

PMM
PC Meeting 12.6.2023
Item 1.B

From: [REDACTED]
Cc: [Lesley Xavier](#); [Alexander Abbe](#); [Rebecca Bustos](#)
Subject: FW: Support Material for Ron Patrick's Comments Re.: 5185 Lafayette St. at Planning Commission December 6, 2023 Meeting
Date: Wednesday, December 6, 2023 12:21:00 PM
Attachments: [5185ReviewText.pdf](#)
[5185ReviewPictures\(1\).pdf](#)
[image001.png](#)
[image003.png](#)

Hi Ron,

This is to confirm your email has been received in the Planning Commission email account and by way of my reply I am including the appropriate Planning Division staff.

Please note, your comments will be part of the public record on this item

Thank you,

Elizabeth Elliott | Staff Aide II
Community Development Department | Planning Division
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From: Ron Patrick [REDACTED]
Sent: Wednesday, December 6, 2023 11:13 AM
To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Subject: Support Material for Ron Patrick's Comments Re.: 5185 Lafayette St. at Planning Commission December 6, 2023 Meeting

You don't often get email from [REDACTED]. [Learn why this is important](#)

Comments on Proposed 21-story Residential Building at 5185 Lafayette Street.

September 13, 2023

Files: 5185ReviewText.pdf, 5185ReviewPictures.pdf

by Ron Patrick, [REDACTED], [REDACTED]

I own the property adjacent and directly north of the proposed development at 5185 Lafayette. My property's address is 5191 Lafayette. Our properties are separated by an alleyway by which I access my property (see Figure 1). I have been operating a business at this location for over a decade, have experienced the effects of the Summerhill and Related developments north and south of my property, and because of this I have a good insight into the impact and problems of the proposed development.

This proposed development has several major problems which are not addressed in the documentation presented.

1. Overloading my property with above-ground utilities: The proposed development will require considerable power and internet services. A condition of approval is that power and internet services on the development site will be put underground. However, once the power and internet wires leave the development, they return above ground on the old wooden power poles. These poles are on my property. The poles in front of my building and between the buildings are overloaded and bending and the wires are hanging low (see Figures 2, 3, and 4). These poles and the wires look like what you would expect to see in a third-world country. The wires on the poles are so precariously hung that they regularly tear loose during wind storms. The proposed development at 5185 will add to the wires carried by these poles. When my property is developed, all of the wiring added to the poles as a result of the proposed development will have to be put underground. This means that I will be paying for their development. This diminishes the value of my property since the cost to put these lines underground will have to be paid by me or a subsequent owner of my property. Putting wires underground after the proposed 21-story development is built (as opposed to before) will result in far more problems since there will be hundreds of people in the building. I would like for the developer to pay for moving all above-ground utilities on my property and those between our properties underground.

2. Existing utility encroachments on my property: There are currently 5 unlawful utility encroachments on my property (see Figure 5). None of these encroachments supply services to my building. When Tasman East was purely a business park, I allowed these encroachments because they did not impact the operations in my building. However due to the transition of the park to residential usage and the great increase in people and traffic that will be brought by the proposed development, I will have to gate my parking lots. Four of these unlawful encroachments make the gating of my property problematic, dangerous, and costly. All four of these encroachments service the development at 5185 Lafayette. They must be removed immediately and the developer should pay for the gating required to control the impact of his development on my property. This should be done prior to the start of the project.

3. Due to number of people moving into the neighborhood and the limited parking available, it is necessary to build a fence around my property to control trespassing and illegal parking. Utilities must

not be located in a way that interferes with my fence. This means that the developer, SVP, and other utilities must work with me during the planning stage of any work impacting my property to avoid any conflicts.

4. The proposed project will cast a huge shadow covering over one-half of my property during the first half of the day. This can be seen by the shadow cast by the 21-story building that Related has built beside the proposed development. This shadowing will stop energy production of solar cells currently on my roof and will eliminate any opportunities for me to expand my solar cell farm. My loss in energy due to shadowing will be over \$30/day or approximately \$900/month. This calculation is based on a loss of 3 hrs of energy on 4000 ft² roof with 0.13 W/in² cells and a cost of energy of \$0.15/kWhr. I would like the developer to pay me for the energy he will be blocking from reaching my building.

5. As part of the operation of my business, vehicle engine noise and vehicle exhaust emissions will come from the back of my building facing the proposed development. This will occur anytime during the day. The developer must insure that his windows and walls are sufficient to keep the noise and exhaust from impacting his residents. In addition, the developer must ensure that his residents will be aware and accepting of the vehicle noise and exhaust prior to their renting an apartment should the construction prove to be insufficient.

