

December 5, 2009

From: Greystone Estates, Tuscan Hill Community, Silver Crest

To: The San Jose Planning Commission, The City Council, and Lesley Xavier (project manager)

Re: Cadwallader Housing Development Project # GP08-08-04

Current residents in the Greystone, Tuscan Hill, and Silver Crest Communities have raised many concerns regarding the new Cadwallader Housing Development. First and foremost, our current infrastructure does not support the high density of the upcoming houses. This new development will cause much traffic and congestion in Neiman, but primarily in the area surrounding James Franklin Smith (JFS) Elementary School. Lastly, the quality of life will be impacted.

The following are our recommendations for the rezoning:

1. The evergreen Elementary School district has agreed that the students of new development will attend Cadwallader. So there should be a street opening on Cadwallader side.
2. The developer has agreed to a blended density of approximately 2.5 (35 new homes plus 3 existing homes) but we request a density of 2 du/acre to be considered. Each home should have minimum lot size of 15,000 square feet, with lot frontage of 125 feet, building height of less than 25 feet and minimum 30 feet setback. No existing neighboring lot should have more than 2 new homes behind it. At a minimum setback should be comparable to existing neighboring lots, and no views should be obstructed by the new homes. Please keep it aligned with the current look and feel of the surrounded neighborhood.
3. Please consider having no through streets or connecting streets between Cadwallader and Neiman. Emergency access is OK.
4. There should either be a public park or open space land dedication, especially for the hillside areas with a steep slope on which it would be difficult to build a lot.
5. Finish entire project within 2 years of construction initiation.
6. Custom lots are OK, but they should be developed and completed within the 2-year timeframe. We don't want the custom lots result in unsold lots to gather weed and debris.
 - a. We are currently faced with un-built custom lots on Neiman side for past 12 years that are not maintained properly causing a potential fire hazard.
 - b. We would like to get a written assurance from the developer or the custom lot buyer that they will maintain the properties free of weeds and debris until all the homes are sold.

Best Regards,

Greystone Estates, Tuscan Hill Community, Silver Crest

ADDRESS/PHONE #: 2702 Sycamore Grove Place / 408-223-8129

NAME: <i>Hong Cong Do</i> SIGNATURE: <i>[Signature]</i>	NAME: <i>Cambinh Lam</i> SIGNATURE: <i>[Signature]</i>
NAME: <i>Anthony Do</i> SIGNATURE: <i>[Signature]</i>	NAME: SIGNATURE:

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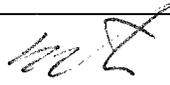
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ADDRESS/PHONE #: 2708 Sequoia Creek Drive 408-531-1036

NAME: James Kawamoto SIGNATURE: 	NAME:  SIGNATURE: YUKA KAWAMOTO
NAME: SIGNATURE:	NAME: SIGNATURE:

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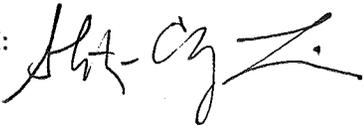
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Greystone Estates, Tuscan Hill Community, Silver Crest

ADDRESS/PHONE #: 2693 Sycamore Grove Place, San Jose, CA 95121

X NAME: X SIGNATURE: 	NAME: SIGNATURE:
NAME: SIGNATURE:	NAME: SIGNATURE:

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ADDRESS/PHONE #: 2673 Sycamore Grove Place, San Jose, CA 95121

NAME: <i>Jenny Chang</i>	NAME:
SIGNATURE: <i>Jenny Chang</i>	SIGNATURE:
NAME:	NAME:
SIGNATURE:	SIGNATURE:

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ADDRESS/PHONE #: 2708 Sycamore Grove Pl, San Jose CA 95121

NAME: THOMAS JOY	NAME: MOLLY JOY
SIGNATURE: 	SIGNATURE: 
NAME:	NAME:
SIGNATURE:	SIGNATURE:

STAFF REPORT
PLANNING COMMISSION

FILE NO.: PDC09-010

Submitted: February 13, 2009

PROJECT DESCRIPTION:

A Planned Development Rezoning to allow up to 41 single-family detached residential units on a 18.49 gross acre site.

LOCATION:

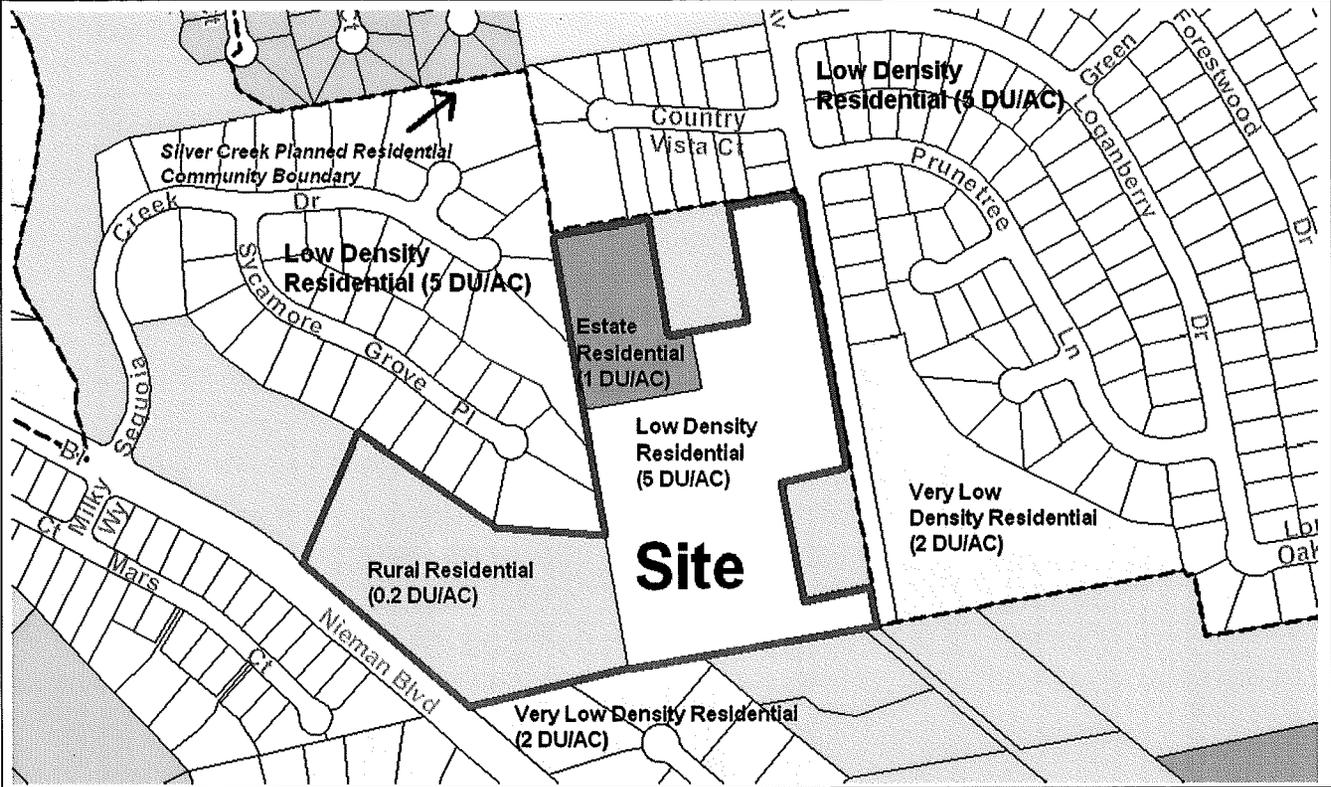
West side of Cadwallader Avenue, approximately 500 feet south of Prunetree Lane.

