow so that you can understand our point of view.

Thanks for your time and consideration,
Jatin, on behalf of the Creekside HOA

On Wed, Oct 10, 2018 at 8:25 AM Planning Commission 2 <PlanningCom2@sanjoseca.gov> wrote:

Dear Jatin,

Thank you emailing me.

I apologize that I am not able to meet with you and the board of directors.

Can you please email me and Ms. Do your concerns of the potential impacts from this project?

Both City staff and The Planning Commission will take the time to research and address your concerns.

Thank you,

Ada

From: Jatin B <jatinb@gmail.com>

Sent: Sunday, October 7, 2018 11:07 PM

To: Planning Commission 2

Cc: Raman Bindlish; Pankaj Rastogi

Subject: Regarding GP18-001

Hello Planning Commissioner Marquez,

We are the board of directors for the Creekside HOA, representing a group of homes in the Evergreen area of San Jose. Our homes directly neighbor the property under consideration in General Plan Amendment GP18-001, which is slated to be in heard by the Planning Commission on the 24th of this month.

Based on our initial discussion with the property owner/builder, and our review of the plans filed with the City, we have serious concerns about the impact of rezoning that property would have on neighbors.

Because of this, we'd like to invite you to visit and review firsthand the pending impact of GP18-001 so that you can make an informed decision.

Would you be available next week to meet us?

Thanks in advance, and we look forward to hearing from you very soon.

Regards,

Creekside HOA Board of Directors,

Jatin Billimoria, Raman Bindlish, Pankaj Rastogi

From: Do, Sylvia
Sent: Tuesday, October 23, 2018 2:11 PM
To: 'Jatin B' <jatinb@gmail.com>
Cc: Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>; Rivera, Robert <robert.rivera@sanjoseca.gov>; Hart, Jared <Jared.Hart@sanjoseca.gov>
Subject: RE: Regarding GP18-001

Thank you. Project manager Robert Rivera will share this with the Planning Commission, and include these documents as part of the public record.

.....

Sylvia Do | Acting Deputy Director
Planning Division | City of San Jose
200 East Santa Clara Street, Third Floor Tower
San Jose, CA 95113
Main: (408) 535-3555
Direct: (408) 535-7907
www.sanjoseca.gov/planning

From: Jatin B [<mailto:jatinb@gmail.com>]
Sent: Tuesday, October 23, 2018 2:01 PM
To: Planning Commission 2 <PlanningCom2@sanjoseca.gov>
Cc: Do, Sylvia <sylvia.do@sanjoseca.gov>; Raman Bindlish <mail2raman@gmail.com>; Pankaj Rastogi <pan_rast@yahoo.com>
Subject: Re: Regarding GP18-001

Hello Commissioner Marquez and Ms Do,

Following up on our previous email, we have some points we'd like to convey to you before the public hearing tomorrow related to GP18-001.

You can see the information here:

<https://app.box.com/s/mhcah8d0y45mjbqih7d9gmouya54xvc5>

We hope you will take a few minutes to review them before the hearing tomorrow so that you can understand our point of view.

Thanks for your time and consideration,
Jatin, on behalf of the Creekside HOA

On Wed, Oct 10, 2018 at 8:25 AM Planning Commission 2 <PlanningCom2@sanjoseca.gov> wrote:

Dear Jatin,

Thank you emailing me.

I apologize that I am not able to meet with you and the board of directors.

Can you please email me and Ms. Do your concerns of the potential impacts from this project?

Both City staff and The Planning Commission will take the time to research and address your concerns.

Thank you,

Ada

From: Jatin B <jatinb@gmail.com>

Sent: Sunday, October 7, 2018 11:07 PM

To: Planning Commission 2

Cc: Raman Bindlish; Pankaj Rastogi

Subject: Regarding GP18-001

Hello Planning Commissioner Marquez,

We are the board of directors for the Creekside HOA, representing a group of homes in the Evergreen area of San Jose. Our homes directly neighbor the property under consideration in General Plan Amendment GP18-001, which is slated to be in heard by the Planning Commission on the 24th of this month.

Based on our initial discussion with the property owner/builder, and our review of the plans filed with the City, we have serious concerns about the impact of rezoning that property would have on neighbors.

Because of this, we'd like to invite you to visit and review firsthand the pending impact of GP18-001 so that you can make an informed decision.

