

**From:** "Jean-Marie White" < >  
**To:** " " < >  
**Cc:** " " < >, "Curia, Patricia"  
< >, "Doug King" < >,  
" " < >  
< >, "Peralez, Raul" <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)>, "The Office of Mayor Sam Liccardo" <[TheOfficeofMayorSamLiccardo@sanjoseca.gov](mailto:TheOfficeofMayorSamLiccardo@sanjoseca.gov)>  
**Subject: Re: [Nagleepark-CCA] urgent - Urban Village feedback [3 Attachments]**  
+ Rahul, Sam Liccardo (FYI), - Naglee Park parents (not part of that group)

Here are my thoughts on this topic.

Most of us in Naglee Park don't get a 45 degree clear view from our property line. The 3rd picture is of my house (other pics are neighboring homes from Google Street View). There's barely enough room for 1 car between the homes.

There are about 13 windows between my 2 direct neighbors with direct view of either bedrooms, living room or backyard. I only get privacy when I pull the curtains shut.

The ESCUV plan calls for something like this.

The net effect for the house on the left is that it's about equivalent to having a house with one additional story next to it. And they get a 15' guaranteed setback which is more than many of us get.

I feel like the current guidelines are very reasonable and I am all for the current plan and I hope it moves forward quickly.

Jean-Marie White

On Tue, Oct 16, 2018 at 7:49 PM Julie Engelbrech < > [nagleepark]  
< > wrote:

Doug and Jennifer and all of my neighbors:

I too would like to say that I will not be signing this letter. Patt thank you for expressing so clearly the complexity of this issue.

Rather I would suggest that folks come to the CCA desert at the Women's Club tomorrow, Wednesday at 6:30, and look at a model in scale showing what a maximum buildout for the end of Naglee Park could be like and then decide for yourself which you support, the current parameters that Doug, Jennifer and the model show or one that many others support with slightly reduced heights and set backs which respects the neighborhood far better with respect to the 45 degree daylight plane so often used in urban development next to residential, which others are proposing to council. To be clear the modified set backs would result in only about an 16-19% reduced buildout and would protect all of the neighborhood from excessive traffic and parking, all while allowing a whole lot of desired housing, retail and commercial.

Doug, I know that you and I disagree on this but I would like to have realistic conversation supported with facts and clear visualizations of what the city proposes. Every single 3-D modeling included in the ESCUV plan shows only a **50-70 % buildout** of what is possible in this plan. **Every single picture does that- how honest is that in representing what the city hopes to build here?** They show something small, the village gets approved, then they build something much bigger and stifle the outrage by saying it's the law and is allowed. Attend any planning commission or council meeting for plan approval and you will hear this story over and over and over again. Our new political reality is that up is down and down is left, but I like to work from facts and math. Recently, I spoke with many neighbors who viewed the 3-D model of what our small end caps could look like and only 1 single person of dozens of people I spoke to felt this would ok to build right next to residential homes. One person said they thought the urban village could only build on the hospital side of E Santa Clara. And most were surprised, a few outraged that all the city drawings that have been presented in meetings and in the final document don't show a full buildout of the heights being passed. I would contend that **what people are agreeing to is "what they see"** which is not what they could get. That was my take away from showing the model around. Please look at the reality below of what the city doesn't show on its drawings, which clearly state that it's a "visualization and is not prescriptive." The orange lines are what they could build much taller and much closer to homes than you are lead to believe by the "visualizations".

Zero blocks are the buffer that have protected the neighborhood from significant undesirables (do I really need to remind how many Illegal Pot Clubs and Brothels your zero blocks shut down or how much greater the homeless situation is ?) So when the NIMBY topic comes up I would say walk a single block in your zero block neighbor's shoes and give the very reasonable accommodations that are being recommended a sincere and honest look. This isn't NIMBY but rather Yes in my back yard. Yes, we want development, Yes we want housing, and Yes we want amenities like restaurants, coffee houses and other shops, just yes at a reasonable level to both the scale of the neighborhood and the minor transportation corridor that we are on. BRT is a glorified bus line, not light rail or BART and as such development scale here should match the scale of the transportation corridor it will be. And to be incredibly clear this would only be on about 7 small end caps that share a zero property line with residential, this is not the whole village or even a significant portion of it being asked to have slight modifications. All of this is reasonable reduction to protect neighborhoods and similar to what many other areas of the city have done in their urban village plans.

But, I do realize there are other opinions and feelings and I do not discount those nor dismiss them, I merely ask that you look at facts and what is being approved, because that is what will be allowed under the law (code) and under SB 35 we might not have any say at all what gets built (the city admits it has no clue how that will affect the urban villages). **The 3rd drawing shows in orange what the proposed set backs would look like with a 45 degree daylight plane.** The lime is the maximum buildout on a very small 128'x140' lot. If the solid orange line was used it reduces the total human square footage by only 16% but affords your zero block neighbors a significant improvement in terms of light and not feeling boxed in by a towering development on what are really small lots. That's the math. This already preliminary reviewed building was slated for 38 residential units. With these minor reductions it would only be 30 units ( 1,163 sq. Ft average) with the same full amount of retail, full amount of commercial and no reduced underground parking. This whole side of the block only has 6 houses plus the Naglee Mansion with 10 or 11 units— so the whole block side houses 17 “familial” units and this small lot end cap for just one side of the street with a reduced build out could still add 30 units. How much housing do the zero blocks need to absorb with a 13 acre empty site across the street? With the orange dotted lines also used for minor additional reductions (using some city parameters) the total units wouldn't even be reduced by a full unit. ( maybe unit #30 would be a small studio.) That is the math of square footage for increased housing and retail with the geometry of a daylight plane used by many cities to protect existing residential.

Also realize that if approved at these imposing scales, your zero block neighbors will begin leaving. They may rent to people who don't care about the home or hood or they can't tolerate or inhabit a home during an 18-32 month build out of such a big scale in a tiny footprint. They could do multi rentals or sublets, all things the neighborhood has complained heavily about in the last year. But what can your neighbors do if the ensuing development hurts their property values and all they can do is rent it out until the values recoup years from now? Maybe zero block properties can sell to a developer and add to the Urban Village density- except that the city prides itself on not taking away homes so you can't sell for development- so the actual rock and hard place. You can't live in it an enjoy it, you can't sell it easily as a home but at least they aren't tearing it down. So no more complaining about multi rentals and airbnb units cause that could be the wave the future for your zero and 100 blocks as people feel less like a valued part of the neighborhood they loved and more like collateral damage in the name of progress all while asking for very modest reductions. But Doug and Jennifer, let me know when you want to see the model which presents reality in 1/8” scaled facts or if you are interested in trading houses. I'm open to discussion as long as facts and math are in play. I don't see the math that says we need more than this on a small end cap.

Julie, Richard and many others who sand bagged our neighbors homes and helped clean up after both floods. Some have been here since long before the Urban Villages were even conceived.

Sent from my iPhone so all spelling errors are on Apple.  
Julie Engelbrecht

Life isn't about weathering the storm, it's about learning to dance in the rain.

On Oct 16, 2018, at 5:08 PM, JenniferTonnis

[nagleepark]

<

> wrote:

Doug-

We very much support your letter and have already passed it along to like minded neighbors.. I understand the concerns for those most closely effected by the plan, but I cringe to hear NIMBY arguments in our neighborhood. The City desperately requires higher density housing along transit. We have chosen to live in this amazing historic neighborhood with full knowledge of its urban location. Some of us have bought on a creek with the potential of flooding, some on the park with it's own activity, or along San Carlos listening to the bus, and some near Santa Clara with knowledge that those homes adjoin an area zoned for commercial and high density building. Those homes are historically significant, but the history and architecture is not being torn down nor would it create uninhabitable conditions. Thank you for making the effort to show a more inclusive vision of our neighborhood. Our family is very pleased to sign the letter.  
Jennifer and Eric Tonnis

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On 16 Oct 2018, at 4:45 pm, Patricia Curia

[nagleepark] <

> wrote:

Dear Doug: I won't be signing this letter as it doesn't do justice to the zero blocks, which are our buffer blocks. We need to protect those homes (many of which are historic) for their livability. There are compromises to be made with height/shade/closeness and more that will achieve all the development goals. Please reconsider your letter and connect with the zero block folks who have an alternative proposal that maintains Naglee Park's historic character and residential atmosphere..

Patt Curia

On Tuesday, October 16, 2018 4:21 PM, "Doug King

[nagleepark]"

<

> wrote:

Hello neighbors,

I wanted to share a letter with the neighborhood that expresses support for the East Santa Clara Street Urban Village plan that is making its way through city government. This letter outlines the reasons for my strong support, and I'm asking that anyone who also supports the plan please reach out to me directly if you'd like to be included in this letter. We already have a handful of families that will be signing on, but the more the merrier : )

I will be sending this letter along to Councilmember's office by Friday, so please let me know ASAP.

Sincerely,

Doug King

[View attachments on the web](#)

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Posted by: Julie Engelbrecht <[jedessinateur@gmail.com](mailto:jedessinateur@gmail.com)>

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Jean-Marie White \* San Jose \* CA



October 19, 2018

**Subject: East Santa Clara Street Urban Village Plan**

Raul Peralez  
Councilmember, District 3  
City of San José

Dear Raul,

The Vegetarian House has been a part of San Jose for the past 25 years! Our unique and specialized restaurant has built a loyal following not only in San Jose, but from all over the Bay area. Our restaurant is a pioneer of Vegetarian / Vegan, Organic, Non-GMO cuisine to the San Jose (and Bay) Area.