Existing Zoning	R-1-5 Single-Family Residence; A(PD) Planned Development
Proposed Zoning	A(PD) Planned Development
General Plan	Silver Creek Planned Residential Community Rural Residential (0.2 DU/AC); Estate Residential (1 DU/AC); Low Density Residential (5 DU/AC)
Council District	8
Annexation Date	April 22, 1960 (Evergreen No. 1-B)
SNI	NA
Historic Resource	NA
Redevelopment Area	NA
Specific Plan	NA

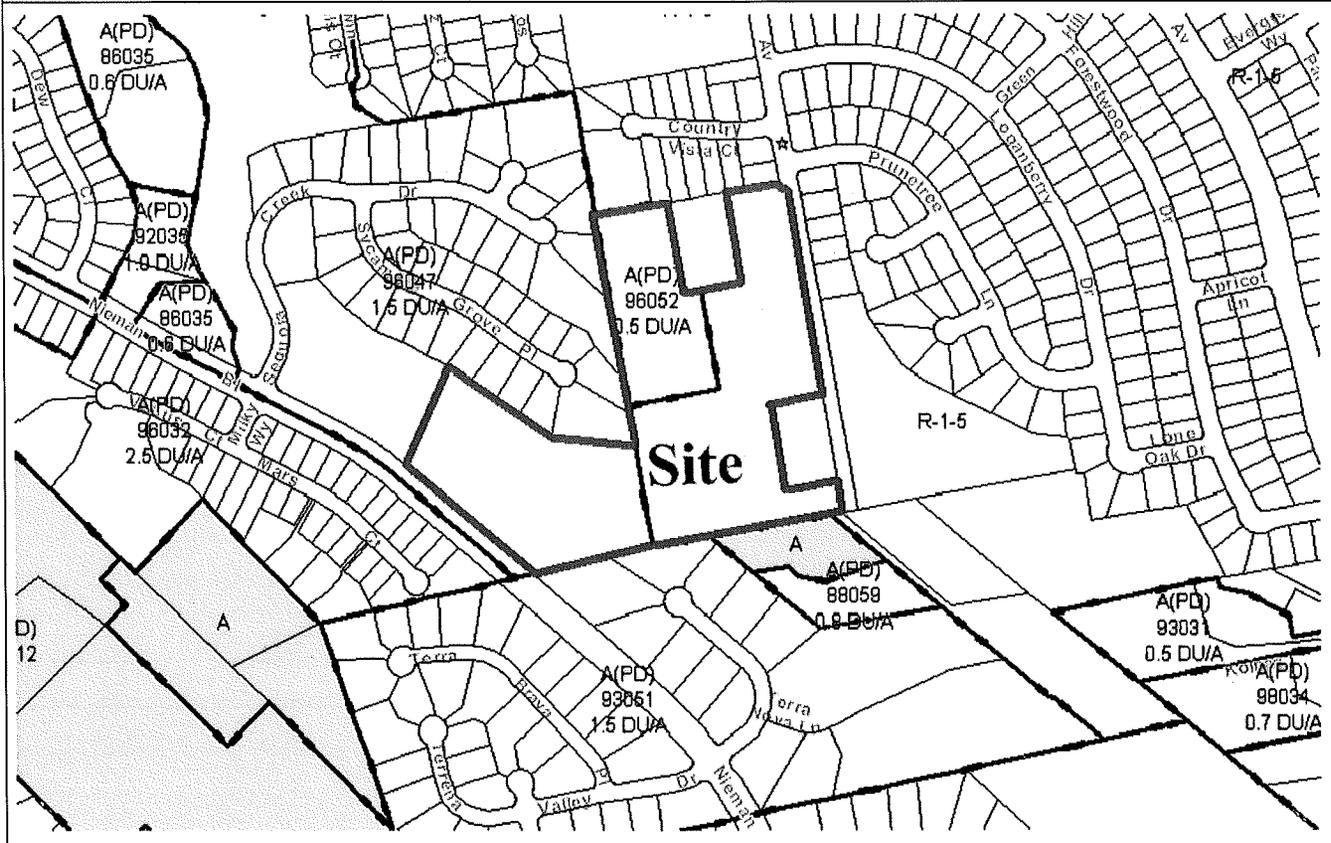
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Planned Development Rezoning to allow for the development of up to 41 dwelling units on the subject site for the following reasons:

1. The proposed Planned Development Rezoning to increase the number of permitted single-family detached residential units on the subject site is consistent with the goals and policies of the San Jose 2020 General Plan, specifically:
 - a. The Growth Management Major Strategy, as the change will facilitate infill development within an urbanized area.
 - b. The Housing Major Strategy, as the project will maximize the infill housing opportunity in a form that is compatible with the surrounding development pattern.
 - c. Residential Land Use Policy No. 9, as the project will continue the existing development pattern of the surrounding neighborhood over the subject site.
2. The project conforms to the Evergreen-East Hills Development Policy.

BACKGROUND & DESCRIPTION

The applicant, ASC Properties, is requesting to rezone the subject 18.49 gross-acre site located on the west side of Cadwallader Avenue, approximately 500 feet south of Prunetree Lane from the R-1-5 Single-Family Residence District and the A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 41 single-family detached homes. There are five existing single-family detached residences on the subject site of which two of the residences are proposed for demolition. The houses proposed for demolition are Ranch Style and were constructed in 1953 and 1970. This zoning proposes large lot, 2 story, single-family detached units, with a site design that is consistent with the development pattern in the area.

Site and Surrounding Land Uses

The subject site consists of primarily of undeveloped grasslands occupied by five residential units and associated accessory structures. The hillside topography includes slopes that range from 8 percent near Cadwallader Avenue to 18 percent near Neiman Boulevard. The project proposes to remove 91 trees from the subject site of which 18 are ordinance size trees. Existing single-family detached residences with varied lot sizes ranging from 7,800 to 1.5 acres are located on all sides of the site.

Previous Planning Approvals

On December 1, 2009, the City Council approved a General Plan Amendment, File No. GP08-08-04, on the eastern 9.76 acre portion of the subject site. This General Plan Amendment made it possible to allow for up to the development of 41 residential units on the overall development site. The proposed Planned Development Rezoning is intended to implement the approved increase in density.

The project site includes two developed properties, one of which has a previously approved and implemented Planned Development Zoning, File No. PDC96-052, that allows for two single-family houses (Lands of Pianka), and the other developed site located on Cadwallader (Lands of Cirelli) has an existing single-family house that is proposed to remain.

ANALYSIS

The primary issues for this proposed zoning include: 1) conformance with the San Jose 2020 General Plan, 2) site design, neighborhood connectivity and circulation, 3) conformance with the Evergreen-East Hills Development Policy, and 4) conformance with the California Environmental Quality Act (CEQA).

Conformance with the San Jose 2020 General Plan

The subject 18.49 gross acre site is within the Silver Creek Planned Residential Community and has a combination of three different land use designations within that Planned Community, including Rural Residential (0.2 DU/AC), Estate Residential (1 DU/AC), and Low Density Residential (5 DU/AC). The General Plan allows for a transfer of densities within a contiguous area that has more than one residential density.

The proposed project utilizes approximately 2.36 acres for streets, which is not included in the net density calculation. As such, the net acreage for the site is 16.13 acres. The proposed 41 units on the subject site, three of which are existing and will remain, results in a net overall density of 2.54 units per acre consistent with the allowable blended density of the three land use designations for the site. The resulting site plan provides large lot sizes that vary in size, consistent with the surrounding residential development.

The proposed project on the subject site is also consistent with the following General Plan Major Strategies and Policies as discussed in the following:

1. Growth Management Major Strategy: The purpose of a growth management strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service.

The proposed project will facilitate infill development within an urbanized area. Infill development can be more easily supported by existing infrastructure and facilities such as libraries, schools, parks, community centers and commercial amenities.

2. Housing Major Strategy: This strategy seeks to maximize housing opportunities on infill parcels already served by the City and to consider the addition of new residential lands only when the City is confident that urban services can be provided.

The proposed project will maximize the infill housing opportunity and at the same time be compatible and consistent with the surrounding development pattern.

3. Residential Land Use Policy No. 9: When changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

The proposed amendment would continue the development pattern of the adjacent neighborhood consistent with its character of a range of lot sizes. The proposed site plan includes a pedestrian and emergency vehicle access (EVA) connection between the existing adjacent neighborhood off of Cadwallader Avenue and Nieman Boulevard, where there is currently no access. This will foster better neighborhood connectivity, rather than create a new isolated development.

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.

The impact on traffic from additional residential development in the area is covered under the Evergreen-East Hills Development Policy (EEHDP), as below in the Analysis section of this report. This is a separate policy document adopted by the City Council to address traffic congestion and flooding problems in the Evergreen area. The proposed project on the subject site does not conflict with this policy.

In addition, the proposed project on the subject site is consistent with the following site design policies of the General Plan as discussed in the following:

1. Urban Design Policy #3: Residential subdivisions should be designed to provide for internal circulation within neighborhoods, prevent through vehicular traffic from traversing neighborhoods, and encourage pedestrian and bicycle connections between neighborhoods and to adjacent commercial uses and transit facilities.

The site will be accessed from a new street off of Nieman Boulevard that will cul-de-sac at Cadwallader Avenue. A new pedestrian and Emergency Vehicle Access (EVA) easement will connect the new development with Cadwallader Avenue and the larger surrounding neighborhood. The cul-de-sac at Cadwallader Avenue will prevent additional traffic through the Cadwallader neighborhood, but the easement will still provide pedestrian connection between the existing neighborhood and the new development.

