



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 19, 2009

COUNCIL DISTRICT: 8
SNI AREA: NA

SUBJECT: FILE NO. GPT09-08-01. GENERAL PLAN TEXT AMENDMENT TO AMEND THE GENERAL PLAN AND EVERGREEN SPECIFIC PLAN TEXT TO ADD 35 NEW RESIDENTIAL UNITS IN EXCESS OF THE 2,996 RESIDENTIAL UNITS ALLOWED IN THE EVERGREEN SPECIFIC PLAN AND RELATED TEXT AMENDMENTS TO THE SPECIFIC PLAN TO ALLOW FOR RESIDENTIAL DEVELOPMENT ON THE SITE BOUNDED BY THE VILLAGE SQUARE, CORTONA DRIVE, CLASSICO AVENUE AND RUBY AVENUE.

RECOMMENDATION

The Planning Commission voted 4-3-0 (Commissioners Do, Jensen, and Campos opposed) to recommend that the City Council approve a General Plan Text Amendment to allow for the addition of 12 new residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and related text amendments to the Specific Plan.

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 multi-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 Text Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Text 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. A majority of the letters are in opposition to more residential units within the Evergreen Specific Plan area. However, four of the letters received are from business owners in the Village Square who support the additional residential development. The additional correspondence is attached to this memo.

The applicant, Kelly Erardi, with Shapell Homes, spoke on the item. He stated that Shapell has been involved in the development of the Evergreen Specific Plan since the beginning, have built out projects as the Plan intended and are committed to follow through with the completion of the Village Square. He added that the residential uses in the Village Square, specifically on their site, have always been allowed and that the requested additional residences would support the commercial uses in the Village Square.

The Planning Commission then took public testimony. There were four speakers on the item. One speaker wanted to bring to the Commissions attention that there is not enough housing geared towards the disabled residents in the Evergreen area. Charles Welsh, owner of Great Clips located in the Village Square, and another business owner stated that this was a good infill site, it is ready to be developed, and development of the site would help his business. The Assistant Director read into the record comments made by Edna Herrera who had to leave the meeting. She stated that she did not support the increase in residential units in the Evergreen Specific Plan area in that there is a great impact to schools and traffic and that a commercial use on the site would serve the community better and is a use that they are in need of.

Bonnie Mace, representing the District 8 Roundtable, stated that they are not in support of the project as a commercial use is more suitable to this site and is needed by the community, which was evident in the 1999 Planned Development Rezoning approval that allowed 54 residential units to be moved from the site and converted to carriage units elsewhere within the Specific Plan area. She added that should units be added to the Specific Plan, it should be no more that 12 units and they should be single-family detached in a lotting pattern that matches the units across Cortona Drive.

The Planning Commission then closed the public hearing. Commissioner Zito questioned staff about the reason for the move of the 54 for residential units that occurred in 1999 and why should 35 dwelling units be added back now. Staff responded by stating that these units were shifted within the Evergreen Planned Residential Community to respond to market demands for houses with secondary carriage units. The overall number of units within the specific plan area did not change, and, the 1999 General Plan Text Amendment added language to the Village Center designation that allowed for Mixed Use Development with residential uses above retail uses, and independent multi-family residential projects.

Commissioner Zito then made a motion to allow for an addition of 12 units to the Evergreen Specific Plan. He then spoke on the item and stated that his motion was as such because 12 units would be consistent with what is existing across Cortona Drive. Commissioner Cahan spoke on the motion and added that given the riparian area and the approved commercial on a portion of the site it did not make sense to add 35 units to this area.

Commissioner Zito also added that staff had missed a text change on page 10-3 of the Specific Plan and asked that it be added to the recommendation. Staff did miss this change and the following should be included in the recommendation:

- Evergreen Specific Plan, Chapter 10, Implementation, Development Allocations within the Specific Plan, page 10-3.

A maximum of ~~2,996~~ 3,008 dwelling units has been established for the Evergreen Specific Plan area.

The Planning Commission then voted on the motion, 4-3-0 (Commissioners Do, Jensen, and Campos opposed). Those commissioners opposing the motion did not speak to their vote.

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 November 2, 2009, a community meeting was held at the Tom Matsumoto Elementary School on Mackin Woods Lane, at which approximately 43 area neighbors were in attendance.

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.

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BUDGET REFERENCE

Not applicable.

CEQA

Re-use of the Evergreen Specific Plan Environmental Impact Report (EIR), Resolution No. 63179, and an addendum to the Evergreen-East Hills Vision Strategy Project Environmental Impact Report, Resolution No. 74741.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Xavier, Lesley

From: Vic DeMelo [VDeMelo@BrowmanDevelopment.com]
Sent: Wednesday, November 18, 2009 1:49 PM
To: Xavier, Lesley
Subject: FW: Shapell Letter of Support
Attachments: Shapell Letter of Support.pdf

Hello Lesley,

Please see attached support letter for Shapell's proposed GP Text Amendment. We are owner and manager of the Walgreens Pharmacy and small mixed used building abutting Walgreens within Evergreen Village Square and strongly in support of the approval item before you tonight. Please feel free to contact me directly with any questions.

Thank you,

Vic de Melo
Vice President
Browman Development Company, Inc.
1556 Parkside Drive
Walnut Creek, CA 94596
(925) 588-2225
(925) 588-2230 (FAX)

From: Allison Klein
Sent: Wednesday, November 18, 2009 1:44 PM
To: Vic DeMelo
Subject: Shapell Letter of Support

Allison Klein | Browman Development Company, Inc.
1556 Parkside Drive, Walnut Creek, CA 94596
PH: 925.588.2226 | FX: 925.588.2230
aklein@browmandevelopment.com

11/18/2009



BROWMAN DEVELOPMENT COMPANY, INC.
Development • Leasing • Management

November 18, 2009

Via Email

Lesley Xavier
Project Manager
City of San Jose
lesley.xavier@sanjoseca.gov

Rose Herrera
Councilmember
City of San Jose
rose.herrera@sanjoseca.gov

Re: GPT09-08-01
General Plan Text Amendment to the Evergreen Specific Plan

Dear Ms. Xavier,

My name is Vic de Melo; I am the Vice President of Browman Development Company (BDC), a commercial retail development company and owner of the Walgreens building and two (2) tenant mixed used building abutting Walgreens located within the Evergreen Village Square shopping center. The purpose of this letter is to express support for Shapell's proposed General Plan Text Amendment to the Evergreen Specific Plan to allow 35 residential units to the Evergreen Village Square development.

BDC has completed the development of over 40 neighborhood and regional shopping centers throughout Northern California, the state of Washington and Alaska and in our experience additional residential activity will only benefit the existing merchants and retailers that have faced not only a very challenging retail environment but the exodus of Lunardi's Grocery store from the center.

The proposed plan is not to replace commercial buildings with housing; instead, the new housing can act as a buffer for the existing residential units across the street from the commercial shopping (once completed) and can add much needed energy to Evergreen Village Square development. I would respectfully request your vote in favor of this proposal.

We would appreciate your assistance in forwarding this letter of strong support to the San Jose Planning Commission and City Council for consideration.

Sincerely,

Vic de Melo
Vice President
Browman Development Company, Inc.
925.588.2225 direct
925.588.2230 fax
vdemelo@browmandevelopment.com

Xavier, Lesley

From: jjnjc@sbcglobal.net
Sent: Wednesday, November 18, 2009 11:22 AM
To: Xavier, Lesley
Subject: Evergreen Village Square

Hi,

I am the owner of Java Junction. I have been a merchant at evergreen square for a little over four years. I am in support of the proposed development of the 35 homes and the additional retail on the designated site. It is my belief that addition of the homes and retail spaces would further complete the center and complement the existing center and the surrounding neighborhood. I have heard of concerns of the impact on traffic it could bring to the neighborhood. From the eyes of someone who is at this location 7 days a week I see no traffic issues in the square or surrounding neighborhood now in fact it is extremely quiet. We should view this as an offer from Shapell to help boost and stimulate our local economy in these struggling times

Thank you,

Steven Spadafora

Sent from my BlackBerry® on the MetroPCS Network

Xavier, Lesley

From: Danielle G Bechwati [secretoasis@sbcglobal.net]

Sent: Tuesday, November 17, 2009 4:50 PM

To: Xavier, Lesley

Dear Lesley,

I will be attending the meeting Wednesday November 18 in support of the GP Text Amendment initiated by Shapell Industries, concerning future development at the Evergreen Village Center. I am the owner of Secret Oasis Day Spa & Salon located at the square. We have been patiently waiting for the next phase of the building to begin that includes completion of the retail portion of the project. My vision is a community that spends their money locally as opposed to leaving the area for goods and services. In order to achieve this we *must* grow. A combination of residential and commercial properties would give a boost to our local economy as well as bring in more residents to support the businesses. I hope this amendment is approved. Evergreen has so much potential, but we need to complete the vision for a better and brighter Evergreen.

Thank You!