While we support the development of the San Jose Hospital site, the BART plans as well as the ESC Urban Village, we do have some concerns.

We are small businesses, providing a unique flavor to San Jose. Protection for existing businesses and affordable rents within the redeveloped UV should be a requirement. We would like to propose that existing business be offered some form of subsidy under a 'grandfathered' plan to allow us to remain in business. It is already becoming increasingly difficult to remain profitable with the increasing cost of staff, goods and rental payments.

We are also concerned about the construction affecting businesses. Landscaping and streetscapes that encourage shopping and visiting are needed - along with adequate parking.

Sincerely,

Sunny Mueller  
Manager  
Vegetarian House



**From:** Peralez, Raul  
**Sent:** Monday, October 22, 2018 11:39 AM  
**To:** April Halberstadt < >  
**Cc:**

>; Ceja,  
Patricia <Patricia.Ceja@sanjoseca.gov>; Tran, David <david.tran@sanjoseca.gov>; Ramos, Christina M  
<christina.m.ramos@sanjoseca.gov>; Brilliot, Michael <Michael.Brilliot@sanjoseca.gov>; Piozet, Jennifer  
<Jennifer.Piozet@sanjoseca.gov>; Ferguson, Jerad <Jerad.Ferguson@sanjoseca.gov>; Jessica Zenk  
Lynne Stephenson < > Curia, Patricia

**Subject:** Re: East Santa Clara Urban Village

Thank you April,

I certainly understand the ask, but considering the complexity I'm not so certain all the neighbors who signed on to the letter thoroughly understand it. As I have stated it is my opinion that the current plan is a considerate and feasible compromise and that additional restrictions on the heights and setback are not only unnecessary but they will both diminish the development opportunities we are trying to achieve and the urban nature of the village. There are also a lot of neighbors that support the plan and additionally many, including some of my council colleagues, that have asked why we aren't pushing for even more density with bigger and taller buildings. As I mentioned it was expected to hear different opinions, I simply don't agree with the one you are sharing and although I am aware my colleagues will value my opinion, they too understand very well the goals of our General Plan and Urban Villages and they will all be marking their own educated decisions tomorrow.

Raul Peralez  
Councilmember, District 3  
City of San José

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On Oct 19, 2018, at 8:54 AM, April Halberstadt < > wrote:

Dear Raul,

Thanks for your response to my note.

I have waited to respond until after we had met with all Council members.

We also held a neighborhood social meeting on Wednesday where we had a chance to talk with local folks.

I attended the Northside-NAC meeting last night.

Of course, your fellow Council members are looking to you for guidance on this issue.

We felt that meeting with all of them on this complex issue would help preclude hours of Council discussion

Our neighborhood understands your desire to follow Planning's recommendations, but our experience with Planning on the development of our Urban Village Plan has not been optimal.

We feel we have invested over five years with four different planners - we want to make sure our Urban Village Plan works for us.

**Our ask is simple:**

**We are looking for a 25' rear lot setback for adjacent residences.**

**We are looking for the 45-degree sunlight angle to start at the mutual property line; not the third-story as currently proposed.**

Our discussions with other Council Districts and our research has revealed that some other Urban Village plans have 40' setbacks.

We understand that additional modifications have also been allowed where appropriate.

After review, we do not feel our requests are unreasonable.

We want density.

We look forward to development.

We are not worried about the height proposal.

We are the City's prototype Urban Village because we already operate as a village.

Because of the County's impending development of the old hospital site, we are probably closer to Urban Village realization than most other areas.

We will be bringing forward a letter co-signed by the Campus Community Association and the East Santa Clara Urban Village Task Force.

The Julian-St.John Neighborhood Association also worked with us.

Our letter will be accompanied by a long list of the neighborhood residents who also wished to sign in support of this request.

We look forward to seeing you on Tuesday evening.

Of course our very best wishes are with you and your wife at this time.

Historically Yours,

April Halberstadt

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On Wed, Oct 17, 2018 at 1:49 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Hi April,

We actually won't have guidelines, as I mentioned I'm suggesting to keep the ESCUV language as a requirement so it will be clear 100% of the time what is allowed. I agree that each neighborhood is different, which actually competes with the argument made by some that the ESCUV plan should mimic elements from other plans. The Alameda UV isn't even adjoining the Rose Garden neighborhood so needless to say the historical comparisons of either neighborhood was not a factor. In my email I was personally comparing the urban nature of the different areas and pointing out that what Les was asking for was actually not consistent in all urban villages and in fact what is suggested for ESCUV is also not completely out of line. An argument could be made that the one urban village in the entire city with the opportunity for the most density is ESCUV because it is the only one that immediately adjoins our Downtown Zoning land use area where buildings of 29 stories are being built. Many have spoken up with a desire to build as tall as possible along East Santa Clara and it would not have been far fetched to see a plan with 10 stories allowed. That is not the case and instead this plan does take into consideration all the factors, including the historic nature of Naglee Park and thus we have what I feel are respectable set backs and height limits.

I recognize there will be a difference of opinions, which is expected, and I do not intend to convince every single person to accept this plan. I thank you for your continued engagement and I will reiterate that I do not make these decisions lightly or in a vacuum and that the ultimate acceptance of the ESCUV plan will be decided by the full council in an open session next week where everyone is welcome to voice their opinions.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 17, 2018, at 1:18 PM, April Halberstadt < > wrote:

Yes, we realize the guidelines work well about 95% of the time.

The other 5% worries us.

As Mies van der Rohe noted, "God is in the details".

The Naglee Park neighborhood is much older than the Rose Garden.

Naglee Park is part of the original City of San Jose, developed between 1850 and 1900.

The Alameda neighborhoods were not part of the city until they were annexed in the 1920s.

They developed as suburbs.

Their spacing and land uses are very different than ours.

April Halberstadt

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On Wed, Oct 17, 2018 at 12:21 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Les,

I neglected to add that the same language in this ESCUV plan of a 45 degree daylight plane from 35 feet with a 15 foot setback is also exactly what is in the approved Alameda UV plan, which unlike Stevens Creek is actually a more comparable urban area to East Santa Clara.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 16, 2018, at 1:35 PM, Leslie Levitt

> wrote:

Hello Councilman Peralez:

We are asking for support of all Council members for a change to the ESC Street UV Plan that defines the 45 deg. daylight plane to start from the **ground** at the property line adjacent to existing residential lots – *just like other UV plans.*

Can you support that?

This should have minimal impact to potential development density in the zone, where as many as six hundred new DUs are already planned for the hospital site. The change requested would, I believe, then solidify comprehensive community support for the UV plan from a significant number of constituents – instead of the unnecessary contention that is currently at play.

I also will add that it is important to recognize how the UV plan affects existing businesses. The test case already before us is the proposed re-development of 644 ESC at 14<sup>th</sup>. This building is part of the legacy of health care and medical service businesses still dominating the zone between 13<sup>th</sup> & 17<sup>th</sup> streets. If five years from now we have a new landscape but all of these small businesses are displaced, are we truly better off?

Les Levitt  
14th Street resident & ESCBA member

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-----Original Message-----

From: Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)>

To: Julie Engelbrecht <

Cc: Colby Waterland <[colbywaterland@gmail.com](mailto:colbywaterland@gmail.com)>; Leah Poynter Waterland

<

>; Ceja, Patricia

<[Patricia.Ceja@sanjoseca.gov](mailto:Patricia.Ceja@sanjoseca.gov)>; Tran, David <[david.tran@sanjoseca.gov](mailto:david.tran@sanjoseca.gov)>; Ramos, Christina M <[christina.m.ramos@sanjoseca.gov](mailto:christina.m.ramos@sanjoseca.gov)>; Brilliot, Michael <[Michael.Brilliot@sanjoseca.gov](mailto:Michael.Brilliot@sanjoseca.gov)>; Piozet, Jennifer <[Jennifer.Piozet@sanjoseca.gov](mailto:Jennifer.Piozet@sanjoseca.gov)>; Ferguson, Jerad <[Jerad.Ferguson@sanjoseca.gov](mailto:Jerad.Ferguson@sanjoseca.gov)>; Jessica Zenk

Sent: Tue, Oct 16, 2018 12:38 pm  
Subject: Re: East Santa Clara Urban Village

Hi Julie,

Thank you for the kind words and again for your understanding.

I understand we won't see eye to eye on this but I do personally feel as I mentioned previously, which is confident in the process and in the conclusions. The City did host and my staff participated in localized community meetings collecting feedback for the ESCUV. As you are aware there were many opinions and that is always expected, but there was not an overwhelming opposition to this level of density, in fact quite the opposite. I apologize if there was a misunderstanding about hosting community meetings. Community meetings for urban villages are complex and that is why they require City Planning staff to host them, those meetings did occur as they have with all urban villages.

From your message I believe we both agree on the history and usefulness of CD7.9 but where we don't agree is at what limits should be for height and setback. I would also agree that smart growth isn't just big but I would argue that 6 stories isn't that big when you're talking about an urban neighborhood along a major corridor adjacent to a downtown. I also agree with you that developers will attempt to maximize their profits and that the specifications of our plan are our best tools. This ESCUV plan will allow both the community and the City to not only be watchdogs but to also hold developers accountable to the plan (much like I'm already doing with the Empire Lumber site). It will be extremely beneficial to have a specific watchdog group for the ESCUV and my office would be happy to continue to help support that as we do the others.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 13, 2018, at 1:49 AM, Julie Engelbrecht <

> wrote:

Dear Council Member Peralez:

First, I would like to thank you for your responses and send my and my family's heartfelt condolences for your loss at what is a life changing time of having a child while also losing a parent. There are no words that can suffice, but know that we appreciate all that you do. Work has kept me from responding sooner.

