



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 19, 2009

COUNCIL DISTRICT: 8
SNI AREA: NA

SUBJECT: GP08-08-04. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/ TRANSPORTATION DIAGRAM DESIGNATION FROM RURAL RESIDENTIAL (0.2 DU/AC) (SILVER CREEK PLANNED RESIDENTIAL COMMUNITY) TO LOW DENSITY RESIDENTIAL (5 DU/AC) (SILVER CREEK PLANNED RESIDENTIAL COMMUNITY) ON A 9.76 ACRE SITE.

RECOMMENDATION

The Planning Commission voted 6-1-0 (Commissioner Zito opposed) to recommend that the City Council approve a General Plan Amendment request to change the Land Use/ Transportation Diagram designation from Rural Residential (0.2 DU/AC) (Silver Creek Planned Residential Community) to Low Density Residential (5 DU/AC) (Silver Creek Planned Residential Community) on a 9.76 acre site.

OUTCOME

Should the City Council approve the General Plan Amendment, the applicant would be able to move forward with a Planned Development Rezoning to allow for a single-family residential project on the subject site.

BACKGROUND

On November 18, 2009, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment request for the reasons stated in the attached staff report. The project was on the evening's public hearing calendar.

Planning staff gave a brief report and stated that additional comment letters were recently received and were handed to them at the beginning of the hearing. One of the letters was from the applicant stating the reasons for their request, half of the remaining letters were in support of the project and half were in opposition. The additional correspondence is attached to this memorandum.

The applicant, Mark Lazzarini, with ACS Properties, spoke on the item. He stated that the General Plan Amendment only covers a portion of the larger development site and that the 35

new units would be spread over that larger development site, which would result in an overall density of 2.3 DU/AC. This is consistent with the low density character of the Silver Creek Planned Residential Community.

The Planning Commission then took public testimony. There were 15 speakers on the item of which 7 were opposed to the increase in residential density, one was neutral wanting only for the total number of units to be equitably spread over the site, and 7 were in support of the residential increase. Those in opposition to the amendment cited their reasons, which included increased traffic, impacts to the capacity of local schools, the resulting lot sizes not being compatible with the neighborhood, and that the increase in density would not add to the quality of life and would reduce open space. In addition, Bonnie Mace, representing the District 8 Roundtable, stated that the Roundtable did not support the proposal, but suggested that if there was no vehicle access from Cadwallader to Nieman they could support a change to Very Low Density Residential (2 DU/AC).

A majority of those who spoke in favor of the proposed project were the property owners who stated that the single-family residential neighborhood that now surrounds the project site was previously open space like their property. The subject property is not viable as agriculture any longer and they would now like to develop their property as was done with the surrounding subdivisions. Two real estate brokers who live and work in Evergreen stated that this project would be a benefit to the area and would increase property values.

The Planning Commission then closed the public hearing. Commissioner Campos made a motion to approve the General Plan Amendment request to change the Land Use/ Transportation Diagram designation from Rural Residential (0.2 DU/AC) (Silver Creek Planned Residential Community) to Low Density Residential (5 DU/AC) (Silver Creek Planned Residential Community) on a 9.76 acre site. He then spoke on the motion and stated that this slight increase in density is compatible with the neighborhood and the project would come back to the Commission at the Planned Development Zoning Stage to discuss site design.

Prior to voting on the above motion, Commissioner Zito made a substitute motion to approve a land use change on the 9.76 acre site to Very Low Density Residential (2 DU/AC). He then spoke on the motion and stated that this designation would only reduce the number of units on the site by six, that the developers are only asking for 35 units because that is the maximum that the Evergreen-East Hills Development Policy will allow, and that he attended the community meetings in which no one in attendance was in favor of the project. The Commission then voted on this motion, which failed 2-5-0 (Commissioners Platten, Jensen, Do, Cahan, and Campos opposed)

The Planning Commission then voted on the original motion to approve the proposed General Plan Amendment as recommended by staff, which passed 6-1-0 (Commissioner Zito opposed).

ANALYSIS

For complete analysis please see the original staff report (see attached).

EVALUATION AND FOLLOW-UP

The applicant would be required to file subsequent development permits with the Planning Division in order to implement the increased residential density on the subject site.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. This staff report is also posted on the Planning division website and staff has been available to respond to questions from the public. In addition, On April 27, 2009, a community meeting was held at the Cadwallader Elementary School on Cadwallader Avenue, at which approximately 74 area neighbors were present. A second community meeting was held on October 29, 2009, at the Cadwallader Elementary School on Cadwallader Avenue, at which approximately 32 area neighbors were present. Subsequent to the preparation of the original staff report, a third community meeting was held on November 12, 2009 to discuss school, parks and traffic issues. There were approximately 20 area neighbors present.

COORDINATION

This project was coordinated with the City Attorney's Office, Department of Transportation, Department of Public Works, Building Department, and the Fire Department.

FISCAL/POLICY ALIGNMENT

This amendment has been evaluated for its consistency with the San Jose 2020 General Plan as further discussed in attached staff report.