2. Hillside Development Policy #1: Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of 7% or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

The hillside topography includes slopes that range from 8 percent near Cadwallader Avenue to 18 percent near Neiman Boulevard. The site is designed so that the lots in the steepest portion of the site are much larger in order to lessen grading and the area with the least amount of slope has more lots that are smaller.

3. Hillside Development Policy #5: Planned Development zoning should be used to govern hillside developments since it allows flexible design techniques such as clustering, and varying lot sizes, and setbacks which can help to minimize damage to the natural environment and maximize resource preservation.

The proposed project is a Planned Development zoning that includes clustering and varying lot sizes.

4. Hillside Development Policy #6: In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.

The site is designed so that steepest portion of the site has the least amount of lots and the largest lot sizes in order to minimize grading on the steepest portion of the hillside.

Site Design

This zoning application proposes large lot, two-story, single-family detached units, in a varying lotting pattern consistent with the residential development pattern in the surrounding area. The development standards include a minimum lot size of 10,000 square feet, a minimum 25-foot front setback to the building, a 5-foot side setback, and a 20-foot rear setback. Given the topography of the site, there is the potential for these setbacks to be increased to accommodate steeper slopes, minimizing the height of retaining walls, etc. The site layout generally complies with the principles contained in the Residential Design Guidelines that ensure compatible unit relationships and proper integration into the surrounding neighborhood. It should be noted that the Residential Design Guidelines technically do not apply to this project since the proposed lot sizes are larger than 6,000 square feet. To the extent possible, given the topography, the new lots are equitably distributed over the site, although fewer lots are proposed in the steeper areas near Neiman Boulevard and wider lots are proposed along the south property line where the site borders very large lots.

The proposed project is for custom lots, therefore there are no conceptual architectural or landscape plans. The development standards include a provision that the architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.

Neighborhood Connectivity and Circulation

A majority of the site will be accessed from a new street off of Nieman Boulevard and seven (7) of the units will front directly onto Cadwallader Avenue. The new street will cul-de-sac at two locations on the site and will provide a general vehicular connection through to Cadwallader Avenue. The cul-de-sac closest to Cadwallader Avenue will have a pedestrian and Emergency Vehicle Access (EVA) easement that will connect the new development with Cadwallader Avenue.

The larger, overall neighborhood bounded by Aborn Road, San Felipe Road, Yerba Buena Road and Neiman Boulevard has relatively few street connections to the aforementioned streets. While it is a goal of the General Plan to connect neighborhoods together, because of existing street layouts and traffic patterns, connecting a through street between Nieman Boulevard and Cadwallader Avenue would have significant traffic impacts, therefore no connection is provided.

Evergreen-East Hills Development Policy

The subject site is located within the Evergreen-East Hills Development Policy (EEHDP) area. 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 to 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 six units, five of which are developed and one of which was undeveloped. Allocation provided under the old policy remains in effect. With the adoption of the new EEHDP the subject site now has the ability to develop additional residential units. The approval of the proposed Planned Development Rezoning will remove 35 residential units from the pool of 500 units.

The EEHDP requires that new projects making use of the development pool capacity must:

- Further the Major Strategies, Goals and Policies of the City of San Jose General Plan. Although development must adhere to all applicable aspects of the General Plan, development policies which are particularly relevant to the topography and environment of the Evergreen-East Hills area include hillside development and riparian corridor protection policies.
- Conform to the City's Design Guidelines for Residential uses.
- Not require modification of the Urban Service Area or Urban Growth Boundary boundaries.
- Not create significant adverse effects upon the environment, including but not limited to; projects that must not require significant grading or other alteration of the natural environment.

As discussed in the General Plan Conformance section of this report above, the project as proposed furthers the major strategies and conforms to the goals and policies of San Jose 2020 General Plan. The site is not located within a riparian corridor, the project does not require modification to the Urban Service Area or Urban Growth Boundary, and the project does not create a significant adverse effect upon the environment. The proposed project is also consistent with relevant Hillside Development Policies in that, the lots are clustered on the site and there are varying lot sizes, and the site can be adequately served by public services. Therefore, the proposed project is in conformance with the Evergreen-East Hills Development Policy. 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 new development.

Environmental Review

A Mitigated Negative Declaration (MND) was adopted on May 27, 2009, and states that the proposed General Plan Amendment and Planned Development Rezoning will not have a significant effect on the environment.

The primary issues addressed in the Initial Study include the potential impacts of the physical development of the site on; air quality, biological resources, geology and soils, hazards and hazardous materials, and transportation and traffic. The MND includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. The mitigation measures will be included in the development standards of the Planned Development Zoning. The entire MND and Initial Study are available for review on the Planning web site at: www.sanjoseca.gov/planning/eir/MND.asp

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 April 27, 2009, a community meeting was held at the Cadwallader Elementary School on Cadwallader Avenue, at which approximately 74 area neighbors were present. The proposed 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 an increase in density on the site as it would not increase the livability or the quality of life for the existing residents. In addition, the community members expressed additional concerns and comments with the proposal that included the following:

- The proposed density was too high and inconsistent with the area.
- The lots should be at least 20,000 square feet each consistent with development to the south.
- The new lot sizes should match the existing ones that they would back up to.
- An increase in density would worsen traffic in the area that is already terrible.
- The schools are overcrowded, and more residential development would further impact the schools.
- Concerned about the devaluation of existing homes if more residential is built.
- New homes should not be visible over the ridgeline or from any adjacent streets.
- A park is needed in the neighborhood.
- Many attendees were concerned about a possible road connection between Cadwallader Avenue and Nieman Boulevard.
- Some in attendance had the following questions:
 - How does the increase in density enhance the areas livability and quality of life?
 - What do the existing residents get from new development?
 - How can we develop more when the water supply is low and we have been asked to cut back water usage?

A second community meeting was held on October 29, 2009, at the Cadwallader Elementary School on Cadwallader Avenue, at which approximately 32 area neighbors were present. The General Plan Amendment and Planned Development Rezoning were presented again and discussed at this meeting. The project's site design was modified since the first meeting to eliminate the through vehicular connection between Cadwallader Avenue and Neiman Boulevard. The community members expressed many concerns, in addition to original concerns noted above, that included the following:

- Most kids do not walk to school, but are driven, because it is unsafe. This will increase traffic congestion.
- If new kids would be sent to Cadwallader Elementary School the new road should have a cul-de-sac at Nieman Boulevard and have access to the site from Cadwallader Avenue only.
- Some disagreed with the above statement and noted that a new road should connect Cadwallader Avenue and Neiman Boulevard.
- Traffic continues to worsen; it used to be that this area was very rural, now there is much difficulty getting in and out of the Evergreen Area.
- The existing owner of the subject site can no longer maintain it as open space and cannot keep a viable agriculture use on the site due to incompatibility of agriculture with the surrounding single-family neighborhood.
- School impact fees do not mitigate the overcrowding caused by the increase in new students.
- What will happen to wildlife that use the site?
- How will we know who will go to what school, what if this causes the schools to redraw the boundary lines again, and cause students to be relocated?
- Nieman Boulevard needs traffic calming as there is a speeding problem especially late at night.
- There should be a compromise, allow some additional new units, but not 35, it is too many and feels as if it is being squeezed in to fit on the site.

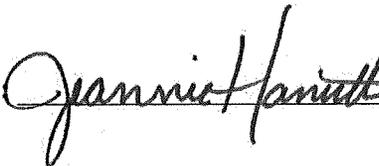
A third community meeting, sponsored by Councilmember Herrera, was held on November 12, 2009 at the Cadwallader Elementary School on Cadwallader Avenue. There were about 15 attendees. This meeting was held specifically to inform and discuss the traffic and schools issues. Specifically how the schools determine student generation rates and how the Evergreen-East Hills Development policy controls traffic associated with new development. Representatives from the School District and the City including Planning, Public Works and the Department of Transportation were present at the meeting to answer questions.

General Correspondence

In addition, multiple written and e-mailed correspondences were received from neighbors, most of which oppose the increase in density on the site in that it would cause impacts to quality of life, traffic, schools, noise, and pollution. One of the property owners of the subject site also submitted a letter in support of the proposal as the property has now been surrounded by homes and no longer viable as agriculture.

