



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 26, 2007

**COUNCIL DISTRICT:** 6  
**SNI AREA:** None

**SUBJECT: PDC06-100. CONSIDERATION OF AN ORDINANCE REZONING THE REAL PROPERTY LOCATED ON A PORTION OF A BLOCK BOUNDED BY THE ALAMEDA, EMORY STREET, NAGLEE AVENUE AND MORSE STREET; ON THE EAST SIDE OF MORSE STREET, APPROXIMATELY 150 FEET NORTHERLY OF NAGLEE AVENUE (744 MORSE STREET) FROM R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALL THE RELOCATION AND REHABILITATION OF ONE HISTORIC SINGLE-FAMILY RESIDENCE (STRUCTURE OF MERIT), TWO SINGLE FAMILY DETACHED RESIDENCES AND THE RECONFIGURATION OF THE CENTRAL YMCA'S PARKING LOT ON A 4.18 GROSS ACRE SITE.**

## RECOMMENDATION

The Planning Commission voted 5-0-2, with Commissioners Platten and Dhillon absent, to recommend that the City Council approve the proposed Planned Development Rezoning from R-1-8 Single Family Residence and A(PD) Planned Development to A(PD) Planned Development Zoning District to allow the relocation and rehabilitation of a historic single family residence (Structure of Merit), two single family detached residences and the reconfiguration of the Central YMCA's parking lot on a 4.18 gross acre site as recommended by staff.

## OUTCOME

Should the City Council approve the Planned Development Rezoning, the existing single-family historic structure (Structure of Merit) will be relocated to a southwest portion of an existing lot to allow sufficient space to subdivide two existing parcels into three parcels for residential development. The deteriorated historic residence would be preserved and rehabilitated and two new single-family detached residences would be constructed on the two parcels created by the subdivision. A portion of these residential parcels would be added to the Central YMCA site to allow the reconfiguration of the existing parking lot and the creation of up to 22 additional parking spaces. This future development would be subject to additional Development Permits.

April 26, 2007

Subject: PDC06-100

Page 2

## **BACKGROUND**

On April 25, 2007, the Planning Commission held a public hearing to consider a Planned Development Rezoning from R-1-8 Single Family Residence and A(PD) Planned Development to A(PD) Planned Development Zoning District to allow the relocation and rehabilitation of a historic single family residence (Structure of Merit), two single family detached residences and the reconfiguration of the Central YMCA's parking lot on a 4.18 gross acre site. The Director of Planning recommended approval of the project.

A request to defer the discussion of this proposal was presented by Warren Hansen during the deferral portion of the agenda. Commissioner Zito asked the community member to explain his reason for the request of deferral. Mr. Hansen stated he needed additional time to prepare a Zoning Protest application. Planning staff clarified that they were assisting Mr. Hansen with the process to prepare a valid Zoning Protest application, but suggested that the Commissioners hear the public testimony from members of the audience who made time to attend and speak at the hearing. The Commission voted to hear public testimony and the item remained on the public hearing agenda.

The applicant's representative, Ray Hashimoto, referenced a letter sent to staff on April 20, 2007 (attached with other correspondence submitted since original staff report) and highlighted the main points of this letter. One of the applicants, David Le Baron, stated that the existing historic structure was evaluated by an independent consultant who verified the structure is in a severe state of decline. Mr. LeBaron stated that they intend to preserve and rehabilitate the historic structure and to create additional parking consistent with the comments received during the community meeting.

### **Public Testimony**

Twenty-two members of the community spoke. Fourteen of the speakers were against the proposal, and eight speakers supported the proposal. The main concerns of those against the proposal included the possible loss of the integrity of the historic structure as a result of relocating the building; the loss of a considerable number of mature trees on the lot; concern that the additional parking spaces in the YMCA's parking lot will not solve the problems associated with the YMCA; that the construction of two new single-family detached residences along Morse Street would negatively alter the existing character of the surrounding neighborhood; and, that the proposed architectural design of the future residences is not unique or compatible with the historic neighborhood.

Those who supported the proposal acknowledged that the developer revised the plans to address many of the concerns of the neighborhood; recognized that the applicant was undertaking an expensive endeavor to relocate, preserve and rehabilitate the historic structure; appreciated the additional parking spaces on the site of the YMCA; appreciated the developers' prior work in the area which they felt is compatible with the surrounding architecture; and understood that the loss of trees is unfortunate but stated the trees are not in good shape. Speakers noted that through this process the historic resource will be preserved, and that proposed development is consistent with existing neighborhood pattern of development.

In closing, the applicant reiterated that it is not possible to both preserve the historic structure and the trees on the site, that the trees have been negatively affecting the historic residence for years and are in such a state of decline that preservation is not feasible. Mr. LeBaron also highlighted that the

recommended Development Standards of the proposed single-family residences and of the historic structure exceed the minimum requirements of the existing R-1-8 Single Family Residence zoning district.

Commissioner Zito asked the applicant if the investment needed to preserve and rehabilitate the historic resource could be recouped with the sale of the home. The applicant responded that the cost of rehabilitating the home exceeded the expected sale price, but that he would still work with the City's Historic Preservation Officer to rehabilitate the historic structure to meet or exceed the Secretary of the Interior Standards and requirements which would be an asset to the community.

#### Commission Discussion

After the public hearing was closed, Commissioner Campos asked staff for clarification on the conditions of the trees proposed to be removed (including one large Redwood tree that exists in front of the historic structure,) inquired about the types of screening and other vegetation that could be planted on the subject sites to improve the interface between the proposed residences and the YMCA, and asked if the relocation of the historic structure would create a loss of integrity to the building. Commissioner Kamkar asked staff what regulations would apply to the property if it were sold in the future. Staff explained that the arborist report provided by the applicant stated that a substantial number of trees on the site were in such a severe state of decline to warrant their removal, and that the large Redwood tree could not be saved if the historic structure were relocated as the roots are affecting the house foundation. Staff expressed that measures would be taken during the Planned Development Permit stage to ensure that sufficient landscaping would be planted to create a positive interface along Morse Street and between the proposed residences and the YMCA. Staff explained that if the City Council approved the rezoning of the site, the regulations included in the approved zoning would apply to the site, regardless of future individual ownership, unless or until the property was rezoned in the future. The Historic Preservation Officer then explained the significance of the historic structure; and the criteria used to evaluate the rating of the building, and supported the recommendations of the historic consultant to relocate and modify the structure without a loss of integrity or rating of the structure.

Commissioner Zito asked staff if there is sufficient land to plant all required replacement trees on the site. Staff responded that trees will be planted on site to greatest degree feasible, but in the event all replacement trees cannot be accommodated on the site, the applicant could provide a donation to Our City Forest or could donate trees to school yards and/or to City Parks or in area park strips.

Commissioner Jensen inquired about steps that could be taken to ensure high quality architectural design and other appropriate on-site features, such as a wall between the residences and the YMCA. Staff stated that during the Planned Development Permit stage, every measure will be taken to ensure that each of the proposed residences would be uniquely designed and compatible with the neighborhood and would involve the neighborhood residents.

Commissioner Kalra made a motion to take action on the item. He commented that the restoration of the historic structure is a potentially positive result of this proposal and that he was recommending approval of the proposal based on the condition that staff will take effective measures during the Planned Development Permit stage to ensure no 'cookie-cutter' homes will be created, and to have architecture for two new houses as unique as possible. He also asked that during the development

April 26, 2007

Subject: PDC06-100

Page 4

stage, staff evaluate if a few of the proposed parking spaces on the YMCA site could be eliminated to allow for the preservation of some of the larger trees.

Commissioner Zito stated that the proposal included positive features, such as the additional on-site parking spaces for the YMCA. He asked that staff continue to strive to save as many trees as possible and stated his appreciation for the restoration of the historic structure.

Commissioner Kamkar expressed support for the proposal but also requested that the preservation of the historic residence occur as a priority during the first phase of development of the project. He asked staff to prepare a phasing plan to ensure the restoration will be done expeditiously, and not lag behind the construction and sale of the new houses.

Commissioner Jensen thanked the community for their passion and commitment to their neighborhood. She encouraged them to continue to work with one another to resolve the issues associated with this proposal. She said the relocation of the historic structure is consistent with the City's past action to preserve historic structures. She asked that measures be taken during the Planned Development development stage to ensure that the massing and design of the proposed single family residence be designed to be more compatible with the surrounding area.

Commissioner Zito expressed that he felt there was adequate time for the community to prepare a Zoning Protest application and that he would not be supporting the request to defer the item to allow the protest. Director Horwedel clarified that the Zoning Protest, if valid, would require a super majority of 8 Councilmembers to adopt an ordinance to approve the zoning, but did not affect the Planning Commission's action.

### **ANALYSIS**

The site has two General Plan designations, Public/Quasi-Public and Medium Low Density Residential (8 DU/AC). The existing YMCA facility and parking lot conform to the General Plan designation of Public/Quasi Public. The portion of the expanded parking lot designated Medium Low Density Residential on the General Plan Land Use/Transportation diagram can be found in conformance because the expanded parking lot is designed to be accessed from existing driveways and the project proposes no new access to neighborhood streets.

The proposed three-unit residential project on 0.5 acres results in a land use density of 6 dwelling units per area that is consistent with the Medium Low Density Residential (8DU/AC) General Plan designation.

Further analysis is contained in the original staff report on the project.

### **POLICY ALTERNATIVES**

Not applicable.

**PUBLIC OUTREACH/INTEREST** (Mandatory - This is our generic language)

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A community meeting was held on November 16, 2007 with approximately 40 attendees. Many of the meeting attendees expressed concern about potential negative impacts to the historic resource based on the proposal to relocate and rehabilitate the historic house. Residents expressed concerns about the proposal to add two dwelling units to the site, the extent of tree removal proposed by the applicant, and about the land use compatibility of the proposed lotting pattern. Numerous meeting attendees indicated that the YMCA facility does not have sufficient on-site parking, resulting in on-street parking impacts on surrounding residential streets.

Notices of the community meeting and of the public hearings before the Planning Commission and City Council were distributed to the owners and tenants of all properties located within 1000 feet of the project site, posted on the City website, and announced in a community newspaper, the Rose Garden Resident. The rezoning was also published in a local newspaper, the Post Record. Staff has been available to answer questions and discuss the proposal with members of public.

The project was discussed by the Historic Landmarks Commission on April 4, 2007. The Landmarks Commission was generally supportive of the project, and recommended several project conditions to ensure preservation and appropriate restoration of the historic residence. The HLC staff report with recommended project conditions is attached.

**COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in original staff report.

HONORABLE MAYOR AND CITY COUNCIL

April 26, 2007

**Subject:** PDC06-100

Page 6

**COST SUMMARY/IMPLICATIONS**

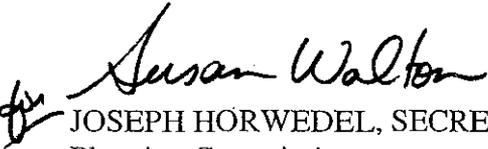
Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

Mitigated Negative Declaration adopted on April 25, 2007.

  
for JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Susan Walton at 408-535-7847.

Attachments

" de Tuscan "

u

4. PUBLIC HEARINGS

- a. **SP07-011. Special Use Permit** to demolish an existing single-family residence, listed as an Identified Structure in the Hester/Hanchett Conservation Area, in order to allow a new, approximately 2,256 square-foot single-family residence with tandem parking located on the southeast side of Magnolia Avenue, approximately 590 feet southwesterly of The Alameda (1204 Magnolia Avenue) (Feliciano Brito, owner). Council District 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Historic Landmarks Commission forward a recommendation to the Director of Planning regarding the disposition of the existing residence and consider adoption of a Resolution amending the designation of the Property from Identified Structure (IS) to Non-Contributing Structure (NCS) on the City of San Jose Historic Resources Inventory.

*Commissioner Cunningham noted that some window or door openings into the portecochere area might potentially need to be revised at the building permit stage.*

**STAFF RECOMMENDATION APPROVED (6-0-1; JANKE ABSENT)**

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

- a. Discussion regarding deaccessioning items from City Collections Deaccession list

*Monica Tucker, collections manager for History SJ discussed how deaccessioned items are offered to other nonprofits, educational groups, or offered at public auction. Commissioner Cunningham and Vice Chair Colombe encouraged the provision of a local location and advertising for any auctioning that may occur.*

**MEMO FOR DEACCESSION APPROVED (6-0-1; JANKE ABSENT)**

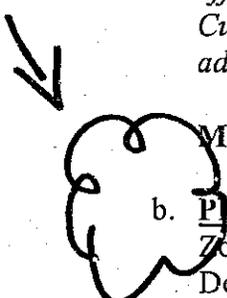
- b. **PDC06-100. Planned Development Rezoning** from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow relocation of one single-family residence (California Register eligible Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site (Metropolitan YMCA, LeBaron, owners). Council District 6. SNI: None. CEQA: In Process.

**Staff Recommendation:**

Historic Landmarks Commission to forward a recommendation to the Planning Commission and City Council regarding the disposition of the historic resource located on the site.

*Commissioner Lavelle recused herself from discussion of this item.*

*Commissioner Cunningham inquired about the possibility of removing existing non-historic additions without needing to relocate the building, as well as the possibility of building one*



update  
Hr 1

additional new unit on the site while leaving the historic house in place. Ray Hashimoto, the project proponent, stated that new units are necessary for the project to be economically feasible and to accomplish renovation of the historic house, and that it is necessary to move the building in order to fit the two new houses on the site. Commissioners raised concerns regarding landscaping and tree removal, including a large Deodar cedar close to the front property line. Staff clarified that the Historic Evaluation concluded that landscape elements do not appear to be fundamental to the property's historical significance.

Other points of discussion included the costs and logistical difficulties associated with renovation of the historic house, potential setting of precedent for other large parcels in the Rose Garden area, and compatibility between the sizes of the proposed lots and houses (also with regard to their compatibility with the existing development pattern in the neighborhood).

Corri Jimenez, PAC SJ, spoke in support of the project. She concurred with the staff report and encouraged making the project's landscape elements compatible with neighboring context. She also recommended compatibility with the Secretary of the Interior's Standards, especially with regard to massing and differentiation, and recommended relocating the historic house adjacent to the other existing homes on the block.

*ADOPT STAFF RECOMMENDATION WITH*  
**MOTION TO FORWARD THE FOLLOWING RECOMMENDATIONS - CONSENTIONS**  
**APPROVED (5-0-1-1; JANKE ABSENT, LAVELLE ABSTAINING):**

1. The project's landscaping (for the historic house and the new units), as well as the scale and massing of the new house, should reflect the period of significance for the area (1920s) and be consistent with neighborhood *PD Permit* pattern.
2. The Planned Development Permit should come back before HLC prior to approval by the Director of Planning.

- c. **PDC03-108. Planned Development Rezoning** from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 1,232 single-family residences and 304,920 square feet for commercial uses on a 120.4 gross acre site, located on both side of Berryessa Road just west of Union Pacific Railroad tracks (San Jose Flea Market). (The Flea Market, Inc, owner) Council District 4. SNI: None. CEQA: EIR.

**Staff Recommendation:**

Historic Landmarks Commission to forward comments to the Planning Commission and City Council regarding the disposition of the identified cultural resource located on the site.

*Commission discussion addressed the possibility of having an open-air market-like element placed somewhere on the site. Commissioners noted a discrepancy between the plan set and the accompanying text regarding the acreages shown for different land uses (e.g., open space), and expressed concern that open-air markets are not an enumerated land use in the zoning ordinance. Staff noted that because the proposed project is a planned development rezoning, the allowed land uses could be tailored. Other Commission discussion included concerns that*

**YMCA of Santa Clara Valley  
Metropolitan Board of Director  
April 2007  
(Confidential)**

**OFFICERS**

John Pencer, Chair	Owner Pencer Instrument Care
Richard Lowenthal, Chair-Elect	Council Member City of Cupertino
Bob Archer, Vice Chair	President & CEO Coast Counties Truck & Equipment
John Baird, Vice Chair	Principal Partner ExecutivEdge of Silicon Valley
Jane Light, Vice Chair	Director San Jose City Library System
Michael Moul, Vice Chair	Owner GEM Properties
Lydia Tai, Treasurer	Owner The Teak House
Sharon Kreider, Assistant Treasurer	Principal Sharon Kreider, CPA
Toni Nelson, Secretary	Retired Deloitte & Touche
Roy Bigge, Immediate Past Chair	Director Alchemy Search Partners
Ervie Smith Brewick, At-Large Member	Executive Director The Valley Foundation
Scott Seaman, At-Large Member	Chief of Police Los Gatos/Monte Sereno Police Dept.
Phillip Sims, At-Large Member	Sr. Partner Sims & Layton

## MEMBERS

Richard Alejandro	Executive Director American Diabetes Association
Monica Amador	Chief Operating Officer <i>El Observador</i>
Don Callahan	Realtor Intero Real Estate
Maria Chen	CEO 888 Auto Corporation
Simon Chin	President & CEO IRIS BioTechnologies Inc.
Kansen Chu	Board Member Berryessa School District
Janice Fry	Board Chair Center for Excellence in Non Profits
Shomit Ghose	Venture Capitalist Onset Ventures
Stephen J. Kottmeier	Shareholder/Attorney Hopkins & Carley
Margaret Kung	Community Volunteer
Bob Lee	Retired CEO Manpower
Henry Manayan	President Culturecom Holdings, Ltd. USA
Rick Martig	Xilinx Sr. Director, Corporate Finance
Craig Martin	Partner, Family Wealth Consulting Group
Jennie Meehan	President/CEO Silicon Valley Economic Development
Ravi Narula	Controller BigBand Networks

Randy Okamura	Associate Director-Regulatory AT&T California
Larry Olmstead	President Leading Edge Associates
Rosa Perez	Chancellor San Jose/Evergreen Community College District
Christine Pfendt	Vice President Finance & Operations CitiGate Cunningham
Adolph Quilici	Retired FMC Corporation
Malu Roldan	Associate Professor Management Information Systems San Jose State University
Carmen Sigler	Provost San Jose State University
Kent Smith	Associate Pastor Los Gatos Presbyterian Church
Earl Thompson	Retired San Jose Fire Department
Bill Tobin	Director ECS PricewaterhouseCoopers
Jim Walker	Retired Cortana Corporation
Colleen Wilcox	Superintendent SCC Office of Education
Pat Wolfe	Executive Director Pathways Home-Health & Hospice

**ACTIVE LIFE MEMBERS**

Edward Bowen III	Inventory Management
Steve Caplan	President KBM Workspace
Stan Chinchon	Retired

Robert Rhodes

George Royer

Retired  
Shilling & Kenyon/SK Consulting

Retired



YMCA of Santa Clara Valley  
We build strong kids,  
strong families, strong communities.

April 25, 2007

To: San Jose City Planning Commission

From: David G. Thornton, President and CEO  
YMCA of Santa Clara Valley

Re: 744 Morse, San Jose CA 95126

This is a letter in support of the proposal by DeMattei/LeBaron regarding the development of housing at 744 Morse and parking at the Central YMCA.

The Metropolitan Board of Directors for the YMCA of Santa Clara Valley (see member list attached) as well as the Board of Managers for the Central YMCA (member list attached) have voted their full support of this project and urge your favorable consideration.