COST SUMMARY/IMPLICATIONS

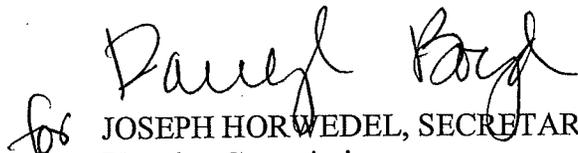
Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

A Mitigated Negative Declaration (MND) was adopted on May 27, 2009.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley Xavier at 408-535-7852.

ASC PROPERTIES, LLC

November 16, 2009

Planning Commissioners
City of San Jose
200 E. Santa Clara Street
San Jose, Ca 95113

RE: Planning Commission Agenda Item 6 (d) – November 18, 2009
General Plan Amendment GP08-08-04

Dear members of the Planning Commission:

We ask that you accept planning staff's report and recommend to the City Council approval of Planning Staff's recommendation to approve our proposed low density General Plan Amendment of 5 DU/AC.

Our proposed custom estate lot community is consistent with the existing neighborhood, General Plan, Evergreen-East Hills Development Policy and the Silver Creek Planned Residential Community. In addition; over a **five year period**, we have done extensive neighborhood outreach that has contributed to positive changes to our proposed development.

History of Development Application:

Date of First Planning Application	December 7, 2004
GP Planning Commission Hearing	November 18, 2009
GP City Council Hearing	December 1, 2009

Neighborhood Compatibility:

Our proposed net density of 2.3 units per acre is very low density under the city's Silver Creek Planned Residential Community and is compatible to the surrounding neighborhood. In addition, a portion of the subject property is currently designated as R-1-5, the same as the existing neighborhood across the street from the site along Cadwallader. This proposed Very Low Density is compatible with the surrounding Cadwallader neighborhood that has R-1-5 directly to the East and R-1-8 zoning district to the north of the property. Our proposed net density of 1.3 for the lots fronting onto Nieman Avenue is compatible to the existing mix of densities of the developments fronting onto Nieman Avenue.

Furthermore, our proposed very low density of 2.3 DU/AC also serves as a nice transition between the higher densities of 4 DU/AC and 5 DU/AC to the east and North West and the 2.5 DU/AC to the south west of our property and the 1.5 DU/AC density to the south and west of our property.

Extensive Community outreach:

- May 18, 2009 Community meeting (noticed 500 foot radius)
- October 29, 2009 Community meeting (noticed 1000 foot radius)
- November 12, 2009 Community Meeting held by Council Office
- Several meetings with smaller groups of neighbors, phone calls and emails
- Evergreen Valley Church
- Superintendants office
- Cadwallader Elementary School
- Community outreach throughout Evergreen Development Policy update process (4+ years)
- More neighborhood and community meetings to be scheduled at the zoning stage

Major Changes to Proposed Development:

Over the past 5 years; because of input from the community, City Planning Staff, Public Works and other City departments, we have made major changes to our proposed development resulting in a land plan that is more compatible with the existing neighborhood and consistent with city planning policies. Some of the major changes include:

- **Minimum lot sizes of 10,000 sq ft:** Our original application included 8,000 square foot lots similar to the lot sizes of the existing properties to the east and north of our development. After careful review, we increased the lot sizes to a minimum of 10,000 sq ft/lot. With minimum lot sizes of 10,000 sq ft, an average lot size of 16,835 sq ft, and the largest lot size of 86,314 sq ft, our development is designed to be of quality and compatible to the surrounding neighborhood.
- **Vehicle access from Nieman Avenue:** To minimize traffic impacts to the existing neighborhood, we redesigned the vehicle access to the site by removing vehicle access from Cadwallader Avenue to our development. Based on the revised plan, vehicle access to the development is proposed from Nieman Avenue only. This was only made possible by our recent acquisition of the six acre parcel fronting on Nieman. Rarely if ever, would we actually acquire property before receiving entitlements. However, to minimize any traffic concerns through the Cadwallader neighborhood the Nieman access with the no through-traffic land plan was created. This change results in 31 of the 38 homes having their vehicle access to the property from Nieman Avenue. The remaining 7 homes will have access to them from Cadwallader Avenue (with a net of 4 new homes of the 7 since 3 existing homes have access through Cadwallader now). A cul-de-sac at the Cadwallader interface is proposed. EVA access and pedestrian access is proposed only for the Cadwallader Street interface.

Consistent with GP Policies by:

- furthering the General Plan's **Housing Major Strategy** by maximizing housing opportunities on infill sites where the city already serves and provides public services and by providing a development that is compatible with the surrounding neighborhood.

- furthering the General Plan's **Growth Management Major Strategy** by proposing to develop an infill site within urbanized areas that serve as a way to control service costs through increased efficiency where services already exist.
- furthering the General Plan's **Economic Development Major Strategy** by providing housing related job opportunities for San Jose residents while helping maximize the city's economic potential by developing an infill site where city services already exist in proximity to major commercial centers (i.e. Edenvale and nearby Commercial businesses in Evergreen).
- furthering the General Plan's **Greenline/Urban Growth Boundary Major Strategy** by proposing to develop an infill site within the City's Urban Service Area where public services already exist; hence helping reduce the pressure to build more housing at the fringe of the city
- furthering residential Policy #9 which will allow the existing neighborhood development pattern to be implemented over our site.

Consistent with Evergreen-East Hills Development Policy:

- Appropriate location for infill development and considered as part of the EIR process and traffic modeling
- Facilitates infill development
- Facilitates walking, bicycling (especially to and from Cadwallader Elementary School)
- Compatibility with surrounding neighborhoods that is consistent with guiding principles
- proposes landscaping amenities that will beautify our proposed development and at the same time compliment the adjacent developments and also serve to enhance the rural feel of the neighborhood.

Consistent with the Silver Creek Planned Residential Community:

- Very Low Density (3.0 DU/Acre) as defined in the SCPRC
- GP designation at 5 DU/Acre is within the range of what has been planned for this area
- Consistent with the objectivity to create flexibility in the SCPRC that allows for a diversity of housing types.

Park Dedication Ordinance:

According to parks staff, this proposed development will be required to pay a park dedication fee of \$11,350 per unit.

Neighborhood School:

According to the Evergreen School District Office, the children from our proposed development will most likely attend Cadwallader Elementary School because the school needs students. Our proposed development will pay school fees according to State requirements. In addition, based on the school district student generation rate of .55 students per home, our proposed development will generate approximately 19 students on any given time.

Traffic Impact Fee:

According to City Staff, our proposed development will be required to pay a traffic impact fee of approximately \$13,000 per unit. The traffic impact fee will be used to pay traffic improvements that were identified in the EEHD Policy update.

Process Hurdles:

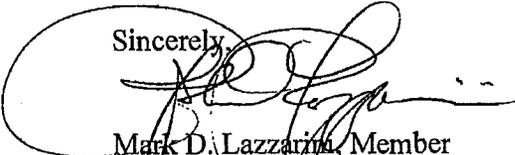
Apart from the neighborhood outreach effort, this in-fill development faced difficult, complicated and time consuming process hurdles over-layed on a deteriorating housing market. The development application was delayed until the completion, culmination and approval of the East Evergreen Hills Development Policy (December 2008). The property collectively has five different residential land use designations which are all low density. This General Plan change will enable consolidation and consistency in the General Plan and a low density zoning designation consistent with the surrounding neighborhood.

I would also like to thank the Council for its previous approval actions on this associated with the Council's work on the East Evergreen Hills Development Policy update that has made it possible for small property owners to develop their property.

We are committed to continue to work with the neighbors and community through the zoning process in a attempt to further improve and enhance our proposed development.

Thank you for you consideration.

Sincerely,



Mark D. Lazzarini, Member
ASC Properties, LLC

cc: Charles W. Davidson, ASC Properties LLC
Councilmember Rose Herrera
Mike Enderby
Leslie Xavier

November 11, 2009

Honorable Chairman and Members of San Jose Planning Commission
San José City Hall
200 East Santa Clara Street
San Jose, CA 95113

RE: GP08-08-04 GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation on an 18.48-acre site (Laura and Michael Pianka, Cirelli, Tedrow, Bartlett, Owners). 4083 & 3905 Cadwallader Avenue, San Jose, CA 95121, Parcels #676-23-006, 676-23-004 & 626-23-010.

Dear Chairman and San Jose Planning Commission Members,

I am a lifelong resident of San Jose and small business owner. I write to you today to lend my support and urge you to approve the General Plan change for the development of a new housing community at Cadwallader/Neiman roads.

Their proposed density of 2.36 dwelling units per acre (based on the net acreage) is consistent with the Silver Creek Planned Development community/surrounding neighborhood and is a favorable infill development. Now, in my personal opinion, I believe, that for an approximately 18 acre site to only have 38 (35 net new homes) homes is underutilizing the land since city services already exist in the area. As land becomes scarce infill development is the future of San Jose development and density should be maximized as the General Plan policies encourage development to do so. In any case, the proposed development is of quality and consistent and sensitive to the surrounding neighborhood.

I am a strong advocate of individual property rights. The Tedrow, Cirelli & Pianka families are long time residents and pioneers in the Evergreen Valley and deserve the right to develop their properties as all the other surrounding property owners have done over the many years. The fact that they waited until now to develop should not serve as a penalty.

Sincerely,



Rich De La Rosa
4340 Almaden Expressway #202
San Jose, CA 95118

Phone 408 828-1983

11/17/09

To: City of San Jose Planning Dept. and City Council

Re: Proposed development on property located at 4093 Cadwallader Ave., San Jose
Agenda Item: 6 (d) GP08-08-04

I am writing to you in favor of the above referenced development. As one of the owners of the property, I would like to give you a little history on the property and my family and touch on the concerns voiced at the last neighborhood meeting.

My grandparents purchased this property in the 1940's. Having spent my early childhood living on an adjoining parcel, my earliest memories of this property was that it had 4 homes with the rest of the property being an apricot orchard which my grandparents maintained and harvested for many years. My grandparents eventually built a fifth home on the property and sold off part of the property with the 2 oldest homes on it and the apricot orchard was eventually torn out. I can remember riding my horse through the orchards and bare land from our home to the 7-11 down on Aborn & San Felipe. At that time Cadwallader School did not even exist. Needless to say, we have seen many other developments go in as times changed and homes were built where the surrounding orchards once were.

