



CUPERTINO

## APPEAL FORM

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CUPERTINO CITY CLERK

1. Application No.: 11-2016-02, DIR-2016-34
2. Applicant(s) Name: DIANE HSU (CHRISTIAN LIGHT & SALT FOUNDATION)
3. Project Planner: Piu Ghosh, Principal planner; Eric Soriano, assoc. planner.
4. Appellant(s) Name: SRILAKSHMI VEMULAKONDA  
on behalf of all residents of  
Jollyman-Online & Community.
- Address: 10725 ORLINE CT, CUPERTINO CA 95014
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## 5. Please check one:

Note: Do not use this form for Administrative Citation decisions (1.16), Petitions for Reconsideration (2.08.096), or Damage to Public Trees (14.12)

a. ☒ Appeals regarding Title 19 (Zoning) and 14.18 (Protected Private Trees):

- ☒ Administrative decision (14 calendar days after decision to appeal)
- ☐ Planning Commission decision (14 calendar days after decision to appeal)
- ☐ Design Review Committee decision (14 calendar days after decision to appeal)

## b. Other appeals:

- ☐ Director of Community Development decision regarding Tentative Maps (18.20) (14 calendar days after decision to appeal)
- ☐ Street Improvements (14.04) (30 calendar days after date of decision to appeal)
- ☐ Code Enforcement regarding Massage Permits (9.06) (5 business days after receipt of notice of decision to appeal)
- ☐ Solicitor's Identification Permit (5.20) (10 calendar days after denial notice to appeal)

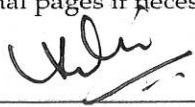
6. Date of decision or mailing of notice of decision: 2/23/2017 - Admin Hearing Decision Date.
7. Specifically state the grounds and basis for appeal: \_\_\_\_\_

SEE ATTACHED DOC.

SEE ATTACHED DOC.

(Attach additional pages if necessary)

Signature(s):



SRILAKSHMI VEMULAKONDA  
BLOCK LEADER

(on behalf of residents of  
Jollyman - Online Ct Community)

7. Specifically state the grounds and basis for appeal:

On the ground that 1) the issues raised by the residents in regards to the Privacy, Traffic, Noise, and Safety were not addressed completely nor sufficiently, and 2) because the meeting minutes do not reflect the challenges faced by the neighborhood accurately nor clearly, and furthermore, 3) because we believe the conditional use permit approval was recommended based on incomplete information and inaccurate studies conducted, and also, 4) because we feel that the amended conditions are a) not specifically recorded enough on the permit, and just as importantly, b) is insufficient to mitigate the identified concerns and challenges the community faces and will face as result of the implementation of Modification of the Use Permit Application (U-2016-02, DIR-2016-34). Therefore, we, the Jollyman-Online neighborhood comprising of the residents living on Jollyman Lane and Online Court, jointly and respectfully appeal the decisions made at the Administrative Hearing on February 23, 2017 and seek reconsideration.

Examples of the basis for grounds mentioned above, including but not limited to:

**Incomplete information:** The specific examples of Traffic & Noise were also not addressed sufficiently as the traffic study and mentioning only referred to Stelling Road, whereas the greatest impact would be on Jollyman Lane /Online CT. The specifics relating to this was communicated prior to the meeting to be raised and specified, but wasn't represented sufficiently during the meeting.

The 20-pager documentation summarizing the meeting minutes and content, namely "AH Summary 2-23-2017.pdf" which is the only publicly available information of the meeting summary, is **incomplete**, missing all contents from pages 2 & 4 for "Resolution No.79" (beginning on 7<sup>th</sup> page of the document). Therefore, there are gaps that may not be identifiable due to lack of visibility and clarity to the public.

**Insufficient representation** of the issues brought up:

The subject of **compromised privacy** due to the raised 14' high play structure looking straight into the immediate neighboring resident's front door and living space, and the noise study inaccurately stating the neighbor's property sits behind the garage was never addressed. Furthermore, the oversight of the noise report having been conducted on the day/time where there was no activity on site, one can only assume that the data points collected and the conclusions drawn are insufficient inconclusive, at best. Furthermore, city agreed to do quarterly noise level checking; but it was not clear under what circumstances, where and how? And what are the responsibilities of the city for an erroneous measurements by any means?

**The amendment conditions specified are insufficient to resolve or mitigate the identified issues and challenges.**

For example, the start time having been moved from 7am to 8am will not help the resident families trying to go to work or school as 8 o'clock is still peak commute hours with all public schools starting between 7:25 & 8:55am.

These are the various start time for all K-12 public schools in this area.

Kennedy – (7:25)8:20/8:50

Lincoln 8:55

Faria 8:30

Regnart 8:30

Lawson (7:20)/8:15/9:00

Monta Vista 7:35 / 9:05

The main traffic and safety concerns are at the Jollyman Court entry point, and as such, unless the new driveway (opening one on Stealing with 4way stop sign and closing the Jollyman entry) approach is mandated, we will continue to see hurried, frustrated drivers making fast, hazardous turns into Jollyman entry, it being

impossible to make left out of Jollyman during that hour, and drivers and pedestrian both facing unsafe conditions.