Would you be available next week to meet us?

Thanks in advance, and we look forward to hearing from you very soon.

Regards,

Creekside HOA Board of Directors,

Jatin Billimoria, Raman Bindlish, Pankaj Rastogi

Excerpts from the Creekside HOA CC&Rs

2.9.2 Reservation of Easements. Declarant grants to the owner of the Annexable Property in Exhibit A or any portion thereof as the dominant tenement a nonexclusive easement over the Common Area as the servient tenement for ingress and egress over the private streets and walkways situated on the servient tenement; for access to and use of (including the right to install, maintain, repair or replace) any utility lines, cables, wires, pipes, meters or other equipment installed within, on or over the servient tenement in order to provide utility or related service to the dominant tenements, including water, electricity, telephone, gas, telecommunications, fiber optic cables, sanitary sewer or storm drainage lines or equipment; and for such access over the private streets as may be reasonably necessary to construct, sell, lease, maintain, repair and replace any Improvements and landscaping within the dominant tenements. **The easements granted herein are effective only if the Annexable Property is developed for residential use and are not applicable if developed for commercial purposes.** If developed for commercial purposes, the sewer line easement described in Section 2.12 shall remain in effect.

EXHIBIT A - Annexable Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Beginning at a railroad spike in the center line of Dry Creek and San Felipe Road at the southeasterly corner of that certain parcel of land described in the deed from Bank of America National Trust and Savings Association, a National Banking Association, to Matto Colacicco, et ux, dated August 28, 1942 recorded October 15, 1942 in Book 1112 of Official Records, page 470, Santa Clara County Records; running thence North 37° 11' West along the said center line of Dry Creek and San Felipe Road 84.06 feet to a nail; thence leaving said last named line and running South 79° 40' West and parallel with the southerly line of the land so described in the deed to Matto Colacicco, et ux, 652.80 feet to the center line of a dry creek; thence along said center line South 76° 40' East 186.83 feet to a point on the southerly line of the land so described in the deed to said Matto Colacicco, et ux, running thence North 79° 40' East along said last named line 519.65 feet to the point of beginning.

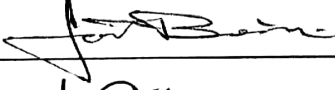

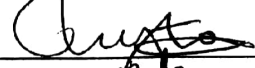
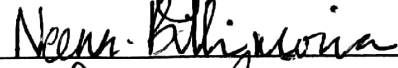
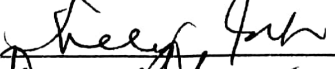
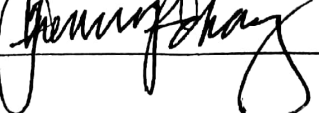
APN: 676-36-007

July 4, 2018

To the Planning Division and City Council - City of San Jose,

We the undersigned residents of Mousa Court, San Jose and members of the Creekside HOA collectively and unanimously oppose the General Plan Amendment 18-001 for the following reasons:

- One of the primary reasons we purchased homes in this neighborhood was its designation as a residential zone, with the exception of the existing office building. It is extremely important for us that there is no expansion of commercial activities in our neighborhood.
- Our small community consisting of 8 homes would be trapped between two commercial areas if the current plan is approved. It would have a detrimental impact to the peace of our neighborhood, safety of our families, and valuation of our homes.
- During our meeting with the applicant, he stated that one use for the proposed community commercial area is for overflow parking. Having a detached, unsupervised parking lot poses a safety issue for residents in nearby houses. We already have had issues such as loitering, litter, broken alcohol bottles and burglary after hours in the attached parking lot that is next to our houses.
- Based on the zoning proposed in the GPA, the newly zoned residential area would have no way to exit. The applicant has stated that he wants to use an easement to have the residential portion of the property use Mousa Ct for the entrance. However, the CC&Rs specifically state that if any portion of the property is used for commercial purposes, the easement does not apply.
- The applicant has stated that he does not intend to make the residential portion of the house a part of our HOA, even though the house would now be using our privately maintained road. However, the CC&Rs specifically state that if the easement is used, the property owner would have to share in the share the cost of maintenance, repair, and insurance. This creates a whole host of potential issues with concern to future liability, improvements, and necessary repairs on Mousa Ct.
- The applicant has stated that he will not remodel the house in the neighboring property to be of like construction or style to all the other houses on Mousa Ct, which is part of an HOA. This would be detrimental to the property values of the houses on Mousa Ct.
- Because each of the houses on Mousa Ct is part of our HOA, we know that residents will abide by our rules and regulations. Our children can freely play on Mousa Ct. However, if there is a new house that does not have to abide by our rules and regulations, it poses a significant safety issue to our houses and families. The applicant has previously rented the neighboring property to tenants who have not been good neighbors. We've had to contact the applicant on numerous occasions for issues ranging from noise nuisances to keeping livestock in the backyard.

