



June 30, 2010

Joseph Horwedel, Director
Planning Department, City of San Jose
3rd Floor, Tower
200 East Santa Clara Street
San Jose, CA 95113

RE: Special Use Permit SP06-088, 87 South 13th Street

Dear Mr. Horwedel;

Several of our members have received a notice of pending permit action at the above address and are extremely concerned, as well as mystified, about the implications of it. Approval of the permit would change the allowed use of the property to “general office” through the city’s legal non-conforming process.

Members’ strong reaction is partially based on the fact that this property plus two adjacent ones owned by the same person or persons have a long history of repeated and varied code enforcement issues. The house in question, located within the Naglee Park Historic Conservation Area, has had an open code enforcement case for several years.

Sometime between the late nineties and early 2000’s, the owner removed all or most of the windows from this historic building and replaced them with significantly smaller, vinyl framed windows. The smaller windows, change to non-traditional materials and narrower frames have substantially degraded the proportions and appearance of the house. In addition, the “new” areas around each of the smaller windows were not filled in with siding until very recently.

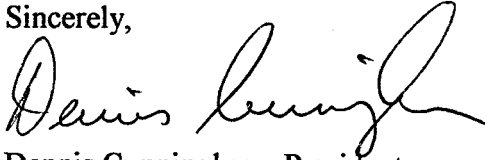
We are mystified about the appropriateness and even legality of this permit:

- The “existing” medical office use was actually discontinued sometime between 1990 and 1998. The zoning code allows a change of legal non-conforming use only if the first use has been discontinued for no more than 18 months.
- The house has been used as a residence since and enjoys a homeowner’s exemption from its tax bill.
- While the owners have operated a real estate business in the house for many years, it has had all of the hallmarks of a home occupation – e.g., an apparent single family residence with very little noticeable commercial activity. In addition, there was no approval of the change from medical office use to general office back when it could have been done. Therefore, the current office use is either illegal or a home occupation.

And, lastly, a “general office” use inserted into the middle of a residential block is, in our opinion, entirely inappropriate.

Thank you for notifying us of this pending permit and also for your consideration of our concerns. Please keep us informed of any changes regarding the permit prior to the July 7 hearing date.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Cunningham". The signature is fluid and cursive, with a large loop at the end.

Dennis Cunningham, President
Campus Community Association

cc.

Michael Enderby, Planning Department, City of San Jose
Sam Liccardo, Councilmember, District 3

P.O. Box 90038 • San Jose, CA 95109