I think that the urgency now for seeking solutions to the challenges in the Urban Village comes not from a lack of time, years and care going into these plans, but a lack of an ongoing residential advisory role on these localized plans and a clear understanding of how the overall city wide changes in codes and amendments affected this final plan and what it makes possible to build as explained. All throughout this process there has been objection to too much height on the small lots next to residential which was poorly recorded at the community meetings and not reflected by making changes to the plan.

I have, as you are likely well aware, kept in constant touch with all the planners as the ESCUV plan has matured. I have tried to stay aware of General Plan and Envision 2040 Plan changes to better understand the complexities of things most residents don't fully understand. Though often unobserved, I attend a great many meetings to see how the pieces fit together and change overtime. More than a year ago, I asked your staff to put together community outreach meetings so that residents could better understand the changes made under CD7.9 and to better comprehend how the final draft plan might better reflect neighborhood concern for the historic neighborhoods and overbearing height. However that never happened despite repeated attempts to create that engagement. This lack of clarity has failed your constituents so much so that once the final draft plan was finally revealed, with a short time-line for approval, little meaningful engagement has been possible. Therein lies our frustration, concern and our question, will this also happen with proposed development projects?

So I welcome your concern that, "*The boundaries adjoining any urban/residential area always tend to be delicate issues and require attention and detail.*" And ask for that attention and detail now and for you to look back over my many emails where I ask for better protections to historic residential neighborhoods, good neighbor policies and engagement processes where heights and set backs can be discussed and mutually agreed upon so we can all get both the desired retail, housing and commercial jobs necessary for San Jose's overall health while still respecting the lower heights of historic neighborhoods and properties purchased long before these Urban Villages were conceived. Other Villages, notably the Stevens Creek UV, had height adjustments, so this is not new or unreasonable.

In my observance of the City workings, I have seen that once heights and set-backs are approved, the council can do little more than approve them if they are proposed, because they are allowed. Community engagement and noticing radius only begins once a permit is applied for, meaning that a developer or owner could have spent years and a significant amount of money to create that plan and therefore be unwilling to revise it to better suit the individual property site or to treat adjacent properties better. This leaves residents with no working tools for solutions and we must be engaged earlier in this process. It must be difficult to have to approve something based on what's allowed by code when you know it's not the best it could be. I have said this repeatedly to the planners, If I thought there would be responsible development and promised input on projects would actually happen, I wouldn't be working so hard to amend the Urban Village plan so that it specifies that protection in the plan up front, because once approved it becomes the legal framework for what is allowed to be built. Some builders, as I'm sure you are aware, will not care about the neighborhood and will only look to how high they can build and how much money can be made—you can not regulate that tendency away in people—so the plan must provide real mechanisms for protections to 100+ year old homes not just for the value of the homes and the quality of life for the people who live in them but for what they bring in unique character to San Jose. Long after other commercial buildings will come and go, Naglee Park will still be here. These are also homes with families and children, gathering places for family and friends in our already existing Village. You can have a Village without buildings, but you cannot have a Village without people, and we are people who volunteer in this community, care for this neighborhood, our neighbors and surroundings and about the city or we wouldn't be here nor be so concerned. And we desperately want development to counter the negative impacts of underutilized poorly maintained buildings, but we want thoughtful development that respects the character of this neighborhood.

CD 7.9 allows for more specific policies to ensure compatibility with adjacent single-family homes. Honestly that's what we've always asked for and is in the revised CD7.9. We should be able to utilize it as intended so that we do not repeatedly go through a huge process with every project near the historic neighborhoods, watch-dogging every one of them. You state that, "The City Council specifically requested that text be changed/incorporated into the policy that specifies that Urban Village design guidelines for building height and stepbacks adjacent to single-family properties should be deferred to Urban Village plans." So let's have that be better in this plan. As a more prescriptive policy slightly adjusted heights and set backs or an overlay height plan for The Naglee Park Conservation area (which is only 7 small end caps of the Village) would give a measure of comfort that much desired development will finally happen, but won't be built to tower over a unique neighborhood of lower height, often one story Craftsman homes. There should be protection for the oldest neighborhood in San Jose, where many of the finest architectural examples reside in the zero blocks which are most in peril from overdevelopment

that might come with this Village. This protection would not be changing the Urban Village designation, but adding an overlay of the conservation area with added protections in height restrictions that could be negotiated to current higher limits, site by site, depending upon lot size and meaningful community engagement for greater heights.

I would be interested to learn more about having an Urban Village Watchdog group that could review all proposed development in the Urban Village area. But I would want to know specifically what real influence that group could have? If a bad player in the game promotes a maximum build, poorly designed building without care for the existing neighborhood, what really can a watch-dog group do given the legal framework of the plan? Please put this group in touch with leaders of the other groups to learn what they do and I will reach out to architect friends in Naglee Park and the Northside to create a good cross section of those concerned. Mostly, I would like to see some protection from height for these historic neighborhoods clearly articulated in the plan before it passes.

I will end with my continual mantra--Smart growth isn't just big. It reflects multifaceted aspects of existing neighborhoods and heights to create an inviting new area that mixes well with and complements the old, rather than overpowering it. It respects the size of buildings and neighborhood character while still adding desired retail and much needed housing. **This requires a unique collaboration for planning and development at each individual site** and I do not see that happening currently with large areas color-coded for height.

Thank you for your time and I look forward to solutions.

Sincerely,

Julie Engelbrecht and family

[jedessinateur@gmail.com](mailto:jedessinateur@gmail.com)

He who works with his hands is a laborer,

He who works with his hands and head is a craftsman,

He who works with his hands, head and heart is an artist.

St. Francis of Assisi

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On Oct 12, 2018, at 1:19 PM, Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Hi Colby,

I can see why you are frustrated considering your understanding of what occurred and honestly the language is not the easiest to understand, although it is still not the case that these changes to CD 7.9 occurred the way you described. Density has always been the goal of our Urban Village designated growth areas and never was there a promise of a maximum height of 3 stories throughout the Urban Village. There was originally language about developments adjoining parcels designated as residential



but those were amended during the 2016 General Plan Task Force update and after several lessons learned from urban village plans that had been completed. The GP Task Force was reconvened in public forums to help provide the required GP update and none of those recommendations were made hastily by the Planning Commission or the Council. Below is a factual recount of what occurred directly from our Supervising Planner Jennifer Piozet. I understand this may not satisfy you or others but I can assure you my decision is not being made without knowing all the facts or without understanding the multitude of opinions and circumstances. I am confident in the open process that occurred and I am confident with the conclusions included in this Urban Village Plan.

Please find below information about CD-7.9.

The area next to Naglee Park has had an Urban Village land use designation since 2011 when the Envision San José 2040 General Plan was adopted and a height allowance of 120 feet since 2012 when the Zoning Ordinance was updated to conform to the Urban Village vision of the General Plan. The East Santa Clara Street Urban Village Plan area under the Envision San José 2040 General Plan *did not* have a height limitation of 2-3 stories adjacent to single-family homes within Naglee Park. There was some concern expressed by the public in the beginning of the planning process for this Urban Village Plan regarding heights next to Naglee Park, with a desire to have heights limited to 3 stories; however, there was more public support in favor of taller heights in the Urban Village. There was confusion regarding General Plan Community Development Policy CD-7.9 and what it required of developments adjacent to Urban Villages. The policy adopted with the General Plan in 2011 required that a "single row of 2-to-3 story development" should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation." This policy did not state that the entire area is limited to 2-3 stories in height, rather it specified that the rest of the site must be occupied by a minimum of 4 stories of development.

In 2016, city staff brought forward a change to General Plan Policy CD-7.9 at the direction of the City Council (General Plan Amendment File No. GPT16-007) with the following changes. The City Council specifically requested that text be changed/incorporated into the policy that specifies that Urban Village design guidelines for building height and setbacks adjacent to single-family properties should be deferred to Urban Village plans.

**CD-7.9** Build new residential development within Urban Village areas at a minimum of four stories in height with ~~the exception that a single row of 2-3 story development, such as townhouses, should be used~~ a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.

. See the staff report/letters from public/memos: [http://sanjose.granicus.com/Viewer.php?view\\_id=&event\\_id=2661&meta\\_id=603360](http://sanjose.granicus.com/Viewer.php?view_id=&event_id=2661&meta_id=603360)

. See the Supplemental memo (Councilmember Jones and Council direction): [http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2661&meta\\_id=605480](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2661&meta_id=605480)

The East Santa Clara Street Urban Village Plan complies with both the former and current versions of Policy CD-7.9 by limiting the height of development within 40 feet of the property line shared with Residential Neighborhood designated properties by limiting the height to 35 feet (which allows 2-3 stories of height). Since the second Urban Village workshop (where heights were discussed), the heights next to Naglee Park were shown at 65 feet maximum (back in 2015). The draft Plan has always included a daylight plane with setback requirements (see both 2016-OLD and 2018-NEW diagrams below).

<image002.jpg><image004.jpg>

Jennifer Piozet | Supervising Planner

City of San José | PBCE

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 11, 2018, at 6:35 AM, Colby Waterland <

wrote:

Dear Councilmember Peralez,

Thank you for taking the time to send this thoughtful response even as your family deals with incredible loss.

