

COUNCIL AGENDA: 03-18-08
ITEM: 11.5



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 8, 2008

SUPPLEMENTAL TRANSMITTAL MEMO

COUNCIL DISTRICT: 9
SNI: None

SUBJECT: C07-087 & T07-087. Conforming Re-Zoning from the R-1-2 Residence Zoning District to the R-1-8 Residence Zoning District and subdivision to reconfigure two parcels into five lots for 5 single-family detached residences, on a 0.9 gross acre site.

REASON FOR SUPPLEMENTAL

Please find attached correspondence and zoning protests from the adjacent neighbors.


FOR JOSEPH HORWEDEL, DIRECTOR
Planning, Building, and Code Enforcement

For questions please contact Avril Baty at (408) 535-7800.

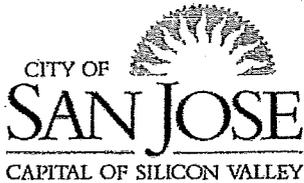
Zoning Protest for C07-087



Prepared by the Department of Planning, Building, and Code Enforcement
City of San Jose, California
Joseph Horwedel, Director



Map Created On:
1/24/2008



RECEIVED

JAN 23 2008

CITY OF SAN JOSE

Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

CITY OF SAN JOSE
 DEVELOPMENT SERVICES

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF				
FILE NUMBER	C07-087		COUNCIL DISTRICT	9
QUAD #	ZONING	GENERAL PLAN	DATE	1/23/08
127	R-1-2	MDLDR (B.O. dulan)	BY	Jeff Roche
REZONING FILE NUMBER	C07-087			

TO BE COMPLETED BY APPLICANT
 (PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 14861 Los Gatos - Almaden Road

ASSESSOR'S PARCEL NUMBER(S) 41934005

REASON OF PROTEST
 We protest the proposed rezoning because 1.) it is incompatible with the existing properties in Homestead Acres which are mostly two (2) or three (3) houses per acre and a few four (4) per acre. 2.) The proposed increased density will have a negative impact on parking and traffic patterns on Warwick Road. 3.) The City Council previously disapproved R-1-8 zoning.
 Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: **(describe property by address and Assessor's Parcel Number)**
15450 Warwick Road, San Jose, CA. 95124
APN 419-33-046-00

and is now zoned R-1-2 District. 9

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on _____

Other: **(explain)** _____

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

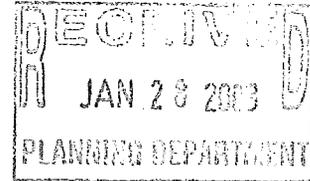
PRINT NAME <i>WALTER W WETZEL SJ</i>		DAYTIME TELEPHONE # <i>408-371-6063</i>	
ADDRESS <i>15450 Warwick Road</i>	CITY <i>SAN JOSE</i>	STATE <i>CA</i>	ZIP CODE <i>95124</i>
SIGNATURE (Notarized) <i>Walter W. Wetzel</i>		DATE <i>01-23-08</i>	
PRINT NAME <i>GAYLE A WETZEL SJ</i>		DAYTIME TELEPHONE # <i>408-371-6063</i>	
ADDRESS <i>15450 Warwick Rd</i>	CITY <i>SAN JOSE</i>	STATE <i>CA</i>	ZIP CODE <i>95124</i>
SIGNATURE (Notarized) <i>Gayle A. Wetzel</i>		DATE <i>1-23-08</i>	
PRINT NAME <i>S</i>		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.

15380 Warwick Road
San Jose, Ca 95124
January 24, 2008

City of San Jose
Planning Services Division
Project Manager: Avril Baty
200 East Santa Clara Street
San Jose, CA 95113



Dear Avril Baty:

In response to your notification of proposed Re-Zoning project being considered C07-087 from R-1-2 Residence Zoning to R-1-8 Residence Zoning located at the Northwest Corner of Los-Gatos Almaden Road and Warwick Road. Council District 9:

In the past our complete neighborhood has voted to not allow multiple dwellings in our Homestead Acres Area because we do not want the overload of traffic, smog and congestion. We want to preserve the environment and community in our neighborhood and it is for this reason we are totally against the proposal.