Name	Signature	Address
JATIN BILLIMORIA		3033 MOUSA CT
And Ozbay		3027 Mousa Ct
Tugba GOKSEL		3027 Mousa Ct
Neena Billimoria		3033 Mousa Ct
MELY SILVA		3016 Mousa CT
FLORENCIO CHAN JR		3016 MOUSA CT.

Aneel Choppa	C. An	3010 MOUSA CT
Sowjanya Choppa	Sj Sowjanya	3010 MOUSA CT
Dinesh Pandey	Dinesh Pandey	3015 MOUSA CT
Nidhi Sharma	Dhara	3015 MOUSA CT
Pankaj Rastogi	Pankaj	3028 MOUSA CT
Gargi Rastogi	Gargi	3028 MOUSA CT
Nidhi Verma	Nidhi Verma	3022 MOUSA CT
RAMAN BINDIYAN	Raman Bindish	3022 MOUSA CT
Kelly Nguyen-Jardin	Kelly Jardin	3021 MOUSA CT



Jatin B <jatinb@gmail.com>

May 24th 2018 Meeting Summary

1 message

Jatin B <jatinb@gmail.com>

Tue, Jun 12, 2018 at 12:48 PM

To: Reyad Katwan <rkatwan@hawkstonedev.com>

Cc: Devin Schrock <Devin@propertyproltd.com>, Pankaj Rastogi <pan_rast@yahoo.com>, Raman Bindlish <mail2raman@gmail.com>

Meeting Attendees:

- Reyad Katwan, Hawkstone
- Jatin Billimoria, Creekside HOA
- Raman Bindlish, Creekside HOA
- Devin Schrock, Property Pro

This email, which has been reviewed and approved by Devin Schrock, serves as a summary of the major points we discussed at our meeting at Mousa Ct, San Jose, CA on May 24th, 2018 at 6pm:

- You started by giving some history of 4349 San Felipe Road and how you bought it from the previous owner.
- We then toured the current property and you explained how you have submitted an application for a General Plan Amendment to rezone the property into 3 zones, with the front portion of the property, facing San Felipe Road, being zoned commercial.
- You stated that you wanted to use the easement to extend Mousa Ct and reverse the direction of the house so that the entry would be from Mousa Ct.
- We asked if you would be willing to remodel the existing house to be of like style and construction of the existing 8 homes that currently make up all of Mousa Ct. You said that you would not because you'd have to spend too much to do that.
- We asked if you would be making the home on the property a part of our HOA. You said you would not because it would lessen the value of your property.
- We stated that we objected to both the commercial zoning of the property and the use of the easement. We stated this would have a harmful effect on the HOA both in terms of quality of life and a negative effect on the value of our homes.
- We presented a portion of the CC&Rs for the Creekside HOA that explicitly states that easement does not apply if the property is used for commercial purposes (as the front of the property would be). You then asked if that was a legal opinion and that your lawyer felt you were OK.

CC: Raman Bindlish, Pankaj Rastogi, Devin Schrock

October 16, 2018

San Jose Planning Department

San Jose City Council

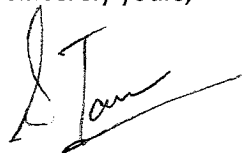
To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

I heard that your department has planned a GP amendment on the use of the gravel lot near 4349 San Felipe Road, San Jose into a parking lot. As an employee who works on this same road, I am in favor of your amendment since it will no longer be hard for me to find a parking space. I have seen many employees from the same building where I work park their cars blocks away and have to walk into work, even in the rain. I think that the amendment will not greatly affect anything because it was used as a parking area previously with no problems ever.

Sincerely yours,



Shalaka T.