Danielle G Bechwati
Secret Oasis Day Spa & Salon, INC.
4075 Evergreen Village Sq # 140
San Jose Ca 95148
(408) 238-3216
www.SecretOasisDaySpa.com

11/18/2009

-----Original Message-----

From: Charles V. Welsh [mailto:charles.welsh@greatclips.net]

Sent: Tuesday, November 17, 2009 3:08 PM

To: Xavier, Lesley

Subject: Support for the General Plan Text Amendment

Hi Lesley,

My wife and I opened, own, and operate the Great Clips Hair salon in Evergreen Village Square. We have also lived in Evergreen for the past 13 years and have two children attending the public schools here. I have reviewed and strongly support the text amendment to the general plan, allowing 35 residential units to be built. Three reasons I support this:

1. Given Evergreen Development Policy modifications recently created the ability to add 500 new homes in Evergreen, we must ask ourselves, where first would those homes do the most good? Unquestionably, adding them to the stalled Evergreen Village project -- where more than 50 homes were originally intended -- is a very easy "yes".
2. If we wish to support the type of integrated living/working/retail environment that reduces traffic and improves quality of life, you really couldn't do any better than adding housing to the Evergreen Village Square. Residences will provide more customers who can walk to parks, businesses, schools (and -- likely -- to a new library!)
3. This clearly would kick start a series of development actions that renews momentum and would allow the Evergreen Village Square project to be finished . Right now, we are experiencing a chicken and egg problem. It is a stalled project, new retailers don't want to come in because it is stalled, and the uncertainty hampers completing the project and leasing spaces. Break that cycle with this development and we'll see Evergreen Village completed at last.

As a result of all these positive factors, there is no better place to start with the first round of new housing than at Evergreen Village Square. I strongly support the text amendment to the General Plan to make this possible.

Regards,

Charles Welsh

5949 Killarney Circle

San Jose, CA 95138

408.532.0672

Xavier, Lesley

From: Justine N Nwafor [nwafor@sbcglobal.net]

Sent: Thursday, November 05, 2009 3:18 PM

To: Xavier, Lesley

Subject: Please stop the addition of homes in the Evergreen Square

Hi Lesley

It will be a great disservice to the residents of Evergreen to add more homes in this area. The schools are highly impacted and any further addition of homes will make worse the over-crowdedness in the EVHS.

I'm a parent with a child in EVSH and two more to attend this HighSchool. Any increase in population will diminish the academic standards and render instructions in all the schools impossible given the potential increase in class sizes. The capacity of all the schools is unbearable already and any addition will be catastrophic.

Your support in stopping this plan will be very appreciated and we will remember this HELP.

George N

3921 Carracci Lane. SJ CA 95135

11/18/2009

Xavier, Lesley

From: Ferial Bagha [fbagha@sbcglobal.net]
Sent: Thursday, November 05, 2009 4:08 PM
To: Xavier, Lesley
Subject: development of 35 new homes in Evergreen Village square

I would like to raise my concerns about City's plan on building 35 new homes in the Evergreen Village square.

The city is obligated to provide a safe environment for the citizens and when there is planning for housing, the city is mandated to build enough schools to accomodate the increased children population in the area. There is simply not enough services provided for us or not enough support for the current businesses in the new Evergreen community. We need new schools, stores, restaurants and places of business not more houses, more people.

Please help us and our community to go green and to reduce the traffic. Many of us travel far distances to shop and now many are traveling far to find schools that are not over-crowded. Tell the Shapel homes to build some schools for us not more houses.

Thank you for your support.
Ferial Bagha,D.D.S.

11/18/2009

Xavier, Lesley

From: -- Purvi Shah -- [purvihshah@gmail.com]

Sent: Thursday, November 05, 2009 4:22 PM

To: Herrera, Rose; Xavier, Lesley

Subject: Objection of building 35 new residential units in Evergreen Village Center

Hello,

I object to build any more residential units in Evergreen because:

- 1) Presently there are too many residential units over crowding the streets, schools
- 2) We need to build more community centers, parks, shopping center etc. other than residential units
- 3) Traffic to take 101 N. from Aborn is just unbelievable and is getting more and more congested every day.

Please consider our opinion to refusal to build any more residential units and recommend government to build more shopping center, community center, park or gym.

Thank you,

Purvi.

Xavier, Lesley

From: lin ma [malin8@gmail.com]
Sent: Thursday, November 05, 2009 5:12 PM
To: Xavier, Lesley
Subject: Re: shapell new development at evergreen village squares

I personally oppose to the planned rezoning plan for the same reasons. Housing units(especially townhouse/condo) in small evergreen village square area are already too much. NO MORE.

On Thu, Nov 5, 2009 at 11:25 AM, Xavier, Lesley <Lesley.Xavier@sanjoseca.gov> wrote:

I do not have a summary written up, but most were in objection due to existing traffic problems and over crowded schools. The summary will be in my staff report that should be available November 12, prior to the November 18th Planning Commission Hearing, who will make a recommendation to the City Council, who will make the final decision at their Dec 1 public hearing. Notices of these two hearings will be in the mail soon.

You could also contact Bonnie Mace, President of the District 8 Roundtable (neighborhood Community Group) at: info@d8crt.org

Lesley Xavier

Lesley Xavier, Planner II
Planning Division
Planning, Building and Code Enforcement
City of San José
200 E. Santa Clara Street, 3rd Flr, Tower
San Jose, CA 95113
Tel: (408) 535-7852 FAX: (408) 292-6055

The Envision San Jose 2040 General Plan Update is creating the blueprint for SanJose's future growth and development. To help inform the process, we have created a website where you can provide input. Go to www.wikiplanning.org and enter your e-mail address and use the password 2040.

Please visit our website at:
<http://www.sanjoseca.gov/planning>

From: lin ma [mailto:malin8@gmail.com]
Sent: Thursday, November 05, 2009 11:14 AM
To: Xavier, Lesley
Subject: Re: shapell new development at evergreen village squares

Thanks for your response. I missed the community meeting to discuss this project at Tom Matsumoto school on Monday.

Is there meeting summary available ?

On Thu, Nov 5, 2009 at 10:42 AM, Xavier, Lesley <Lesley.Xavier@sanjoseca.gov> wrote:

There are 2 projects on file. A general plan text amendment to add 35 units to the cap in the Evergreen Specific Plan. If this is approved by Council the next project is a rezoning that will allow for up to 35 residential units on the site.

Lesley Xavier

Lesley Xavier, Planner II
Planning Division
Planning, Building and Code Enforcement
City of San José
200 E. Santa Clara Street, 3rd Flr, Tower
San Jose, CA 95113
Tel: (408) 535-7852 FAX: (408) 292-6055

The Envision San Jose 2040 General Plan Update is creating the blueprint for SanJose's future growth and development. To help inform the process, we have created a website where you can provide input. Go to www.wikiplanning.org and enter your e-mail address and use the password 2040.

Please visit our website at:

<http://www.sanjoseca.gov/planning>

From: lin ma [mailto:malin8@gmail.com]
Sent: Wednesday, November 04, 2009 12:08 PM
To: Xavier, Lesley
Subject: shapell new development at evergreen village squares

Hello,

11/18/2009

I am a resident near evergreen village squares and like to know more information about this re-zoning project.

Thanks

Lin M.

Xavier, Lesley

From: William Wong [wwong514@hotmail.com]

Sent: Thursday, November 05, 2009 9:50 PM

To: Xavier, Lesley

Subject: General Plan Text Amendment (File No. GPT09-08-01) & (File No. PDC09-020)

Hi Lesley,

My family and I live in Alessandro Drive. We think to build 35 units of townhouses at Evergreen Village Square will increase more traffic around this area and there are too many townhouses around this section already.

Yours truly,

William Wong

11/18/2009

Xavier, Lesley

From: Deepa Prashant [deepaprash@yahoo.com]
Sent: Friday, November 06, 2009 11:15 AM
To: Herrera, Rose; Xavier, Lesley
Subject: Against development of 35 residential units in Evergreen Village Square

Rose / Leslie,

I do hope the city takes into account the wishes of the community. I don't see the city reprimanding Shapell for not living upto its promise of building out the Village Square. Shapell did extremely well in the years they sold the homes in this neighborhood. If they pocketed all that money and now have none to complete the project promised, there have got be consequences. And those consequences cannot be the city helping them get richer by building further homes in the withering Village Center.

Why has Shapell not reduced the rent in Evergreen Village square to allow more commercial vendors to establish their presence? Shapell and the City seem content with the empty Lunardi's building and assisting Shapell make more money with this new project of building additional homes in an already overcrowded Evergreen area does not gel well with the current residents. When are the wishes of and promises to the community going to be upheld? When there are so many homes in the market (with foreclosures etc) why are we even considering building more new homes?