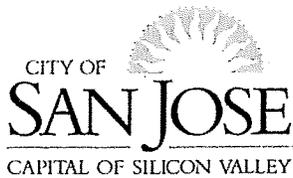
Please cast my vote against the amendment to the General Plan for the above mentioned properties.

My opinion is that it will ruin the balance, the peace and the calm that we have had on Warwick Road.

Thank you for your consideration.

Very truly yours,

Dorothy Oldham



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF				
FILE NUMBER	COUNCIL DISTRICT	DATE _____ BY _____		
QUAD #	ZONING			GENERAL PLAN
REZONING FILE NUMBER				

TO BE COMPLETED BY APPLICANT
(PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 14861 & 14879 Los Gatos Almaden Rd

ASSESSOR'S PARCEL NUMBER(S) 41934005 & 41934006

REASON OF PROTEST
 I protest the proposed rezoning because See Attached

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: *(describe property by address and Assessor's Parcel Number)*

14897 Los Gatos Almaden Rd

APN # 41934007

and is now zoned R-1-2 District #9

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on _____

Other: *(explain)* _____

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.
 Zoning Protest.pn65/Application Rev. 9/20/2005

I am in protest of the property located at 14861 & 14879 Los Gatos Almaden Road changing from R-1 to R-8.

My home is located to the immediate west of that property. I own the home at 14897 Los Gatos Almaden Road.

There is already a completed development of eight homes on an approximately 1.44 acre lot to the immediate West of my home (Catrina Court) which many council members have agreed is an over crowded eyesore. Five homes as proposed for 14861 & 14879 Los Gatos Almaden Road on a .99 acre site would not make enough of a difference to prevent this development from being another eyesore.

My husband and I have recently remodeled our home into a 4,000 sq foot home that sits on a 20,900 square foot lot. The proposed development of five homes on a .99-acre lot would place my home sandwiched between two large developments. Not only would it lessen the value of my home and invade my privacy, it would also take away from the setting my husband and I purchased our home for in the first place.

All the neighbors that live in what is left of homestead acres have fought many times to try and preserve that setting. They were once told there would be no more developments placed in our little neighborhood.

We were already very disappointed that the development was allowed to take place at all. Our home will no longer be surrounded by 50 to 60 foot tall trees and greenery that run along the entire front to back dividing my property from this new development (see picture below) those trees will be replaced with two story homes hovering over my once very private back yard.

Unfortunately I can't do anything about that. But I can at least ask the city to please not change this property to R-8 So I don't end up with another Catrina Court placed on the other side of my home and ruin it's surroundings.

Two homes on a .99-acre lot would be wonderful, but I know that's wishful thinking. But at least consider lowering the change to R-5, which would let the developer build four new homes on the site, which would be a more accurate amount for the size of the lot and our neighborhood. It would also to some extent prevent my home from being boxed in between two over crowded developments.

My husband and I are very distressed that we saved and worked so long to purchase a home that we felt had just what we wanted only to learn it's surroundings may be replaced with a development of homes making the feel of our home more of a track home which is not what we were looking for when we made our purchase.

Thank you, Mark & Kelly Verni



ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	MARK Verni	DAYTIME TELEPHONE #	408-225-8822
ADDRESS	14897 Los Gatos Almaden Rd. San Jose	STATE	CA 95032
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	1/28/08
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	COT-087		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

**TO BE COMPLETED BY APPLICANT
 (PLEASE PRINT OR TYPE)**

ADDRESS OF PROPERTY BEING PROTESTED 14861 Los Gatos - Almaden Rd.

ASSESSOR'S PARCEL NUMBER(S) 41934005

REASON OF PROTEST
 I protest the proposed rezoning because This property is directly in back of us and we are against the building of multiple dwellings zoned for single dwellings. The impact of multiple dwelling is more cars and more people which is bad for the neighborhood and the environment in general
Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: **(describe property by address and Assessor's Parcel Number)**

14860 Heather Dr
SAN JOSE, CA, 95124
Parcel Number 419-34-021-00

and is now zoned R-1-2 District.