October 13, 2018

San Jose Planning Department

San Jose City Council

To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

Good day! I have been informed of the plan to change the use of the gravel lot from a rural residential to a proper parking lot. My house is near San Felipe Road, and previously the gravel lot has been used as a parking lot by the employees. We have not encountered a single problem regarding the use of the lot ever since the employees started using it. I am very positive that the change will be beneficial to us homeowners by means of having dedicated street frontage with a proper curb and sidewalk. We are looking forward to an affirmative decision on this matter.

Kind regards,

A handwritten signature in black ink, appearing to read "David Keyon", with a long, sweeping flourish extending upwards and to the right.

October 13, 2018

San Jose Planning Department

San Jose City Council

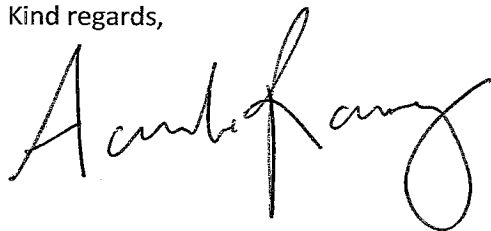
To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

I am a worker in the busy nearby commercial building. I am aware of the plan to change the land use designation on 4349 San Felipe Rd., San Jose City. The previous homeowner used to operate a home based business for greater than 15 years at this site and used the current gravel lot for her customers parking. I believe the amendment will have no negative change on the neighborhood because the use will just be the same. We are hoping for your positive decision.

Kind regards,

A handwritten signature in black ink, appearing to read "Amanda Keyon". The signature is written in a cursive style with a large, looping "y" at the end.

October 16, 2018

San Jose Planning Department

San Jose City Council

To: David Keyon

Supervisor Planner - Environmental Review

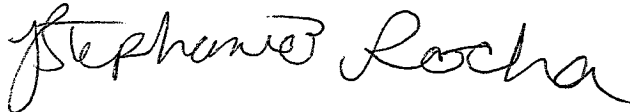
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

I am an employee in the commercial building on San Felipe Road, San Jose. I have heard of the amendment on the use of the road. I heard that you are going to change it into a parking lot. I am happy to hear the news because I think it will improve the lives of everyone that is involved. Being able to park my car in a lot off the street (where the likelihood of an accident is greater) gives me peace of mind.

Very truly yours,

A handwritten signature in black ink that reads "Stephanie Rocha". The signature is written in a cursive style with a large, prominent initial 'S'.

October 16, 2018

San Jose Planning Department

San Jose City Council

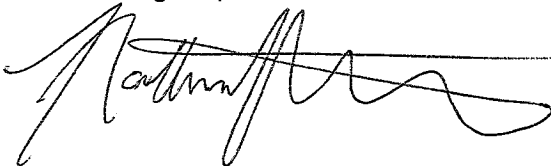
To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

Greetings! Someone from my workplace mentioned a thing about the plans to change the use of 4349 San Felipe Road in San Jose. I am very much in favor of your plan to change it into a parking lot to be used by the employees. We are looking forward to your positive decision on this matter.

Kindest regards,

A handwritten signature in black ink, appearing to read "Matthew", written over a horizontal line.

October 16, 2018

San Jose Planning Department

San Jose City Council

To: David Keyon

Supervisor Planner - Environmental Review

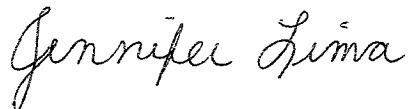
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

I am one of the employees who used to use the gravel lot near 4349 San Felipe Road as a parking area. I and my workmates have been discussing your plans to change the use of the road into a parking lot. We came to the conclusion that the change would be a good one because we would have the right to park our cars there. We are hoping for your approval on this amendment.

Kind regards,

A handwritten signature in cursive script that reads "Jennifer Lima".

October 14, 2018

San Jose Planning Department

San Jose City Council

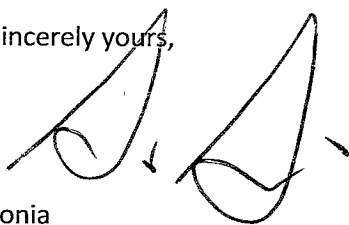
To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

Good day! I am aware of the GP amendment on 4349 San Felipe Road, San Jose. I work in the commercial building near this site. Although I do not drive my own car, I can see how this would make parking safer. I have heard my co-workers express their desire to see this change as well and I would like to add my support of the change.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Sonia', written in a cursive style. The signature is positioned to the right of the text 'Sincerely yours,'.