1). Evergreen was one of the pioneers in San Jose that used visionary planning and design before development. That is the reason the area has become an ideal place for many. Unfortunately, when home values appreciated, the developer forgot about his promise to build a community that embedded commercial, entertainment, and necessary facilities to help build out the community. A promise made must be withheld at all costs and the City has to step up to police the developers and ensure the Plans and designs shown to potential residents at the time of selling those homes are adhered to. If the City cannot police the developers, we have a real serious issue at hand. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they've now changed the plan and want to make more money.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public

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- parking away;
- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;
- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
- It will impact the existing commercial stores. By building residential units there, we remove the possibility for more services / variety of services, reduce the capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sighted decision, and will cause long-term issues. The visionary committee has planned to make this a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with the current low occupancy rate is mainly due to high rent and the fact that the square has not been fully built out. We must revive the village center, and building more residential units is definitely not the way to go.

Please note, I am not against the developer making more money. They are a business like any other and need to be profitable. But doing so with false marketing cannot be the acceptable way to go. If they were to instead build out the Village Square all the way to Aborn and lower the rent initially just to entice businesses, the Square will thrive due to the added attractions and variety to suite all palates. This will not only earn them the goodwill of the people of Evergreen but the then booming Square will serve as one of their thriving cash cows and model investments.

Deepa Prashant

3293 Cantamar Ct.,

San Jose, CA

Xavier, Lesley

From: Dr.Ray [sanjoseraymond@yahoo.com]
Sent: Friday, November 06, 2009 11:44 AM
To: Xavier, Lesley
Subject: Objection to build 35 new home in Evergreen Village

Dear Lesley,

I am a resident of evergreen, just a few blocks away from the proposed building site of the 35 new homes in the Evergreen Village area.

I strongly object to the idea of the building of the 35 new homes there because

(1) that area should be part of the village commercial center and be used to bring more services to the residents instead of bringing in more people to live there.

(2) all the elementary, middle and high school that serves that area are ALL OVERCROWDED now. bringing more people there will adversely impact the already overcrowding and short-of-budget schools and the children of the existing residents.

(3) the traffic of the area especially along the 101 is already bad enough.

(4) the proposed permit has no time limit, so shapel may just leave it as empty lot for a long time.

(5) the allowed height of the permit is much higher than the existing building (both commerical and residential) in the area. it will seriously damage the view and also cause privacy issues.

(6) the parking spaces in the area is already short. building more homes will make it worse.

I hope you will reject the proposal of the 35 new homes.
Thank you very much for your consideration.

Raymond

Xavier, Lesley

From: Hui Cheng (huicheng) [huicheng@cisco.com]
Sent: Friday, November 06, 2009 12:01 PM
To: Herrera, Rose
Cc: Xavier, Lesley
Subject: RE: against building new units at Evergreen village square

One of the big reasons we should not allow these 35 homes added in the square is the overcrowding at EVHS, which is now a major problem. EVHS was design for approximate 1700 kids, they added some portable room later for up to 2200 students. However, the school has 2645 students so far. Because of the overcrowded, EVHS doesn't have classroom for magnet program while other High School has, and each class needs to add more students to accomplish all the students.

From: Hui Cheng (huicheng)
Sent: Friday, November 06, 2009 11:54 AM
To: 'rose.herrera@sanjoseca.gov'
Cc: 'lesley.xavier@sanjoseca.gov'
Subject: against building new units at Evergreen village square

I totally agree with the following points:

- 1). Evergreen area is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many. Unfortunately, when the house values appreciated, the developer forgot about their promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they changed the plan and wanted to make more money. It is a moral issue with Shapell, as they could not honor their promise they made.
- 2). What would be the issues with these 35 residential units if the plan were approved?
 - The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;
 - These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
 - It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;
 - It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
 - It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in

the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

Regards

Hui

Xavier, Lesley

From: bgoldmace@aol.com
Sent: Friday, November 13, 2009 3:18 PM
To: Xavier, Lesley; Enderby, Mike
Cc: Herrera, Rose; Rocha, Donald
Subject: GPT 09-08-01 D8CRT recommendations

To: Planning Commission and City Council
 Subject: GPT 09-08-01 (4035 Evergreen Village Square)

Recommendation:

The District 8 Community Round Table Steering Committee does not support the proposed General Plan Text Amendment to amend the General Plan and Evergreen Specific Plan text to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and additional text amendments to the Specific Plan to allow for the proposed development of the site.

Analysis:

1. The Evergreen Specific Plan approved in 1991 set a numerical cap of 2,996 units on overall residential unit development in the project area, and this numerical cap should not be changed because this would set an undesirable precedent for altering specific plans in general and the Evergreen Specific Plan in particular. The Evergreen Specific Plan was negotiated and approved after much negotiation between the various stakeholders, and to change its numerical caps easily now that Evergreen Development Policy units are available would be a very dangerous precedent for the future.

In 1991, the Council approved the ESP and its numerical cap of 2,996 on overall residential units with the express intention that this number would be the total sum of residential unit development covering the entire specific plan area. The purpose of a numerical cap is to have a maximum number of units; it is not supposed to be a flexible number. A numerical cap is intended to be a permanent agreement that provides a political and legal boundary line. If we allow this cap to be changed and to be increased on this project, then there will be nothing to prevent any future similar general plan text amendments on the Evergreen Specific Plan on behalf of developers or parcel owners who want to build more residential units on their property.

Furthermore, parcels that are covered by the Evergreen Specific Plan are distinct from other parcels that are not covered by the Evergreen Specific Plan. In the case of the latter, developers or homeowners may choose to apply for residential allocations from the Evergreen Development Policy allocation pool of 500 units. If a parcel is covered by the Evergreen Specific Plan, however, it should not be eligible for EDP allocations because it is already covered by specific plan allocations.

2. Another reason why this GPTA should not be approved is that this small parcel in Evergreen Village Square is not an appropriate area for residential units. This parcel should remain designated for commercial use only. Council already approved PDC06-036, which allows two, two-story commercial buildings of 36,5000 square feet on the site. There are only two undeveloped patches of land in the Evergreen Village Square area; one is this parcel, and one is the parcel in front of the small lake across the street from Walgreen's. These are the last two sites on which commercial can be built in the Evergreen Village Square area. On the other hand, the area is completely surrounded by residential units on all sides, and an additional 35 residential units would not be a good use for this site, considering that there are thousands of residential units already surrounding the entire Evergreen Village Square area.

Furthermore, as far back as 1999, staff indicated that this site should be reserved for commercial purposes. Originally, there were 54 residential allocations available for development on this parcel under the terms of the Evergreen Specific Plan. But in 1999, a rezoning was approved by Council, and this rezoning relocated the 54 residential units to another section of the Evergreen Specific Plan area. According to the Staff Report from PDC99-04-031, the intent of this rezoning was "allow a more viable commercial site.. the planned 54 housing units are very important to the overall residential mix in the Evergreen Planned Residential Community and they will be relocated to Area 1." (p.3) Staff specified that this relocation of units was acceptable "as long as the overall

dwelling unit total for the EPRC is not exceeded." (p.3) It was clearly Staff's intention to make this area a more viable commercial center and not to exceed the numerical cap of 2,996 as written in the Evergreen Specific Plan.

In a Staff Memo dated June 25, 1999, it states that the conforming rezoning request is "to relocate or delete attached residential units from the Village Center to other Shapell owned land to the east in Area 1, as noted on the approved General Development Plan for ESP. The basis for the proposal is to better facilitate the commercial development in the Village Center which has been struggling to put together a viable project. Implementation staff feels that this amendment is appropriate in order to get the Village Center built in a timely manner." Therefore, it was clearly the intention of staff to provide a dedicated commercial land use designation in this area so that the commercial center could be built in a timely manner. It would conflict with this intention to return and place an additional 35 residential units on this parcel, which would violate the ESP numerical cap.

Additionally, entrance and exit access for residential units on this site would be difficult because of limitations due to the existing street access. The area is bounded by four streets, Village Square, Cortona, Classico and Ruby, and there are limitations to entry and exit access to the property. As depicted in the applicant's preliminary drawings for a future rezoning (PDC 09-020), street access to the potential residential units would be through the commercial parking lots on Ruby and Classico. This would be awkward for residents to have to drive through the commercial parking lot to access their parking garages. There can be no vehicular access through Cortona, since it has a landscaped trail that is an extension of Fowler Creek's riparian area, and this trail runs the entire length of Cortona. In sum, the entry and access for residential units would be unwieldy on this small parcel.

Lastly, this parcel is one of the proposed sites for the new southeast branch library in Evergreen. The decision on the library site will be made within the next few weeks, and it is unwise to make any development decisions regarding development of this parcel until the library decision is confirmed.

Additional Recommendations

While the D8CRTSC does not support the GPTA as currently proposed, if the City Council decides to approve this GPTA, then we have several recommendations concerning the future development of any residential units on this site.

- There should be no more than 12 single family detached homes on this site, which is compatible with the neighboring lots across the street on Cortona.
- There should be no vehicular access across the landscaped trail area on Cortona. Furthermore, since the area is close to Fowler Creek, which is a riparian area, there should be a riparian setback of at least 75 feet from all permanent structures built on the parcel.
- There should be no entry and exit access for the residential units through any of the commercial parking lots. There should be no shared parking between residential and commercial units.
- The front of the houses should face outwards towards the existing streets and have sidewalks for pedestrian entry, rather than inwards towards the interior of the commercial buildings/parking lot.
- There should be a development trigger that ensures the approved commercial buildings will be built prior to the building of any residential units. Commercial and residential uses on the site should have a good interface.

