

Issues raised by property owner of 5191 Lafayette adjacent to proposed development at 2354 Calle Del Mundo

Property Owner: Ron Patrick

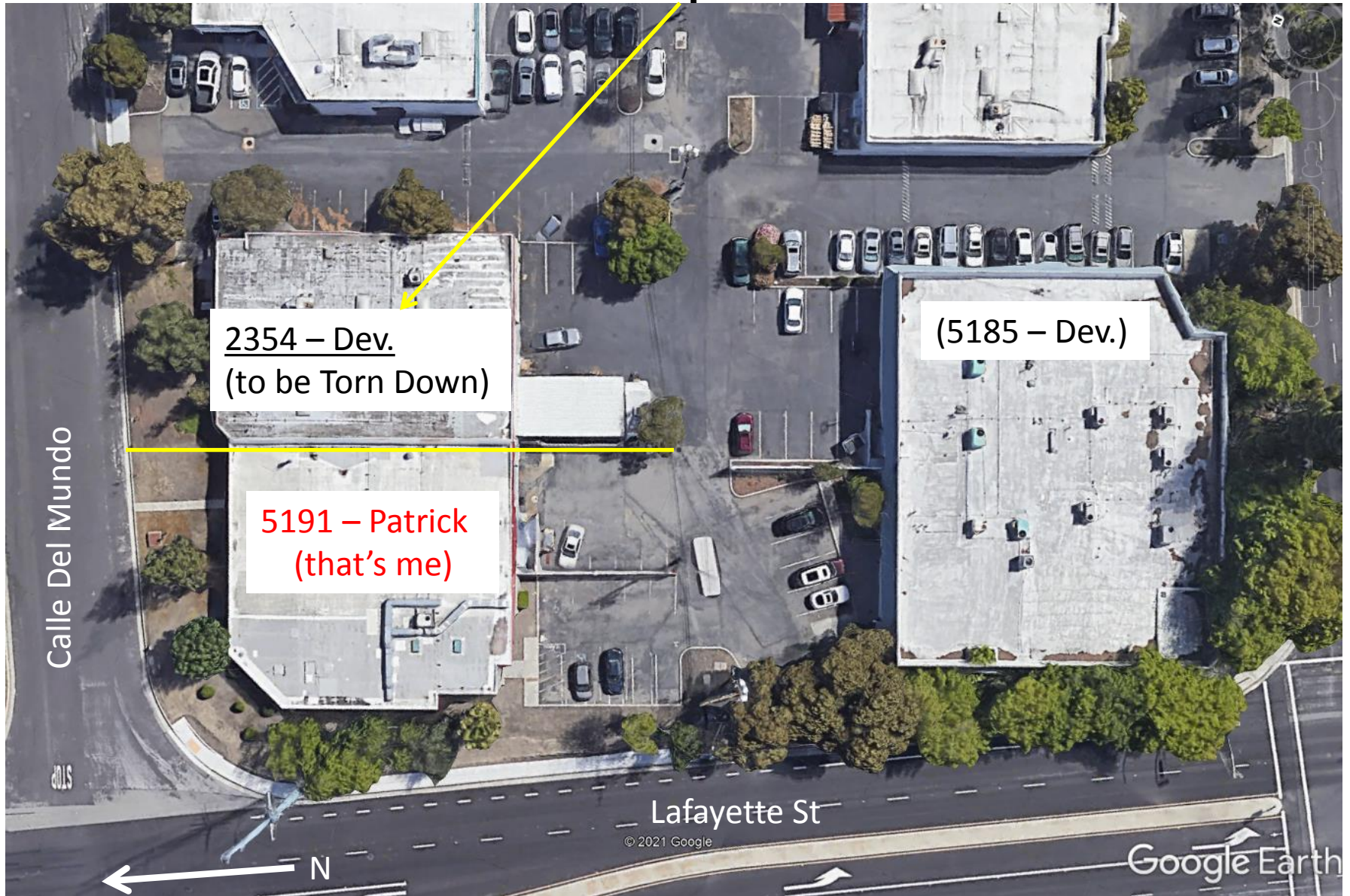
5191 Lafayette St.

ecmco@earthlink.net

408-396-8004

March 17, 2021

The Development Site



The Issues

1. Easement Issues
2. Structural Issues
3. Parking Security Issue
4. Utilities Issues
5. People Traffic Issue
6. Activities Issues
7. “Secret Plans” Issue

1. Easement Issues



- **Ingress and Egress Easement**

- i. Only way to get trucks and trailers to my building is via this easement.

- Access via Lafayette is impossible. Requires driving truck or trailer in opposite direction of traffic while blocking both lanes. This is illegal.

- ii. No “nipping at the corners” of the easement can be tolerated (ie. no doors opening into easement, or trees and bikes blocking access to parking easement).

- **Parking Easement**

- i. Developer’s proposal locks out my and the developer’s use of my parking easement. Worst possible design! Okay for helicopters though.

- ii. I offered to sell the parking easement. The developer agreed to price but also required that that I not challenge or appeal any planning approvals of this (2354) and their other (5185) development. This would be highly risky for me to do.