We are encouraged that you are pushing for language in the plan to help ensure that future development unites with our community. However, the plan as it currently exists is *not* the result of numerous public meetings with hundreds of participants. That was true before the Planning Commission and the City Council rushed out a major change to CD 7.9 in Oct 2016. The original plan had broad support in our community, which supports the Urban Village concept and is committed to its success. Had that very dramatic change, from a *maximum* of 3 stories to now a *minimum* of 4, not been adopted many of us would not be contacting you today.

Such a dramatic change to the plan over a period of just 12 days is certainly an example of doing things "hastily or without adequate community input".

The new heights and setbacks may satisfy developers who might not build otherwise, but it is disingenuous to say they are the result of countless hours of community input, because they are not.

Very Truly Yours,

Colby

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Colby Waterland

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On Wed, Oct 10, 2018 at 5:46 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Dear Neighbors,

First allow me to apologize for not being present at the meeting last week. It was certainly my intention to meet with you as scheduled but I do thank you for understanding as my family was dealing with a very difficult loss. Although I was unable to attend, I am thankful that my team was able to meet with everyone to hear out the concerns expressed regarding the East Santa Clara Urban Village Plan. My team also described the model Julie Englebrecht made to show what the neighborhood would see if the Urban Village was developed to the maximum allowed density.

Several concerns have been voiced and as mentioned by my staff, I agree that we should have language about preserving the character of the area with specific design guidelines and I have already asked our planning staff to do that. I am also asking that we include a Good Neighbor Policy for the most significant project occurring at the old hospital site, this request is being challenged by our City Attorney's office for is potential illegality but I will continue to pursue it. After careful consideration and understanding all concerns, including the community meetings, community input, and staff evaluation, I still continue to support the recommended heights and setbacks currently in the plan. I understand for some neighbors immediately adjoining the Urban Village boundary that the heights and setbacks are of greatest concern and I do not dismiss those concerns at all. The boundaries adjoining any urban/residential area always tend to be delicate issues and require attention and detail. The reason for my support does not come without a great understanding of what it means for particular property owners, neighbors and the greater community at large. Not only did the City solicit input regarding the Urban Village Plan with numerous public meetings and hundreds of participants, but there was also a multi-year process with hundreds of meetings and thousands of participants in creating the 2040 General Plan which focused on specific growth areas, these "Urban Villages", near transit corridors. The proposed growth along the East Santa

Clara Urban Village was not in the slightest way conducted hastily or without adequate community input. I believe the height and setback for the East Santa Clara Urban Village is an acceptable balance taking into consideration the density desired in this proposed transit growth area, and still respecting the adjoining historic preservation residential neighborhood. I don't expect everyone to agree with this conclusion as each of you, like all other community members, will have your own individual circumstances to consider.

Additionally, I know Julie has offered to lead an Urban Village Watchdog group, which could review all proposed development in the Urban Village area. A few other Urban Villages have these groups as well, and my office can support that effort as we do with the other watchdog groups. This would be a community led effort and we can connect any of you with leaders of the other groups to view how they do this.

Thank you again for understanding and participating in the meeting with my team, and as you may know, it is not my sole authority to approve this plan and anyone is welcome to connect with the Mayor or other Councilmembers who will be voting on this issue as well.

Respectfully,

Raul Peralez

Councilmember, District 3

City of San José



October 18, 2018

Subject: East Santa Clara Street Urban Village Plan

Raul Peralez  
Councilmember, District 3  
City of San José

Dear Raul:

The East Santa Clara Street Business Association eagerly awaits and supports the development of the San Jose Hospital site. This must dovetail into BART plans as well as the guidelines for the ESC Urban Village. The UV plans were recently discussed by our Board and our concerns are below.

Our association members and their small businesses and stores provide a unique flavor to San Jose. Displacement during construction, as is happening on Alum Rock Avenue due to Urban Village plans, must not happen to ESC Street businesses which have already endured much over the last 20 years. Protection for current businesses and affordable rents within the redeveloped UV should be a requirement. Landscaping and streetscapes that encourage shopping and visiting are needed - along with parking.

ESCBA is a good neighbor to our residential customers. Their concerns are ours. Street facing development needs to be buffered into surrounding historic neighborhoods including Naglee Park, one of the largest enclaves of hundred year old owner occupied homes in the Bay Area.

I know this is a heavy task but the goal of a unique, people friendly "San Jose" environment will endure into the future.

Sincerely,

Chris Patterson Simmons, President  
East Santa Clara Street Business Association

October 22, 2018

Councilman Raul Peralez  
San Jose City Hall

Dear Councilman,

The East Santa Clara Urban Village Plan is a worthy product of extensive community consultation and should be approved.

CommUniverCity facilitated multiple workshops to solicit the views of community members on the plan. I participated in two of these.

I support higher density along the East Santa Clara Street corridor and I especially support increased retail, restaurant and other uses along the corridor.

I do, however, share some of the concerns of residents of the first block south of East Santa Clara about setbacks and heights of possible projects. I think these residents have attempted to propose reasonable compromises on these issues and I hope the council will consider some modest modifications of the village plans to accommodate the concerns of those who might find themselves living in the shadow of new development in the urban village. Perhaps a trade-off would be greater height and density on the north side of E. Santa Clara.

Thank you for your consideration.

Sincerely,

Terry Christensen

October 22, 2018  
*Submitted electronically*

Hon. Mayor Liccardo and City Council  
San Jose City Hall  
200 E. Santa Clara  
San Jose, CA 95113

Re: East Santa Clara Street Urban Village Plan

Dear Hon. Mayor Liccardo and San Jose City Council,

SPUR believes strongly in the urban vision for San Jose as laid out in *Envision 2040* General Plan. We have been tracking the urban village planning process closely and are thrilled to see the East Santa Clara Street plan nearing adoption. The urban village plans are important both as a placemaking tool and as a path forward for desperately-needed infill housing in San Jose.

This urban village plan is significant both because of its proximity to major transit services, including bus rapid transit (BRT) and planned BART stations nearby and because of its close proximity to Naglee Park neighborhood, San Jose State University and the greater Downtown. We appreciate the level of thoughtfulness and community input from many residents and business members who have spent years on the development of this plan. We also commend the city for partnering with San Jose State University and piloting some new and different types of outreach and community engagement.

There are a few points within the plan that we wish to further emphasize and support.

**San Jose Hospital Site:** The old hospital site is a critical component within the overall East Santa Clara Street Urban Village; multi-use development should serve as the central point for the urban village and a major connection point to downtown and the university. This site should allow for a larger commercial footprint in order to maximize the opportunity at this key location, providing amenities to adjacent neighborhoods and restoring the historic use as a commercial center. This site could also fulfill a critical need in the area by the establishment of an anchor facility, such as a grocery store, on the site.

**Urban Open Space and Plaza Amenities:** An integral part of this plan is the prioritization of urban open spaces (multi-purpose plazas, interim/temporary plazas, pocket parks, paseos, and parklets). Investing in the public realm and the spaces between buildings creates an inviting environment for people to enjoy. These public spaces also serve as a way to better connect the adjacent existing residential properties with newer, denser development. This should be a fundamental policy and requirement for new commercial and residential development.

**Historic Preservation:** As one of the older areas of San Jose, the East Santa Clara St. urban village abuts a variety of unique architecture and historical assets. As is, the plan addresses how

best to integrate new development within the current context of this area while allowing and enabling future development on and near identified parcels. We support the policy guidelines that new development should seek to be compatible with the adjacent and surrounding buildings, but even more importantly, the plan should ensure the streetscape and landscape in the district effectively connects the new with the old. Infusing the area with new urban design can create additional texture and uniqueness to the neighborhood.

**Parking:** Given the strong transit services located in and near this urban village, we would support lowering parking requirements in this neighborhood.

Thank you for the opportunity to provide comments on the draft urban village plan and implementation plan. We appreciate the level of outreach, engagement and rigor that went into these plans and look forward to working with the city as it moves forward.

Sincerely,

Teresa Alvarado  
San Jose Director



**From:** Peralez, Raul

**Sent:** Monday, October 22, 2018 11:15 PM

**To:** Julie Engelbrecht <>

**Cc:** April Halberstadt <>; Les Levitt <>; Colby Waterland <>;  
Richard Smoker <>;  
Rebecca Smith <>; wingfoot9 <>; annie hermes <>;  
Kathleen Cohen <>; Leslie <>;  
Gray <>; neal smith <>; Xue Wu <>;  
Trish <>; Richard Ajluni <>;  
Ceja, Patricia <Patricia.Ceja@sanjoseca.gov>; Tran, David <david.tran@sanjoseca.gov>; Ramos, Christina  
M <christina.m.ramos@sanjoseca.gov>; Brilliot, Michael <Michael.Brilliot@sanjoseca.gov>; Piozet,  
Jennifer <Jennifer.Piozet@sanjoseca.gov>; Ferguson, Jerad <Jerad.Ferguson@sanjoseca.gov>; Jessica  
Zenk <>; Lynne Stephenson <>; Curia, Patricia <>

**Subject:** Re: East Santa Clara Urban Village

Hi Julie,

I truly admire your determination and how you have utilized the official process and mostly your ability to be diplomatic in voicing your differences. I will absolutely agree that with your explanation and scale model it is clear that your co-signers may understand your point. What is also clear is that they may not understand the other side of the argument, and I have recently had several individual conversations to that point. When considering all the factors, community input and disagreements involved, I simply share a different perspective.

I have tried to clear up a few concerns but I'm not sure the message is making it and I do feel it's important to restate those clarifications.

First and foremost my office and I personally participated in the numerous public open meetings regarding the plan and I was aware of your concerns early on but no I was not prepared to advocate for your opinions as much as I wasn't prepared to advocate for any other, that's what the planning process was for. I understand you have been convinced on your opinions for awhile and that you may have wanted a more private meeting earlier on, but not being the developer of this plan nor the planning expert I insisted you initially provide your feedback though those public open meetings just like everyone else was being asked to do. At the conclusion of the process and after our Planning Department was finalizing their recommendations I did agree to meet with you in a more private setting. As you are aware that meeting was delayed due to scheduling conflicts on both our ends and ultimately it did occur and I was only absent due to the death of my mother in law. Three members from my team still met with your group and the feedback was relayed to me so everyone could receive a response even while I was still out on bereavement. Considering all this I feel it is fair for you to say you did not receive advocacy from me over a year ago, because clearly I was not in a position to advocate one way or the other, but I feel it's unfair to state that you never received community engagement.

Secondly, I mentioned it in an earlier response and confirmed that the changes in CD 7.9 did not occur hastily nor did they alter the max height or minimum setback allowances from what had been in the initial plan. Reading the message you received from Jennifer Piozet I can certainly

see where you could come off with the interpretation that you have and I am sorry that led to confusion, but her email clearly stated it was merely an example. Jennifer also restated the historical timeline behind CD 7.9 and I'll copy it again here directly from her:

“The area next to Naglee Park has had an Urban Village land use designation since 2011 when the Envision San José 2040 General Plan was adopted and a height allowance of 120 feet since 2012 when the Zoning Ordinance was updated to conform to the Urban Village vision of the General Plan. The East Santa Clara Street Urban Village Plan area under the Envision San José 2040 General Plan *did not* have a height limitation of 2-3 stories adjacent to single-family homes within Naglee Park. There was some concern expressed by the public in the beginning of the planning process for this Urban Village Plan regarding heights next to Naglee Park, with a desire to have heights limited to 3 stories; however, there was more public support in favor of taller heights in the Urban Village. There was confusion regarding General Plan Community Development Policy CD-7.9 and what it required of developments adjacent to Urban Villages. The policy adopted with the General Plan in 2011 required that a “*single row of 2-to-3 story development*” should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation.” This policy did not state that the entire area is limited to 2-3 stories in height, rather it specified that the rest of the site must be occupied by a *minimum of 4 stories of development*.”

Lastly, I would like to say I am sorry we don't see eye to eye on this, and I'm disappointed considering I now feel so many people may have been convinced with only one side of the story. I also apologize for this very late email response but my son was born late Thursday night so needless to say it has been difficult to get back to every email in the most timely fashion this past weekend. As much as I'd prefer to be home with my wife at this time I will be present tomorrow for the vote as I feel this is now far too contentious a vote.

Thank you again for the diplomacy you have displayed through this all,

Raul Peralez  
Councilmember, District 3  
City of San José

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On Oct 22, 2018, at 1:55 PM, Julie Engelbrecht <

> wrote:

Dear Councilmember Peralez:

I appreciate all your responses in this busy time for you and your wife and feel like this is really the engagement we asked for all along so that when the final draft plan was shared it was already known absolutely what would be in the plan. Please remember we asked for this community engagement and advocacy from your office well over a year ago and never received it.

I will speak to the fact **that I do believe that all who signed on to the letter understand not only the ask but the complexities** of the plan in a way more clearly than was done through the city's community outreach. As a group and as individuals we have met with and shared visuals

from the plan with our neighbors as well as showing a 1/8' scale model that is exceedingly clear on what can be built and how it will affect the neighborhood. A model you have not seen. And there are many more signing onto the letter every day.

But, I will also say that what has happened in terms of engagement and understanding and our desire that the concerns were heard early and acted upon doesn't really mean anything if the plan keeps changing as well as the guidelines that govern its framework.

Please see the excerpt below from an email **dated April 25, 2017** ( available in the public comments) where I was engaging to understand what heights and set backs would be in the plan after CD 7.9 changed and why some residential areas got 45' heights. I did not know at that time that many also garnered larger set backs.

April 25, 2017 from Jennifer Piozet responding about protecting residential properties.

Take the following few draft policies and guidelines for example:

1. Limit building heights along the south side of East Santa Clara Street to three- to four-stories to ensure neighborhood compatibility with adjacent single-family residential uses.

2. Maximum allowed height within 50 feet of a Residential Neighborhood General Plan designated or existing single-family or duplex properties: 35 feet within 20 feet of the residentially-designated or used property, thereafter increasing by one foot for every one additional foot of setback.

Honestly, I do not know how else to interpret the information above from planning other than what it says, which is not what is in the plan. I think that the usefulness of CD 7.9 at this juncture is to use it to create a more prescriptive plan as allowed that **guarantees protection** for residential properties abutting the Urban Village, rather than putting the major commitment on residents to watchdog what could be 100s of projects. Additionally, unclear is when is a guideline just a guideline and when is it policy or recommended or required or prescriptive or a legal framework?

However, if the real goal is development, ( and that too is all of our goal) then **doesn't it make sense to come from a place a positive compromise rather than any negative adversarial position** that makes every development project a battle ground? It benefits all, the developer, the city and the residents. We look to you to advocate a solution at council.

Julie Engelbrecht

He who works with his hands is a laborer,

He who works with his hands and head is a craftsman,

He who works with his hands, head and heart is an artist.

St. Francis of Assisi

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On Oct 22, 2018, at 11:38 AM, Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Thank you April,

I certainly understand the ask, but considering the complexity I'm not so certain all the neighbors who signed on to the letter thoroughly understand it. As I have stated it is my opinion that the current plan is a considerate and feasible compromise and that additional restrictions on the heights and setback are not only unnecessary but they will both diminish the development opportunities we are trying to achieve and the urban nature of the village. There are also a lot of neighbors that support the plan and additionally many, including some of my council colleagues, that have asked why we aren't pushing for even more density with bigger and taller buildings. As I mentioned it was expected to hear different opinions, I simply don't agree with the one you are sharing and although I am aware my colleagues will value my opinion, they too understand very well the goals of our General Plan and Urban Villages and they will all be marking their own educated decisions tomorrow.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 19, 2018, at 8:54 AM, April Halberstadt > wrote:

Dear Raul,

Thanks for your response to my note.

I have waited to respond until after we had met with all Council members.

We also held a neighborhood social meeting on Wednesday where we had a chance to talk with local folks.

I attended the Northside-NAC meeting last night.

Of course, your fellow Council members are looking to you for guidance on this issue.

We felt that meeting with all of them on this complex issue would help preclude hours of Council discussion

Our neighborhood understands your desire to follow Planning's recommendations, but our experience with Planning on the development of our Urban Village Plan has not been optimal.

We feel we have invested over five years with four different planners - we want to make sure our Urban Village Plan works for us.

**Our ask is simple:**

**We are looking for a 25' rear lot setback for adjacent residences.**

**We are looking for the 45-degree sunlight angle to start at the mutual property line; not the third-story as currently proposed.**

Our discussions with other Council Districts and our research has revealed that some other Urban Village plans have 40' setbacks.

We understand that additional modifications have also been allowed where appropriate.

After review, we do not feel our requests are unreasonable.

We want density.

We look forward to development.

We are not worried about the height proposal.

We are the City's prototype Urban Village because we already operate as a village.

Because of the County's impending development of the old hospital site, we are probably closer to Urban Village realization than most other areas.

We will be bringing forward a letter co-signed by the Campus Community Association and the East Santa Clara Urban Village Task Force.

The Julian-St.John Neighborhood Association also worked with us.

Our letter will be accompanied by a long list of the neighborhood residents who also wished to sign in support of this request.

We look forward to seeing you on Tuesday evening.

Of course our very best wishes are with you and your wife at this time.

Historically Yours,

April Halberstadt

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On Wed, Oct 17, 2018 at 1:49 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Hi April,

We actually won't have guidelines, as I mentioned I'm suggesting to keep the ESCUV language as a requirement so it will be clear 100% of the time what is allowed. I agree that each neighborhood is different, which actually competes with the argument made by some that the ESCUV plan should mimic elements from other plans. The Alameda UV isn't even adjoining the Rose Garden neighborhood so needless to say the historical comparisons of either neighborhood was not a factor. In my email I was personally comparing the urban nature of the different areas and pointing out that what Les was asking for was actually not consistent in all urban villages and in fact what is suggested for ESCUV is also not completely out of line. An argument could be made that the one urban village in the entire city with the opportunity for the most density is ESCUV because it is the only one that immediately adjoins our Downtown Zoning land use area where buildings of 29 stories are being built. Many have spoken up with a desire to build as tall as possible along East Santa Clara and it would not have been far fetched to see a plan with 10 stories allowed. That is not the case and instead this plan does take into consideration all the factors, including the historic nature of Naglee Park and thus we have what I feel are respectable set backs and height limits.

I recognize there will be a difference of opinions, which is expected, and I do not intend to convince every single person to accept this plan. I thank you for your continued engagement and I will reiterate that I do not make these decisions lightly or in a vacuum and that the ultimate acceptance of the ESCUV plan will be decided by the full council in an open session next week where everyone is welcome to voice their opinions.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 17, 2018, at 1:18 PM, April Halberstadt < > wrote:

Yes, we realize the guidelines work well about 95% of the time.

The other 5% worries us.

As Mies van der Rohe noted, "God is in the details".

The Naglee Park neighborhood is much older than the Rose Garden.

Naglee Park is part of the original City of San Jose, developed between 1850 and 1900.

The Alameda neighborhoods were not part of the city until they were annexed in the 1920s.

They developed as suburbs.

Their spacing and land uses are very different than ours.

April Halberstadt

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On Wed, Oct 17, 2018 at 12:21 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Les,

I neglected to add that the same language in this ESCUV plan of a 45 degree daylight plane from 35 feet with a 15 foot setback is also exactly what is in the approved Alameda UV plan, which unlike Stevens Creek is actually a more comparable urban area to East Santa Clara.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 16, 2018, at 1:35 PM, Leslie Levitt < > wrote:

Hello Councilman Peralez:

We are asking for support of all Council members for a change to the ESC Street UV Plan that defines the 45 deg. daylight plane to start from the **ground** at the property line adjacent to existing residential lots – *just like other UV plans.*

Can you support that?

This should have minimal impact to potential development density in the zone, where as many as six hundred new DUs are already planned for the hospital site. The change requested would, I believe, then solidify comprehensive community support for the UV plan from a significant number of constituents – instead of the unnecessary contention that is currently at play.

I also will add that it is important to recognize how the UV plan affects existing businesses. The test case already before us is the proposed re-development of 644 ESC at 14<sup>th</sup>. This building is part of the legacy of health care and medical service businesses still dominating the zone between 13<sup>th</sup> & 17<sup>th</sup> streets. If five years from now we have a new landscape but all of these small businesses are displaced, are we truly better off?

Les Levitt  
14th Street resident & ESCBA member

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-----Original Message-----

From: Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)>

To: Julie Engelbrecht < >

Cc: Colby Waterland < >; Leah Poynter Waterland

< >; Richard Smoker < >; Les Levitt

< >; Rebecca Smith < >; wingfoot9 < >;

Annie Hermes < >; Kathleen Cohen < >; mkevane

< >; Leslie Gray < >; neal smith < >; Xue Wu

< >; Trish < >; twogoallead

< >; Richard Ajluni < >; April Halberstadt

< >; smithrevsmith < >; Ceja, Patricia

<[Patricia.Ceja@sanjoseca.gov](mailto:Patricia.Ceja@sanjoseca.gov)>; Tran, David <[david.tran@sanjoseca.gov](mailto:david.tran@sanjoseca.gov)>; Ramos, Christina M

<[christina.m.ramos@sanjoseca.gov](mailto:christina.m.ramos@sanjoseca.gov)>; Brilliot, Michael <[Michael.Brilliot@sanjoseca.gov](mailto:Michael.Brilliot@sanjoseca.gov)>; Piozet, Jennifer

<[Jennifer.Piozet@sanjoseca.gov](mailto:Jennifer.Piozet@sanjoseca.gov)>; Ferguson, Jerad <[Jerad.Ferguson@sanjoseca.gov](mailto:Jerad.Ferguson@sanjoseca.gov)>; Jessica Zenk

< >



Sent: Tue, Oct 16, 2018 12:38 pm  
Subject: Re: East Santa Clara Urban Village

Hi Julie,

Thank you for the kind words and again for your understanding.

I understand we won't see eye to eye on this but I do personally feel as I mentioned previously, which is confident in the process and in the conclusions. The City did host and my staff participated in localized community meetings collecting feedback for the ESCUV. As you are aware there were many opinions and that is always expected, but there was not an overwhelming opposition to this level of density, in fact quite the opposite. I apologize if there was a misunderstanding about hosting community meetings. Community meetings for urban villages are complex and that is why they require City Planning staff to host them, those meetings did occur as they have with all urban villages.

From your message I believe we both agree on the history and usefulness of CD7.9 but where we don't agree is at what limits should be for height and setback. I would also agree that smart growth isn't just big but I would argue that 6 stories isn't that big when you're talking about an urban neighborhood along a major corridor adjacent to a downtown. I also agree with you that developers will attempt to maximize their profits and that the specifications of our plan are our best tools. This ESCUV plan will allow both the community and the City to not only be watchdogs but to also hold developers accountable to the plan (much like I'm already doing with the Empire Lumber site). It will be extremely beneficial to have a specific watchdog group for the ESCUV and my office would be happy to continue to help support that as we do the others.

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 13, 2018, at 1:49 AM, Julie Engelbrecht

> wrote:

Dear Council Member Peralez:

First, I would like to thank you for your responses and send my and my family's heartfelt condolences for your loss at what is a life changing time of having a child while also losing a parent. There are no words that can suffice, but know that we appreciate all that you do. Work has kept me from responding sooner.

I think that the urgency now for seeking solutions to the challenges in the Urban Village comes not from a lack of time, years and care going into these plans, but a lack of an ongoing residential advisory role on these localized plans and a clear understanding of how the overall city wide changes in codes and amendments affected this final plan and what it makes possible to build as explained. All throughout this process there has been objection to too much height on the small lots next to residential which was poorly recorded at the community meetings and not reflected by making changes to the plan.

I have, as you are likely well aware, kept in constant touch with all the planners as the ESCUV plan has matured. I have tried to stay aware of General Plan and Envision 2040 Plan changes to better understand the complexities of things most residents don't fully understand. Though often unobserved, I attend a great many meetings to see how the pieces fit together and change overtime. More than a year ago, I asked your staff to put together community outreach meetings so that residents could better understand the changes made under CD7.9 and to better comprehend how the final draft plan might better reflect neighborhood concern for the historic neighborhoods and overbearing height. However that never happened despite repeated attempts to create that engagement. This lack of clarity has failed your constituents so much so that once the final draft plan was finally revealed, with a short time-line for approval, little meaningful engagement has been possible. Therein lies our frustration, concern and our question, will this also happen with proposed development projects?

So I welcome your concern that, "*The boundaries adjoining any urban/residential area always tend to be delicate issues and require attention and detail.*" And ask for that attention and detail now and for you to look back over my many emails where I ask for better protections to historic residential neighborhoods, good neighbor policies and engagement processes where heights and set backs can be discussed and mutually agreed upon so we can all get both the desired retail, housing and commercial jobs necessary for San Jose's overall health while still respecting the lower heights of historic neighborhoods and properties purchased long before these Urban Villages were conceived. Other Villages, notably the Stevens Creek UV, had height adjustments, so this is not new or unreasonable.

In my observance of the City workings, I have seen that once heights and set-backs are approved, the council can do little more than approve them if they are proposed, because they are allowed. Community engagement and noticing radius only begins once a permit is applied for, meaning that a developer or owner could have spent years and a significant amount of money to create that plan and therefore be unwilling to revise it to better suit the individual property site or to treat adjacent properties better. This leaves residents with no working tools for solutions and we must be engaged earlier in this process. It must be difficult to have to approve something based on what's allowed by code when you know it's not the best it could be. I have said this repeatedly to the planners, If I thought there would be responsible development and promised input on projects would actually happen, I wouldn't be working so hard to amend the Urban Village plan so that it specifies that protection in the plan up front, because once approved it becomes the legal framework for what is allowed to be built. Some builders, as I'm sure you are aware, will not care about the neighborhood and will only look to how high they can build and how much money can be made—you can not regulate that tendency away in people—so the plan must provide real mechanisms for protections to 100+ year old homes not just for the value of the homes and the quality of life for the people who live in them but for what they bring in unique character to San Jose. Long after other commercial buildings will come and go, Naglee Park will still be here. These are also homes with families and children, gathering places for family and friends in our already existing Village. You can have a Village without buildings, but you cannot have a Village without people, and we are people who volunteer in this community, care for this neighborhood, our neighbors and surroundings and about the city or we wouldn't be here nor be so concerned. And we desperately want development to counter the negative impacts of underutilized poorly maintained buildings, but we want thoughtful development that respects the character of this neighborhood.

CD 7.9 allows for more specific policies to ensure compatibility with adjacent single-family homes. Honestly that's what we've always asked for and is in the revised CD7.9. We should be able to utilize it as intended so that we do not repeatedly go through a huge process with every project near the historic neighborhoods, watch-dogging every one of them. You state that, "The City Council specifically requested that text be changed/incorporated into the policy that specifies that Urban Village design guidelines for building height and stepbacks adjacent to single-family properties should be deferred to Urban Village plans." So let's have that be better in this plan. As a more prescriptive policy slightly adjusted heights and set backs or an overlay height plan for The Naglee Park Conservation area (which is only 7 small end caps of the Village) would give a measure of comfort that much desired development will finally happen, but won't be built to tower over a unique neighborhood of lower height, often one story Craftsman homes. There should be protection for the oldest neighborhood in San Jose, where many of the finest architectural examples reside in the zero blocks which are most in peril from overdevelopment

that might come with this Village. This protection would not be changing the Urban Village designation, but adding an overlay of the conservation area with added protections in height restrictions that could be negotiated to current higher limits, site by site, depending upon lot size and meaningful community engagement for greater heights.

I would be interested to learn more about having an Urban Village Watchdog group that could review all proposed development in the Urban Village area. But I would want to know specifically what real influence that group could have? If a bad player in the game promotes a maximum build, poorly designed building without care for the existing neighborhood, what really can a watch-dog group do given the legal framework of the plan? Please put this group in touch with leaders of the other groups to learn what they do and I will reach out to architect friends in Naglee Park and the Northside to create a good cross section of those concerned. Mostly, I would like to see some protection from height for these historic neighborhoods clearly articulated in the plan before it passes.

I will end with my continual mantra--Smart growth isn't just big. It reflects multifaceted aspects of existing neighborhoods and heights to create an inviting new area that mixes well with and complements the old, rather than overpowering it. It respects the size of buildings and neighborhood character while still adding desired retail and much needed housing. **This requires a unique collaboration for planning and development at each individual site** and I do not see that happening currently with large areas color-coded for height.

Thank you for your time and I look forward to solutions.

Sincerely,

Julie Engelbrecht and family

[jedessinateur@gmail.com](mailto:jedessinateur@gmail.com)

He who works with his hands is a laborer,

He who works with his hands and head is a craftsman,

He who works with his hands, head and heart is an artist.

St. Francis of Assisi

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On Oct 12, 2018, at 1:19 PM, Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Hi Colby,

I can see why you are frustrated considering your understanding of what occurred and honestly the language is not the easiest to understand, although it is still not the case that these changes to CD 7.9 occurred the way you described. Density has always been the goal of our Urban Village designated growth areas and never was there a promise of a maximum height of 3 stories throughout the Urban Village. There was originally language about developments adjoining parcels designated as residential

but those were amended during the 2016 General Plan Task Force update and after several lessons learned from urban village plans that had been completed. The GP Task Force was reconvened in public forums to help provide the required GP update and none of those recommendations were made hastily by the Planning Commission or the Council. Below is a factual recount of what occurred directly from our Supervising Planner Jennifer Piozet. I understand this may not satisfy you or others but I can assure you my decision is not being made without knowing all the facts or without understanding the multitude of opinions and circumstances. I am confident in the open process that occurred and I am confident with the conclusions included in this Urban Village Plan.

Please find below information about CD-7.9.

The area next to Naglee Park has had an Urban Village land use designation since 2011 when the Envision San José 2040 General Plan was adopted and a height allowance of 120 feet since 2012 when the Zoning Ordinance was updated to conform to the Urban Village vision of the General Plan. The East Santa Clara Street Urban Village Plan area under the Envision San José 2040 General Plan ***did not*** have a height limitation of 2-3 stories adjacent to single-family homes within Naglee Park. There was some concern expressed by the public in the beginning of the planning process for this Urban Village Plan regarding heights next to Naglee Park, with a desire to have heights limited to 3 stories; however, there was more public support in favor of taller heights in the Urban Village. There was confusion regarding General Plan Community Development Policy CD-7.9 and what it required of developments adjacent to Urban Villages. The policy adopted with the General Plan in 2011 required that a "single row of 2-to-3 story development" should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation." This policy did not state that the entire area is limited to 2-3 stories in height, rather it specified that the rest of the site must be occupied by a minimum of 4 stories of development.

In 2016, city staff brought forward a change to General Plan Policy CD-7.9 at the direction of the City Council (General Plan Amendment File No. GPT16-007) with the following changes. The City Council specifically requested that text be changed/incorporated into the policy that specifies that Urban Village design guidelines for building height and setbacks adjacent to single-family properties should be deferred to Urban Village plans.

**CD-7.9** Build new residential development within Urban Village areas at a minimum of four stories in height with ~~the exception that a single row of 2-3 story development, such as townhouses, should be used~~ a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans.

· See the staff report/letters from public/memos: [http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2661&meta\\_id=603360](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2661&meta_id=603360)

. See the Supplemental memo (Councilmember Jones and Council direction): [http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2661&meta\\_id=605480](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2661&meta_id=605480)

The East Santa Clara Street Urban Village Plan complies with both the former and current versions of Policy CD-7.9 by limiting the height of development within 40 feet of the property line shared with Residential Neighborhood designated properties by limiting the height to 35 feet (which allows 2-3 stories of height). Since the second Urban Village workshop (where heights were discussed), the heights next to Naglee Park were shown at 65 feet maximum (back in 2015). The draft Plan has always included a daylight plane with setback requirements (see both 2016-OLD and 2018-NEW diagrams below).

<image002.jpg><image004.jpg>

Jennifer Piozet | Supervising Planner

City of San José | PBCE

Raul Peralez

Councilmember, District 3

City of San José

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On Oct 11, 2018, at 6:35 AM, Colby Waterland

> wrote:

Dear Councilmember Peralez,

Thank you for taking the time to send this thoughtful response even as your family deals with incredible loss.

We are encouraged that you are pushing for language in the plan to help ensure that future development unites with our community. However, the plan as it currently exists is *not* the result of numerous public meetings with hundreds of participants. That was true before the Planning Commission and the City Council rushed out a major change to CD 7.9 in Oct 2016. The original plan had broad support in our community, which supports the Urban Village concept and is committed to its success. Had that very dramatic change, from a *maximum* of 3 stories to now a *minimum* of 4, not been adopted many of us would not be contacting you today.

Such a dramatic change to the plan over a period of just 12 days is certainly an example of doing things "hastily or without adequate community input".

The new heights and setbacks may satisfy developers who might not build otherwise, but it is disingenuous to say they are the result of countless hours of community input, because they are not.

Very Truly Yours,

Colby

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Colby Waterland

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On Wed, Oct 10, 2018 at 5:46 PM Peralez, Raul <[Raul.Peralez@sanjoseca.gov](mailto:Raul.Peralez@sanjoseca.gov)> wrote:

Dear Neighbors,

First allow me to apologize for not being present at the meeting last week. It was certainly my intention to meet with you as scheduled but I do thank you for understanding as my family was dealing with a very difficult loss. Although I was unable to attend, I am thankful that my team was able to meet with everyone to hear out the concerns expressed regarding the East Santa Clara Urban Village Plan. My team also described the model Julie Englebrecht made to show what the neighborhood would see if the Urban Village was developed to the maximum allowed density.

Several concerns have been voiced and as mentioned by my staff, I agree that we should have language about preserving the character of the area with specific design guidelines and I have already asked our planning staff to do that. I am also asking that we include a Good Neighbor Policy for the most significant project occurring at the old hospital site, this request is being challenged by our City Attorney's office for is potential illegality but I will continue to pursue it. After careful consideration and understanding all concerns, including the community meetings, community input, and staff evaluation, I still continue to support the recommended heights and setbacks currently in the plan. I understand for some neighbors immediately adjoining the Urban Village boundary that the heights and setbacks are of greatest concern and I do not dismiss those concerns at all. The boundaries adjoining any urban/residential area always tend to be delicate issues and require attention and detail. The reason for my support does not come without a great understanding of what it means for particular property owners, neighbors and the greater community at large. Not only did the City solicit input regarding the Urban Village Plan with numerous public meetings and hundreds of participants, but there was also a multi-year process with hundreds of meetings and thousands of participants in creating the 2040 General Plan which focused on specific growth areas, these "Urban Villages", near transit corridors. The proposed growth along the East Santa

Clara Urban Village was not in the slightest way conducted hastily or without adequate community input. I believe the height and setback for the East Santa Clara Urban Village is an acceptable balance taking into consideration the density desired in this proposed transit growth area, and still respecting the adjoining historic preservation residential neighborhood. I don't expect everyone to agree with this conclusion as each of you, like all other community members, will have your own individual circumstances to consider.

Additionally, I know Julie has offered to lead an Urban Village Watchdog group, which could review all proposed development in the Urban Village area. A few other Urban Villages have these groups as well, and my office can support that effort as we do with the other watchdog groups. This would be a community led effort and we can connect any of you with leaders of the other groups to view how they do this.

Thank you again for understanding and participating in the meeting with my team, and as you may know, it is not my sole authority to approve this plan and anyone is welcome to connect with the Mayor or other Councilmembers who will be voting on this issue as well.

Respectfully,

Raul Perez

Councilmember, District 3

City of San José

**From:** Nick Laskowski [ ]  
**Sent:** Tuesday, October 23, 2018 7:16 AM  
**To:** Piozet, Jennifer <Jennifer.Piozet@sanjoseca.gov>; District3 <district3@sanjoseca.gov>  
**Subject:** East Santa Clara Street - setback proposal

Hello Councilmember Peralez and Ms. Piozet -

Please do not let the downtown area become gentrified with NIMBY rules like Willow Glen or the Rose Garden. I have read a letter from Julie Engelbrecht for a setback proposal to the East Santa Clara Street Urban Village project that would seemingly make most existing homes illegal and takes our neighborhood in the wrong direction toward further not-this and not-that regulation when we need to be building positively toward the yes-and side of things.

The concept of a reasonable setback and sight lines is fine, but has to be considered in moderation and in keeping with the character of downtown. For example, many downtown structures are already built to the property line at fence height or higher - 10-12' elevation at the property line is not uncommon for residential outbuildings like ADUs. In the downtown area we also support mixed use. I live in R-M zoning near Backesto Park in a single-family detached home with a two-story apartment building immediately next to me. Honestly, it's this peaceful coexistence of multiple uses which makes downtown worth living. I don't want to live in a neighborhood where this is prohibited.

A 45-degree setback would require a 30' tall, 2-story building to be built 30' away from the property line, which is instantly a ridiculous proposition. I imagine most Naglee Park mansions themselves would not meet this requirement on their North and South property lines where they meet their adjacent neighbors.

A more reasonable suggestion might draw a 60-degree line beginning at 10' above the property line, allowing ordinary construction near the neighbor line itself (this is a common placement for parking structures, sheds, and the like), and allowing a reasonable height gain away from that line such that my previously-used 30-foot two-story building would be allowable 10' back from the property line, and a fuller 60-foot height would be allowable 25' back. Starting the line at the ground and using a 45-degree angle both create an unnecessarily restrictive rule which would disallow most existing structures in the neighborhood.