Thanks for your time.

Sincerely,

Bonnie Mace

District 8 Community Round Table Steering Committee, President

Xavier, Lesley

From: mei zhu [mei.zhu@apple.com]
Sent: Thursday, November 12, 2009 8:32 PM
To: Xavier, Lesley
Subject: letter to city regarding PDC09-020

Attachments: Document.pdf; ATT18379145.txt



Document.pdf (723 KB)



ATT18379145.txt (66 B)

Dear Lesley,

I am sending in my letter in opposition of addition of 35 high density housing in evergreen. I also attached Shapell's plan regarding the neighborhood in 1998 when we purchased the house. I believe we will prevail if we go to the court. This is an example on how a corporation misled innocent consumers like us.

Regards

Mei

Begin forwarded message:

Mei Zhu
3118 Cortona Drive
San Jose, CA 95135
November 09, 2009

Ms. Lesley Xavier
Project Manager
City of San Jose

Ref: File No. GPT09-08-01 35 residential units

Dear Ms. Lesley,

I am writing to express our concerns about the planned development of 35 high-density residential units at Evergreen Village Center.

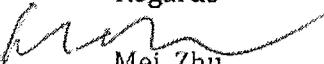
I voiced my concerns during a community hearing on November 2nd, 2009. I can't make it to the public hearing on November 18th due to my busy schedule. Therefore, I would like to send in my response in writing instead.

We bought our Shapell Legacy house eleven years ago on Cortona Drive. We were shown a wonderful plan of a charming village center in front of us before we purchased the house. We were told there would be a children's playground nearby as well. From the illustration of the plan, Cortona Drive is supposed to be a small street. Time flew by and our one-year-old daughter is twelve now. The piece of land north of Cortona Drive remains bare and ugly. There is no children's playground, only weeds which grow year after year. We are also disappointed to see that Cortona Drive has become a busy road and extremely noisy during weekday mornings, as parents drive their children to Tom Matsumato Elementary and Chaboya Middle School through Cortona Drive.

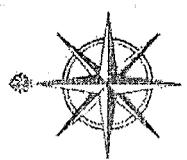
Shapell's plan of adding 35 high density units in the area north of Cortona Drive will further ruin the Evergreen community. It creates congestion of traffic and increases the burden of local schools. I agree that a piece of land needs to be utilized to its best use and achieve its highest potential. However, the structure needs to be similar in style to its surroundings, meaning it should be a high end commercial building, low density housing, or a community center as originally planned. It needs to be properly landscaped to match the neighborhood.

Evergreen residents have put in money and time to make this place a great place to live and to raise our family. We should not let Shapell ruin this community by maximizing their profit and introducing high -density housing.

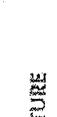
Regards



Mei Zhu



LEGEND

-  NEW RESIDENTIAL
-  FUTURE PHASE I DEVELOPMENT
-  FUTURE PHASE II INFRASTRUCTURE
-  BACKUP LANDSCAPING, POCKET PARKS, INTERNAL TRAILS, AND MEDIAN ISLAND LANDSCAPING
-  VILLAGE CENTER
-  REGIONAL OR CITY PARK

Xavier, Lesley

From: bgoldmace@aol.com
Sent: Thursday, November 12, 2009 2:42 PM
To: Xavier, Lesley; Herrera, Rose; Rocha, Donald
Subject: GP 08-08-04 recommendation from D8CRT

To: Planning Commission and City Council
Re: GP 08-08-04 (Cadwallader)

Recommendation:

The District 8 Community Round Table Steering Committee does not support approval of a request to change the land use designation from rural residential (.2 du/ac) to low density residential (5 du/ac).

In the community meetings, the neighbors expressed concerns about the project's proposed density, and potential negative impacts on traffic and schools. Therefore, we do not support approval of the general plan amendment as currently proposed.

If the City decides to approve this proposal, however, then we make the following recommendations that address the community's concerns:

- The project site should have a general plan land use designation of 2 du/ac, which is compatible with the neighboring lots.
- The square footage of the lots should be relatively comparable across the project area. Currently, the project design is for some lots of 10,000 square feet and some lots of more than an acre. It would be more compatible with the neighborhood if the lots were more similar in size to each other.
- a portion of the hillside private open space should be dedicated as public parkland.
- traffic calming measures should be implemented at the intersection of Nieman and the road for the new residential development.
- there should be no cut-thru road between Nieman and Cadwallader. The only vehicular access will be from the new development to Nieman. There should be emergency vehicle, pedestrian and bicycle access from the new development to Cadwallader, and this should lead directly to the elementary school so that parents and their children can have an easy access to the school.
- there should be ongoing discussions between the City and the Evergreen Elementary School District regarding the placement of the elementary school children who will live in this new residential development.

Thanks for your time.

Sincerely,
Bonnie Mace
District 8 Community Round Table Steering Committee, President

Xavier, Lesley

From: Duc M. Nguyen [ducmn@yahoo.com]
Sent: Monday, November 16, 2009 2:47 PM
To: Xavier, Lesley; Herrera, Rose
Subject: Proposed Townhouses at Evergreen Village Square

Please be advised that I object to the proposed project. Instead, I believe that a more suitable project would be a new library at the proposed location.

Duc Nguyen, Evergreen Resident
3303 Provence Court
San Jose, CA 95135

11/16/2009

Xavier, Lesley

From: ryanbach [ryanbach@gmail.com]

Sent: Saturday, November 14, 2009 7:11 PM

To: Xavier, Lesley

Subject: Regarding Shapell plan to build 35 townhouses in Evergreen Village Square

Dear Lesley,

My name is Edward Pham, a resident in District 8. I just receive a public hearing notice for this plan. I am strongly oppose the Shapell plan since it will create a lot of traffic in the area. Furthermore, it will also put a stress on the area elementary school.

If you have any question, please feel free to call me at (408) 624-0735.

Best regards,
Edward Pham

11/16/2009

Xavier, Lesley

From: Irma Trejo [irmatrejo@hotmail.com]
Sent: Sunday, November 08, 2009 8:53 PM
To: Xavier, Lesley
Subject: Concern for the planned development at 4035 Evergreen Village Square

Hello,

Below please find my concern. I don't agree with rezoning:

1). It is sad to see that developers forget pretty soon about the promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. lots of traffic, crowded schools, negative impact on existing commercial buildings and stores.

3). Suggestion about what can be built on the center:

Having back a grocery store, that was attracting customers even for the commercial stores.

- Library;
- Community center;
- Sport facility, like a GYM

Regards,
Irma Trejo

 **EMAILING FOR THE GREATER GOOD**
[Join me](#)

Xavier, Lesley

From: Raj Vemu [rajvemu@ymail.com]
Sent: Sunday, November 08, 2009 2:35 PM
To: Xavier, Lesley
Subject: Shapell and Evergreen Village Square

Dear Lesley:

We are current residents near Evergreen Village Square. We have learned that Shapell has sent an application to City of San Jose to build 35 Townhouses at Evergreen Village Square! This area was originally approved to build commercial buildings. As residents near that location, we strongly oppose Shapell's intent to replace Commercial Center with Townhouses. Currently, there are banks and several other conveniences in the Evergreen Village Center that residents enjoy. In addition, there is also a Farmers Market twice a week at that location. We cannot imagine not having all these conveniences for residents at that location. Please disapprove Shapell's application to build Townhomes or we will be forced to vacate our home and move to some other location.

Thanks for your time and consideration.

Raj Family

Xavier, Lesley

From: a_chakradhar@yahoo.com
Sent: Saturday, November 07, 2009 3:32 PM
To: Xavier, Lesley
Subject: Concern for evergreen village residential development plan

Hi Xavier

My concern for the planned development rezoning at 4035 Evergreen Village Square to allow for the development of up to 35 residential units.

1). Evergreen area is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many.

Unfortunately, when the house values appreciated, the developer forgot about their promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they changed the plan and wanted to make more money. It is a moral issue with Shapell, as they could not honor their promise they made.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;
- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;
- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
- It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the

capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

Regards

-Chakradhara

3262 Trabuco ct

San jose 95135

Xavier, Lesley

From: praf11@aol.com
Sent: Saturday, November 07, 2009 7:33 AM
To: Herrera, Rose; Xavier, Lesley
Subject: Evergreen Council Meeting

Hello

I have a concern for the planned development in rezoning at 4035 Evergreen Village Square to allow for the more development of up to 35 residential units.