These are only a small sample of our community's concerns that we felt were not represented sufficiently. Please also review the community compiled statements and findings, along with our positioning on what we would like to see be implemented via the appeals process.

<Corporately compiled by Jollyman-Online Court Resident Committee>

We, the Jollyman-Online neighborhood comprising of residents living on Jollyman Lane and Online Court have some concerns regarding the permit that was conditionally approved by the city. We have decided to appeal this decision as we believe we were not heard during the discussion organized by the City to discuss this. The minutes of the meeting clearly do not reflect the challenges that we face every day with respect to the points identified below. None of the issues we raised were adequately addressed by the city and we believe that approval was recommended based on incomplete information and inaccurate studies conducted.

In addition to the points raised by residents of the neighborhood as follows:

1. Privacy
2. Safety
3. Traffic
4. Noise

In principle, no one in the neighborhood is against adding a pre-school to help the church out. We have the following requests that we believe will minimize the impact to the neighborhood while providing an avenue for the church to move forward. Specifically city strictly enforces forllowing:

Change the timings to be from 9 to 6 PM sharp without any grace period and no other activities during school hours as promised by church on one of the response during administrative hearing.

Close entry from Jollyman lane into the church parking lot

Open an entry from Stelling and add a left turn lane on Stelling for this purpose with 4 –way stop sign

No parking, pick up or drop off on Jollyman Lane and Online Court

Ensure neighbor privacy – church to raise the property boundary fence and use ground level playground so that there is no visibility into adjacent neighbor's property

Have a traffic monitor to enforce above rules on a full time basis for all entry point into this neighborhood during school hours.

Have appropriate indemnity should the children and/or staff accidentally cause damage to any neighborhood property

Require that any changes to the specific permit be approved by the impacted neighbors before approval with respect to:

- o Type of School (permit is for a pre-school only)
- o # of students (permit requested for up to 70 kids)
- o Size, height, and use hours of play structure (ground level only within the setback boundaries, only during the named staggered outdoor recess time as currently mentioned to be M-F 10-11:30am and 4-5:30pm only)
  - Timings (neighbors requesting 9 to 6 PM)
  - City's commitment to voluntarily monitor noise

This will enable the church to reduce the impact and get the cooperation of the neighbors.

The neighborhood also respectfully requests that the City strictly monitor and act proactively on any permit violations and take immediate action/response that are brought to the attention of the Church, the sheriff or the city.

The neighborhood would also like to request that the City conduct proper noise and traffic impact studies (rather than the inaccurate study that was conducted prior to approving the permit – there are statements

made that are clearly not true) on regular working days for a minimum length of time to determine the actual impact of having 70+ cars in and out of the Church parking lot every weekday. Changing the start time from 7 AM to 8 AM is not going to have as much of an impact as 80+% of the schools in the area start between 8 AM and 9 AM.

#### Noise

No one can dispute the fact that 70 cars and 70 kids playing in church area will not add noise to the neighborhood.

#### Traffic

Left turns out of Jollyman during the morning commute will be a challenge. Additionally, during the commute hours starting from as early as 4:20PM, the cars along single lane Stelling backs up all the way out from Rainbow to Stevens Creek, during the peak hours. The left turn lane into Jollyman is only about the length of 3 cars. While Fusion was in session, I have seen left turners drive on the opposite side of the traffic (on the "wrong side of the double yellow line") on a daily basis to get to the church entrance in a hurry to pick up the kids, all who are frustrated drivers having been stuck in that traffic on Stelling.

The Reality: Both Jollyman Lane and Oline Court are small cul-de-sac with 1 church & 19 homes' residents that access this street on a regular basis. Assuming that each home owns two cars, that would be 38 cars that would regularly go in and out of the Jollyman Lane entry point. The left-turn lane off of Stelling can accommodate about 3 cars and the rest would overflow into Stelling's single lane, holding up the traffic. The 70 additional trips over a couple of hours in the morning and afternoon peak commute times would translate into not 10% increase but significantly higher impact.

#### Privacy

The previous afterschool program utilized Jollyman Park, and only occasionally used their backyard, and when they did, even with the fraction of the number of people they project for the preschool, even without the playstructure in place, it was very loud where one of the neighbors could clearly hear their presence from their living room with all windows and doors closed. There are 2 living spaces are right next to the church backyard where they are proposing the playground. More importantly, with the increased hours in permit, and the proposed playground structure, there would be far more hours of the day where the noise would be present. And the Use Permit, once granted, would not be regulated by the City as to who or how they utilize it.

#### Safety in terms of added risk to thefts and burglary

Starts with unknown cars parked on Jollyman Lane and Oline Court. We are a tight neighborhood watch community that watches out for out of the ordinary happenings. This would make it more difficult. Parents being late and not paying attention. Speeding and breaking traffic rules due to additional traffic congestion and finally, accidents due to the additional numbers of cars, people and situations.