The undivided interest which I own in the property described in the statement above is a:

- Fee Interest (ownership)
- Leasehold interest which expires on _____
- Other: **(explain)** _____

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

SEE ATTACHED
ACKNOWLEDGEMENT
FROM NOTARY

PRINT NAME <i>BRYANTON BRINTON MOORE</i>	DAYTIME TELEPHONE # <i>377-9111</i>
ADDRESS <i>14860 HEATHER DR</i>	CITY STATE ZIP CODE <i>SAN JOSE CA 95124</i>
SIGNATURE (Notarized) <i>Brynton Moore</i>	DATE <i>7-28-08</i>
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
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ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE
PRINT NAME	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE (Notarized)	DATE

Use separate sheet if necessary

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C07-087	COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE <u>1/29/08</u>
REZONING FILE NUMBER			BY <u>HM</u>

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 14861 Los Gatos Almaden Rd.

ASSESSOR'S PARCEL NUMBER(S) 419-34-005

REASON OF PROTEST
 I protest the proposed rezoning because Would like 4 homes built on property instead of 5+. We feel this would impact our privacy if more homes are built
Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: **(describe property by address and Assessor's Parcel Number)**

14878 Heather Dr.
Parcel #419-34-020-00

and is now zoned R1-2 District.

The undivided interest which I own in the property described in the statement above is a:

- Fee Interest (ownership)
- Leasehold interest which expires on _____
- Other: **(explain)** _____

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.

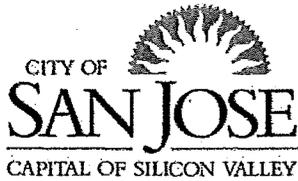
ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME <i>Lisa Williams</i>		DAYTIME TELEPHONE # <i>408-828-0820</i>	
ADDRESS <i>2859 Varden Ave</i>	CITY <i>S.T</i>	STATE <i>CA</i>	ZIP CODE <i>95124</i>
SIGNATURE (Notarized) <i>Lisa Williams</i>		DATE <i>1/28/08</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.



CITY OF SAN JOSE

Planning, Building and Code Enforcement
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 San José, CA 95113-1905
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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C07-087		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE 1/29/08
REZONING FILE NUMBER			BY HIM

**TO BE COMPLETED BY APPLICANT
 (PLEASE PRINT OR TYPE)**

ADDRESS OF PROPERTY BEING PROTESTED 14861 Los Gatos-Almaden Road

ASSESSOR'S PARCEL NUMBER(S) 41934005

REASON OF PROTEST
 I protest the proposed rezoning because Please see attached letter dated 1/23/08.

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: **(describe property by address and Assessor's Parcel Number)**

14831 Los Gatos-Almaden Road
The corner of Los Gatos-Almaden Road and Warwick Road
Parcel Number 419-33-045-00

and is now zoned R-1-2 District.

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on _____

Other: **(explain)** _____

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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PRINT NAME	<i>Gino A. Rossi</i>	DAYTIME TELEPHONE #	<i>408-377-3556</i>
ADDRESS	<i>14831 Los Batos Almaden Road</i>	CITY	<i>Los Batos</i>
		STATE	<i>CA</i>
		ZIP CODE	<i>95032</i>
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	<i>1/26/08</i>
PRINT NAME	<i>Lori D. Rossi</i>	DAYTIME TELEPHONE #	<i>408-377-3556</i>
ADDRESS	<i>14831 Los Batos Almaden Road</i>	CITY	<i>Los Batos</i>
		STATE	<i>CA</i>
		ZIP CODE	<i>95032</i>
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	<i>1/26/08</i>
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	
		STATE	
		ZIP CODE	
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

SEE ATTACHED ACKNOWLEDGEMENT FROM NOTARY

PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE DEVELOPMENT SERVICES CENTER, CITY HALL.