1). When I moved to Evergreen area, I was advised that it is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many. When the house values appreciated, Shapell seems to have forgotten about their promise to build a strong community that intertwined commercial, residential, entertainment, and the necessary facility to the community and just wanted to profit, at the cost of the existing residents. 35 residential units with three stories will not fit in well in the neighborhood. Shapell never promoted this when they were promoting the homes built in the past. The area plan Shapell showed to all the home buyers clearly stated that the area was for commercial use. Now that all built homes have sold, they changed the plan and want to profit further. It is a moral issue with Shapell, as they could not honor their promise they made.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 100 cars and more traffic. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;
- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation; Takes 20 mins to get to 101.
- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
- It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

3). Suggestion about what can be built on the center:

- Library;
- Community center;
- Commercial building;
- Sport facility, like a GYM

Thanks

-Prafull Nayak

11/16/2009

Xavier, Lesley

From: James Zhan [jamesxzhan@yahoo.com]
Sent: Friday, November 06, 2009 4:26 PM
To: Xavier, Lesley; Herrera, Rose
Subject: Oppose building 35 homes in the Village Square!

Hi Lesley and Rose,

I am a long time resident in Evergreen, and enjoy living in this beautiful district.
I strongly oppose the plan of building 35 homes in the Village Square, mainly due to the following reasons:

- school overcrowding, especially at EVHS
- take away the potential to alleviate shortage of commercial places (stores, restaurants, etc) in this area
- aggravate the traffic problem;

Please take considerations of the above and vote against it!

Reegards,

- James Zhan

11/16/2009

Xavier, Lesley

From: Karen Jia [karen_jia@yahoo.com]
Sent: Thursday, November 05, 2009 10:35 AM
To: Xavier, Lesley; Herrera, Rose
Subject: against building 35 high density residential units in village center

Hi Lesley and Rose,

I'm an Evergreen resident, and I strongly oppose to building 35 high density residential units in Evergreen Village Center. I believe it's a short-sighted proposal and will only add more problems like schools overcrowding, and lack of commercial businesses to serve the community.

I've lived in Evergreen for more than 10 years now, and have appreciated the peace and tranquility it offers to its residents. Whenever there's a neighborhood gathering, the schools overcrowding and lack of commercial businesses to serve the community have always come up in conversations. For example, why do we have to hop on the highway to hit the next town just to attend a neighbor's child's birthday party??

Everyone has been wondering when in the world Shapell is going to bring in the businesses they said they were going to at the vacant space in the village center. What the community needs is more businesses, not more homes, at this point.

Thanks for your time, and please, listen to the voice in the community.

Best Regards,
Karen

11/5/2009

Xavier, Lesley

From: Lili Kan [lilixkan@yahoo.com]
Sent: Wednesday, November 04, 2009 9:27 PM
To: Xavier, Lesley
Subject: against build 35 high density residential units in village center

Hi Lesley,

I'm writing this email to express my opposition to the proposed high density residential units in the Evergreen Village Center.

There are number of reasons that I oppose this plan:

1. Evergreen was developed with a visionary planning. However, right now, the proposal is to change the design with a piece-meal patch which would not fit the neighborhood design, and violates the spirit and promise of area to what the builders had been promoting when they were selling the houses.
2. The current proposal of 3 story town houses is by far the tallest homes in the neighborhood. It obstructs the views of the neighboring houses. This is absolutely not fair to current residents in the immediate area.
3. Evergreen, Matsumoto and Chaboya schools are already overcrowded. Builders are adding small chunks of houses at a time in order to avoid having to address the school crowding issue. However, this won't be the last such proposal. If we allow this one without the builder having to address the school issue, the problem will just get worse and worse. It ends up with residents suffering (for example, the recent rezoning of Matsumoto), and the city paying more in services.

I am strongly requesting the city planning commission to reject the proposal for the benefit of the district and the current residents.

Best regards,

Lili Kan
Evergreen Resident

11/5/2009

Xavier, Lesley

From: Rebecca Chinn [rebecca_chinn@yahoo.com]
Sent: Wednesday, November 04, 2009 10:25 PM
To: Xavier, Lesley
Cc: Herrera, Rose; falls creek neighbors@yahoo groups.com
Subject: 35 high density residential units at Evergreen Village

Dear Ms. Xavier,

I strongly object to the plans to build 35 high density residential units at Evergreen Village Square. There are many reasons to oppose the construction of such structures:

-- Increased parking congestion around the Village Square. Assuming there are at least 2 cars per household, we are talking about at least 70 additional cars taking up public parking spaces. The number of cars could potentially be higher as kids living at these units become of driving age. In addition, multiple families living under one residence are common in this neighborhood, so there may be more than two sets of parents or adult pairs adding to the number of cars. The number could be as high as 140 additional cars added to the neighborhood.

-- More overcrowding and rezoning of local schools. This year, my house has been rezoned from Tom Matsumoto Elementary to Evergreen Elementary due to overcrowding. I can accept the fact that my house is now zoned for Evergreen Elementary, however, I cannot accept the fact that there's talk about bussing our neighborhood kids to other schools outside of our immediate neighborhood if these high density units are built. It is very unfair to the existing residences, not to mention that affected kids may not even be able to go to a school that is near their house. Our neighborhood schools are already overcrowded as it is. It just doesn't make sense to build more homes, unless the City and the builder have plans to build more schools.

-- Aesthetics of building a 3 story housing development. The tallest building at Evergreen Village is 2 stories. Since these new homes will be smack in the middle of the Square, it will look oddly out of place and detract from the overall look of the Square, not to mention it may block the views of the surrounding homes.

-- Ignoring the commercial business. Shapell needs to focus on bringing more commercial business to the Square rather than building more homes. The original vision of the Village Square was a gathering place for the community which included shops, entertainment, and services. As a community we need more amenities, not more houses.

Thank you for your time.

Rebecca Chinn
Very concerned resident

11/5/2009

Xavier, Lesley

From: S Yeluru [syeluru@hotmail.com]
Sent: Thursday, November 05, 2009 5:56 AM
To: Xavier, Lesley
Subject: Planned development rezoning @ 4035 Evergreen Village Square - My concern

Hi Lesley

My concern for the planned development rezoning at 4035 Evergreen Village Square to allow for the development of up to 35 residential units.

1). Evergreen area is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many. Unfortunately, when the house values appreciated, the developer forgot about their promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they changed the plan and wanted to make more money. It is a moral issue with Shapell, as they could not honor their promise they made.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;

- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;

- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;

- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?

- It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

regards,
 Suneel

11/5/2009

Xavier, Lesley

From: Alfred Dandoy, Jr. [dandoy@ix.netcom.com]
Sent: Thursday, November 05, 2009 9:38 AM
To: Xavier, Lesley
Cc: Herrera, Rose
Subject: Fw: [matsumoto_parents] against build 35 high density residential units in village center.



Hello Lesley,

Please solve the school overcrowding issue between Evergreen Elementary, Matsumoto Elementary, Chaboya Middle, and Evergreen High School before any further residential development. Clearly, adding more residential units in the neighborhood will not enhance the quality of life or the quality of education for the people and children living in the area. Your decisions will impact the next generation of citizens.

Best Regards,

Alfred

(Resident of the Jasmine Heights Community)

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Alfred Dandoy, Jr.

Global Account Manager - Cisco Systems

IXIA - Leader in IP Performance Testing

3920 Freedom Circle, Suite 200

Santa Clara, California 95054

Direct: 408-200-4447

E-mail: adandoy@ixiacom.com

URL: www.ixiacom.com

-----Forwarded Message-----

From: "Glen Z. Qin"

Sent: Nov 4, 2009 4:18 PM

To: matsumoto_parents@yahogroups.com

Subject: [matsumoto_parents] against build 35 high density residential units in village center.

All,

I have attended the community meeting on Monday, November 2 about the proposal to build 35 high density residential units in the village center.

Lesley Xavier, the city planning project manager, has encouraged people to send feedback to her through her email now. A decision will be made soon.

11/5/2009

lesley.xavier@sanjoseca.ca

Clearly, if there is no strong objection, the city will approve the proposal. For the people who is concern about the plan, please send your feedback to her.

the following is my feedback:

My concern for the planned development rezoning at 4035 Evergreen Village Square to allow for the development of up to 35 residential units.

1). Evergreen area is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many. Unfortunately, when the house values appreciated, the developer forgot about their promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they changed the plan and wanted to make more money. It is a moral issue with Shapell, as they could not honor their promise they made.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;
- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;
- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
- It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the capacity for more customers, and hence take

away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

regards,

Glen

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Xavier, Lesley

From: Glen Z. Qin [qin79@yahoo.com]
Sent: Wednesday, November 04, 2009 4:22 PM
To: Xavier, Lesley
Cc: qin79@yahoo.com
Subject: feedback on the evergreen village square development

Dear Lesley,

I am very concern about the planned development rezoning at 4035 Evergreen Village Square to allow for the development of up to 35 residential units. Here are the reasons:

1). Evergreen area is the only place in Bay area with a visionary planning and design before the development. That is the reason that the area has become an ideal place for many. Unfortunately, when the house values appreciated, the developer forgot about their promise to build a community that embedded the commercial, entertainment, and the necessary facility to the community and just wanted to cash in as much as they can, at the cost of the existing residents. Surely 35 residential units with three stories will not fit in well in the neighborhood. Shapell knew this well, and that was why they never promoted this when they were promoting the homes built in the past. The plan they showed to all the home buyers clearly stated that the area was for commercial use. Now they have sold all the houses built, and they have nothing to fear, so they changed the plan and wanted to make more money. It is a moral issue with Shapell, as they could not honor their promise they made.