Sonia

October 14, 2018

San Jose Planning Department

San Jose City Council

To: David Keyon
Supervisor Planner - Environmental Review
david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

We have been talking about the amendment on the use of the gravel lot in 4349 San Felipe Rd., San Jose. I am an employee in a nearby building, and I am in favor of the changes. This proposed change will improve my ability to get to and from my car with increased safety. We are hoping for your positive decision regarding this matter.

Kindest regards,

A handwritten signature in black ink, appearing to read "M. Bertson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

October 16, 2018

San Jose Planning Department

San Jose City Council

To: David Keyon

Supervisor Planner - Environmental Review

david.keyon@sanjoseca.gov.

Project Name: 4349 San Felipe Road General Plan Amendment

File No.: GP18-001

Good day! I am writing to you today to inform you that I am aware of the plans to change the use of the San Felipe Road Property. I work in the commercial building near 4349 San Felipe Road and I used to utilize the gravel lot as a parking lot for about 5 years, and it made my life much better. If you are going to approve the amendment, it will be a great news for me and my co-workers. I guarantee you that there will be no harmful effects caused by the amendment.

Sincerely yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Creekside HOA / Mousa Ct Residents

Objections to GP18-001

We are Pro-Development, but NOT This Solution

Mousa Ct: A small residential community of 8 homes. All built by the same applicant only 4 years ago

Original plan

- Add 2 more like homes to replace the current rural residential property
- New homes to be part of the HOA
- HOA in favor of two extra homes

Proposed Plan

- Applicant to keep existing rural home
BUT create new entrance from our street
- NOT part of the HOA
 - No Cost Share; No HOA Rules
- NOT replaced with like home(s)



Our current picturesque cul-de-sac:



The applicant wants to force an entry into
the neighboring older ranch style home:



Proposal against General Plan Policies

Vibrant Neighborhood Policy VN-1.11:

Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

- Negative impact to Mousa Ct residents and neighboring home on San Felipe Rd by commercial designation to this property and a landlocked residential property

High Quality Living Environment Land Use Policy LU-9.10:

Discourage substantial expansion of existing nonresidential uses (e.g. major structural improvements or expansions) that are incompatible with residential uses on properties designated for residential use.

- A commercial designation to this residential zone would be incompatible because the re-zoned residential property would be landlocked.
- Added Safety risk for the neighborhood

Safety / legal issues on privately maintained road

- Mousa Ct: a small, peaceful community of families
- Allows kids to play freely and neighborhood get-togethers / event
- This is only possible since the court is a cul-de-sac, is private and is owned and maintained by the HOA
- Proposal takes it all away and brings in safety risks for our children who have access to no other playing area, parks nearby.



Issues with existing attached parking lot

- Burglaries
- Late night loitering due to 24 hours gym
- Trash and beer bottles near creek
- Illicit activity at night in cars
- We are concerned that the new commercial development will cause more problems



Issues with the applicant's commercial property

- The applicant has a history of pursuing his financial interests over our community's well being
- See the picture below of a 24 Hour gym in the neighboring commercial property that the applicant is **unofficially and illegally** operating without any special permits. (see photo - banner posted outside 4205 San Felipe Rd - source: Google Maps)
- This leads to loitering, gatherings and loud noises during the middle of the night.
- Another nearby commercial area owned by the applicant and used for parking will only encourage further issues.



Issues with the applicant's tenants

- Similar to the lack of concern displayed for our community with the activities in the commercial property, with the lot discussed today the applicant has:
 - Allowed illegal parking
 - Rented property to problem tenants (loud parties and music, keeping livestock)