6. Interfering with my business during construction: The proposed development is on a corner. That means construction has to be performed across the two alleyways behind the development (see Figure 1). The longest of these two alleyways is the only way I can access my business. In addition, this alleyway is a main thoroughfare for power in the Tasman East project and is above-ground on 50+ year old overloaded wooden power poles. If you visit the site, you will quickly realize how small the site is and how close it is to other active businesses. There is no plan ensuring I can operate my business without interruption during construction. I would like developer to maintain a fund that will compensate me for interrupting my business at the rate of \$50,000/day.

7. Interfering with my business after construction: The only way I can access my property is via the alleyway between our buildings. The developer proposes to use that alleyway for residents' access to his building. This usage will overload the alleyway and make it difficult to move cars and trucks onto my property. I would like the developer to modify his design to reduce the development's use of the alleyway between our buildings.

8. The only parking for the development is indoors. That will create a demand for parking outside of their building. My parking lots are the closest available. The developer should pay for gates to block their tenants from using my parking.

10. There is no staging area for the construction. The proposed development has 81% coverage of the property, is on a corner, and is surrounded by active businesses. My employees will not allow me to permit a construction crane to swing over my property. The main alleyway between our properties is the only way vehicles can enter or exit my property and this alleyway contains above-ground power lines. If the developer demolishes the building east of me (2354 Calle Del Mundo) that they own and

uses that area to stage the construction, they will risk damaging my building (due to the shared footing) and still will have extremely constrained access to their development.

11. Page INT2 of the development plans show that power lines on the Lafayette side of the building will be moved underground. However, the majority of the power lines near the building run above-ground behind the proposed development in the alleyway (see Figure 4). This is not shown in the drawing. These lines must be moved underground to free up more space in the alleyway for traffic. If improperly performed, this work will cause a major interruption of power and web service to my building.

12. This proposed project does not take into consideration the effects of the Newark-Northern Receiving Station HVDC Project. <https://www.lspgridcalifornia.com/newark/>. This project is a major upgrade of the power distribution in Santa Clara and runs along Lafayette both above and below ground. The power distribution structure in Tasman East is primarily an above ground system of 50+ year old wooden power poles with a major line for Tasman East running along the alley between the proposed development and my building. The documentation for the development does not mention, consider, or integrate the HVDC project with the development although it is sure to be affected by it.

13. During construction, I will have a continuous problem with workmen trespassing on my property, parking on my property, garbage blowing onto my property, noise, and dust. The Summerhill and Related projects are a block away and I have problems with their workers. No amount of signage, towing cars, or warning construction management reduces the problems. My morning often begins with towing worker's vehicles off my property to make parking available for my employees. When these illegally-parked vehicles are towed, I often have to deal with angry men knocking on our door demanding to know what happened to their vehicles. During lunch, the workers throw their garbage on the ground and it blows onto my property where we have to clean it up every day. Starting Sunday night through Thursday night, construction workers sleep in their vehicles on the roads near the development. They use my lawn as a toilet. I would like for the developer to provide security at my facility to prevent the parking of their workers on my property, to prevent trespassing on my property, and to clean my property of garbage each day during construction.

14. Break-ins and Property Crime: The property crime in Tasman East has increased greatly during the construction. When a building is vacant, it attracts people who want to live in the building. When a building is torn down, it attracts people who scavenge from the site. During construction, tools and construction supplies attract thieves to the site. Since my property is adjacent to the proposed development, my property will be subjected to the whims of these same people. I would like the developer to provide 24hr, 7 day/week manned on-site security to protect my adjacent site from the people they will be attracting. This security must begin as soon as the existing building is vacant.

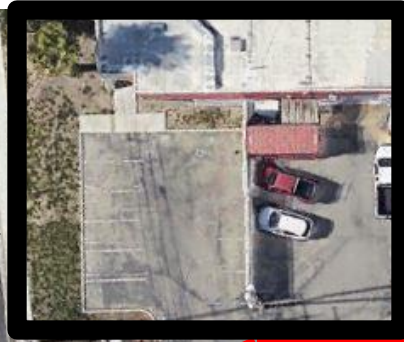
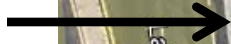
15. Dangerous ingress and egress off of Lafayette (see Figure 7): The project's indoor parking is to be entered and exited via alleys on the backside of the property and two entrance/exit points. These alleys are narrow, and were designed for one-direction truck travel. As currently designed, most traffic will enter the proposed property via Lafayette. It is well-documented that northbound Lafayette has some of the fastest traffic in Santa Clara. This entrance is a narrow pinch-point and the development has not

put any radius on the entrance (as you can see on the corner on Lafayette and Calle de Luna). Vehicles travelling southbound on Lafayette, after making the u-turn at Calle de Luna will have 100' to cross over two lanes of traffic to make the entrance. All vehicles entering and exiting Lafayette will have to go very slowly to avoid bottoming out their vehicle on the road since Lafayette has a severe longitudinal drain (ie. gutter) to drain the high volume of water on Lafayette during rainstorms. The combination of fast traffic on Lafayette, cars crossing two lanes quickly after making a u-turn on Calle de Luna, no radiuses on the corner, and slow ingress and egress traffic to/from the alley will create several dangerous traffic conditions. I would like the developer to consider means to reduce or eliminate traffic on the East-West alleyway behind this development that leads onto Lafayette.

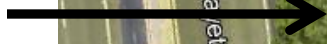
16. We live in an earthquake zone, Tasman East is built on landfill, and the 21-story building is very close to my one-story building. I see no stabilizing mechanism or deep pillars in the proposed design. What assures me that the building will not collapse onto my building during an earthquake?

FIGURE 1

My property at 5191 Lafayette



Proposed development at 5185 Lafayette



Alleyways shown in red



Access to their indoor parking. Entrance/Exit at yellow dots

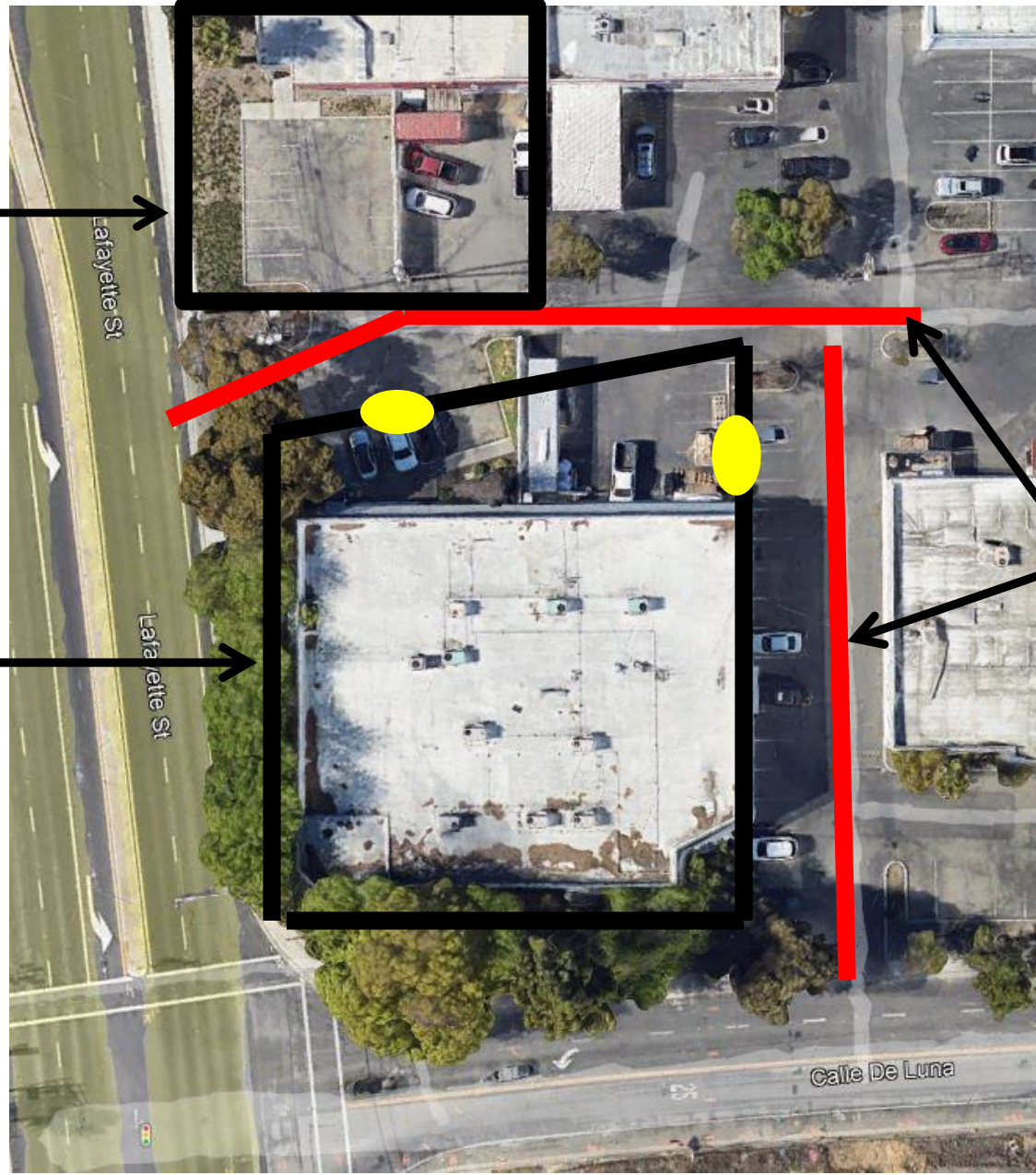


Figure 2

This is what happens when you overload 50 year old power poles.

Third World Country mess!

Proposed development at 5185 Lafayette is behind the poles.

Tall building in back gives you idea of what developer is proposing at 5185 Lafayette (but closer).



Figure 3: View down the alleyway between my building (to right) and proposed development (to left). As the day goes on and the wires get hotter, they droop more and more. I can tell how hot it is outside by how low they get.



Figure 4: View from Lafayette down the alleyway between my building (on left) and proposed development (on right). Note power poles and droopy lines down the whole length of the alleyway (circled in red).



Figure 5: Unlawful utility encroachments 1 through 5 on my property. 1, 2, 3, and 5 are making it difficult to gate off my two parking lots. Alleyway between my building and development shown in purple.

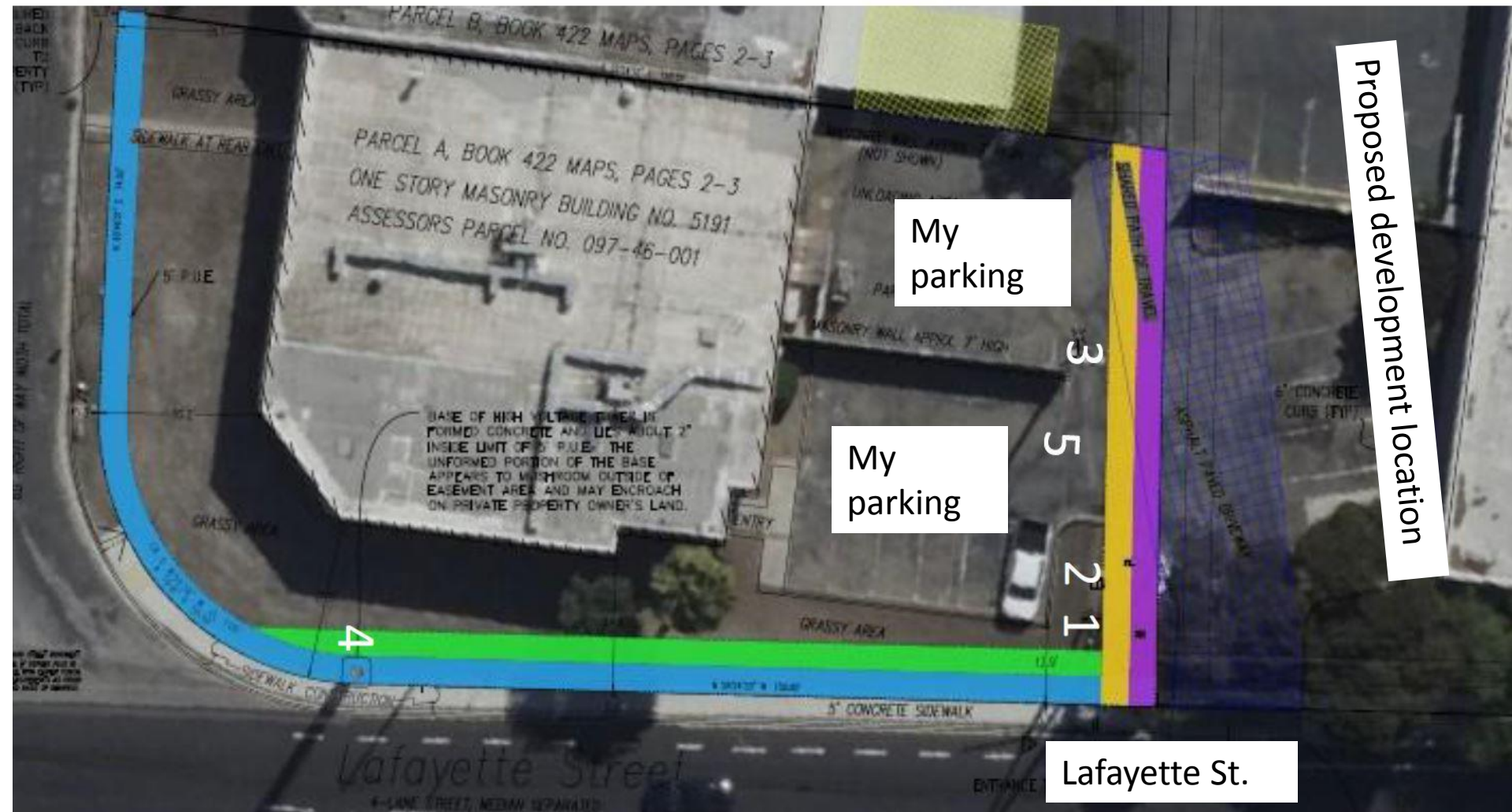


Figure 6: This alleyway is how 200+ residents in proposed development are supposed to exit/enter off of Lafayette. My parking lots are in foreground. Development will reach green line. Yellow box is approximate location of development's garage door.