2). What would be the issues with these 35 residential units if the plan were approved?

- The parking space. With 35 residents, there would be more than 70 cars. Very likely, these cars will be parked in the village parking lot, and this will take most of the available public parking away;
- These building would be the highest building in the area, clearly, this is not fair to the surrounding houses;
- It will add additional burden on the traffic. The traffic on the aborn to 101 is already over-crowded, surely, this will only worsen the situation;
- It will make the Evergreen Elementary, Chaboya middle, and Evergreen high school even more crowded. All these schools in this area are already over-crowded, why keep building in this area instead of build the homes in the area that the schools do not even have enough kids? Busing the kids to other schools? Why wasting the money in the buses instead of just building more homes in that area?
- It will impact the existing commercial stores. It always takes some time for a plaza to attract more customers before all the services are in place. If more services can be provided in the village center, more customers will come, and in turn boost all the business there. By building residential units there, we remove the possibility for more services, reduce the capacity for more customers, and hence take away the potential for the village center to become a real center. It is definitely a short-sight decision, and will cause long-term problem. The visionary committer has planned to make this as a center for the community, and we should keep it this way. We hope we can reduce the trips to go to other cities for shopping, entertainment, or any

other activities, and hence reduce the traffic on the roads. The problem with currently low occupancy in the exiting building is partially due to high rent and low customer showed up. We must revive the village center, and building more residents units there is definitely the worst thing to do.

with my best wishes,

Glen

Xavier, Lesley

From: Dawn Li [dawnlis@yahoo.com]
Sent: Thursday, November 05, 2009 11:29 AM
To: Xavier, Lesley
Subject: Strong Oppose 35 more homes.

Please think about our kids who study in overcrowded elementary, middle and high school.
Also traffic...

NO more new homes before have plan to resolve those issues.

Thanks,
-Dawn

11/5/2009

Xavier, Lesley

From: suzhenl [suzhenl@yahoo.com]
Sent: Tuesday, November 03, 2009 11:13 PM
To: Xavier, Lesley
Subject: Concern and Opinion Regarding to the Rezoning at 4035 Evergreen Village Square

Hi Lesley,

I oppose the rezoning at 4035 Evergreen Village Square to allow for the development of 35 residential units for the reasons below.

- <!--[if !supportLists]-->1. <!--[endif]-->Schools are overcrowded
 35 homes will add at least 70 kids in this area. When Evergreen Elementary School expanded the classroom, they never consider these additional kids. What they considered was 180 kids rezoned from Matsumoto. Currently, all three nearby Elementary School are overcrowded, as well as Chaboya and EVHS. From what I heard, EVHS was design for approximate 1700 kids, they added some portable room later for up to 2200 students. However, the school has 2645 students so far. Because of the overcrowded, EVHS don't have classroom for magnet program while other High School has, and each class needs to add more students to accomplish all the students.
2. <!--[endif]-->Traffic issue:
 The 35 homes will also add at least 70 cars in this area. Not even mention the Aborn and Capital exit, only the square area will be a big problem. I already saw few accident in front of Walgreen on Ruby because the narrow down coming to the square. One car was drove up to the sidewalk around the fountain when coming from Ruby. The driver was lucky because an old man just walked by few steps away.
- <!--[if !supportLists]-->3. <!--[endif]-->It also doesn't make sense to bus over 35 home's kids to other school while there are schools in walking distance. It is not environmental and economical. It will cause more traffic and waste school district's money.
- <!--[if !supportLists]-->4. <!--[endif]-->The townhomes do not fit into the environment.

In my opinion, if city must agree in order to build a new library in the square, or for the reason of additional tax revenues, it would be reasonable if approve less than 10 detached homes that lineup with the other side of Cortona. Please take my concern/opinion into consideration, and also present my concern to the city council for consideration.

Regards,
 Susan Li

Xavier, Lesley

From: V Puntambekar [vpuntambekar@gmail.com]
Sent: Tuesday, November 03, 2009 4:01 PM
To: Xavier, Lesley
Subject: Evergreen schoold district - home expansion

Hello Lesley:

My name is Venkat Puntambekar, resident of Evergreen area. I hear thet Spepell homes is asking for a permission to build another 35 homes. Please note that the schools here are already very crowded and that includes elementary schools, middle schools and high school. The class rooms are over crowded. Giving permission to build additional homes without fixing the infrastructure of schools is problematic. Please consider this as you look into giving permission to build more homes.

thanks,
-venkat

11/4/2009

Xavier, Lesley

From: Peter Wu [peter_555@yahoo.com]
Sent: Tuesday, November 03, 2009 4:58 PM
To: Herrera, Rose; Xavier, Lesley
Cc: peter_555@yahoo.com
Subject: Shapell's proposed changes at Evergreen Village Square

Ms. Herrera & Ms. Xavier,

Thank you for your presentation and participation at Monday's community meeting on Shapell's proposal to build residential units at Evergreen Village Square.

I would like to take this opportunity to reiterate my concerns and opposition to such plan. I share the same concerns as many other local residents attending the meeting have that we are facing major issues with school overcrowding and traffic congestion in this particular neighborhood of Evergreen. These problems should be city's #1 priority to solve. Allowing Shapell to build more residential units at this location will only make the school and traffic problems worse. We should be finding ways to relieve the problems, not contributing to them.

I encourage you, the City Planning Commission and other members of the City Council to oppose this proposal. ~~At this time, I am not saying that there should never be any residential units at this~~ location. It is just not the right time. I don't see this proposal from Shapell as the kind of "visionary" proposal for the neighborhood that demands immediate action and takes precedence over solving the above-mentioned school and traffic problems. Perhaps you can persuade Shapell to hold off on this proposal for another 2 to 4 years, while we all focus on solving school & traffic problems and on getting the Evergreen Village Square built out with retail stores and offices.

Speaking of building out Evergreen Village Square, it was exciting to hear about the Library possibility at the Square. I hope agreement can be made with Shapell and funding be secured to break ground soon. It's a boost that the Square and the neighborhood really need.

Thanks for reading my letter.

Regards,
Peter Wu
4015 Chamberer Drive
(408) 921-3813

Xavier, Lesley

From: Li Zhao [Li_Zhao100@yahoo.com]
Sent: Tuesday, November 03, 2009 11:42 AM
To: Xavier, Lesley
Cc: Herrera, Rose
Subject: concerns as for Shapell new TH plan at Evergreen Village

Dear Lesley/Rose,

I am writing to you two to address my concerns as for the new townhome develop plan from Shapell at Evergreen Village. I have been living in Evergreen for the last 9 years. In the last decade, I have seen the population booming in this area. We have suffered heavy traffic congestion, over crowded schools, and short of service facilities. As a matter of fact, we would like to see good medical service center, small grocery store like Trader-Joes moving in to the Village Center, not another 32 houses. Your kind considerations of our concerns are deeply appreciated.

Regards,

Li Zhao
4075 Louvre Ave
San Jose, CA 95135

Xavier, Lesley

From: Henry Wong [henrywong@yahoo.com]
Sent: Monday, November 02, 2009 12:27 PM
To: Xavier, Lesley; District8
Subject: STRONG OPPOSITION: GENERAL PLAN TEXT AMENDMENT (FILE NO. GPT09-08-01)
and PLANNED DEVELOPMENT REZONING (FILE NO. PDC09-020)

To Whom this May Concern,

As a residence of Evergreen area, I would like to voice my STRONG OPPOSITION to rezoning the 4035 Evergreen Village Square from commercial buildings to 35 residential units. The additional dwellings will only further paralyze the already badly congested outlets from the area and the over used, under funded, public resources.

When we purchased our home in Evergreen, Shapell marketed the community with the promise of building vest variety of convenient commercial shops in the neighborhood. The residence of the area has been patiently waiting for over ten years. We are outraged that they not only not have built the commercial building as they have promised, but they are letting their greed overlook their pledge to the community. Please do not approve the building of the 35 dwellings on the lot. Shapell should upheld their promise to the community and begin the construction of the commercial buildings.

Evergreen Residence,

Henry Wong

Xavier, Lesley

From: Michael Yu [michael.yu@pdf.com]
Sent: Monday, November 02, 2009 11:32 AM
To: Xavier, Lesley
Subject: NO townhouse building at Evergreen Village Square

Dear City Planning Department,

Our neighborhood community has been informed that Shapell Homes' has sent an application to the City of San Jose to build 35 Toenhouses at Evergreen Village Square, which was originally approved for commercial buildings, not residential housing. The propose area is between Classico Ave and Ruby Ave.

We at Evergreen Community are **strongly against** such application, for the following reasons

-- the area is previous approved for commercial building only, not for residential housing. Evergreen Village Square needs more business to make it a more vibrate neighborhood, and that is the commitment Shapell Home needs to deliver as promised;

-- such townhouses will bring significant more traffic into an already crowed area, which also endangers the kids to-and-from school as well as the walking customers at farmer's market at Evergreen Village Square

-- Evergreen Elementary School is already over flow with students. It is simply not possible to accept additional such addition.