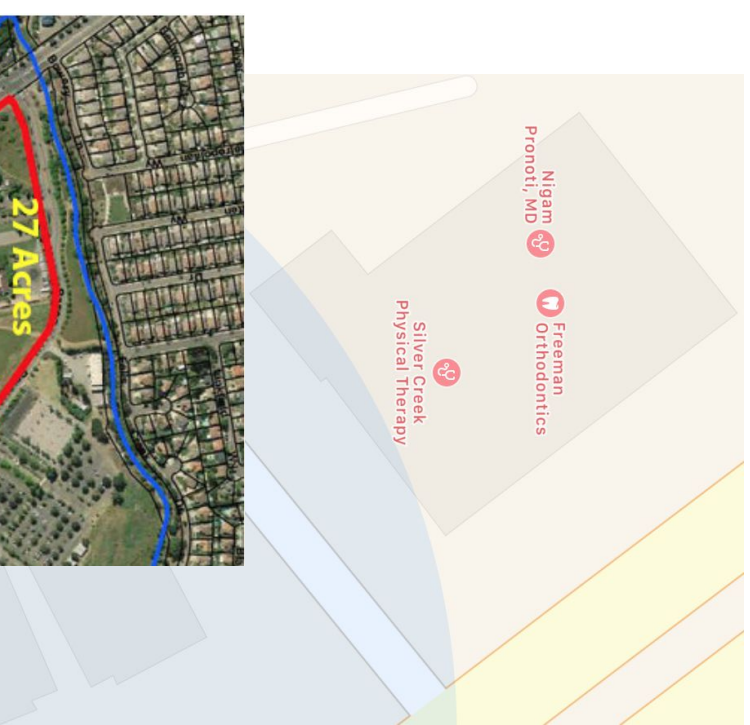
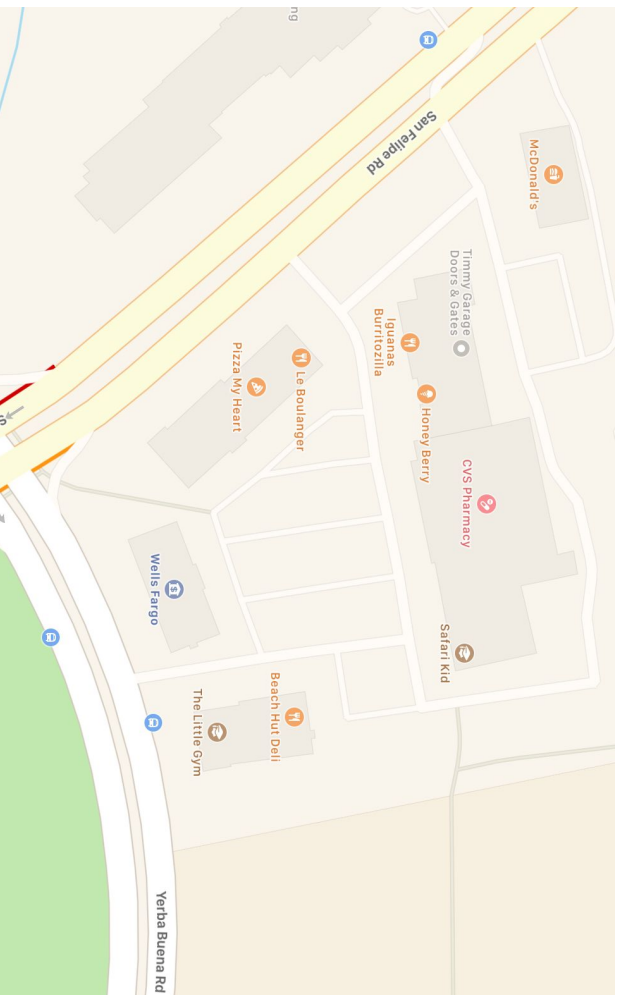
- The applicant has shared with us how he intends to use the lot that is being discussed.
- We feel that separation of this lot from Mousa Ct. is critical for maintaining the safety and quality standards of our community.

Who does the neighborhood commercial benefit?

We already have many commercial areas within walking distance (0.25 miles).

Do we really need more?

- 4205 San Felipe Rd (Dentist, Physical Therapy, Fitness Center, Pediatrician, Orthodontist)
- San Felipe Rd & Yerna Buna Rd (Restaurants, Fast Food, Pharmacy, Childcare center etc.)
- Another massive commercial complex coming up on Evergreen Community College land