After the death of my grandparents almost 20 years ago, my father and his two sisters inherited the property. Since there were three homes on the property they attempted to split the property into three parcels. The requirements of the city planning department made this impossible, as the costs to meet all of them were more than they could afford. The next option was to sell the property as is, with the three homes on it. After some proposals from other developers an agreement was reached to develop the property.

It has now been over 5 years in the works. Within this time my father and one of his sisters have passed away and the last remaining sister is fighting cancer. All three of them wanted desperately to see this project through, but that will not happen. They all grew up on this property and my remaining aunt and two uncles still live on the property, with one planning to remain in his home alongside this development.

With the remaining owner's ages and physical conditions and in my case living out of the area, we are finding it very difficult to maintain this property as it is. It takes time, labor and money to maintain a piece of property like this. We are all at a time in our lives where we would like to lessen the burden on our time and financial resources and spend some quality time with the family we still have left.

Regarding the concerns that were voiced at the last neighborhood meeting, I have this to add. To the gentlemen that was angry about the number of homes he would be looking at from his "Country Club Home" and the lady that resents us as we will be ruining her

quality of life by building on the land and the parents that are concerned about the schools. You all have concerns that have been considered throughout the development of our plans. We are not out to ruin anything for anyone, but feel it is our right as the owners to be able to develop our property as long as it is consistent with the City's adopted policies. We have all worked very hard all of our lives and are only asking to be able to exercise our rights as the property owners and as the owners of most of the surrounding property have already had the opportunity to do. Why should our property be any different?

To all of the neighbors, I will say that I wish that my Grandparents were still alive and that my son and grandson could have some of the wonderful memories I have of them and this property that was their home, but times change and we move on. Selling this property can never take away the memories.

In closing, I would like to add that it has been very frustrating watching my father and his sister's dream of building something that my grandparents would be proud of, only to see two of them not live long enough to actually see it come to fruition. I hope that you will look at our views and approve this development. We have waited a long time and suffered great losses to our family during this time and our developers have worked very hard to make this development as consistent with the surrounding areas as possible. With the current economic times, they could have thrown in the towel a long time ago, but they believe in the development enough to stick with it and make this project a reality. With all of the time, effort and money that have been spent, along with the hurdles we have already crossed we should be entitled to develop the property as proposed.

Thank You,

Cheryl Larios

Chairman and Members of the Planning Commission
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

12 November 2009

RE: Nieman/Cadwallader Ave Development W/ASC Properties LLC

Dear Chairman and Members of the Planning Commission;

We the members of the Cirelli Family are writing to you at this time to convey the same message that we have presented in the past. First to the Evergreen East Hills Vision Strategy task force and second to the City Council. We want the right to develop our property as approved in the Evergreen Development Policy. We need your approval of this development project.

We are NOT recent residents of Evergreen. Both my father and mother's families came to the San Jose area before 1900. My grandparents established themselves as farmers above the East end of Aborn Road in Evergreen, and raised eight children. Many of my aunts, uncles and their children still live in Evergreen. I am a distant cousin of A.P. Giannini, the founder of Bank of America. His corporate office was in down town San Jose. My mother, one of the eight children, and my father bought a fifteen acre ranch at the South end of Cadwallader Avenue in 1947. Since the lack of water for farmers was always a problem, my father and six other property owners on Cadwallader Avenue established the Evergreen Water Company, This company is now owned and operated by the City of San Jose, and services most of the South East side of San Jose.

There were three of us siblings and as we all grew up and married, Dad built each of us a home on the property. My parents both died of cancer one year apart of each other. The property was passed to my brother, sister and me as tenants in common. My brother died in January 2008 and my sister two months later. I also have terminal pancreatic cancer. None of our surviving family is able to continue to maintain our property, which is no longer a farm. This property has no use other than to build homes, that would enhance the neighborhood. We currently occupy the homes surrounded by weeds and a few dead or dying trees. Building new homes would match the current developments that surround our property. Examples of which are the Greystone development, Tuscan Hills on Neiman Blvd, and Mackey Homes on Yerba Buena Avenue.

We feel you should approve this application for GP amendment and later the Zoning change to allow this development to proceed. We do not want to be left out as we were in the past.

Thank you and please approve the application presented by ASC.

Mrs. Marian Tedrow
4083 Cadwallader Ave
San Jose, CA 95121

Chairman and Members of the Planning Commission
RE: Nieman/Cadwallader Ave Development W/ASC Properties LLC

12 November 2009

Dear Chairman and Members of the Planning Commission;

I am writing to express my support of the proposed development on Cadwallader Avenue.

I grew up at 4083 Cadwallader Avenue. I attended Cadwallader Elementary school and graduated from Silver Creek High School in 1983. My grandfather built the house that I grew up in with my parents, Robert and Marian Tedrow. My grandma and grandfather built their house, which is located on the top of our "hill" and also my aunt and uncle's home that is located at the bottom of their property.