We appreciate your support to reject Shapell Homes' application.

Michael Yu

Neighborhood Protecting Evergreen Village Square

--

MICHAEL YU, PH.D.
VP of YA-FDC Product

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11/3/2009

Xavier, Lesley

From: Nancy Kuo [kuo.nancy@yahoo.com]
Sent: Monday, November 02, 2009 10:56 AM
To: Xavier, Lesley; District8
Subject: STRONG OPPOSITION: GENERAL PLAN TEXT AMENDMENT (FILE NO. GPT09-08-01) and PLANNED DEVELOPMENT REZONING (FILE NO. PDC09-020)

To Whom this May Concern,

As a residence of Evergreen area, I would like to voice my **STRONG OPPOSITION** to rezoning the 4035 Evergreen Village Square from commercial buildings to 35 residential units. The additional dwelling will only further paralyze the already badly congested outlets from the area and the over used, under funded, public resources.

When we purchase our home in Evergreen, Shapell marketed the community with the promise of building vest variety of convenient commercial shops in the neighborhood. The residence of the area has been patiently waiting for over ten years. We are outraged that they not only not have built the commercial building as they have promised, but they are letting their greed overlook their pledge to the community. Please do not approve the building of the 35 dwellings on the lot. Shapell should upheld their promise to the community and begin the construction of the commercial buildings.

Evergreen Residence,

Nancy Kuo

11/3/2009

→ We would get the feedback and actually have our concerns (school overcrowding, traffic, safety concerns) before the ~~comms~~ plan is approved.

- Should invite school district representatives to hear and/or address public concerns. FYI, for a school board to rezone school ~~attache~~ boundary takes 2 years. If you don't plan ahead, there will be another protest soon.

The zone is divided into commercial and housing zone
without considering whether the commercial zone
is viable along with the parking.

The parking is not considered for the 35 houses either

STAFF REPORT
PLANNING COMMISSION

FILE NO.: GPT09-08-01

Submitted: May 28, 2009

PROJECT DESCRIPTION:

General Plan Text Amendment to amend the General Plan and Evergreen Specific Plan text to allow the construction of 35 new residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and related text amendments to the Specific Plan to allow for the development of the site.

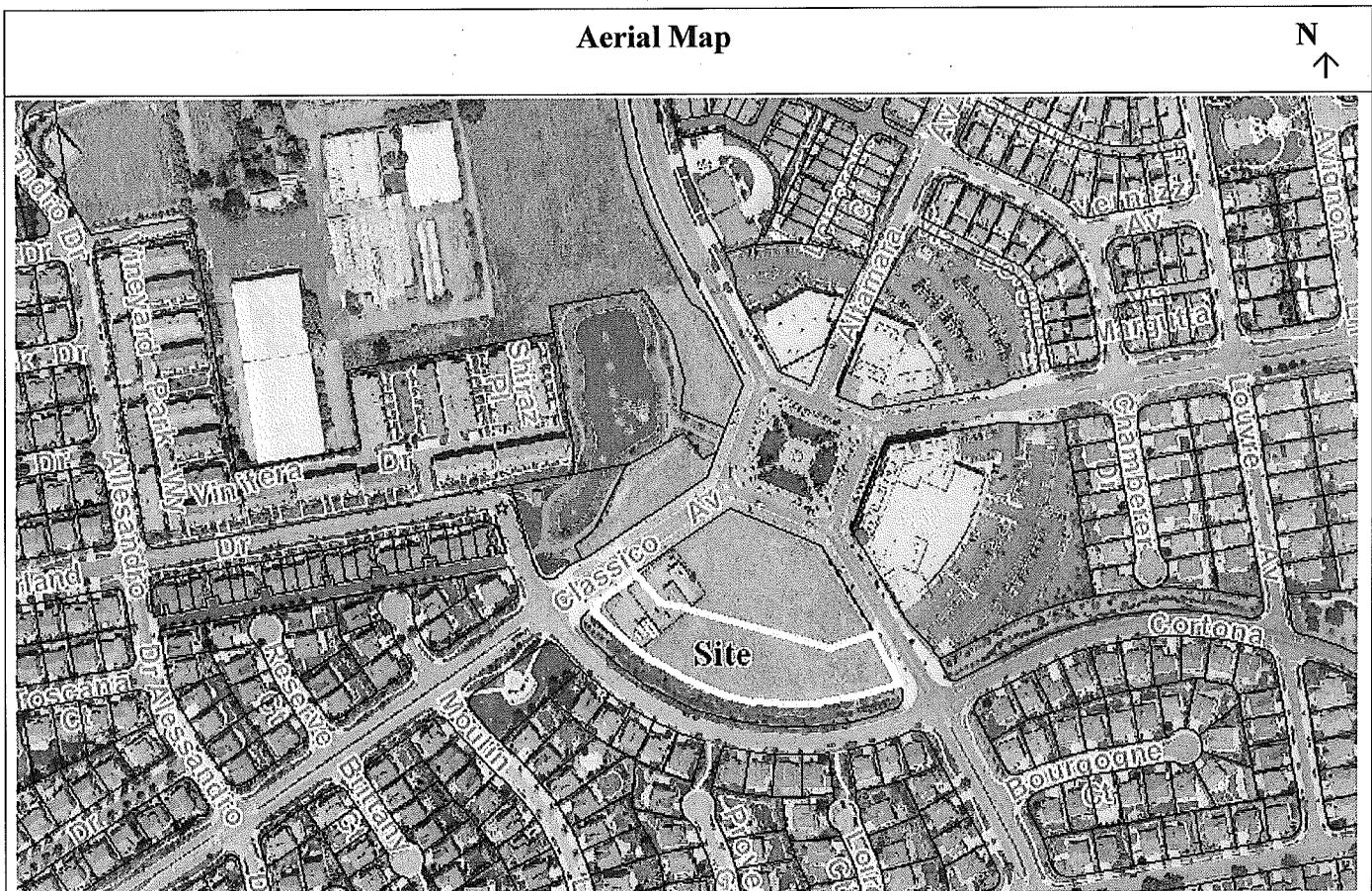
Existing Zoning	A(PD) Planned Development (File No. PDC99-031)
General Plan	Village Center
Council District	8
Annexation Date	April 27, 1989 (Evergreen No. 171)
Specific Plan	Evergreen Specific Plan

TEXT REFERENCE:

San José 2020 General Plan, Chapter 5, Land Use/Transportation Diagram, page 173, Relationship to Evergreen Specific Plan; and page 176, Figure 18. Evergreen Planned Residential Community. Evergreen Specific Plan, Chapter 1, Executive Summary, page 1-1; Evergreen Specific Plan, Chapter 2, Introduction, Detailed Project Description, B. Commercial, page 2-3; Evergreen Specific Plan, Chapter 5, Land Use Plan, Commercial, page 5-3; Evergreen Specific Plan, Chapter 8, Private Development, Uses, page 8-2.

LOCATION:

The area bounded by the Village Square, Cortona Drive, Classico Avenue and Ruby Avenue (4035 Evergreen Village Square).



RECOMMENDATION

Planning staff recommends approval of the proposed San Jose 2020 General Plan Text Amendment and the Evergreen Specific Plan Text.

BACKGROUND & DESCRIPTION

This is a privately initiated General Plan Text Amendment request to change the text of the San José 2020 General Plan and Evergreen Specific Plan to add 35 residential units to the 2,996 residential unit cap in the Evergreen Specific Plan. An associated General Plan land use amendment is not required in this instance because the existing San Jose 2020 General Plan land use designation on the subject site is Village Center, which allows for mixed use development with residential uses above retail uses and/or independent multi-family residential projects.

An associated Planned Development Zoning (File No. PDC09-020) has been filed on the 2.8 gross acre subject site to allow up to 35 multi-family residential units. This site is located adjacent to an approved, but not constructed, 36,500 square foot commercial building which fronts onto the Village Center Square. The proposed residential project will not replace the approved commercial building and Planning staff expects that the approved commercial development would be built prior to any new residential development in the Village Center. This proposed Planned Development Rezoning would be presented in a staff report to Planning Commission and City Council at a future date if the proposed General Plan Amendment is approved.

History

The Evergreen Specific Plan was originally approved on July 2, 1991. Under the original approval, up to 54 attached residential units were anticipated in the subject area. Several years later, Planned Development Permits were approved to remove units in this area and shift these to another area within the Evergreen Planned Residential Community to respond to market demands for houses with secondary carriage units. The overall number of units within the specific plan area did not change. More recently, a General Plan Text Amendment (File GP99-T-14) was approved to allow the potential for some of the unbuilt units to be located in a mixed-unit configuration in the Village Commercial Center, although this never occurred. This previous General Plan Text Amendment also designated the former Mirassou Winery site as Evergreen Village Center. The Specific Plan area is now largely built out except for two commercial parcels fronting onto the Village Center Square and an area designated for single-family houses adjacent to the Sikh Temple and Clark Elementary School.