Project Manager: Lesley Xavier

Approved by

 Date: 11/30/09

Owner/Applicant:	Attachments:
Tony Arreola ASC Properties, LLC 255 W. Julian Street, Suite 200 San Jose, CA 95110	<ul style="list-style-type: none">▪ Development Standards▪ Neighbor Correspondence

FILE NO. PDC09-010
DEVELOPMENT STANDARDS

SINGLE-FAMILY DETACHED RESIDENTIAL (13.78 acres)

MINIMUM LOT SIZE: 10,000 square feet

USE/MAXIMUM NUMBER OF UNITS: 41 single-family detached units

SETBACKS:

- Front – 25 feet (20 feet to the front porch)
- Side (Interior Lot Line) – 5 feet
- Side (Corner Lot Line) – 12.5 feet
- Rear – 20 feet (15 feet to a patio cover or trellis)

Setbacks shall be increased as deemed appropriate at the Planned Development Permit stage to facilitate slopes and to avoid the creation of large retaining walls.

BUILDING HEIGHT: 35 feet/2.5 stories

PARKING REQUIREMENTS:

- Two covered parking spaces per unit.

ACCESSORY STRUCTURES/BUILDINGS:

- Permitted as of right, per Chapter 20.30, Part 5 Accessory Buildings and Structures, of the Zoning Ordinance, as amended.

SECONDARY UNITS:

- Second units are not permitted.

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.
- Minor additions which conform to the above setbacks do not require approval of the Director of Planning, Building, and Code Enforcement.

ARCHITECTURAL DESIGN:

- The architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.

LANDS OF PIANKA (Shown as Estate Residential on the Land Use Plan – 2.35 acres)

MINIMUM LOT SIZE: 1 ACRE

USE/MAXIMUM NUMBER OF UNITS: 2 single-family detached units.

SETBACKS:

- Front – 25 feet (20 feet to the front porch)
- Side (Interior Lot Line) – 22 feet
- Rear – 25 feet (15 feet to a patio cover or trellis)

BUILDING HEIGHT: 35 feet/2.5 stories

PARKING REQUIREMENTS:

- Two covered parking spaces per unit, plus one additional off-lot parking space within 150 feet of each unit.

ACCESSORY STRUCTURES/BUILDINGS:

- Permitted as of right, per Chapter 20.30, Part 5 Accessory Buildings and Structures, of the Zoning Ordinance, as amended.

SECONDARY UNITS:

- Second units are not permitted.

MINOR ARCHITECTURAL PROJECTIONS:

- Minor architectural projections such as, fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20% of the building elevation length.
- Minor additions which conform to these setbacks do not require approval of the Director of Planning, Building, and Code Enforcement.

ARCHITECTURAL DESIGN:

- The architectural design of the houses shall conform to the standards of the Single-Family Design Guidelines.

ENVIRONMENTAL MITIGATION

I. AIR QUALITY -

Standard Measures: The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less than significant level. The following construction practices would be implemented during all phases of construction on the project site:

-
- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
-
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
-
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
-
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
-
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
-
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
-
- Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site;
-
- Limit traffic speed on unpaved roads to 15 mph;
-
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
-
- Replant vegetation in disturbed areas as quickly as possible;
-
- Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
-
- Install wind breaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas;
-
- Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and
-
- Limit the area subject to excavation grading, and other construction activity at any one time.

- MM AIR-1.1** New bus stops shall be constructed at convenient locations with pedestrian access to the project sites. Pullouts will be designed so that normal traffic flow on arterial roadways would not be impeded when buses are pulled over to serve riders.
- MM AIR-1.2** Bicycle amenities shall be provided on each of the Evergreen Development Policy Revision pool sites. Each site will be reviewed and appropriate bicycle amenities shall be included. As appropriate, this shall include secure bicycle parking for office and retail employees, bicycle racks for retail customers and bike lane connections throughout each project site.
- MM AIR-1.3** All buildings shall include outdoor electrical outlets so as to encourage the use of electrical landscape maintenance equipment.
- MM AIR-1.4** All fireplaces to be installed in residences shall comply with the San José Wood-Burning Appliance Ordinance (#26133).
- MM AIR-1.5** For non-residential development sites, shuttle bus service, where feasible, shall be provided to regional transit centers.
- MM AIR-1.6** For non-residential development sites, all feasible and reasonable TDM measures such as ride-matching programs or guaranteed ride home programs shall be implemented.

II. BIOLOGICAL RESOURCES

Standard Measure 1: The project proposes to implement the following standard measures to reduce impacts to trees:

- During the Planned Development permit stage, the future home site design will incorporate preservation of existing trees to the maximum extent practicable to the satisfaction of the Director of Planning, Building, and Code Enforcement, with emphasis on trees identified in the Tree Report as suitable for preservation.
-
- A Tree Removal Permit will be obtained for the removal of ordinance-size trees, prior to development.
-
- All trees that are to be removed shall be replaced at the ratios shown in Table 4 below. The exact number and species of replacement trees will be determined the Director of the Department of Planning, Building and Code Enforcement, based on consultation with the City Arborist. The replacement trees should be native species appropriate to the site. In addition, planting stock should be collected locally (within a five-mile radius of the project site) to the extent possible, in order to maintain genetic integrity of the species' to be replaced. Replacement plantings should be completed during the period between November and January.

TABLE 4 CITY OF SAN JOSÉ STANDARD TREE REPLACEMENT RATIOS				
Diameter of Tree to be Removed	Replacement Ratio (Type of Tree)			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	None	24-inch box
less than 12 inches	1:1	1:1	None	15-gallon container

Notes:
X:X = tree replacement to tree loss ratio
Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage.
- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) shall be identified for additional tree planting as appropriate. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement. Contact Jaime Ruiz, PRNS Landscape Maintenance Manager, at 975-7214 or Jaime.Ruiz@sanjoseca.gov for specific park locations in need of trees.
- A donation of \$300 per mitigation tree to Our City Forest or San Jose Beautiful for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Standard Measure 2: The following tree protection measures shall be included in the project in order to protect trees to be retained during construction:

- The proposed project will implement the tree protection measures as recommended in the Tree Report (Appendix A) and Biological Evaluation (Appendix B), and the City's standard tree protection measures listed below.

Pre-construction Treatments

- The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be six feet chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

○ During Construction

- No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation shall be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

MM BIO-1.1 The developer shall have a qualified biologist conduct a survey and prepare a report not more than 30 days prior to construction activities to determine the presence of burrowing owls on the site.

MM BIO-1.2 If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the breeding season (February through August). If pre-construction surveys determine that BUOW occupy the site during the non-breeding season (September through January), then an eviction effort (i.e., blocking burrows with one-way doors and leaving them in place for a minimum of three days) may be necessary to ensure that the owls are not harmed or injured during construction.

MM BIO-1.3 Should burrowing owls be detected on the site during future breeding seasons (February 1 through August 31), a construction-free buffer zone

of at least 250 feet should be established around all active owl nests. Buffers should remain in place for the duration of the breeding season or until young are independent.

MM BIO-1.4

Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

MM BIO-1.5

If possible, construction shall be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation.

- Between January and April (inclusive) pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal.
- Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities.
- The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests.
- If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a demolition- and construction-free buffer zone (typically 250 feet) around the nest.
- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

MM BIO-2.1

A qualified biologist shall conduct a habitat assessment of buildings and trees that will be removed by the proposed project, in order to determine if bats are currently utilizing the site for maternal, day or night roosts. Surveys for roosting bats shall be conducted no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal.

MM BIO-2.2

If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost.

If roosting bats are found, either schedule construction activities within 100 feet to seasons when bats are active and young are volant (March 1 to April 15 and August 1 to October 15), or enter into consultation with CDFG to determine other acceptable mitigations.

If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion.

Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG.

MM BIO-2.3

Trees shall only be removed during seasons when bats are active and Young are Volant (March 1 to April 15 and August 1 to October 15).

MM BIO-2.4

A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

MM BIO-3.1

A formal wetland delineation has been completed and will be submitted to the USACE for review, in order to determine if the isolated wetland feature on the site would be considered "jurisdictional," as defined by Section 404 of the Clean Water Act. If the feature is found to be non-jurisdictional, no mitigation would be required for disturbance to the feature resulting from the project.

MM BIO-3.2

Should the wetland feature on the property be found to be jurisdictional, all activities that involve the discharge of fill in jurisdictional water are subject to the permit requirements of the USACE (Wetland Training Institute, Inc. 1991). The filling of isolated wetlands over which the USACE has disclaimed jurisdiction is regulated by the RWQCB. A Notice of Intent must be filed with the RWQCB to fill isolated wetlands. Permits are typically issued on the condition that the project applicant agrees to provide wetland replacement and/or enhancement so that no net loss of wetland functions or values results. No permit can be issued until

the RWQCB issues a certification (or waiver of such certification) that the proposed activity will meet state water quality standards.