Growing up on the "hill" was an amazing experience. I had a horse and spent many, many hours riding the hills behind my grandmother's house. We had apricot trees and a small fruit orchard. Every year my grandma and grandpa, John and Mary Cirelli, threw a big party, which everyone called it the "hill party". All of our neighbors would come up to their house and we would have a wonderful day of good food and fun.

Over the years we watched as houses were built around us. Silver Creek Valley homes to the back of us, houses below us, and after a while there was no place left for me to ride my horse. Eventually the apricot trees died off and the houses began showing their age. My grandfather was a great farmer but, by trade, he was not a home builder. When my grandparents died the hill parties stopped and even though everyone still knows each other the "hellos" are more in passing than planned.

There are neighbors who live down the hill who are apposed to the development of my family's property. I find it sad that when their houses were built and "our" view was reduced and my riding space diminished our family never said a word and were welcoming our new neighbors. I have heard it said that the proposed development will ruin their beautiful view. What view? The property has old homes and dead apricot trees. Now, to my mom's Credit, there are also lovely rose bushes in her front yard and house have always been maintained to the best of their ability. My father is in his late 70's my mother has survived two severe cases of pancreatic cancer and, Thank God, she is doing well now but the chemotherapy has taken a toll on her and she does not have the energy to do the yard work that she used to be able to do herself.

In my "day job" I am the VP of Real Estate Management for a large non-profit housing developer. I have worked towards providing this city with quality affordable housing for almost 20 years. I have gotten used to the NIMBY's showing up for meetings fighting tooth and nail to prevent developments from being build because they don't want "those people" living in their neighborhoods. This proposed development will be comprised of beautiful new homes that will blend into the surrounding neighborhood. I have to ask myself, "what do people want"? If you don't want affordable housing and you don't want luxury homes I guess the answer is that we don't want housing at all. Of course, we all know that the housing needs of our city will only increase and so we cannot let the desires of a few individuals, who are afraid of change, stall the growth of our wonderful city.

The proposed development is well thought out. Input from neighborhood meetings has been incorporated and the results is a beautifully community of lovely homes. Please give your support to this development.

Thank you, Mrs. Dianna Ingle

November 17, 2009

Honorable Chairman and Members of San Jose Planning Commission
San José City Hall
200 East Santa Clara Street
San Jose, CA 95113

**RE: GP08-08-04 GENERAL PLAN AMENDMENT
for 4083 & 3905 Cadwallader Avenue, San Jose, CA 95121
Parcels #676-23-006, 676-23-004 & 626-23-010.**

Dear Chairman and San Jose Planning Commission Members:

I grew up in Evergreen and continue to reside here now (after a stint living in downtown.)
I was the former owner of Dragonfly Restaurant in Evergreen for a number of years.

Evergreen is a great place to live and do business! I am proud to call it home and I have
many fond memories of it.

I am writing to encourage you to support the General Plan change for the proposed estate
housing community at Cadwallader/Neiman roads because I believe that by approving
the requested General Plan Change to 5 du/ac you will be improving the area.

I hope you will please support the General Plan change.

Sincerely,

A handwritten signature in black ink, appearing to be 'RH' with a large flourish at the end.

Ryan Hubris
3287 Lac D'Azur Court
San Jose, CA 95148

Xavier, Lesley

From: Ryan Hoang Hubris [ryanhubris@gmail.com]
Sent: Tuesday, November 17, 2009 7:33 PM
To: Herrera, Rose; Xavier, Lesley; Rocha, Donald; The Office of Mayor Chuck Reed
Cc: 'Ryan Hoang Hubris - RJG'
Subject: LETTER OF SUPPORT - GP08-08-04 GENERAL PLAN AMENDMENT for 4083 & 3905
Cadwallader Avenue, San Jose, CA 95121
Importance: High
Attachments: Ryan Hubris Support Letter.pdf

Ladies & Gentlemen:

Please allow me to submit the following of support for GP08-08-04 GENERAL PLAN AMENDMENT.

Thank you for continuing to make San Jose a great place to live, work, visit and play!

Ryan Hubris

Xavier, Lesley

From: jblj@comcast.net
Sent: Tuesday, November 17, 2009 8:38 PM
To: Herrera, Rose; Xavier, Lesley; Rocha, Donald; majoremail@sanjoseca.gov
Cc: jblj@comcast.net; seankalirai@yahoo.com
Subject: Planning Commission Agenda Item 6 (d) -November 18,2009 General Plan Amendment GP08-08-04

November 16,2009

Planning Commissioners
City of San Jose
200 E. Santa Clara Street
San Jose, Ca 95113

RE: Planning Commission Agenda Item 6 (d) -November 18,2009 General Plan Amendment GP08-08-04

Dear members of the Planning Commission:

We ask that you accept planning staffs report and recommend to the City Council approval of Planning Staffs recommendation to approve our proposed low density General Plan Amendment of 5 *DUIAC*.

I have lived on this property for 42 years, and my wife's family has been on the property since 1946.

We have seen much growth of new homes in the area and our property is surrounded on all sides by newer homes at this point. We would be happy to see these new homes come on our property. I plan to remain on the property in one of the houses and am looking forward to this.