Parking at our Central YMCA on the Alameda is an issue that is important both for the present but also the future. The DeMattei/LeBaron project provides the opportunity for the YMCA to expand its parking by 22 additional parking spaces on our site. This will improve our site parking and reduce traffic in the neighborhood. The reduced traffic will result from a reduction of the number of cars that exit the current YMCA lot after not finding a space, who then go to Naglee, Morse and Emory to secure parking.

The resulting project will also add additional landscaping between the YMCA and the new homes as well as updating our existing parking lot.

On behalf of the over 4000 Central YMCA members, 100 Central Staff, and over 75 Central and Metro board members we urge you to approve the proposed PD as submitted by the DeMattei/LeBaron team.

cc. David and Clyde LeBaron

First Name	Last Name	Business Name
John	Allen	V.A.O. Consulting Engineers
Tim	Allen	Morris D'Angelo CPA's
John	Angelesco	Valley Community Bank
David	Armstrong	Retired
Dolores	Bergen	Bae Systems
Diana	Bishop	Santa Clara Police Department
Bill	Brereton	Brereton & Co., Inc.
Gerry	DeYoung	Ruth & Going
Jim	Ellick	Search of Silicon Valley
Eric	Fox	CPS
Joe	Glynn	Cassatt Corporation
Tim	Grace	Cisco
Raymond	Hashimoto	HMH Engineers
John	Heath	The Brenner Group Inc.
Bill	Hoyt	San Jose Police Department
Cindy	Hunter	Friedman Interpreting
Anne J.	Kepner	Needham, Davis, Kirwant and Young
Coleen	Kohtz	Dept. of Family and Children Services
Tom	Lackovic	Lackovic & Associates
Dave	LeBaron	
Bob	Maguire	CBIZ Benefits & Insurance Services Inc.
Erika	Mares	SJSU
Jim	Martin	Burr, Pilger, and Mayer LLP
Sarju	Naran	Paul Hastings, Janofsky & Walker
Roger	Pickler	City of San Jose
Pierre	Prodis	Prodis and Associates
Julia	Prodis Sulek	San Jose Mercury News
Dan	Rogers	Blach Construction
Sharon	Roper	Attorney
Mark	Schmidt	CBRE
Russ	Strausbaugh	Retired
Karen	Yang	Ireland San Filippo, LLP

PC 4/25/07

86

4/25/07

Planning Commission  
San Jose, CA

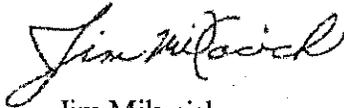
Re: 744 Morse Street

Dear Planning Commission,

I am writing in support of the LeBaron/De Mattei Proposal for the 744 Morse Street Project. I have lived in the Rose Garden Neighborhood for 10 years and have owned 3 homes here. My experience has been that Dave LeBaron and Mark De Mattei have worked hard to improve the neighborhood in which we live. They have re-developed numerous homes, always leaving the property and neighborhood enhanced.

With regard to this project, I see no variance from the previous care shown throughout the area on developments that they have been involved. This project will improve a home that appeared as if it might fall down and whose landscaping had become overgrown and very unsightly. I believe that LeBaron and De Mattei are one of the very few Builders who would take the time and care to restore this home and incorporate it into their development. Their Proposal is well thought out, includes a reasonable number of homes, improves the property landscaping, removes un-safe trees, allows for lot sizes that are common in the Rosegarden area and importantly adds off-street parking.

Thank you for your consideration of my comments.



Jim Mikacich  
1944 Emory Street

Ross, Rebekah

(b)  
Item: PDC06-100

**From:** Walton, Susan  
**Sent:** Tuesday, April 24, 2007 4:01 PM  
**To:** Ross, Rebekah  
**Subject:** Morse street zoning email

Rebekah...just so you have all the incoming email to assemble for tomorrow night...this one's in support.