January 23, 2008

Mayor Chuck Reed
City Council Members
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: 14861 Los Gatos-Almaden Road

Dear Mayor Reed, Councilmen and Councilwomen,

We are the property owners at 14831 Los Gatos-Almaden Road which is directly across Warwick Avenue from the proposed rezoning. We formally protest the proposed rezoning. The 1992 General Plan review of this property retained the R-1-2 zoning for this area. We do not think the neighborhood should be rezoned on a piecemeal basis in opposition to the City's adopted Master Plan. All of the properties adjacent to the property are single story, single family residences that comply with the current zoning requirements of R-1-2. We like the quality of the neighborhood and see no reason to start a trend of high density, two story homes in the neighborhood that would increase traffic and destroy our privacy, especially since the rezoning is not in conformance with the adopted General Plan.

We and the adjoining property owners eligible to file a protest to this rezoning urge you to uphold our protest and retain the R-1-2 zoning. We believe that the proper way to resolve this issue is to consider the entire neighborhood and not rezone parcels on a piecemeal basis.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino and Lori Rossi". The signature is written in a cursive, flowing style.

Gino and Lori Rossi

January 28, 2008

Avril Baty,

Re: C07-087 Proposed Re-Zoning

We are homeowners in Homestead Acres, where the R-1-2 site is being considered for **Re-Zoning from R-1-2 to R-1-8 on less than the required 1 acre.**

We have lived in the Cambrian area for over 40 years and in our present home for 27 years. When we bought here it was because it was a quiet area, with large lots and space between houses, as well as a community of caring neighbors. And though things have moved forward with the times, fortunately all of the above still apply.

A change of zoning on the property on the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 Los Gatos-Almaden Road) goes against the required minimum lot size and would bring an increase in traffic on our two lane roads.

In all the years we've lived here, the only problem has been the increase in traffic. Our streets are now used as a "short cut" from Los Gatos-Almaden Road to Union Avenue or from Union Avenue to Los Gatos-Almaden Road. Drivers race through here without regard for older citizens out walking or children on their way to or from school or at play. (This happens even though there are limits on westbound traffic from Los Gatos-Almaden onto Warwick Road in the morning. Unfortunately, the sign is not always obeyed.) In addition, the access to highway 85 from Union Avenue has dramatically impacted our daily traffic. Adding eight homes with a minimum of two cars per household would mean at least 16-20 additional daily commuters or more, not to mention visitors, carpool drivers etc. In addition, should the Los Gatos-Almaden Road traffic be impacted by the proposed additional houses, there would be even more cars cutting through our area.

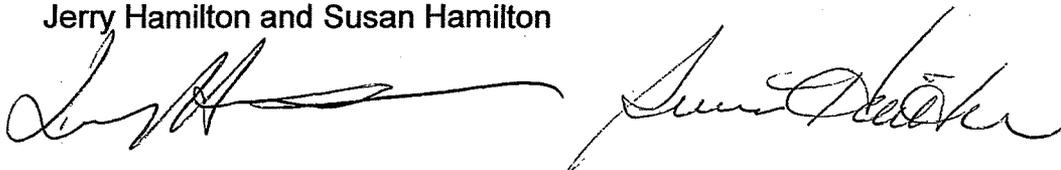
The developer, who purchased the above property, knew the current zoning before he made his purchase. He has no vested interest in our area other than making a profit when he sells the prospective houses. We are not against progress, but we are concerned about the proposed change in the zoning to allow more homes on smaller lots and the impact that would have on our area.

Please consider our wishes when you vote. You are the people we chose to represent us.

Remember, we are the ones who live here. We vote locally as do our relatives, neighbors, their friends, and our friends. And though Homestead Acres may be a small pocket, we vote at every election.

Sincerely,

Jerry Hamilton and Susan Hamilton

The image shows two handwritten signatures in black ink. The signature on the left is for Jerry Hamilton, and the signature on the right is for Susan Hamilton. Both signatures are fluid and cursive.

Baty, Avril

From: Mike Schumacher [mikeschumacher@pacbell.net]
Sent: Tuesday, March 04, 2008 9:25 PM
To: mayormail@sanjoseca.gov; district1@sanjoseca.gov; district2@sanjoseca.gov;
district3@sanjoseca.gov; district4@sanjoseca.gov; district5@sanjoseca.gov;
district6@sanjoseca.gov; district7@sanjoseca.gov; dave.cortese@sanjoseca.gov;
judy.chirco@sanjoseca.gov; district10@sanjoseca.gov
Cc: avril.baty@sanjoseca.gov
Subject: Opposed To C07-087 & T07-087 - March 18 City Council Hearing

I am a long standing resident of Homestead Acres and a constituent of Council District 9 (24 and 40 years respectively).

I am **ADAMANTLY OPPOSED** to C07-87 and T07-087 which are being considered by City Council on March 18th and **I DO NOT SUPPORT** the public right-of-way improvements (curb, gutter, sidewalk, street lights) associated with these hearing items.

Please **VOTE NO** on:

- **C07-087.** Conforming Re-Zoning from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site.
- **T07-087.** Tentative Map to reconfigure two parcels into five lots for 5 single-family detached residences on a 0.99 gross acre site.

Michael Schumacher

Baty, Avril

From: Dorothy Schumacher [rmdschuma@pacbell.net]
Sent: Friday, February 29, 2008 6:12 PM
To: 'Baty, Avril'
Subject: Zoning change C07-087 and tentative map T07-087

RE: zoning change C07-087 and tentative map T07-087

Following the neighborhood meeting 2/13/08, I feel the best solution to the rezoning conflict between a private developer and my neighborhood is rezoning to R-1-5, the midpoint zoning.

Additional concerns have been raised and need to be addressed.

Consistency between the zoning of R-1-5 and the general plan needs to be reestablished by lowering the General Plan designation to low density residential (5DU/AC). This will prevent a series of conforming re-zoning requests by the current developer or future developers. It will firmly establish by both the zoning and General Plan that the maximum number of houses that can be built on this land is five per acre.

Also, we have been advised by city planner, Avril Baty, that only the San Jose City Council can waive the city's policy for sidewalks and streetlights on Warwick Rd. We ask for this waiver. Our council member Judy Chirco said she understood this request when we met with her about the General Plan change in 2007. In fact, Chirco Dr. and Chirco Ct. in the Town of Los Gatos have no sidewalks. The streets were named for Judy Chirco's family members who used to own the land. She said she understood our request and would support us in this matter.

My neighborhood subdivision was laid out in 1946 by a former mayor of Los Gatos. His petition to have us annexed into the Town of Los Gatos was denied in 1946 because we were too far from their urban core. My neighborhood governed itself for 40 years including parcel splits and lot reconfigurations following their CC&R land use requirements. In 1986 we were forcibly annexed into San Jose. Despite legal efforts to block annexation, San Jose won. Because of the General Plan overlay when we were annexed into the city, in 1992 we were faced with a conforming re-zoning request, the fifth lot identified for re-zoning in the six years following annexation to San Jose. The neighborhood responded by filing a 100% zoning protest and blocked the re-zoning request. The San Jose City Council supported the neighborhood and the zoning block by initiating a General Plan change to lower our General Plan housing density. "Council directed staff to initiate a General Plan amendment to ensure preservation of the neighborhood character encompassing the area in general and preclude further subdivision." In 2007, the San Jose City Council reversed the 1992 City Council decision on two half acre lots at the request of a private developer. We are now faced with what the 1992 City Council promised would never happen, a new re-zoning conflict between the neighborhood and a private developer.

It is too easy for one person with financial backing to say, "I wanna" and get whatever they want by paying the City of San Jose via planning dept. permits. The difficult course is for a set of neighbors to put aside their day to day grievances and be so driven to protect their neighborhood and their vision of what they want their neighborhood to be that they will file zoning protest forms, write, call and demand that their voice be heard.

I understand that 100% of the San Jose residents on the protest line have paid the required \$101.25 filing

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fee and filed zoning protest forms.

At the neighborhood meeting 2/13/08, we were told that a successful zoning protest and block is so rare in San Jose history, that the planning dept staff couldn't recall one ever happening and wasn't sure what to do.

Our concerns are numerous. The developer appears to be focused on having the land rezoned to R-1-8 so he can resell it to another developer. A new developer can submit new rezoning requests in one year's time, perhaps for a planned development. A map for a planned development for seven houses was approved by the planning dept. as part of the General Plan change request.

The developer failed to abide by the instructions given to him by Mayor Reed, Judy Chirco and several Council Members at the General Plan change Public Hearing 4/17/07 (GP04-09-01). Judy Chirco gave instructions just prior to the vote being taken "to limit the number of houses on this to no more than five, maybe four depending on design elements". Following the meeting, the developer submitted a map for six houses (PRE07-197 application date 6/22/07). When the planning department rejected the map for six houses, they submitted the current map for five houses.

The developer feels this whole process is such a joke that he lists himself as the title holder of land north of the area requested for rezoning on his, official, legal, map. We challenged this at the neighborhood meeting. We were told by the planning dept. that they were aware of the error. The true title holder has filed a notarized protest form. The signature and true title holder has been verified. How can a developer list himself as owning land he does not own on his official, legal map? He does not appear to take his own map seriously.

Mayor Reed, Judy Chirco and several Council Members told the developer they were not to return to City Hall until they had worked out all issues with the neighborhood. The developer stood before the Council and agreed to do so. Over the past summer, I and my neighbors had been in contact with representatives of Judy Chirco's office asking how to initiate the meeting. We were told to wait to be notified. No meeting was scheduled until after zoning change C07-087 was placed on the Jan. 29th City Council Agenda. Despite several E-mails from me and my neighbors to the planning department, it took my neighbor's filing a Zoning Protest form for the developer to schedule a neighborhood meeting.

I ask the City Council to support the neighborhood's block of the developer's request for rezoning. We have been ignored too long.

Only rezoning to R-1-5 will limit the maximum number of houses to five or fewer.

Zoning R-1-5 is the midpoint between the current R-1-2 and R-1-8. As stated by Forrest Williams during the General Plan Change hearing, the best solution is usually "somewhere in between" where "none of us get everything we want".

My preference is R-1-2. The developer's preference is R-1-8. So the best solution is R-1-5, the midpoint.

My home is on Warwick Rd. and within the Homestead Acres housing development. Our CC&R requires a minimum lot size of 8,000 sq. feet. R-1-5 has a minimum lot size of 8,000 sq feet and would be consistent with the immediate properties within Homestead Acres.

One of the lots within Homestead Acres at the north side of Heather Rd and Union is currently zoned R-1-5. The property address is 1995 Heather Drive should you like to check the on-line property information. It was rezoned years ago for a lot split. The map of our area being supplied to the City

Council by the planning dept. cuts off the zoning label for this property. It only shows areas identified as "unincorporated county" across Los Gatos-Almaden Rd. or the areas with Planned Developments like across from Safeway, Catrina Court, Ishimatsu Place and the two story, sixteen bedroom group home for disabled adults, owned by the City of San Jose.

We were promised by Judy Chirco that Warwick Rd. would not be affected or be minimally affected. The developer's map calls for two additional houses on Warwick Rd. and only one additional house on Los Gatos-Almaden Rd. The developer is impacting Warwick Rd. the most.

At a neighborhood meeting held in 2007 about the General Plan Change request for these two half acre parcels, Judy Chirco told us she wanted two additional houses built. R-1-5 will allow the requested two additional houses. She also said the only reason for her supporting the General Plan change request and supporting additional houses was because San Jose has no money and she wants a developer to pay for sidewalks along Los Gatos-Almaden Rd. There was to be no impact on Warwick Rd.

We don't want sidewalks and streetlights on Warwick Rd. It destroys the rural country look and the reason we moved here. The city can give the developer an exemption for sidewalks and streetlights on Warwick. They are currently part of the plan for the subdivision. I prefer street trees allowed to grow to majestic 100 foot heights. The west side of Warwick has no over head wires to restrict their growth. The tree roots would crack and buckle sidewalks. Street trees and sidewalks are in constant conflict. I prefer the street trees.

Please support rezoning to R-1-5 for the land identified for increased housing. It is the midpoint zoning and the best solution to the rezoning conflict.

To prevent a series of rezoning requests and to reseal the Pandora's Box opened 4/17/07, please lower the General Plan housing density on the land to low density residential (5DU/AC)

And finally, please waive the city's policy requirement for sidewalks and streetlights on Warwick Rd. This was the only issue which both the neighborhood and the developer agreed during the neighborhood meeting 2/13/08.

Dorothy Schumacher
15408 Warwick Rd.
San Jose

Baty, Avril

From: Kelly Verni [KandMAasphalt@mac.com]
Sent: Wednesday, January 23, 2008 8:47 AM
To: avril.baty@sanjoseca.gov
Subject: Ref# T07-087

Attachments: House.jpg



House.jpg (909 KB)

Hello,

I am in protest of the property located at 14861 Los Gatos Almaden Road changing from R-1 to R-8 My home is located to the immediate west of that property. I own the home at 14897 Los Gatos Almaden Road.

There is already a completed development on the west side of my home (Catrina Court) a development of eight homes on an approximately 1.44 acre site, which many council members have agreed is an over crowded eyesore. Five homes as proposed for 14861 Los Gatos Almaden Road on a .99 acre site would not be much different.

If this change is allowed to occur it would place my home which is a 4,000 square foot home on a 20,900 square foot lot sandwiched between both of these large developments. Not only would it lessen the value of my home and invade my privacy, it would also take away from the setting my husband and I purchased our home for in the first place. The entire neighborhood has fought many times to try and preserve that setting.

I was already very disappointed that the development was allowed to take place at all. My home will no longer be surrounded by 50 to 60 foot tall trees and greenery that run along the entire front to back dividing my property from this new development (see picture below) those trees will be replaced with two story homes hovering over my once very private back yard.

Unfortunately I can't do anything about that. But I can at least ask the city to please not change this property to R-8 So I don't end up with another Catrina Court placed on the other side of my home and ruining it's surroundings.

Two homes on a .99 acre lot would be wonderful, but I know that's wishful thinking. But at least consider lowering the change change to R-5 which would let the developer build four new homes on the site which would be a more accurate amount for the size site of the lot and our neighborhood. It would to some extent prevent my home from being boxed in between two over crowded developments.

Thank you for your time, Kelly Verni

January 23, 2008

Mayor Chuck Reed
City Council Members
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: 14861 Los Gatos-Almaden Road

Dear Mayor Reed, Councilmen and Councilwomen,

We are the property owners at 14831 Los Gatos-Almaden Road which is directly across Warwick Avenue from the proposed rezoning. We formally protest the proposed rezoning. The 1992 General Plan review of this property retained the R-1-2 zoning for this area. We do not think the neighborhood should be rezoned on a piecemeal basis in opposition to the City's adopted Master Plan. All of the properties adjacent to the property are single story, single family residences that comply with the current zoning requirements of R-1-2. We like the quality of the neighborhood and see no reason to start a trend of high density, two story homes in the neighborhood that would increase traffic and destroy our privacy, especially since the rezoning is not in conformance with the adopted General Plan.

We and the adjoining property owners eligible to file a protest to this rezoning urge you to uphold our protest and retain the R-1-2 zoning. We believe that the proper way to resolve this issue is to consider the entire neighborhood and not rezone parcels on a piecemeal basis.

Sincerely,

Gino and Lori Rossi

Baty, Avril

From: Walt Wetzel [wetzew@earthlink.net]
Sent: Tuesday, January 22, 2008 1:59 PM
To: avril.baty@sanjoseca.gov
Subject: RE: C07-087 Public Hearing Feb. 5, 2008

Jan. 22, 2008

Dear Ms. Baty

RE: C07-087 Public Hearing Feb. 5, 2008

My husband and I live across Warwick Rd. from this proposed subdivision.

We do not approve of this higher density development. Last April, when we were at the City Council about this property, ALL the council members, including the Mayor, agreed that a development of R1-5 DU per acre (or 8,000 sq. ft. per lot) would be acceptable to them, and probably restrict it to 4 DU per acre due to setbacks and an access street. And now the developer is requesting R1-8 DU per acre!! **THIS IS UNACCEPTABLE!!!**

The residents of this new subdivision would be parking all along Warwick Rd, impacting the traffic on our street as well as the traffic along Los Gatos-Almaden Rd, which already backs up past Sandy Lane during rush hour. This would represent an unacceptable impact on all of us on Warwick Rd.

Huge trees are on the property and would represent a significant loss to the city for wildlife and nature when they are removed to place all these homes on the property.

We live in our neighborhood because of the larger lots and more rural feeling. We do not want the intrusion of a tiny lot, barely larger than a house, type of subdivision envisioned by this planned change of zoning. We would prefer to retain the R1-2 zoning.

This new proposal is a return to putting another Catrina Court into our neighborhood. The City Council agreed that "Catrina Court should never have happened" (which is 5 DU per acre) because of the density of the development being incompatible with the rest of the neighborhood.

At the City Council meeting last April, the Mayor stated that the developer should work with the homeowners of Homestead Acres to review the plans for the development of that property. There has been no planning department meeting held to present plans or obtain input from the homeowners of Homestead Acres. There has been no community/neighborhood meeting held to present the plans to change the zoning from R1-2 to R1-8 and review the proposed subdivision. It is sad

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that we live in a city where the voice of the citizens, the residents and homeowners, are **ignored** and the outside developer is able to continually push against the decisions of the City Council and ruin our neighborhoods.

We will be filing the special formal protest against this intrusion into our neighborhood.

Sincerely,

Walter and Gayle Wetzel
15450 Warwick Rd.
San Jose, CA 95124

Walt Wetzel
wetzelw@earthlink.net
EarthLink Revolves Around You.

Baty, Avril

From: Shoufek@aol.com
Sent: Monday, January 21, 2008 12:48 PM
To: avril.baty@sanjoseca.gov
Subject: Zoning Change C07-087

**DAVID BUTTRESS AND SUSANNE HOUFEK
15336 WARWICK RD.
SAN JOSE, CA. 95124**

January 21, 2008

Avril Baty
Project Manager
City of San Jose

Dear Ms. Baty

RE: Zoning Change C07-087

Members of the City Council in their April 17, 2007 General Plan Hearing agreed with Homestead Acres neighborhood members present that these two properties at 14861 Almaden Los Gatos could not accommodate 8 units. There was extended discussion, including Council Member Constant's objection to the General Plan Amendment due to heavy traffic congestion, among other problems. The Staff/Planning Commission Recommendation was tentatively approved, however with a limit of no more than 5 units.

Our stated concerns, besides increased traffic, include blocked views of mountains, changing neighborhood character, cutting down old trees, high walls enclosing neighbors' homes. The Council asked that the developer/owner/builder "work with the neighborhood" to ensure our needs were met. We have heard nothing.

The developer's newest map shows five houses, which makes this an R-1-5. However, now we see the zoning request back to a Zone R-1-8 map and zoning change.

These lots must not be zoned for up to 8 houses. If this zoning is accepted, this developer, or another in the future, can change his plan and map and include up to 8 houses at a later date.

This property is now zoned at R-1-2. It is unacceptable to the neighborhood AND to the City Council that up to 8 houses could be built.

Even at 5 houses, the traffic and parking will be stressed. Ingress and egress to 2-lane Almaden-Los Gatos Rd. at Union will become increasingly difficult. The road cannot be widened at the intersection due to the protected historical status of the "We and Our Neighbor's Club."

Why are the interests of this developer (known variously as Cypress, Temb Development, Innovative Designs) – who has proposed other high-density projects unacceptable to both neighborhoods and to the City Council in the past – being placed over the interests of our neighborhood again?

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Keep these parcels at R-1-2 or, at the highest, R-1-5, and build no more than 4 homes on these two beautiful lots.

Thank you.

Start the year off right. Easy ways to stay in shape in the new year.