Thank you.

Sincerely,
James Bartlett

11/18/2009

Gary C. Cusick, Jr., GRI, QSC
Associate Real Estate Broker
Altera Signature Properties
5520 Almaden Expressway
San Jose, Ca 95118
CA DRE # 00548148

November 17, 2009

To Mayor Reed, Chairman and San Jose Planning Commission Members :

RE: GP08-08-04 General Plan Amendment for 4083 & 3905 Cadwallader Avenue, San Jose, Ca 95121 Parcels # 676-23-006, 676-23-004 and 626-23-010.

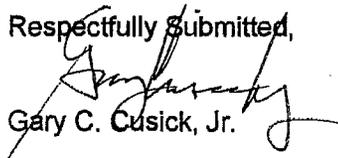
I am long time friends of the owner / owners of 3905 Cadwallader Ave. and know them to be salt of the earth people. The primary owner of this parcel is the matriarch of her family and she and her dearly departed husband have been responsible for creating 3 generations of responsible, dedicated, San Jose tax paying residents. I have followed this development since the beginning purchase contract days of 2004 / 2005. These owners are of high intellectual, high character standing in our community.

I am also familiar with Charles Davidson and his development team. There is not a more courteous, well thought out, disciplined developer in the City of San Jose than Charles Davidson. I know he and his team would not process this development through the city of San Jose for the past four plus years without first being thorough, complete and consistent with the City of San Jose's development staff input, policies and mandates. I applaud this Davidson team for taking the risk that is necessary to develop in the current economic climate. This investment in our Evergreen community should be very much welcomed with open arms by all well thought out local citizens.

I am writing you in support of the General Plan change for the proposed estate housing community at the Cadwallader / Neiman roads because I know it will immediately help the city of San Jose financially. Additionally the development will enhance the neighborhood and property values. San Jose not only needs this housing but needs the jobs that will be created by this infill development. This is an up-scale development.

As a well informed CA real estate broker and San Jose city resident & tax payer for the past 35 years, I request the San Jose Planning Commission approve ASC Properties, LLC proposed low density General Plan Amendment of 5 dwelling units per acre.

Respectfully Submitted,


Gary C. Cusick, Jr.

Xavier, Lesley

From: Pat Gollott [Pat_Gollott@sjusd.org]
Sent: Friday, November 13, 2009 5:02 PM
To: Xavier, Lesley
Subject: File No. GP08-08-04

Lesley

Please forward to the Planning Commission my concerns regarding the General Plan Amendment to the property on Cadwallader Avenue.

I feel it is irresponsible to allow the amendment and open up this property to development of 38 homes and perhaps a total of 500 in the future.

There is already too much traffic in the Evergreen area and this amendment will not enhance in any way the surrounding community and only impact it negatively.

It is clear from the 3 meetings that have been held at Cadwallader School that the community, whether it be on Cadwallader Avenue or Nieman, there is absolutely no real support for this planned development or proposed amendment.

Pat Gollott
4004 Prunetree Lane
San Jose, CA 95121-1138
274-7289
Pat_Gollott@sjusd.org

Xavier, Lesley

From: Deborah Garner [dragonclouddeb@yahoo.com]
Sent: Friday, November 13, 2009 8:29 PM
To: creeksidepattie@yahoo.com; Impianka@att.net; bryhic@yahoo.com; schlossdean@sbcglobal.net; mikenanita@yahoo.com; duc1288@yahoo.com; marcs_evgn@yahoo.com; ajbansal@yahoo.com; ken@kenwullc.com; saskiapinto@yahoo.com; tomjoy@hotmail.com; rimmy95@hotmail.com; fxdmail@comcast.net; jodelvey@ix.netcom.com; domandkathy@yahoo.com; wchin123@yahoo.com; michaelpianka@yahoo.com; gwell40@flash.net; rsikora@gmail.com; elsbethmccan@msn.com; etransform@hotmail.com; Quigley, Aaron; xglin@yahoo.com
Cc: Herrera, Rose; Xavier, Lesley
Subject: Re: Councilmember Rose Herrera invites you to a community meeting Thursday, Nov.12th

Hello everyone -

I just wanted to comment on the meeting that Rose prepared for us before the Planning Commission meeting next Wed, Nov 18th at City Hall. Thank you first Rose for helping us to gather more information on this project.

I came away from this meeting a bit discouraged over the Evergreen School Districts representative, Rob Smiley's "statistical" analysis of how many children may be attending Cadwallader if these 35 new homes are approved. It was said that statistically those homes or that area should only have about .5 children per the 35 homes....So the school district is saying that there may be only about 25 children added to Cadwallader. Also it was stated that Cadwallader can house up to 100 new students. The boundaries are such that ALL should attend this school....and another reason is that the James Franklin Smith school right across the street from this development is already at full capacity.

Myself and my family have lived right by Cadwallader school on Loganberry going on 23 years. First I wanted to address the statistics of WHO buys a 1.5 million dollar home, most likely 3500 sq feet and up.....4 or more bedrooms.....and does NOT have at least two children who are in the age groups of 1-12 years old.....these homes are being sought by FAMILIES with CHILDREN..... So realistically.....there may be at least double to triple the 25 children that is being stated.....and even if the REAL number of new children is 75 or more.....well the district still says ALL will be housed at Cadwallader school. Yes some may walk down the hill to school.....but A LOT of parents WILL be driving them to school and picking them up. That is going to add to a number of congested traffic issues around the school at those major times. Right now, just the cars that are here jam up Forestwood and make all their u-turns (to get back out of the area) at the Loganberry intersection.I cant imagine what our area is going to look like if we add MANY more cars to this scenerio.

Also what has NOT been addressed is what "feeder" streets will suddenly become congested and dangerous as these new influx of cars come through the neighborhood on their way to the school.

Coming from Nieman.....the only closest through street (because all the others are courts or lanes...no through access) will be BLANDING St.... this street curves around into a very narrow S....to Dashwood.....then on to Kettman and up the hill.... a very unwanted thoroughfare through this area.

There truly are a lot of specifics that need consideration.....hopefully we can adjust to the realities of this project and not just to the "statistics". We all have our individual "complaints" as we look toward the increased density in homes.....depending on where we live in the spectrum of this project.....whether it be Nieman....or Cadwallader...or the neighboring streets in between.....so I hope we can all work together and come up with some solutions. My thought would be to keep the zoning as is....lower density...less houses... less children.....less traffic... Thanks for your consideration in this matter.

Deborah Garner - Resident and Creekside Board member

--- On Thu, 11/12/09, xglin@yahoo.com <xglin@yahoo.com> wrote:

From: xglin@yahoo.com <xglin@yahoo.com>
Subject: Re: Councilmember Rose Herrera invites you to a community meeting Thursday, Nov.12th
To: creeksidepattie@yahoo.com, lpianka@att.net, bryhic@yahoo.com, dragonclouddeb@yahoo.com, schlossdean@sbcglobal.net, mikenanita@yahoo.com, duc1288@yahoo.com, marcs_evgn@yahoo.com, ajbansal@yahoo.com, ken@kenwullc.com, saskiapinto@yahoo.com, tomjoy@hotmail.com, rimmy95@hotmail.com, fxdmail@comcast.net, jodelvey@ix.netcom.com, domandkathy@yahoo.com, wchin123@yahoo.com, michaelpianka@yahoo.com, gwell40@flash.net, rsikora@gmail.com, elsbethmccan@msn.com, etransform@hotmail.com, "AaronQuigley" <Aaron.Quigley@sanjoseca.gov>
Date: Thursday, November 12, 2009, 6:22 PM

I am very sorry that my father in law is in hospital and having emergency care, so I can't attend this evening meeting. Please let me know if there is anyway I can help next week.

Thanks,
-Shaun Lin

--- On Mon, 11/9/09, Quigley, Aaron <Aaron.Quigley@sanjoseca.gov> wrote:

From: Quigley, Aaron <Aaron.Quigley@sanjoseca.gov>
Subject: Councilmember Rose Herrera invites you to a community meeting Thursday, Nov.12th
To: creeksidepattie@yahoo.com, lpianka@att.net, bryhic@yahoo.com, dragonclouddeb@yahoo.com, schlossdean@sbcglobal.net, mikenanita@yahoo.com, duc1288@yahoo.com, marcs_evgn@yahoo.com, ajbansal@yahoo.com, ken@kenwullc.com, saskiapinto@yahoo.com, tomjoy@hotmail.com, rimmy95@hotmail.com, fxdmail@comcast.net, jodelvey@ix.netcom.com, xglin@yahoo.com, domandkathy@yahoo.com, wchin123@yahoo.com, michaelpianka@yahoo.com, gwell40@flash.net, rsikora@gmail.com, elsbethmccan@msn.com, etransform@hotmail.com
Date: Monday, November 9, 2009, 3:15 PM

Councilmember Rose Herrera invites you to a community meeting, Thursday,

November 12th, at 6:30PM.

Xavier, Lesley

From: Josephine Delvey [jodelvey@comcast.net]
Sent: Tuesday, November 17, 2009 4:54 PM
To: Herrera, Rose
Cc: Xavier, Lesley
Subject: File No. GP08-08-04 - Cadwallader Land Use

Dear Councilwoman Rose, and Lesley:

I want to thank you, Rose, for attending our community meeting last week to discuss the Proposed Planned Ammendent to change the Rural Residential Land on Cadwallader to Low Density Residential Land. I will try and attend tomorrow's meeting, but I am not sure I will be able to. Thiks is why I am sending my thoughts on this issue by email.

My name is Josephine Delvey and I live at 3986 Country Vista Court. The land that is being proposed for development is behind Country Vista Court. So how do I feel about this? Let me begin by saying that I have lived at this address since 1985 when my husband and I were married. When we wer planning our wedding date, Fred and I began looking for a residence in San Jose, as we were both born and raised in adjacent areas and had visited San Jose often. We wanted to call San Jose our home.

When planning on where we wanted to live, we wanted to find a place in San Jose that was still rural, without a lot of houses and without a lot of traffic and congestion. We looked and looked and discovered the Evergreen Valley. When we purchased our home there were still cattle and horses in the hills and surrounding areas. It was paradise! Yes, we expected some growth to the area as we were realistic and didn't expect things to stay forever. However, we did not expect to see every bit of open land and adjacent hillsides gobbled up by developers.

The peace and calm that were so wonderful to enjoy here are gone now. Gone are the horses, gone are the cattle, gone is the peace and quiet of living in Evergreen Valley! Despite all the new homes, traffic and congestion, the roads to and from the highways are very much the same as they were in 1985. Getting on and off of the freeways in this area is horrific! And the surrounding roads getting to and from the freeways are also terrible. Why didn't someone consider enlarging the on ramps to and from the highways before all the development began? Why didn't someone consider what the cost to the rest of the population living in Evergreen would be with all the additional cars, people and homes?

When people first ask me where I live in San Jose, I tell them Evergreen Valley. I am always hearing the comment something to the effect of: "Oh, is there where they have built all those homes into the hills that you can see along the highway? They are so ugly..Built right into the hills Can't believe it. You live there?" I no longer can brag about the cows and the horses and the peacefulness that we once had here.

When something is being considered as a new planned development, I feel it should be a development that will have an overall improvement to the adjacent area and to the people living here in the Evergreen area.

- Would this development improve our area? **No.**
- Wouth this development improve our quality of life? **No.**
- Would this development increase the congestion in the area? **Yes.**
- Would the traffic on 101 and 280 be improved? **No**, the congestion would increase.
- Are there services in place that could handle the additional Safety issues, in case of an earthquake, or fire or a major disaster? **I don't think so!**
- Would people living now in Evergreen be able to safely exit the area if there were a major event or emergency? **I don't think so!**
- Are there schools in place to provide an education to all the children who would be attending, pre-school, elementary grades, middle school, high school and the Evergreen Valley Community College. **No!** All of the schools, including Evergreen Valley Community College, are having hugh financial challenges just to remain afloat. I currently work at Everygreen Valley College and the situation there is very dire with classes being cut, and faculty and classified are being laid off.

- What of the wildlife in the area proposed for the development? **Gone!**
- What of the affect on the beautiful trees surrounding and on the land itself? **Gone!**
- Is there currently a need in this area for million dollar to multi-million dollar homes? **Nope! Not in this current economy!** Just look in the real estate ads and For Sale signs and Forclosures not only in Evergreen, but in the Silver Creek area as well.
- Would additional shopping centers and other services be needed to help service the additional numbers of people? **Probably, as everything is so congested as it is now!**

The only people to benefit from this development are the few people who want to sell their property, chop it up and sell it to the developers. They are the only ones to benefit, plus the developers!

Am I for the project? **No, No, No! Please no more destuction of open land in Evergreen Valley. No more congestion!** Leave the property as is, or plan to develop the area into a Green Belt and/or a park that all the residents that live nearby can enjoy!

Thank you for your time in this matter, and for reading this!

Sincerely,
Josephine Delvey

Xavier, Lesley

From: sam lau [thesamlau@yahoo.com]
Sent: Monday, November 16, 2009 11:22 PM
To: Xavier, Lesley
Subject: Aganist Cadwallader General Plan Amendment GP08-08-04

Dear Lesley,

Two statistic info that the planning department used are not applicable in the proposed home. According to your representative presented in the meeting on 11/12 hosted by Rose Herrera, the statistic were 0.6 kid per household and 1 car per household.

Having done a survey among the neighborhood closed to the building site which have similar house size, the actually number are 1.8 kids per household and at 2.6 cars per household. It shows the impact on traffic and school are more adverse than what the city anticipated.

With full understanding of the traffic problem in Capital Expressway and Yerba Buena and the over capacity in our schools, we strongly oppose the increase in density in this GP admendment.

Sam Lau and Kathy Shih
residence on sycamore grove place, san jose

From: David Margolati [mailto:dmargolati@sbcglobal.net]

Sent: Wednesday, November 18, 2009 4:38 PM

To: Boyd, Darryl; Herrera, Rose

Subject: Cadwallader Ave Rezoning

To Whom It May Concern,

As a resident of San Jose and a resident of the Evergreen Valley for the last 31 years. I am writing in regards to the zoning change being proposed for the property at the top of Cadwallader Avenue.

I live directly across the street from this project. I'm concerned with the proposed density of 5 lots per acre as explained in the last weeks meeting. This could be adjusted after the approval to allow more houses on the flat areas and less on the steeper parts. Since the area across the street from us is the flat parts this would impact beyond the 5 per acre. This is a prime piece of property and if probably developed at 2 lots per acre it would represent a quality development instead of "just" another subdivision that has been crowded together.

The property will be sold, the developer will slice up lots and then we will be stuck with the results. Let's make it 1.5 to 2 lots per acre. This is according to the Evergreen Specific plan, this shouldn't be changed.

On a side note if the developer was going to open his front door 5 lots per acre they would be asking for what we are, no more than 2 lots per acre.

Sincerely, David Margolati

408.373.0448