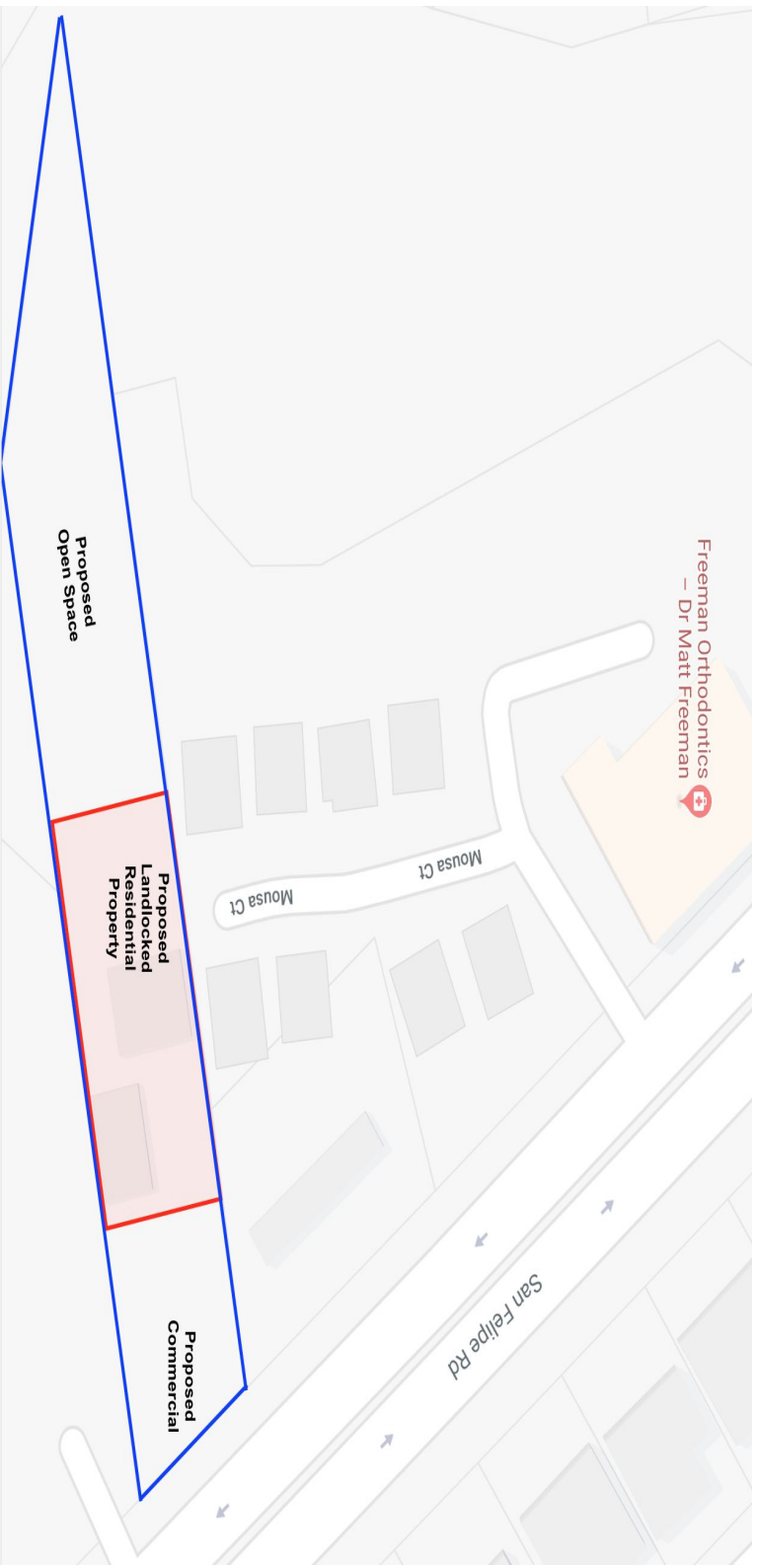
Bottomline: The proposed commercial property only furthers the financial interests of the applicant and does not serve the neighborhood in any meaningful way.

Who does the neighborhood commercial benefit?

- The applicant wants to build a new neighborhood commercial on the lot which he states would benefit the neighborhood. The irony is that the entire immediate neighborhood is opposed to this plan (Objections submitted in writing during July 9 2018 community meeting at City office).
- The Mousa Ct neighborhood already has a commercial property on one side; Building another on the other side would completely trap our small residential community.
- It also adds to safety issues which we are already struggling with due to the existing commercial property - mail-theft, car break-ins, stolen packages, loitering, littering, late-night gatherings, and loud noises on the unattended parking lot.

Concerns about landlocked property

- The current proposal creates a landlocked property (see below), which is not specified in the application.
- The applicant has refused to build a like home on this property, or to be part of the HOA (No cost sharing or adherence to the HOA rules)
- This creates issues with liability, safety, negatively impacts our property values, and disturbs the overall peace of the neighborhood.



Existing Agreement through HOA CC&R

The CC&Rs between the applicant and our HOA (which the applicant drew up) specifically states that no easement is allowed if the neighboring lot is used for anything other than residential purposes.

Excerpts from the Creekside HOA CC&Rs (the Annexable Property is defined as the entire plot):

2.9.2 Reservation of Easements.

The easements granted herein are effective only if the Annexable Property is developed for residential use and are not applicable if developed for commercial purposes.

Hi Danielle,

Please include the attached e-mail from Santa Clara County Roads & Airports, which was submitted as comments on the Initial Study for the San Felipe Road General Plan Amendment (GP18-001). Also attached is my e-mail response to these comments.

Please include these e-mails in the late Planning Commission packets for tonight's hearing.

Thank you,

David Keyon AICP

Supervising Planner - Environmental Review

City of San Jose - Department of Planning, Building, and Code Enforcement

(408) 535-7898

Keyon, David

From: Keyon, David
Sent: Wednesday, October 24, 2018 1:30 PM
To: 'Aghegnehu, Ben'
Subject: RE: San Felipe Road General Plan Amendment (GP18-001) comments

Dear Ben Aghegnehu,

Thank you for your comments on the draft Initial Study for the proposed San Felipe Road General Plan Amendment.

In response to your questions:

- 1) The project is a General Plan Amendment, so no development project is proposed at this time. Estimated peak trip numbers under the new General Plan land use designations are 15 trips, per the Long Range Traffic Impact Analysis (TIA) in Table 3 on Page 10. The Long Range Traffic Impact Analysis is provided in Attachment A.
- 2) As no development project is proposed at this time, the City evaluates long-range transportation impacts based on the four Measures of Effectiveness from the Envision San Jose 2040 General Plan outlined on pages 26 – 27 of the TIA. As concluded in the TIA and in the Initial Study, the net increase in peak-hour trips resulting from the General Plan Land Use designation would not result in an increase of more than 250 peak-hour trips, and therefore no site-specific long-range transportation impact analysis is required. The project was included in the cumulative analysis of all proposed 2018 General Plan Amendments. Project-level, near-term transportation impacts will be evaluated at the time of any future development application. Any future project will be required to comply with the Evergreen/East Hills Area Development Policy.

Thank you,

David Keyon AICP

Supervising Planner - Environmental Review
City of San Jose - Department of Planning, Building, and Code Enforcement
(408) 535-7898

From: Aghegnehu, Ben [mailto:ben.aghegnehu@rda.sccgov.org]
Sent: Monday, October 22, 2018 3:17 PM
To: Keyon, David <david.keyon@sanjoseca.gov>
Subject: San Felipe Road General Plan Amendment (GP18-001) comments

October 22, 2018

David Keyon
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

SUBJECT: Notice of initial study/negative declaration for 4349 San Felipe Road General Plan Amendment Project

Dear Mr. David Keyon:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of initial study/negative for 4349 San Felipe Road General Plan Amendment Project and is submitting the following comments:

1. Please provide trip generation for proposed project.
2. Please provide LOS analysis at Capitol Expressway/Silver Creek and Capitol Expressway/Aborn if project trips impact these two County intersection.

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you,

Ben Aghegnehu

Associate Transportation Planner
County of Santa Clara | Roads & Airports
101 Skyport Rd | San Jose, CA, 95110
408-573-2462 (o)

Keyon, David

From: Aghegnehu, Ben <ben.aghegnehu@rda.sccgov.org>
Sent: Monday, October 22, 2018 3:17 PM
To: Keyon, David
Subject: San Felipe Road General Plan Amendment (GP18-001) comments

October 22, 2018

David Keyon
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

SUBJECT: Notice of initial study/negative declaration for 4349 San Felipe Road General Plan Amendment Project

Dear Mr. David Keyon:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of initial study/negative for 4349 San Felipe Road General Plan Amendment Project and is submitting the following comments:

1. Please provide trip generation for proposed project.
2. Please provide LOS analysis at Capitol Expressway/Silver Creek and Capitol Expressway/Aborn if project trips impact these two County intersection.

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or ben.aghegnehu@rda.sccgov.org

Thank you,

Ben Aghegnehu

Associate Transportation Planner
County of Santa Clara | Roads & Airports
101 Skyport Rd | San Jose, CA, 95110
408-573-2462 (o)