Evergreen-East Hills Development Policy

The subject site is located within the Evergreen-East Hills Development Policy (EEHDP) area which encompasses the area south of Story Road and east of Highway 101. A revised Policy was adopted on December 8, 2008 to change the traffic analysis methodology for managing the traffic congestion associated with near term development in the EEHDP area and promote development consistent with the General Plan goals. The updated EEHDP establishes a capacity for the development of up to 500 new residential units within the area. The pool of new residential units is divided up between small projects (35 units or less) and large projects (between 35 and 150 units). Units are withdrawn from the pool with the approval of a rezoning or development permit. The previous policy created a benefit assessment district which allocated units to specific parcels and not every undeveloped or underdeveloped parcel had a unit allocation. Under the old policy, the subject site had a unit allocation of 5 units. With the adoption of the new EEHDP the subject site now has the ability to develop 35 residential units with the approval of a Planned Development Zoning. The subject General Plan Text Amendment for an increase in the number of units permitted under

the Evergreen Specific Plan would facilitate a Planned Development Rezoning of the site.

As a General Plan Amendment does not entitle the allocation of development capacity to the subject site, which can only occur through the approval of a development permit, the analysis required under the EEHDP for allocation is not done at this time, but at the Planned Development Rezoning stage of the project.

In addition, under the EEHDP, the applicant will pay a Traffic Impact Fee (TIF) based on a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with the development.

ANALYSIS

The intent of the text change is to allow additional residential development within the Evergreen Specific Plan area consistent with the revised Evergreen-East Hills Development Policy (EEHDP) that was adopted by the City Council on December 8, 2008. This Policy added traffic capacity to the area to allow for the addition of 500 new residential units within the Policy area, which includes the Evergreen Specific Plan area.

The Policy was set to limit growth in the area so that the area's traffic circulation system remains at a level of service that is deemed acceptable. With the adoption of the updated Policy, the City Council has made the decision to allow 500 new residential units in the Evergreen Area and with that accepted that there would be additional traffic impacts. The 500 units are intended to be distributed in three different subareas. The updated Policy assumed that approximately 236 new residential units would be constructed in the subarea and that the project site is located (south of Aborn Road/Capitol Expressway and east of Highway 101). Given that the project proposes 35 new residential units, the project is consistent with the Policy, and therefore staff recommends approval of the proposed text amendment.

In addition, to ensure that there is clear direction on how development within the Village Center should occur, staff has proposed additional language which states that to ensure that the form and character of the Village Center is achieved, any residential uses permitted would occur only after the village square has been encircled by commercial structures.

Proposed Text Changes to the San Jose 2020 General Plan and Evergreen Specific Plan

The proposed text changes and are shown as underlined and/or strikethrough text for additions and deletions as follows:

- San José 2020 General Plan, Chapter 5, Land Use/Transportation Diagram, page 173, Relationship to Evergreen Specific Plan:

.....The ESP also sought to make the most of the natural amenities of the EPRC area. The Evergreen Specific Plan allows for up to ~~2996~~ 3,031 residential units (both attached and detached), a small Village Center retail area and supporting public facilities.....

- San José 2020 General Plan, Chapter 5, Land Use/Transportation Diagram, page 176, Figure 18. Evergreen Planned Residential Community.

Land Use Designations

Lot Type/Size	Number of Units

Multi-Family	299 <u>334</u>
Townhouses	279
Carriage Homes	318
Duplex	185
4,000 Square Feet	425
5,000 Square Feet	474
6,000 Square Feet	692
7,000-8,000 Square Feet	224
10,000 Square Feet (Hillside)	100
TOTAL	2,996 <u>3,031</u>

- Evergreen Specific Plan, Chapter 1, Executive Summary, page 1-1.

Residential development consisting of ~~2,996~~ 3,031 dwelling units of varying types and densities:

- 299 334 units of High Density Residential
 - 279 units of Townhomes
 - 185 units of Duplex Units
 - 318 units of Carriage Homes
 - 425 units of 4000 Square Foot Lots
 - 474 units of 5000 Square Foot Lots
 - 692 units of 6000 Square Foot Lots
 - 224 units of 7000 to 8000 Square Foot Lots
 - 100 units of Hillside Lots
- Evergreen Specific Plan, Chapter 2, Introduction, Detailed Project Description, B. Commercial, page 2-3.

B. Commercial

A neighborhood commercial center will be located adjacent to the existing Mirassou Winery. The commercial area will include approximately 150,000 square feet of retail and service space. Preliminary uses include a major health club facility, a movie theater, restaurants, and approximately 5,000 square feet of retail space in connection with the existing Mirassou Winery's tasting room and winery facilities. Mixed Use Development with residential uses above retail uses, and independent multi-family residential projects are also permitted in the Village Commercial Center as long as the overall total for the Evergreen Specific Plan Area of ~~2,996~~ 3,031 dwelling units is not exceeded.

- Evergreen Specific Plan, Chapter 5, Land Use Plan, Commercial, page 5-3.

Commercial

The Evergreen Specific Plan includes a commercial village center adjacent to the existing Mrassou Winery and visitor's center. The Village Center surrounds the primary radial hub of the circulation system. It is open and visible from Aborn Road. In addition to commercial uses, the Village Commercial land use also allows mixed use development with residential uses above retail uses, and independent multi-family residential projects are also permitted in the Village Commercial Center as long as the overall total for the Evergreen Specific Plan Area of ~~2,996~~ 3,031 dwelling units is not exceeded. (Chapter Eight "Private Development" provides an in-depth discussion on the Village Center as well as providing development criteria.)

- Evergreen Specific Plan, Chapter 8, Private Development, Evergreen Village Center, Uses, page 8-2.

Uses

The Specific Plan's goal for the Village Center is that it house a variety of locally-serving and specialty-draw users. Theater, health club, salon, restaurants and cafes, shops, a small market, and small community-serving professional offices are all considered appropriate. In addition, Mixed Use Development with residential uses above retail uses, and independent multi-family residential projects are also permitted in the Village Commercial Center as long as the overall total for the Evergreen Specific Plan Area of ~~2,996~~ 3,031 dwelling units is not exceeded. and to ensure that the form and character of the Village Center is achieved, any residential uses permitted would occur only after the Village Center square has been encircled by commercial structures.

ENVIRONMENTAL REVIEW

Environmental clearance for the proposed project was provided through the re-use of the Evergreen Specific Plan Environmental Impact Report (EIR), Resolution No. 63179, and an addendum to the Evergreen-East Hills Vision Strategy Project Environmental Impact Report, Resolution No. 74741. The Addendum states that no new significant impacts or impacts of greater severity would result from the modified project description.

Transportation and Traffic

The Evergreen-East Hills Vision Strategy EIR concluded that the proposed land use changes in the Evergreen Subarea would result in significant unavoidable program-level traffic impacts. While the proposed project would generate a very small proportion of the future vehicle trips in the Evergreen area, it would still contribute towards significant traffic impacts identified in the Evergreen-East Hills Vision Strategy EIR. However, the proposed project would not create any new significant impacts than already identified.

The Evergreen-East Hills Development Policy EIR provides near term traffic allocation for a Development Pool of 500 residential units on various sites throughout the Evergreen-East Hills area. The EIR analyzed the near-term traffic impacts of trips generated by development allowed under the policy. The traffic analysis in the EIR was based on assumptions about the distribution of the development that would receive traffic allocation under the Policy. The EIR assumed 236 residential units would be constructed in the subarea in which the project site is located. Given that the project proposes 35 additional residences over existing conditions, the project is consistent with this assumption.

In addition, the project will be required to pay the Traffic Impact Fee that has been created to fund the identified transportation improvements in the Evergreen – East Hills Development Policy. Therefore, Level of Service impacts resulting from project would not require mitigation, and the project would not result in any additional significant traffic impacts.

Schools

State law (Government Code §65996) specifies the method of offsetting a project’s effect on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The proposed project would increase the number of school children attending public schools in the project area, the impact to schools would be less than significant and development of the subject site will require the payment of a school impact fee, as mandated by the State, to offset the increased demands on school facilities caused by the proposed project.

PUBLIC OUTREACH/INTEREST

The property owners and occupants within a 1,000-foot radius were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the City’s web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

On November 2, 2009, a community meeting was held at the Tom Matsumoto Elementary School on Mackin Woods Lane, at which approximately 43 area neighbors were in attendance. The General Plan Amendment and Planned Development Rezoning were presented and discussed at this meeting. Generally, most of those in attendance were not in favor of adding residential units to the Evergreen area as it would worsen the existing traffic problem and overcrowded schools for the existing residents.

General Correspondence

In addition, multiple e-mails were received from area neighbors. All of the letters are in opposition of an increase in residential units in the Evergreen area due to impacts to traffic and schools. There was also concern about the proposed building mass of the future attached unit development and its compatibility with the single-family houses across Cortona Drive.

Project Manager: Lesley Xavier **Approved by:** _____ **Date:** _____

Owner/Applicant:	Attachments: