

October 14, 2008

Mr. Joe Horwedel
Planning, Building, & Code Enforcement
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113



RE: SOUTH ALMADEN VALLEY URBAN RESERVE (SAVUR) REQUEST

Dear Mr. Horwedel,

Attached is a letter from Thomas S. deRegt of Rancho San Vincente, LLC. On June 7, 2006 Rancho San Vincente submitted a Tentative Map for a subdivision consisting of sixteen 40-acre parcels in the South Almaden Valley Urban Reserve. The Planning Director denied this application prior to CEQA review and the applicant appealed to the City Council.

On December 5, 2006, the Council, at my urging, denied the appeal of the Director's decision citing it would be premature to allow piece-meal development in the South Almaden Valley Urban Reserve (SAVUR). Because a majority of the SAVUR is under County jurisdiction, piece-meal development has already occurred. For this reason Council also directed staff to conduct a growth assessment of the SAVUR. This parcel-by-parcel analysis has been completed and it examined the current ownership, existing building permits, existing uses, and allowable development under the current regulations with the SAVUR.

On March 2, 2007, the applicant filed for a Writ of Mandate to overturn the decision as well as declaratory and injunctive relief, inverse condemnation, denial of due process and damages for civil rights violations. On June 5, 2007, The Court ruled in the City's favor on very narrow grounds that the Tentative Map did not state that the project would use on-site water and septic facilities, even though the applicant had intended to do so.

Instead of appealing the Court's decision, the applicant chose to dismiss the case and re-file the application. On August 21, 2008, their Map application was again filed with the City with the missing information. It is now pending before the Planning Director. If approved this development would subdivide two parcels into 16 lots for single-family detached residential uses on a 684.5 acre site.

In the attached letter Rancho San Vincente outlines what they believe is a "superior" alternative to the current General Plan designation and their current application. The

attached Rancho San Vicente plan would reduce the number of allowable units in the reserve from 2,000 to 800. Although that number of units appears high, I believe this plan should be discussed and analyzed by the Task Force.

Importantly, this new Rancho San Vicente proposal includes a large dedication of open space land that would connect Calero and Quicksilver County Parks, *permanently* closing a major gap in our City's southern greenbelt.

Given that the City is in the midst of a General Plan Update I request you forward all information regarding this matter, including the growth assessment which has been finished by staff, to the Envision San Jose 2040 General Plan Task Force and agendize this topic for discussion and/or direction. This information will be useful to the Task Force to determine whether possible new restraints and/or strategies are needed to more effectively protect the environmental resources, open space, and our residents' quality of life.

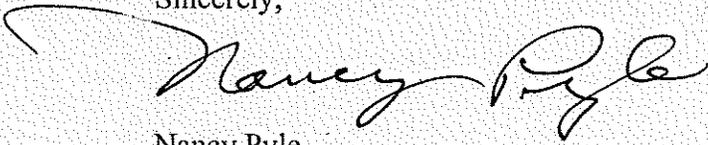
In addition, I request that the Task Force discuss the many requests from six families living on the south side of Mockingbird Hill Lane to be annexed into the City as part of the ongoing General Plan Update. The centerline of Mockingbird Hill Lane defines the Urban Service Boundary; residents on both sides of the street are now served by existing city water lines. While homes on the north side of Mockingbird Hill Lane are served by city sewer lines, the six homes on the south side of the street all have septic systems. Police, fire, and other City services are also being provided to those on the north side.

The residents of all six affected properties have met to confirm their unanimous desire to become San Jose residents. They have also met with residents on the north (City) side of the street, who also support annexation. These residents have worked with my staff and kept my office apprised of their efforts over the last 14 months. They have also contacted our Planning, Building, and Code Enforcement Department, inviting representatives to aforementioned meetings and inquiring about the possibility of having their annexation request included in the General Plan Update.

I feel at a minimum that the Task Force should, without prejudice, take the possibility of annexation into consideration.

Thank you for your favorable consideration of these requests.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Pyle". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Nancy Pyle
Councilmember, District 10

Cc: Sam Liccardo, Councilmember, District 3
Pierlugi Oliverio, Councilmember, District 6
Judy Chirco, Councilmember, District 9
Chuck Reed, Mayor
Envision San Jose 2040 General Plan Task Force

**RANCHO SAN VICENTE LLC
100 PASADERA DRIVE
MONTEREY, CA 93940**

September 8, 2008

Honorable Nancy Pyle
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113

RE: South Almaden Valley Urban Reserve

Dear Councilmember Pyle,

As you are aware, the current City of San Jose General Plan allows for up to 2,000 residential units to be built in the South Almaden Valley Urban Reserve (SAVUR) if certain "triggers" are met. This letter is intended to present what we believe to be a superior alternative to the current General Plan designation and request that you forward our alternative General Plan designation to the Envision San Jose 2040 General Plan Task Force with your recommendation for adoption.

Our alternative consists of these key elements:

- Change the General Plan designation to 4 dwelling units per acre,
- 800 new market rate units within the SAVUR,
- Preservation of 834 acres of open space within the reserve,
- Connect the trail system within the SAVUR,
- Every parcel less than 10 acres would be allowed 1 unit (counted toward the 800 maximum),
- Density Bonus Program for parcels over 10 acres would allow 1 unit (counted toward the 800 maximum), for every 1.5 acres of open space above the 15% slope line within the City of San Jose,
- Land owners opting into the Density Bonus Program would be required to participate in an infrastructure financing mechanism.
- Utilize the PD Zoning process to approve the 800 new market rate units.

Our alternative accomplishes several key goals:

- Ends piecemeal development within the SAVUR,
- Dramatically reduces the number of allowable units within the reserve,
- Provides Executive/CEO housing stock to assist the City recruit and retain corporations and corporate leaders,
- Generates revenue to improve the infrastructure in South Almaden, and
- Preserves over 800 acres of open space in the area, makes that open space accessible to the public, and connects the trail system all the way to Calero Reservoir.

We have done a great deal of listening over the years and believe that this alternative is a result of listening to the community, elected officials, and to open space advocates. We appreciate your leadership on this issue and request that you forward, with your recommendation, our change to

the General Plan to the Envision 2040 General Plan Task Force so that they can evaluate what we believe to be a plan that protects SAVUR and strikes the right balance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas S deRegt', with a long horizontal flourish extending to the right.

Thomas S deRegt
Managing Member

C: Dave Fadness-District 10 Representative
General Plan Update Task Force