

Hello, my name is Kirk Vartan and on behalf of my neighborhood, North of Forest, I am here today to ask you to add an item to the City Council agenda regarding the traffic signal modifications at Winchester Blvd. and Forest Ave (west).

I have created a basic one and a half page executive summary of the issues at hand and hope you will have a chance to review it. I have also included attachments that backup all of my following statements.

Basically, the Santa Clara Gardens development project has suggested the removal of the traffic signal listed above. However, the San Jose Department of Public Works wrote a letter for the Environmental Impact Report on April 21, 2006 stating it may ultimately reject the suggested designs if the neighborhood and District 6 Council Office did not concur with the design and suggested the developer explore alternatives, listing a couple of options.

The neighborhood does not concur (I have signed petitions from the majority of the neighborhood). The District 6 Council Office (both past and present) do not concur. Opposition to this has been documented for over two years. This meets the requirement San Jose listed to reject the current driveway design that removes the traffic light.

The San Jose Municipal Code (Section 15.50.310) states the director may issue an encroachment permit **only** upon finding: “The issuance of the permit is in the public interest and welfare...and an absence of conflict with other existing...facilities...” like our neighborhood.

This traffic signal removal does not meet these criteria.

The Department of Public Works is not addressing the main issue which is:

Does San Jose have the support from the affected neighbors and District 6 Council Office for this modification? No.

Then why is the City of San Jose approving a design it already said it would not approve if this condition was not met?

Please expand the discussion and agendize this item.

Thank you.