III. CULTURAL RESOURCES –

Standard Measures: The following standard measures are included in the project to avoid or reduce impacts to archaeological resources during construction:

- If evidence of any archaeological, cultural, and/or historical deposits are found, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. If it is determined that further earthmoving could affect a resource eligible for inclusion on the California Register of Historic Resources (CRHR), the project archaeologist should submit a plan for the evaluation of the resource to the City of San José Planning Department for approval. Evaluation normally takes the form of hand excavation of a limited amount of archaeological soils to search for significant archaeological materials and/or information which could demonstrate its CRHR eligibility.
- If evaluative testing demonstrates that a significant resource exists which will be damaged, a mitigation program shall be developed and implemented under the direction of the City's Environmental Principal Planner, before work is allowed to recommence inside the zone designated as archaeologically sensitive. Mitigation can include additional hand excavation to salvage archaeological materials and/or information, analysis of the materials at a recognized storage facility, and archaeological monitoring of all soils removal from the zone of archaeological sensitivity.
- In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

IV. GEOLOGY AND SOILS

Standard Measure 1: The project proposes to implement the following measures to reduce and avoid geologic and soil impacts:

- The proposed project shall implement standard grading and best management practices to prevent substantial erosion and siltation during construction and development of the site.

Standard Measure 2: The project proposes to implement the following standard measure to reduce seismic-related impacts:

- The proposed project shall be designed and constructed in conformance with the Uniform 2007 California Building Code (CBC) requirements to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

MM GEO-1.1 The proposed project shall be designed and constructed in accordance with the design-level geotechnical investigation that will be prepared for the project site. The geotechnical investigation shall include:

- sampling and testing of the on-site soils to provide a more detailed soil classification and determine the expansion potential of the soils;
- specific design features and recommendations for site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design; and
- techniques and procedures to be implemented during construction to mitigate potential geotechnical/geological hazards.

MM GEO-1.2 The geotechnical investigation and project design shall be reviewed and approved by the City Geologist. The project will obtain Geologic Hazard Clearance from the City Geologist prior to PD zoning approval and issuance of building and grading permits.

MM GEO-1.3 The most common mitigation for method for compressible surface soils is simply to remove the material to expose a stable soil and replace as engineered fill under the observation of a Geotechnical Engineer or their field representative.

MM GEO-1.4 Building damage due to volume changes associated with expansive soils can be reduced by deepening the foundations to below the zone of significant moisture fluctuation, or by providing a layer of material with low-expansion potential to reduce the effects of the expansive soils on foundations. Smaller structures can be adequately supported on structural mat foundations that are designed to accommodate shrinking and swelling subgrade soils.

Successful construction on expansive soils requires special attention during grading. It is imperative to keep exposed soils moist by occasional sprinkling. If the soils dry, it is extremely difficult to remoisturize the soils (because of their clayey nature) without excavation, moisture conditioning, and recompaction.

Conventional grading operations, incorporating fill placement specifications tailored to the expansive characteristics of the soil, and use of a mat foundation (either post-tensioned or conventionally reinforced) are common, generally cost-effective measures to address the expansive potential of the foundation soils.

MM GEO-2.1

The design-level geotechnical investigation will confirm the site conditions, evaluate the stability of graded slopes based on the grading plans, and include design-level recommendations to reduce and avoid hazards associated with earthquake-induced landsliding. The effects of shallow landsliding can be mitigated by utilizing standard techniques, such as landslide avoidance, complete landslide debris removal, and partial landslide debris removal and buttressing with engineered fill. For this project, it is anticipated that the most likely mitigation measure will include partial or complete landslide debris removal and replacement as engineered fill.

V. HAZARDS AND HAZARDOUS MATERIALS

MM HAZ-1.1

In conformance with local, state, and federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition. The surveys shall be completed prior to demolition of these structures.

MM HAZ-1.2

A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable asbestos-containing materials, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

MM HAZ-1.3

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training,

employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MM HAZ-1.4 Hazardous waste shall be appropriately managed, labeled, transported, and disposed of in accordance with local, state, and/or federal requirements by trained workers.

VI. HYDROLOGY AND WATER QUALITY -

Standard Measure: The project proposes to implement the following standard measures to reduce and avoid drainage and water quality impacts.

VII. NOISE -

Standard Measures: Implementation of the following mitigation measures would reduce construction-related noise impacts to a less than significant level:

- Limit all construction-related activities to weekdays between 7:00 AM and 7:00 PM on Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- Limit weekend construction hours, including staging of vehicles, equipment and construction materials, to Saturdays between the hours of 9:00 AM to 5:00 PM. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulations pertaining to all construction activities and limitations along with the name and telephone number of a contractor-appointed disturbance coordinator shall be posted in a prominent location at the entrance of the job site.
- Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors. Staging of construction equipment will be as far as feasible from the sensitive receptors.
- Prohibit unnecessary idling of internal combustion engines.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad

muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

VIII. PUBLIC SERVICES –

Standard Measure: The project proposes to implement the following standard measure:

- In accordance with Government Code §65996, the developer shall pay a school impact fee to offset the increased demands on school facilities caused by the proposed project.

IX. RECREATION -

Standard Measure: The project proposes to implement the following standard measure to reduce impacts to parks:

- Conform with the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO).

- X. TRANSPORTATION / TRAFFIC –**The project will be required to pay the Traffic Impact Fee that has been created to fund the identified transportation improvements to comply with the Evergreen- East Hills Development Policy.

PUBLIC WORKS CLEARANCE

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
 - a) The proposed project is within Benefit Assessment District 91-209SJ (Aborn-Murillo), but outside of the Evergreen Specific Plan (ESP) Area. Payment of the assessment is due prior to final map approval or Public Works Clearance, whichever comes first. The current assessment is \$2,549.87/unit (this amount is subject to increase annually based on the inflation factor) plus a 5% administration fee (not to exceed \$1,500 per development). Contact Tom Borden at (408) 535-6831 for further information. Note: Payment of the assessment provides for a base traffic allocation of three (3) residential units.

- b) This project is located within the new Evergreen East Hills Development Policy (EEHDP) area. Under this policy, new residential development will require allocation from the pool of 500 new residential units which includes payment of a Traffic Impact Fee (TIF). The fee per residential unit is \$13,214 and is projected to be \$462,490 for the project's 35 units. This fee is due and payable to the City prior to the issuance of building permits. We conclude that this project will be in conformance with this policy and that no further traffic report is required.

3. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d) A Geologic Hazard Clearance is required prior to environmental clearance or zoning approval.
- e) A geologic report addressing the potential hazards of fault rupture, slope stability, and erosion must be submitted to and accepted by the City Engineering Geologist prior to environmental clearance or zoning approval.
- f) The Project site is within the State of California Seismic Hazard Zone. A Geologic Hazard Clearance is required prior to any environmental clearance, zoning approval, planning, building or grading permit. A geologic/geotechnical report addressing the potential hazard of earthquake induced landsliding and other geologic hazards must be submitted to, reviewed, and approved by the City Geologist prior to issuance of a Geologic Hazard Clearance. The report should be consistent with State guidelines for the preparation of engineering geologic and seismic hazard reports (CGS Note 44 and Special Publication 117).

4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.

- b) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
5. **Flood: Zone D.** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
6. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
7. **Municipal Water:**
- a) This site is within the CSJ Municipal Water Service Area. In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
 - b) Contact Tim Town regarding potential relocation of the water line easement, if needed.
8. **Parks:** This residential subdivision is subject to the City's Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code). If the subdivider plans to satisfy his or her parkland obligation impart by other means noted in the Ordinance, the subdivider shall enter into a parkland agreement with the City prior to the approval of the final map and to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance.
9. **Assessments:** A portion of this project is located within Zone B of Maintenance District 15 which maintains special amenities within the district such as enhanced landscaping in the median islands on portions of Nieman Boulevard, Silver Creek Valley Road, and Yerba Buena Road. Properties within the districts pay for the maintenance through annual assessments placed on the property tax bills. The remainder of the project is adjacent to Zone B of Maintenance District 15. If access to these homes is obtained through Nieman Boulevard or any streets within this district, annexation to the District may be required prior to subdivision of land and each property will be subject to the annual District Assessment. For example, the 2008-2009 assessment is \$31.26 per residential unit, which is adjusted annually by the Consumer Price Index.
10. **Street Improvements:**
- a) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontages.
 - b) Construct curb, gutter, and sidewalk along Cadwallader Avenue frontage.
 - c) Close unused driveway cut(s).

- d) Dedication and improvement of the new public street to the satisfaction of the Director of Public Works.
- e) Install public cul-de-sac at terminus of Cadwallader Avenue.
- f) Additional street improvements may be required as indicated by the results of the traffic operation analysis.
- g) Repair, overlay, or reconstruction of asphalt pavement may be required on Cadwallader Avenue. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

11. **Electrical:**

- a) Install electroliers on the new public street frontage.
- b) Existing electroliers along the existing project frontages will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- c) To assist the Applicant in better understanding the potential cost implications resulting from these requirements, the electroliers along the project frontage can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 15 working days.

12. **Street Trees:** Replace any missing street trees on existing street frontages (Cadwallader Avenue and Nieman Boulevard) and install street trees on new public street per City standards. Obtain a DOT street tree planting permit for any proposed street tree plantings. The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 277-2756 for the designated street tree.

Hello everyone...I just wanted to state my opposition to the re-zoning of the Cadwallader/Nieman property from a .2 to a 5du/ac on 9.76 acres. The original zoning was to have 20 new homes built. With the re-zoning it will be 38 or so depending on the slope of the lots. Our neighborhood had three meetings where we were all against the new re-zoning proposal that would double the home density in this area (except for the developers and sellers). We believe that 20 new homes being built as originally planned is OK, but we are all against almost doubling this figure. We realize that the more estate homes that are approved brings more money from property taxes, more for the developers, builders, etc and to the sellers as well. What we are asking is to simply keep the zoning as it is and only have 20 homes instead of 38. What is so wrong with just building FEWER new homes and just keeping the zoning the way that it was originally proposed for that area.

All of us from the neighborhood who could attend the meeting at City Hall for the Planning Commission hearing. We got there at 6:30...(the opposition)...and we did not have our chance to speak (2 minutes) until 11:30-11:45 that night. I know that some went home and were just not able to stay to MIDNIGHT as some of us did. All and all I came away a bit discouraged over the process and the outcome. So many of us were at the 3 neighborhood meetings.... but of course the majority was NOT represented the night of the Hearing. I applaud Joe Zito for standing up for us because he had been at the meetings and has heard our opposition vocalized.

I also feel that having a limitation of informing only those within 1,000 feet of the site is greatly limiting MORE of the residents around the area from even knowing what is happening or having the opportunity to voice their opinions.

Here are a few things I have to comment on about the added density of homes and the number of children that will be "zoned" to attend Cadwallader school. Again, the Evergreen School District stated that .5 - .6 children "statistically" per home will be generated from the 1.5 million dollar estate homes. They are calculating about 25 children. The more true number will most likely be triple that75-80and that's just calculating that each home may have only 2 children per household within the ages of 5-12. We all understand that these big estate homes are for families with CHILDREN. Logistically, about 32 of the 38 homes will be on the Nieman side of the Cadwallader hill. But since it was stated that the James Franklin Smith school is at capacity....that all these new children will be housed back to the Cadwallader side...where there are only a couple streets that exit from the school area....everybody has to make u turns everywhere now as it is.

Secondly, the closest "feeder" street from Nieman.....which would be the closest through street (since all the others are courts) to get to Cadwallader school is BLANDING. To have 30 or more cars coming through that quiet residential area in the mornings to drop their child off at school is going to have a major impact on traffic on that street and in the neighborhood....unwanted through traffic will be created,. That particular street also has a dangerous, narrow, "s" curve in it as well. Even if parents drive further down to Daniel Maloney, it will still be the same situation. Nobody has

REALLY looked at the logistics of how parents will be driving their kids from home to Cadwallader in the mornings. Someone need to physically look at the path the new residents will be taking. Again, with only 20 homes going in, there would certainly be half the traffic. With the majority of homes on the Nieman side, it seems like the school district could re-assess the situation and let the new kids go right across the street to school.

It was mentioned about a BIKE and walking path down the Cadwallader hill. Yes, that will certainly be needed...but with 75 or more children.....some may walk or ride bikes....but riding bikes down that hill...not to mention skateboarders....it is a VERY dangerous situation being presented. I have lived at the bottom of that hill for 23 years and there has been many accidents because kids come down the hill too fast...and it is steep. Imagine MANY kids biking.....skateboarding....walking. There will definitely be a need for ADULT SUPERVISION every school morning in this area.....its an accident waiting to happen.

Even with this new walking and biking pathway.....this will be creating a thoroughfare not just for school children but for ANYONE who decides to come through the Nieman side over into the Creekside area (or visa versa)...that's really opening up our neighborhood to possible unwanted strangers in the area.....with an easy exit out of the area where no cars can follow. The crime in this area has been up this past year....auto thefts, home break-ins.....etc.....so Im hoping this pathway will not create easy access either way.

I understand a lot of things are going to have to be worked out. The concerns I have mentioned are just a few specifics. But, I believe these issues need direct attention. Please, please consider some of the "realities" of the matter. The school situation is one of the most important and I hope it will be looked at closer. And again, I ask that you consider leaving the zoning as it was intended from the beginning.

Thank you all for your understanding in this matter and I will see everyone at the meeting at City Hall on Tues. Dec 1st. Sincerely, Deborah Garner

November 11, 2009

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

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

Dear Chairman and San Jose Planning Commission Members,

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

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

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

Sincerely,



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

Phone 408 828-1983

11/17/09

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

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

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

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

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

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

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

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

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

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

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

Thank You,

Cheryl Larios

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

12 November 2009

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

Dear Chairman and Members of the Planning Commission;

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

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

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

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

Thank you and please approve the application presented by ASC.

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

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

12 November 2009

Dear Chairman and Members of the Planning Commission;

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

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

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

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

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

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

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

Thank you, Mrs. Dianna Ingle

November 17, 2009

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

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

Dear Chairman and San Jose Planning Commission Members:

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

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

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

I hope you will please support the General Plan change.

Sincerely,

A handwritten signature in black ink, appearing to be 'RH' followed by a stylized flourish.

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

Xavier, Lesley

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

Ladies & Gentlemen:

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

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

Ryan Hubris

11/18/2009

Xavier, Lesley

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

November 16,2009

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

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

Dear members of the Planning Commission:

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

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

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

Thank you.

Sincerely,
James Bartlett

11/18/2009

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

November 17, 2009

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

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

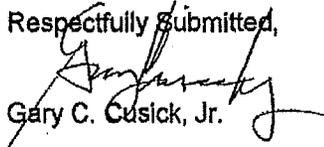
I am long time friends of the owner / owners of 3905 Cadwallader Ave. and know them to be salt of the earth people. The primary owner of this parcel is the matriarch of her family and she and her dearly departed husband have been responsible for creating 3 generations of responsible, dedicated, San Jose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

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

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

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

Respectfully Submitted,


Gary C. Cusick, Jr.

Xavier, Lesley

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

Lesley

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

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

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

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

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

Xavier, Lesley

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

Hello everyone -

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

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

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

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

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

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

11/16/2009

Deborah Garner - Resident and Creekside Board member

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

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

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

Thanks,
-Shaun Lin

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

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

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

November 12th, at 6:30PM.

Xavier, Lesley

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

Dear Councilwoman Rose, and Lesley:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
Josephine Delvey

Xavier, Lesley

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

Dear Lesley,

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

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

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

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

11/18/2009

From: David Margolati [mailto:dmargolati@sbcglobal.net]
Sent: Wednesday, November 18, 2009 4:38 PM
To: Boyd, Darryl; Herrera, Rose
Subject: Cadwallader Ave Rezoning

To Whom It May Concern,

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

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

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

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

Sincerely, David Margolati

408.373.0448

Problems w/ project:

- 1- Traffic impact on all streets as well as access on/off 101.
- 2- Loss of wild life & destruction of green life.
- 3- Water & P.G. & E services ?
- 4- Police & fire services to the entire area.
- 5- Pollution & loss of quality of life of current residents.
- 6- Economy - Who could afford these home's in today's economy.

Andrew

December 12, 2008

The Honorable Mayor Reed and Councilmember David Cortese
Members of the San Jose City Council
San Jose, California

RE: 4083 Cadwallader Avenue, San Jose, CA 95121, GP08-08-04

Dear Mayor and City Council Members,

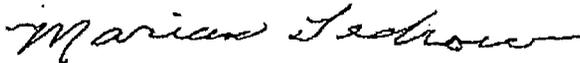
We, the members of the Cirelli Family (Bob and Marian Tedrow and Jim and the Late Linda Bartlett and Cheryl Larios, daughter of the Late Mr. Bob Cirelli) are writing you at this time to convey the same message that we have said for the past eight plus years, since the Honorable Alice Woody was our Council Representative: (A) Please approve the Evergreen Development Policy and allow us to develop our property, just like you have allowed all the surrounding landowners. (B) In addition, as you adopt the updated Evergreen Development Policy, please make sure that **pipeline projects that have a pending application** get special consideration given all of the time and effort and financial investment that has been made in trying to develop the property. Our GP application was first submitted in 2004.

My family came to Evergreen at the turn of the 20th Century. My Grandparents established themselves as farmers above the East end of Aborn Road in Evergreen, and raised eight children. Most of my Aunts and Uncles and their children still live in Evergreen. I am a distant cousin of A.P. Giannini, the founder of Bank of America. His corporate office was at First and Santa Clara Streets in downtown San Jose. My Mother, one of the eight children, and my father bought a fifteen acre ranch at the South end of Cadwallader Avenue in 1946. Since lack of water for farmers was always a problem, my father and six other property owners on Cadwallader Avenue established the Evergreen Water Company. This company is now owned and operated by the City of San Jose.

There were three of us siblings, myself, my sister and brother, and as we all grew up and married, Dad built each of us a home on the property. My parents both died of cancer one year apart of each other. Then there were three of us that became the property owners as joint tenants in common. We are now senior citizens. This year has been a difficult year for our family as we lost My Sister Linda Bartlett of inoperable brain cancer and My Brother Bob Cirelli passed also. As for Myself, I have had a recurrence of cancer and underwent surgery just a few months ago. Today, more than ever, we are less able to maintain our property which is no longer a farm. This infill property has no use other than to be developed for some beautiful homes. Building homes would enhance the beauty of the Evergreen Valley and compliment the existing homes that surround our property in every direction. My Father would approve. We currently occupy three old homes and a few dead fruit trees. Beautifying our property would match the enhanced developments around us. We are encircled by several home developments with high quality homes. Graystone, Pinn Brothers and Mackey Homes are just to mention a few developers.

We feel we deserve our fair chance to develop our property and not be left out as we were in the past. This is our last chance to see our dream happen and we thank you in advance for helping us realize it. We also want to thank Councilmember Cortese for his hard work in making sure that the small property owners in the Evergreen Valley are protected and that Evergreen Development Policy becomes a reality.

Thank you,



Mrs. Marian Tedrow and Cirelli Family
4083 Cadwalder Avenue
San Jose, CA



Building Permit Leads
Reach the owners & builders of new construction projects in your area!

Government Software
Planning, Code, Permits Web Portal, Mobile, Licensing..

Ads by Google

Stop rezoning/new housing proposal

Following is a tab delimited list of all active signatures on your petition. To format and use this data elsewhere you should save this page as text. Open the file in a text editor and delete the text before and after the signature list and then import the data into a spreadsheet program, such as Microsoft Excel.

Number	Name	Email	Comments	Address
2	Shaun Lin			
3	shufang cheng	shufang@gmail.com	Totally agree! We should stop rezoning/new housing in evergreen.	evergreen
4	Vaidyanathan		Evergreen	
5	Jian		Stop any housing development until traffic and school problem is solved.	
6	Mohana R Posam	mohanaposam@yahoo.com		3416 Glenprosen Ct, San Jose, CA - 95148
7	dipak shah	dipakshah@yahoo.com		
8	Rajeswari Nagarajan		No more houses until the traffic problems are solved.	
9	Devila & Ragin Desai		No more houses until traffic issue is resolved first	
10	Shyam Johari		3181 Heritage Valley Dr, San Jose, CA 95148	
11	Sanjiv Doshi		3409 Valley Vista Drive, San Jose, CA 95148	
12	Jaya P Samala			
13	Milesh Iad		3277 Pappani Way, San Jose, CA 95148	
14	Chirinjeev Singh			
15	Mohan Maturi		3338 Ariel Joshua Ct, San Jose, CA 95135	
16	Venkaiah Dukkkipati		Resolve the traffic congestion problems first prior to building more new houses.	
17	Saravana Soundararajan			
18	Venkat Sarvepalli			

[Return to Main Menu](#)

The Stop rezoning/new housing proposal Petition to San Jose City Planning Department was created by Evergreen Community and written by Shaun Lin (sgin@yahoo.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple Petition Help form.

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<http://www.petitiononline.com/newbld/petition.html>

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From: etransform@hotmail.com

To: donald.rocha@sanjoseca.gov; mayoremail@sanjoseca.gov

Subject: URGENT ACTION REQUIRED: Cadwallader General Plan Amendment File No. GP08-08-04

Date: Thu, 29 Oct 2009 15:35:34 -0700

Don:

As our representative, I am sure that Rose Herrera would want to be present at the Planning meeting affecting so many of her constituents. She will then see first hand, the vehemence of the neighborhood protest, so that she can correctly present the feelings on this issue at the forthcoming Council meeting. Chuck Reed's vision for a transparent administration will be on test when the vote is taken by the Council - obviously opposing this development. I am sending you this email with a copy to Chuck so that Rose follows through on representing her constituents' opposition to this development. The only beneficiary of this development is the developer; indeed I wonder if he had asked for 100 homes previously earmarked for 5 homes, would the Planning department and the City Council approve it despite all our objections.

I previously lived in Almaden (on the slopes of Mt. Umunum) and a greedy developer proposed building dozens of condominiums in a posh residential area. The neighborhood protested strongly and planning meetings were held, but amazingly enough, the City Council approved the development which ruined the tenor of that area of Almaden. This situation has many of the same characteristics of that Almaden development. Our only hope is Chuck Reed's fervent promise of transparency, and hopefully, Rose Herrera's faithful representation of the protest at the planning meeting today.

10/29/2009

Reminder:

Planning Meeting: Cadwallader school 5:30pm TODAY!

Sincerely,

Sateesh Lele
Owner and Resident
2246 Terrena Valley Drive,
San Jose, CA 95121

Xavier, Lesley

From: mike HJH [mike@hjhandy.com]
Sent: Sunday, August 02, 2009 11:23 PM
To: Xavier, Lesley
Subject: fw: re: Cadwallader General Plan Amendment File No. GP08-08-04 - Abutting to A0 Farm at 4140 Cadwallader Avenue

Lesley,

It was good to meet you and talk about the issues. This is the original email which failed to get to you. I shall also send by postal mail and contact the developer representative Tony Arreola.

Mike

From: "mike HJH" <mike@hjhandy.com>
Sent: Sunday, July 12, 2009 3:14 AM
To: Lesley.Xavler@sanjoseca.gov
Subject: re: Cadwallader General Plan Amendment File No. GP08-08-04 - Abutting to A0 Farm at 4140 Cadwallader Avenue

Leslie,

As the current resident owner of 4140 Cadwallader Avenue, I would like to point out that our lot is zoned A0 Agricultural and is currently a fully functioning farm with 50 goats, over 100 chickens and 20 peacocks. Several of the planned houses on the new development will back directly onto our property and should be developed with the knowledge that residential setbacks will not be enough and typical farm noises and smells should be expected. We have no problem with the development and support further building on this property with adequate planning for the environment.

We have already had many contacts with the San Jose City attorneys office about the failed attempts by ACS to apply residential restrictions to our operation. The situation was caused by inadequate city planning of the previous development on Terra Nova that abut our property to the West. Our property has been a farm since 1915 and ironically our neighbors are now more worried about your proposed development and have come to live with our farm more harmoniously.

To promote this harmonious relationship with the new development I would like to make sure the City is aware of the problems caused by having residential properties backing onto A0 farming land. We ask that both the developer and any future clients are made FULLY aware of this situation and that plans are laid out explicitly with adequate larger setbacks being planned. Since a water main runs along the same fence-line to the north of our property it is suggested this space is better used as a natural space that will help distance residential houses from our operation.

Please advise how you suggest this situation is discussed with the developer.

sincerely

Mike Hulme

10/30/2009

Xavier, Lesley

From: NITIN CHANDRA [nchandra3@yahoo.com]
Sent: Thursday, May 14, 2009 6:08 AM
To: Xavier, Lesley
Cc: nchandra3@yahoo.com
Subject: Cadwallader Avenue Residential Project.

Hi Lesley,
I live at 2227 Terrena Valley Dr, San Jose, CA 95121 and want to give my views on
GP08-08-04/PDC09- 010
Cadwallader Avenue Residential Project.
The developer should not be allowed to convert the land
FROM from Rural Residential (0.2 DU/AC)
> --TO Low Density Residential 5 (DU/AC)

This will ruin the neighbourhood and cause pollution and traffic congestion

thanks
Nitin Chandra

carmen.stanley@sanjoseca.gov

"Be aware of the problem but recognize the solution, know about difficulties but believe they can be overcome, see the negative but accentuate the positive, be exposed to the worst but expect the best, have reasons to complain, but choose to smile" ~ William Arthur Ward

From: sateesh lele [mailto:etransform@sbcglobal.net]

Sent: Sunday, May 10, 2009 5:24 PM

To: Jim.Zito@sanjoseca.gov

Cc: Stanley, Carmen

Subject: ReZoning Protest: GP08-08-04 Cadwallader

Dear Jim Zito:

As a home owner severely impacted by the proposed application GP08-08-04 I would like to voice my strong protest at the Planning Commission meeting on May 13th, 2009.

Briefly, several residents attended the hastily-convened(3 days notice in a plain white envelope) neighborhood meeting on April 27 and launched a storm of protest on the basis that the area was zoned for THREE homes whereas the developer is squeezing in THIRTY-EIGHT homes. This will devastate the quality of living(Silver Creek Country Club-Tuscan Hills), vastly increase traffic noise and congestion, eliminate a valuable stand of Eucalyptus trees in a wild- life habitat area, destroy the views, place increased burden on already congested schools, and decimate the value of our homes. The Planning dept representative promised to present our objections at the Planning Commission meeting but I want to be certain that by making a personal statement, that these objections are not just ignored. What justification can there be for squashing in ~~Thirty-Eight~~ homes when the area was zoned for three? This is in violation of the Evergreen-East hills development policy which put the limit at 35 units. I enclose my personal objection which I shall present at the May 13th meeting.

Sincerely,

Sateesh Lele
Home Owner
2246 Terrena Valley Drive
San Jose, CA 95121
(408)600 5605

Xavier, Lesley

From: Dan Greenwell [docboydan@yahoo.com]
Sent: Wednesday, May 06, 2009 4:45 PM
To: Xavier, Lesley
Subject: Comments on rezoning and development proposal GP08-08-04

Dear Ms Xavier, thank you for meeting with community members on April 27th regarding the proposed zone change and housing development for the Cadwallader neighborhood in Evergreen.

While I can empathise with the current owners of the property, who continue to pay taxes on unused land and naturally have every right to sell it, I am concerned that the proposed development will erode equity from the Terrena Valley homes that will border the new development.

Even though the re-zoning request does not apply to the parcel that borders the Terrena Valley homes, the proposed layout still places a dense group of homes right against Terrena Valley properties. In my view, due to the smaller lot size of the new development, this will degrade the already diminished equity we have in our Terrena Valley homes. Those homes that will lose their views of the city also will likely experience even more equity degradation.

Is there no way for the developer to more judiciously develop the parcels, while still building and selling high-end homes for a profit, so that the Silver Creek look-and-feel for which the Terrena Valley homeowners dearly paid can be preserved?

I don't believe it's reasonable to wish for the parcel(s) to remain undeveloped, since the net effect would be to continue to burden the current owners with taxes while they derive no benefit from the unused land. But I do think it's reasonable to ask that the land be developed in a way that does not detract from neighboring high-end developments, or from the overall aesthetic appeal of the location.

Sincerely,

Dan Greenwell
2245 Terrena Valley Drive
San Jose, CA 95121

Mailing address:

5655 Silver Creek Valley Road
San Jose, CA 95138

Xavier, Lesley

From: Lisa Jackson [lisa_s_jackson@yahoo.com]
Sent: Sunday, May 03, 2009 9:16 PM
To: Xavier, Lesley
Subject: Neiman Blvd Development

Dear Lesley Xavier,

I was told by one of my neighbors that a real estate developer is currently pushing plans through the city to install a 40-unit residential development on Nieman Blvd, right across from and behind the Terrena Valley development. Supposedly, the developer is asking the city to change the zoning of one of the parcels as follows:

--FROM from Rural Residential (0.2 DU/AC)

--TO Low Density Residential 5 (DU/AC)

As I understand it, the developer, thus, wants to increase the number of dwellings allowed per acre from 1 dwelling per 5 acres, to 5 dwellings per 1 acre. This is a ****25-FOLD increase in population density**!**

This change would have an extremely negative impact on our neighborhood. First, this development would cause a huge increase in traffic on Neiman Blvd and surrounding roads. The traffic on Neiman is already heavy because JF Smith Elementary is on Neiman, and the freeways and surrounding roads are already at capacity. Second, Evergreen is already packed with too many houses and not enough supporting stores and amenities. This development only compounds the problem. Third, the development will decrease the values of our homes at a time when the housing market is depressed and many homeowners owe more on their home than they are worth.

Please

Thank You,

Lisa Jackson

April 14, 2009

City of San Jose Planning Division
Department of Planning, Building, and Code Enforcement
ATTN: Leslie Xavier
200 E. Santa Clara Street
San Jose, CA 95113

RECEIVED

APR 21 2009

CITY OF SAN JOSE
DEVELOPMENT SERVICES

Dear Ms. Xavier:

Thank you for returning my call today regarding the proposed development project on Cadwallader Avenue, permit number 006559ZN. I am writing to express my concerns that the proposed project may not meet the intent of the draft Evergreen-East Hills Development Policy (EEHDP), and will have adverse impacts on the existing Evergreen neighborhoods in the vicinity.

The EEHDP identifies guiding principles for limited development in Evergreen to ensure that all new development improves the overall livability of the area. The Cadwallader development will not improve the overall livability of the surrounding neighborhoods; it instead will eliminate much needed open space and increase traffic congestion on neighborhood streets.

A guiding principle under *Key Outcome #3* of the EEHDP is to "preserve current open space uses to the extent possible." The Cadwallader development eliminates 17 acres of hilltop open space affording beautiful views of much of the city and surrounding hills to current residents and pedestrians. The open hilltop itself is a pleasant vista for current residents, and provides desirable breathing room in an otherwise crowded neighborhood that has no parkland within reasonable walking distance. Developing the Cadwallader site may also counter the intent of the following specific statements in the EEHDP:

- "[D]evelopment policies which are particularly relevant to the topography and environment of the Evergreen-East Hills area include hillside development and riparian corridor protection policies. . . All new development within the EEHDP area . . . must not create significant adverse effects upon the environment, including but not limited to; projects that must not require significant grading or other alteration of the natural environment." The entire Cadwallader development will be on a hilltop and hillsides.
- The development fails to "establish parks, trails, community gardens, and other open spaces for the benefit of existing and future residents."
- The development will not "protect wildlife corridors," but will instead destroy a wildlife corridor.
- The development, as proposed, does not appear to "incorporate private active use open space areas."

- "The size of new residential lots and new residential structures should be within 25% of the average size of residential lots and structures on the immediately adjacent (abutting) properties." There are many large properties abutting the proposed development, and it does not appear that each proposed lot adheres to this criterion.

The Cadwallader development, as proposed, also will cause one significant traffic problem and exacerbate another. First, the level of traffic on Cadwallader Avenue and its connecting streets will increase dramatically due to the presence of 38 new homes in the neighborhood and because *Cadwallader now will be connected to Nieman Boulevard*. A cursory look at any street map shows that savvy drivers transiting back and forth between Silver Creek Valley Road/Nieman Boulevard and the White/San Felipe/Aborn intersection will now have a shortcut via Cadwallader that will eliminate both distance and time travelling on San Felipe and Yerba Buena Roads. Second, the traffic analysis report of the EEHDP already identified the San Felipe and Yerba Buena Avenue intersection as one at which service will be degraded by further development in southern Evergreen, and the traffic analysis did not even consider the impact of the Cadwallader project.

For the above reasons, the proposed Cadwallader development should be examined closely for its adherence to the EEHDP and its effect on the nearby neighborhoods. We look forward to the city addressing these issues at the community meeting to discuss this project.

Sincerely,



Mr. and Mrs. Gerald D. Dean
3965 Country Vista Court
San Jose, CA 95121
(408) 223-7930
schlossdean@sbcglobal.net

Xavier, Lesley

From: Khai Le [khai.le@sbcglobal.net]
Sent: Monday, April 27, 2009 9:46 PM
To: Xavier, Lesley
Subject: Proposed general plan amendment

Hi Lesley,

My name is Khai Le, My property number 3776 Cadwallader ave. Today I joint meeting proposed general plan amendment, add more property in the our community, We still have couple question from you (or city)

1) When you add more some property, that's mean add more population and kids. Do you have any plan for school? because the classes in school over size. If the class room oversize the education should be not going down.

2) Does the city any plan for traffic? If open the space and then add more cars excess thought cadwallader ave and the school, any morning has a lot of kids go to school, if has more cars excess more unsafe for kids go to school.

Thank you for your information.

Khai le