2. Structural Issues

- Buildings were built at the same time.
 - i. They are structurally coupled and may share footing.
 - ii. Knock down one and you may destroy the other.
- Sub-grade construction required for proposed car stackers and stormwater drainage threatens my building's structural integrity.
- Proposed building too close as per seismic building code. (ASCE 7-16, Section 12.12.3)
- Will not accept neighbor/developer-controlled barriers to recorded parking easement. I don't own a helicopter.

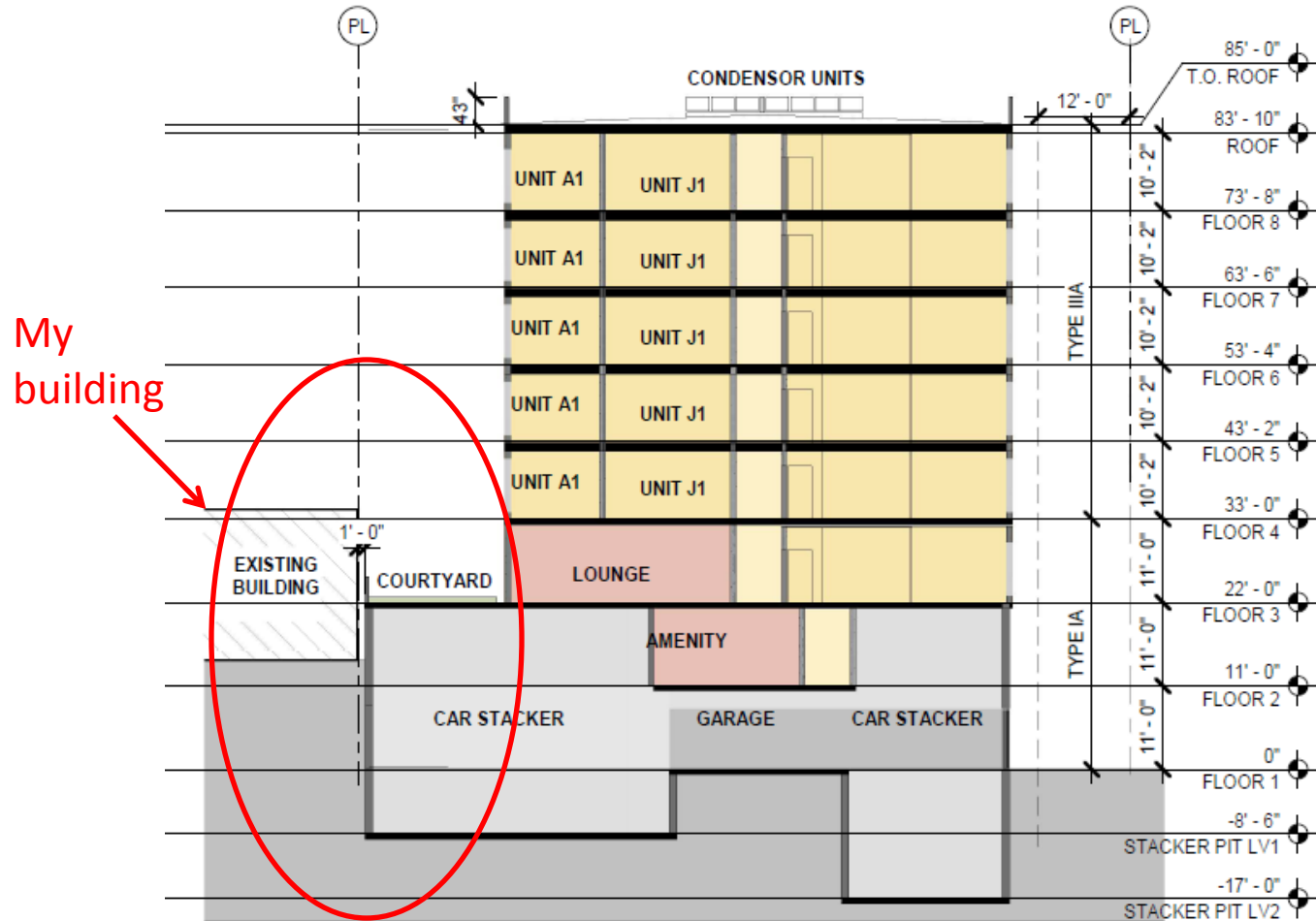
My building and developer's existing building were put up at the same time and are 4 inches apart.



In fact, the two buildings are joined at the top.
Any work on 2354 is likely to structurally affect 5191.



Developer's design extends 8' 6" below grade dangerously undermining my foundation and requiring shoring and underpinning. I will not allow work on my property and will require substantial insurance policy with funds held in escrow before any work commences.