Please do not let our beautiful, diverse, accepting neighborhood be overtaken by NIMBY homeowner interests. That's exactly the sort of thing I hoped to leave behind when I moved from District 1 to District 3. We're better than this.

As for me, I have no hidden agendas in this game - I'm an elementary school administrator, not a developer or real estate magnate. I'm a homeowner who wants to see permitting rules relaxed, not tightened, and to see more flexible and rapid development of lower-rent spaces of all sorts.

When you decide on a final course of outcome or when you adopt a position you support, please do update me so I can at least know what comes of this.

Thank you for your time,

Nick Laskowski  
Northside neighborhood resident



Date: October 23<sup>rd</sup> 2018  
To: San Jose City Council Members  
From: Les Levitt, 14<sup>th</sup> Street Resident & Business Association Member  
Subject: East Santa Clara Street Urban Village Plan

The ask from existing neighbors and businesses is not complex. It is simple - and based on deep knowledge of the history and character of the existing adjoining neighborhoods and business district. The ask is a) to have more reasonable transitions between new higher density development and existing residential and b) appreciate and preserve existing businesses.

So far responses from the City have not adequately addressed either of these concerns. Tonight you we likely hear more about this. This letter is an attempt to provide more background and go beyond the high level mindset that higher density and building more housing (which most people *do* support) trumps all other considerations.

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First, it is important to recognize that there is still a significant cluster of healthcare and medical services business on the south side of the street adjacent to the hospital site. Many in fully occupied buildings.

And for years these business have co-existed with the neighborhood. What is the key to this mutually beneficial environment? It is the rear parking lots.

If you ask any business what is most important for them – they will tell you: parking for their patrons. This zone is not the downtown core. It is a neighborhood business district. Parking matters.

But these parking lots are a double benefit. They provide a buffer to the adjoining residential neighborhood.

And for years this has worked. This worked when we had a thriving business district and a hospital with a thousand employees, all parking spaces on ESC Street taken 24 hours a day, and the busiest trauma center in the County.

Now fast forward to 2018 and the Urban Village plan and an example of what the UV plan can bring us.

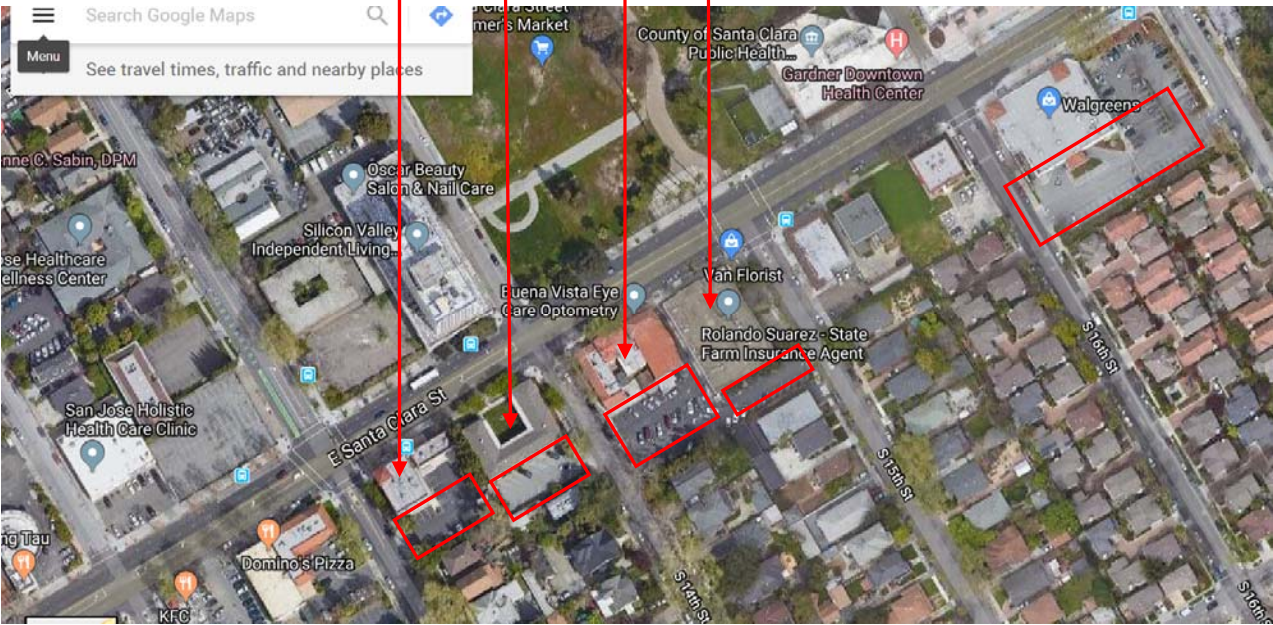
There is already a proposal in to Planning to demolish one of the nicest looking buildings in that area and replace it with a massive scale structure. Today that building has a mix of businesses, mostly healthcare related. What is proposed is a relatively massive building a short distance away from a residential lot and the displacement of all of the existing service businesses. No outside parking and no buffer, like we've had for decades.

Are we better off with this kind of change as a business district, as a neighborhood, as a City? I say: No.

And why push so hard to cram a one size fits all approach to land use designations? Right across the street are thirteen acres that are slated to support as many as 800 housing units. The side of the street matters.

I just want to get you thinking about respecting existing neighbors and businesses and how the UV plan can integrate new and old for the best possible outcome and ask that before you finalize this you give it a bit more thought along these lines and how to better establish a meaningful dialog with existing stakeholders.

Existing Heath Care & Medical Services Buildings



## SOUNDS GOOD

### *1. Preserve and Enhance the Vibrant Business District and Neighborhood*

The Plan focuses on enhancing the retail and business environment by activating the sidewalk, providing high-quality urban design, and making streetscape improvements. The Plan also promotes mixed-use development that incorporates residential with existing and new commercial uses, focusing on tenants who will contribute to daytime neighborhood activity and support the existing residential neighborhoods and businesses. The Plan respects the existing character of the neighborhood by providing for responsive building heights and density ranges, serving as transitions into established single-family neighborhoods. A priority of the East Santa Clara Street Urban Village is to preserve the area's many existing assets, including Fire Station #8, medical service providers, schools, religious institutions, government agencies, the existing residential fabric, and commercial businesses.

## THE REALITY

**CD-7.9** Build new residential development within Urban Village areas at a minimum of four stories in height with ~~the exception that a single row of 2-3 story development, such as townhouses, should be used~~ a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation.

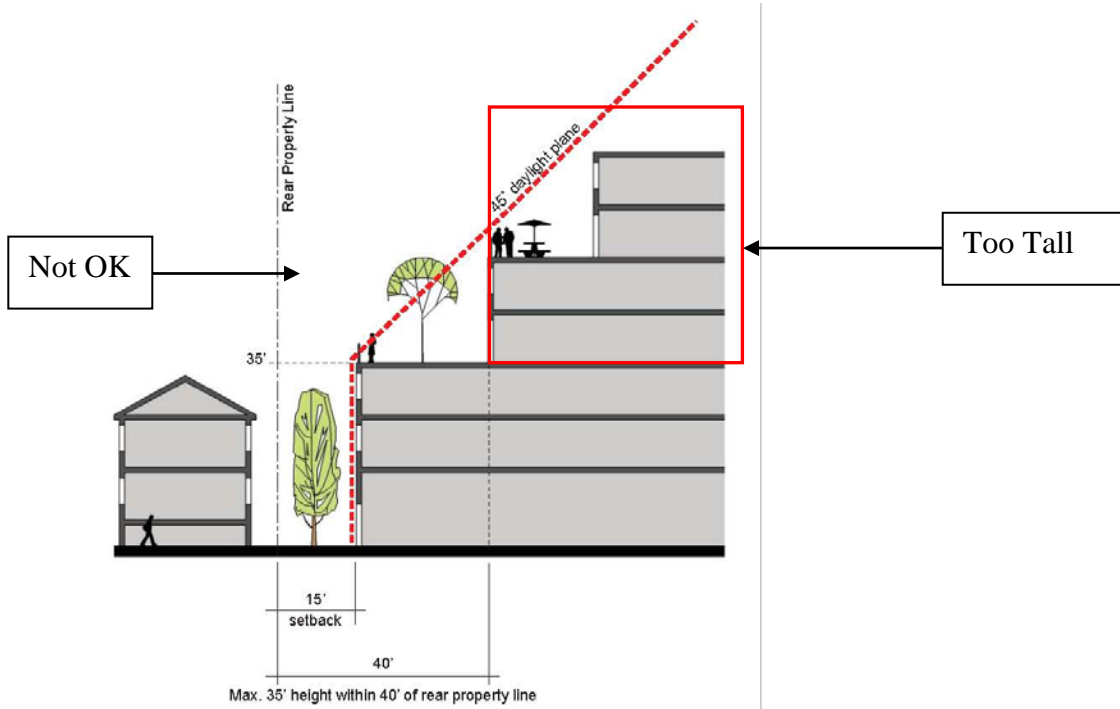
### **Text Reference:**

Envision San José 2040 General Plan, Chapter 4 “Quality of Life,” Page 24, Urban Villages.

### **Site Location:**

The Text Amendment is applicable to all new residential development within Urban Villages next to single-family residential properties that have a Residential Neighborhood designation.

## THE EVEN WORSE REALITY



Adjacent to Residential Neighborhood Designated Property  
or Existing Single-Family or Duplex Building

## PROPOSED REDEVELOPMENT AT 14<sup>th</sup> & EAST SANTA CLARA STREET