The Magic Car Stacker

8-14-20 Plan (posted on SC City Site)

VEHICLE PARKING REQUIREMENT		
RESIDENTIAL:	# UNITS	# PARKINGS
.5 PER UNIT (<550 SF)	56	56
1 PER UNIT (>550 SF)	33	16.5
SUBTOTAL		72.5
VISITORS:		
.05 PER UNIT	89	4.45
TOTAL		76.95

VEHICLE PARKING PROVIDED		
ADA PARKING		1
VAN ADA PARKING		1
EV PARKING		1
STACKS #1-4 (*3 LEVEL MODULE)	10 PARKINGS/ STACK	40
STACK #5 (**4 LEVEL MODULE)		26
STACK #6 (**4 LEVEL MODULE)		10
TOTAL		79
*3-LEVEL PUZZLE SYSTEM MODULE:		
4 SPACES X 3 LEVELS = 12 SPACES	10 PARKINGS	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	
**4-LEVEL WTH PIT PUZZLE SYSTEM MODULE:		
7 SPACES X 4 LEVELS = 28 SPACES	26 PARKINGS	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	
***4-LEVEL WTH PIT PUZZLE SYSTEM MODULE:		
3 SPACES X 4 LEVELS = 12 SPACES	10 PARKINGS	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	

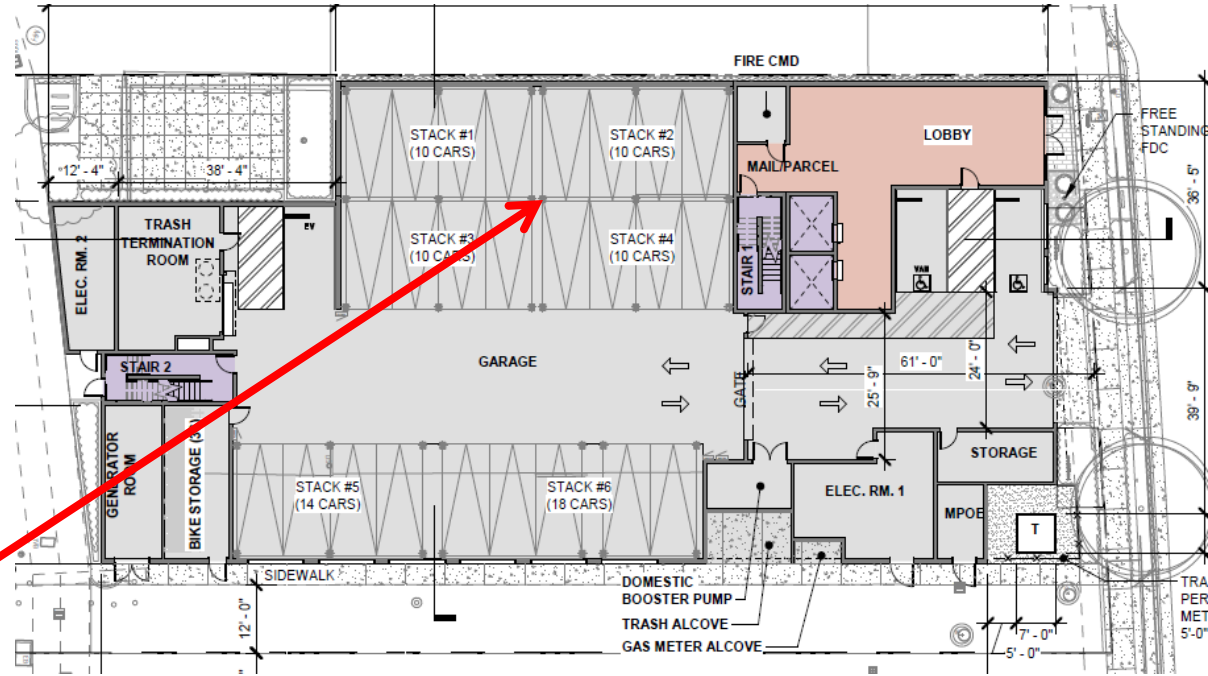
3-3-21 Plan

VEHICLE PARKING REQUIREMENT		
RESIDENTIAL:	# UNITS	# PARKINGS
.5 PER UNIT (<550 SF)	56	28
1 PER UNIT (>550 SF)	33	33
SUBTOTAL		61
VISITORS:		
.05 PER UNIT	89	4.45
TOTAL		66

VEHICLE PARKING PROVIDED		
ADA PARKING		1
VAN ADA PARKING		1
EV PARKING		1
STACKS #1-4 (*3 LEVEL MODULE)	10 PARKING SPACES/ STACK	40
STACK #5 (**4 LEVEL MODULE)		14
STACK #6 (**4 LEVEL MODULE)		18
TOTAL		75
*3-LEVEL PUZZLE SYSTEM MODULE:		
4 SPACES X 3 LEVELS = 12 SPACES	10 PARKING SPACES	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	
**4-LEVEL WTH PIT PUZZLE SYSTEM MODULE:		
4 SPACES X 4 LEVELS = 16 SPACES	14 PARKING SPACES	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	
***4-LEVEL WTH PIT PUZZLE SYSTEM MODULE:		
5 SPACES X 4 LEVELS = 20 SPACES	18 PARKING SPACES	
	2 EMPTY SPACES REQUIRED FOR PUZZLE SYSTEM	

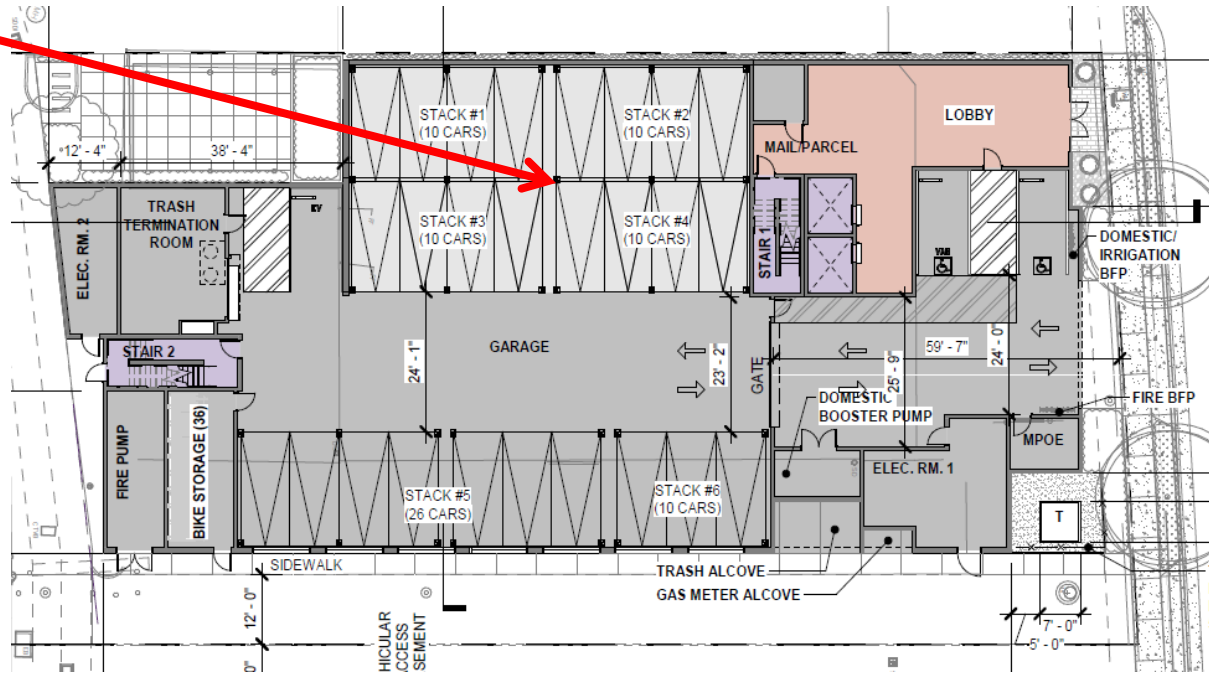
Same number of cars in each of Stacks #1-4

8-14-20 Plan



Same layout for
Stacks #1-4

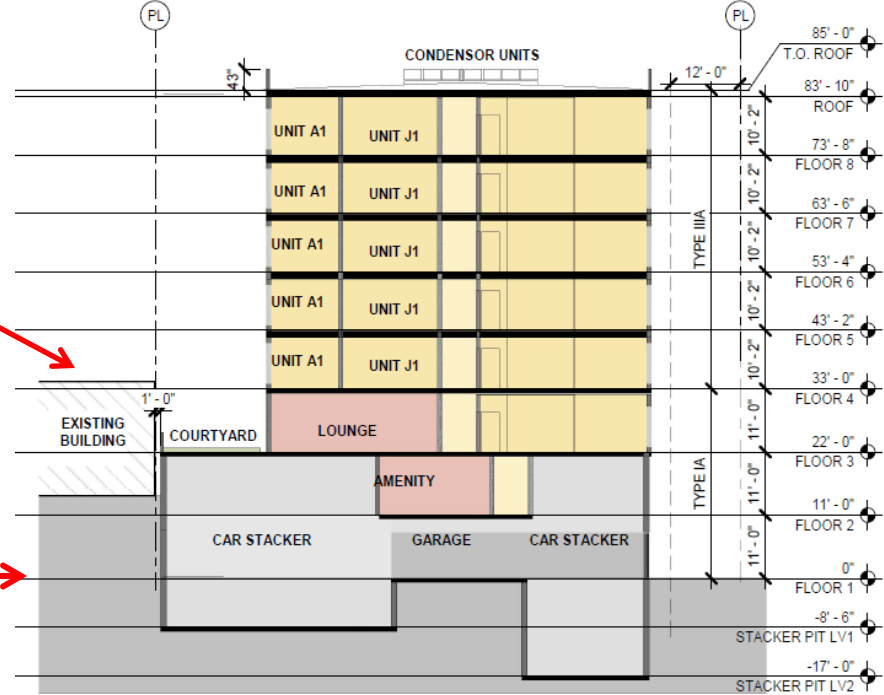
3-3-21 Plan



8-14-20 Plan

My building

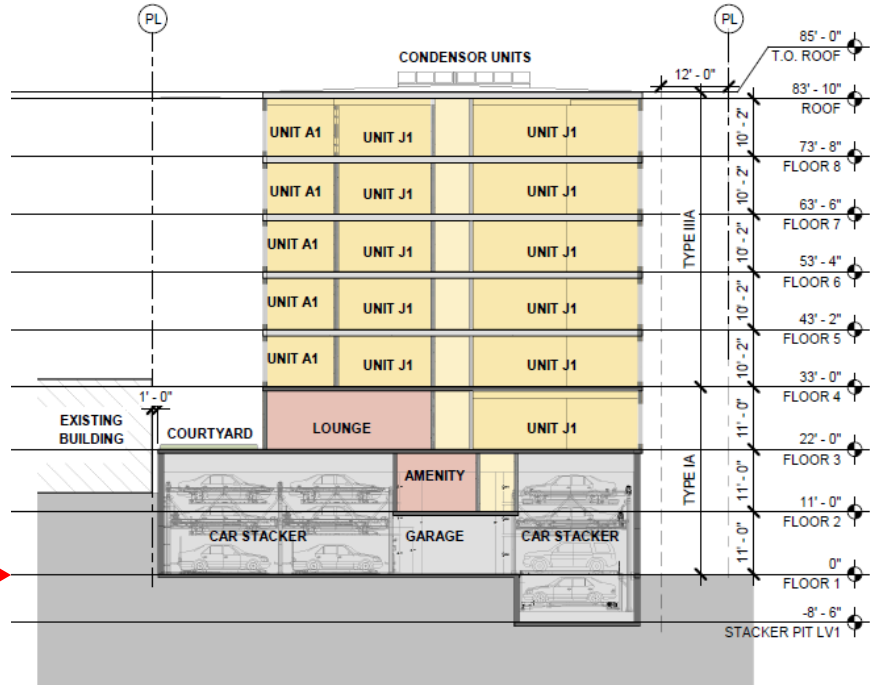
Ground Level?



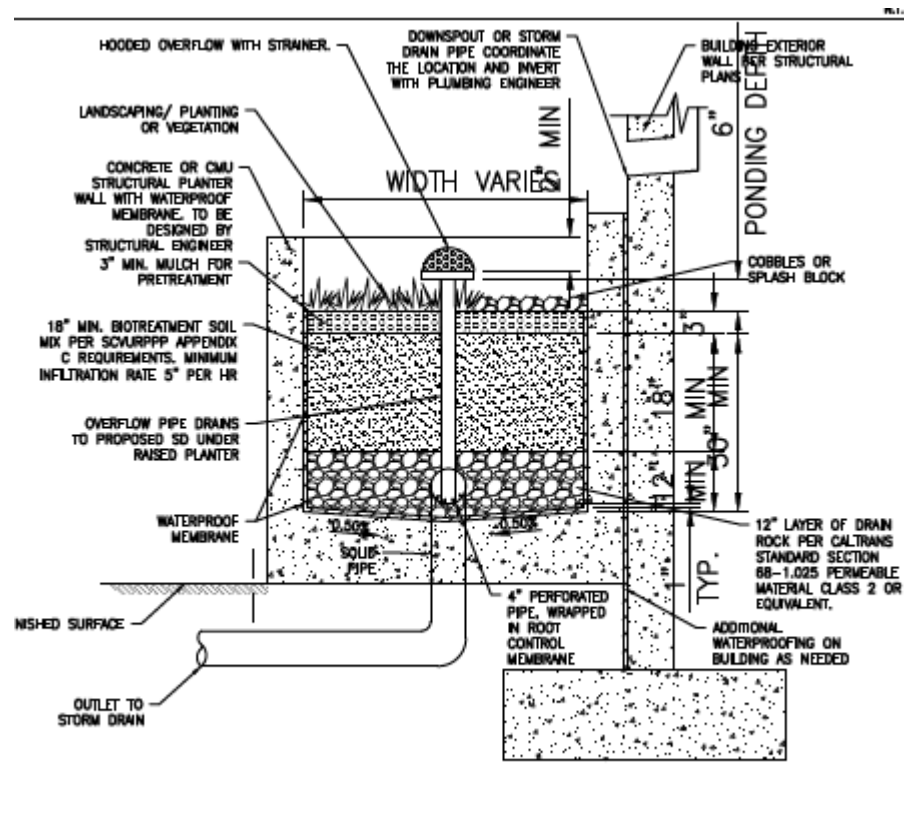
3-3-21 Plan

“Magic Car Stacker” fits 3 levels of cars in 2 levels.

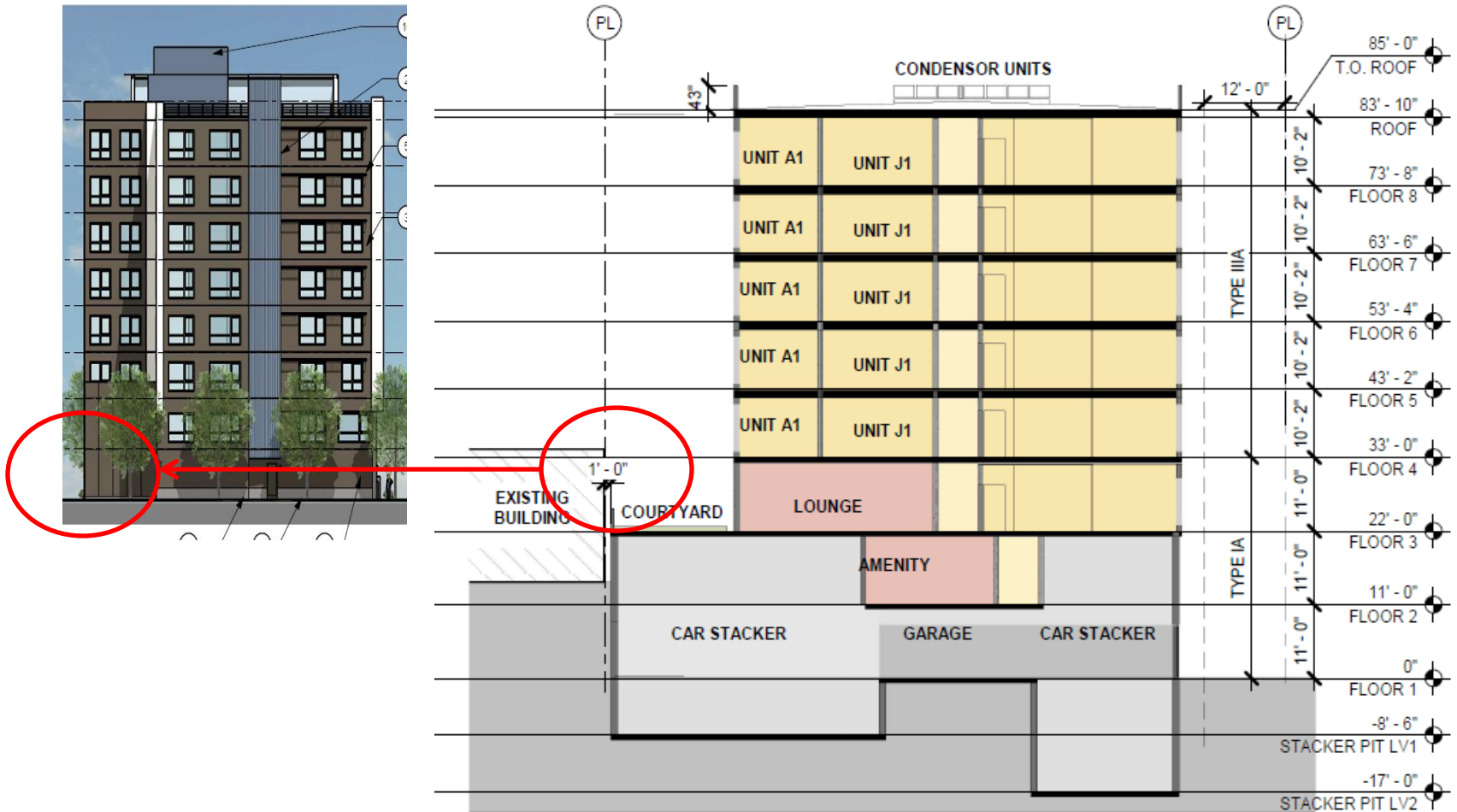
Ground Level?



Sub-grade Storm Drainage Beside my Footing -another structural impact issue



Per code, 85' building requires approximately 20" of clearance to allow for drift caused by a maximum seismic event. Only 12" is shown in plan (ASCE 7-16, Section 12.12.3).



Structural Issues – Engineer's Report



March 12, 2021

Mr. Ron Patrick
ECM
5191 Lafayette Street
Santa Clara, CA 95054

Re: 5191 Lafayette Street
Santa Clara, CA 95054
SEI Project No. 3829.01

Dear Mr. Patrick,

Per your request we visited the referenced building on February 23 to observe the existing conditions. While visiting the site you brought to our attention that a new multistory building is in development to be constructed on the adjacent property in place of the existing building. Based on our review of the existing conditions at the site and the development drawings by BDE Architecture dated 8/14/20 there are three items that we are identifying that would affect your building directly or future development of your lot in the future.

Currently there are one story concrete tilt up buildings on both lots that are constructed at the adjoining property line with a gap approximately 4" wide between the buildings. It is not clear if the footings supporting these two separate walls are connected below grade or two separate footings. If there are independent footings for the two buildings, then the demolition of the adjacent building would be expected to have little effect on the remaining structure. However, if the footings are connected, the amount of footing needed and any remedial work needed to support the remaining structure should be determined prior to the demolition of the property line footing. The City of Santa Clara should be contacted to determine if there are any existing structural drawings on file that show how these footings were intended to be constructed.

The planning drawings show car stackers extending 8'-6" below grade positioned along the property line adjacent to your building. The soil adjacent to your footing will need to be excavated down below the bottom of the footing in order to construct this pit. This undermining of the footing generally results in loss of support for the footing due to the soil falling away toward the open pit. Shoring of the soil to hold it in place during excavation and often underpinning to directly support the existing footings is constructed prior to excavating the pit. The design of the shoring and underpinning is generally performed by a design build contractor that specializes in shoring.

The planning drawings show the new building located 12" from the property line. Per code the building should be located so that it will not cross the property line due to drift caused by a maximum seismic event. The code allowable drift for the planned 85'-0" tall building would be approximately 20". The design engineer should verify that the actual building drift is less than the 12" shown on the drawings.

These issues often occur with new development and existing buildings close to a shared property line. As the new development progresses, these items should be addressed and designed by the design team selected by the adjacent building owner. It is our experience that the owner of the existing building often hires their own consultant to perform an independent review of the design.

If you have any questions, please feel free to give us a call.

Yours truly,
STRUCTURAL ENGINEERS INCORPORATED

A handwritten signature in blue ink that reads 'Stephen Lord'.

Stephen Lord, S.E.
Principal

3. Parking Security Issue

Development has insufficient parking planned on their site and will create severe parking security issues on my facility.



Yes, I know that the city will approve developments with far less than 1 car parking spot per apartment. But the unique thing about this development is the closeness of my parking.

Visit other developments and see what you get.

The reality is that these developments have streets packed with cars and illegal parking all over the place.

This development will create a parking nightmare for me.

The “helicopter parking spot” is dumb.

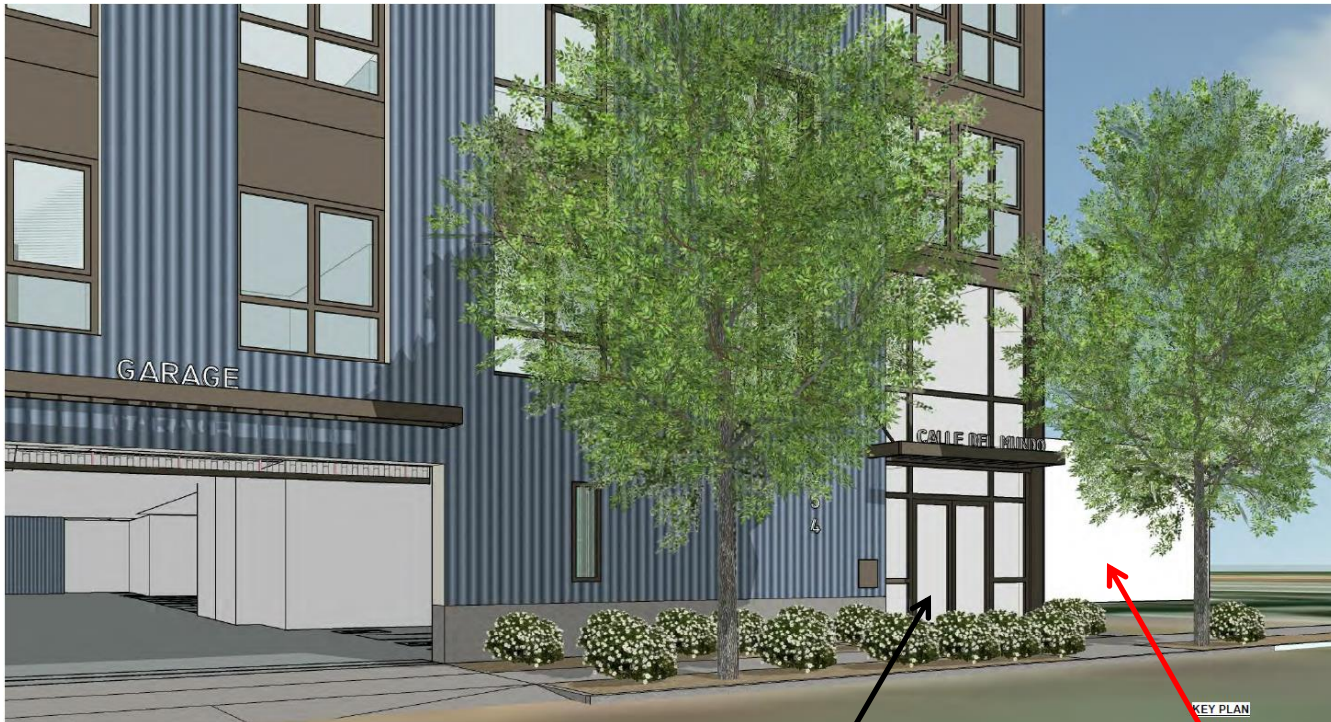
4. Utilities Issues

Utilities are intertwined. Any construction will cause disruptions.



5. People Traffic Issue

Main pedestrian entrance/exit is beside my property line.
Where will people (and their dogs) go when they exit the building?



Front Door on Proposed Building

5191 - Patrick

Developer's plan turns my property into a walkway.



6. Activities Issues

My company develops Clean-Air Technologies for the government (EPA) and the automotive and truck industry.

To do this work requires on-site car and truck testing. This testing produces noise, vibration, and engine emissions.

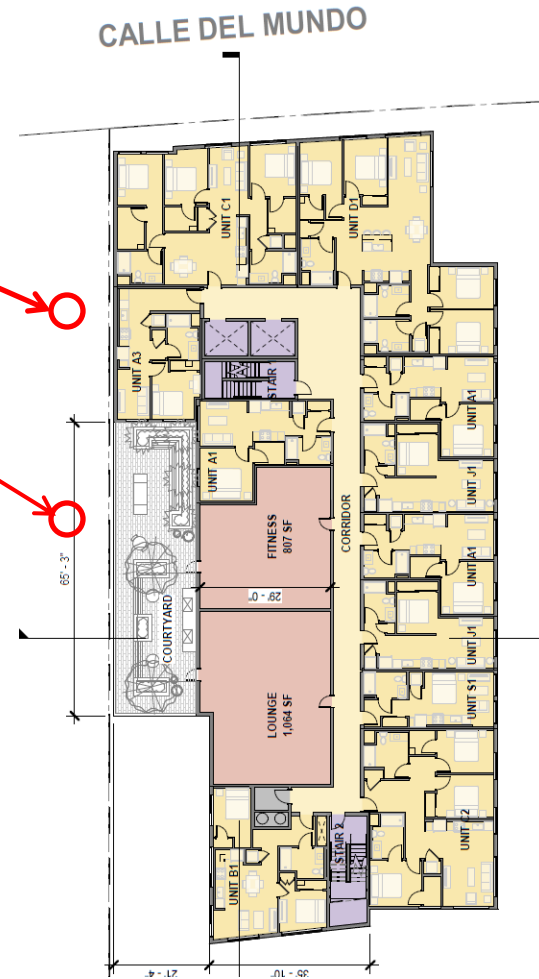
Despite my telling the developer of this as early as prior to their purchasing the property, I see no accounting for this in their design.

Sources of Vehicle Exhaust and Noise Shown in Red



3rd Floor Open Courtyard Built Near my Exhaust Stacks.

(Plus Courtyard will have view of a wall if I develop.)



7. “Secret Plans” Issue

- First set of plans posted on Santa Clara City Website dated 7-30-19.
- Second set of plans posted on Santa Clara City Website dated 8-14-20. This is the latest and last set of plans posted on the Website.
- There was a 3rd set of plans dated 11-18-20. This was not posted.
- And now there is a 4th set of plans dated 11-18-20 but updated on 3-3-21. This was not posted.

Why do I receive notice of the approval for a project that I cannot review? Why am I always playing catch-up? I’m 4” away!

This is not news to the developer. I told the developer of my concerns and offered to buy the property (2354) for more money before the developer purchased the property. They went into this open-eyed. Here is my pre-purchase email telling them:

From: ron.patrick@ecm-co.com <ron.patrick@ecm-co.com>
Sent: Friday, June 28, 2019 8:15 AM
To: James Viso <jviso@kiddermathews.com>; Arvind Bhargava <arvind@asacomputers.com>; steve@theedwardsco.com; Tyson Sayles <tsayles@ensemble.net>; Mindy <mindvis@msn.com>
Subject: Purchase of: 2354 Calle Del Mundo, Santa Clara, CA

Gentlemen,

I own the building at 5191 Lafayette St., Santa Clara. This building has a large wall within inches of another large wall of the building at 2354 Calle Del Mundo. Both buildings were built at the same time and at one time, both buildings were owned by the same person and used for the same business.

I learned just this week that the owner of 2354 Calle Del Mundo wishes to sell his property.

This came as a surprise to me because for some time I have made it aware to both Arvind Bhargava and James Viso that I am interested in purchasing that property. For years, Arvind told me that he was not interested in selling, only renting. Why I was not informed of his change in intention, I do not know.

My reason for interest in the property is to protect the building and business at 5191 Lafayette St. Specifically:

1. I have concerns that the removal or modification of the wall of this building adjacent to 5191 Lafayette St. will impact the structural integrity of 5191. Since the buildings were built at the same time, they may share footings. Furthermore, the walls are joined at the top. It will be very difficult to remove or even modify the wall of 2354 without damaging the wall of 5191. The buildings were built at the same time, they may have to come down at the same time.
2. I need to preserve access to 5191 Lafayette. One such access is from roadway on the east side of 2354 Calle Del Mundo.
3. I would like a buffer around 5191 so that operations within 2354 do not impact those at 5191. The reality is, activity in 2354 (i.e. noise and vibrations) is heard/felt in 5191. I expect the reverse to be true.

Therefore any purchase or modification of 2354 Calle Del Mundo will be highly problematic.

To make this situation better, I am willing to buy the property for more than what has been offered to Arvind. Then when I am ready to sell 5191, 2354 will be sold with it and the buyer will have much more flexibility and less problems to do what he wants with the properties. I think this proposal is better for all parties concerned.

I understand this proposal comes at the last minute, but it is timely and very relevant.

Sincerely,

Ron Patrick
408-396-8004

Conclusion: There are many Serious Issues...

1. Easement Issues
2. Structural Issues
3. Parking Security Issue
4. Utilities Issues
5. People Traffic Issue
6. Activities Issues
7. “Secret Plans” Issue

...and this project is not very well thought out.

(Suggestion: Involve your neighbor (me) in the process.)