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

**From:** Alanbette88@aol.com [mailto:Alanbette88@aol.com]  
**Sent:** Tuesday, April 24, 2007 3:43 PM  
**To:** susan.walton@sanjoseca.gov  
**Cc:** davidlebaron@comcast.net  
**Subject:** (no subject)

Susan, I am sending you this E mail to let you know my feelings on the restoration plans that David LeBeron has for our former house at 744 Morse St. I have gone over the plans with David and my sister and I am all in favor of the proposal. This proposed restoration will certainly enhance the area and the house. If I ever moved back to San Jose I would consider purchasing the remolded homestead.

Sincerely,  
Alan Whitney Wright

cc: Susan Williams  
Barbara Bulifant

---

See what's free at [AOL.com](http://AOL.com).

4/24/2007

Re: PDC06-100: Whitney Wright  
For inclusion in the appropriate public  
Record of this file and distributed to  
All appropriate planning commissioners and staff.

April 24, 2007

To: Planning Commission Members, Planning Staff, Re Misters Lebaron and DeMattei,  
and most of all fellow concerned Rosegarden residents, and other concerned parties.

First I'm hereby requesting that the Planning commission to deny this project and zoning change outright. However in the event that the planning commission decides to recommend it then I am requesting appeal, and for the planning commission to allow more time then four mere business days between your decision and City Counsel Meeting on May 1, 2007. I'm petitioning the Planning commission to eliminate or postpone this matter from the city counsels agenda of May 1, 2007, if not indefinitely at least pending further review on their part as well as the community's. This decision is too important and its effects too grave to be made so quickly.

The question of the moment is why do I oppose this project?

I'm not even sure where to start. But let's ask ourselves what are we really contemplating here?

1. Breaking the beautiful Whitney Wright Mansion into pieces, tearing it off its foundation and dragging it toward the street to make room for two audacious modern homes and parking lot.

Many have rightly criticized San Jose planning's philosophical lack of historical concern. On the other hand we as a city do seem to have a long historical tradition of destroying beautiful old things that get in the way of the developers dollar. In years past we gutted downtown, and when we later came to our senses and realized that some of the homes and buildings, we weren't valiant enough to save, had historical significance we erected brass plaques like architectural tombstones describing their importance. They existed where now stands a parking lot cluttered with litter, graffiti and blight- ah progress! But I'm sure a hefty development dollar was made several times it this process from landmark to pavement.

Sadly today we've learned little more about restoration and even less about historical context, now we are more likely to move historical structures off their oh-so valuable lots and cram them into sad tiny architectural enclaves or reservations. Like the San Historical Park or on that insignificant little parcel behind Henry's Hi-life ... What are we thinking! Wake up you're not preserving a Historical home when you don't preserve it on it's original foundation and placement...anything else merely diminishes it. And worse we

are teaching our children indirectly that these things are just aren't very important ...at least not as much as the dollar is!

With all due respect to Misters LeBaron and DeMattei- I frankly doubt there will be any willing to stand up and defend the survival of one your houses when they are old and their time comes...they I suspect like most things in our culture will be disposable.

2. We are being asked to subject over 65 trees, over 2 dozen of them beautiful old growth trees to chainsaw, axe and bonfire- without even so much as an environmental impact report. How do can we justify this sort of slaughter? Why? Well for the most noble of purposes... to make room for two audacious modern homes, a parking lot and a lot of profit.

- a. Those trees fight both air and noise pollution both growing problems
- b. they provide shade and oxygen and shelter to urban creatures
- c. some of them are between 50 and 80 years old, and frankly they have a right to live!
- d. These are neighborhood giants, and they are part of the living heritage of the Rose Garden Community many of them have been here the entire time the neighborhood was developed. I fail to see how any so called mitigation can be considered equivalent with the replacement of saplings.
- e. Ironically it just so happens that many of the trees that were found "too sick" or have limited expectations of survival, just happen to be the exactly ones needed to go further with this project, forgive me if I find this coincidence far less then plausible.
- f. An independent Environmental review would seem necessary when a grove of 65 Trees are going to be destroyed.

3. We are being asked to allow the encroachment of a commercial parking lot and Planned Development into established Residential zoning -

Why? To make room for a parking lot. The YMCA, like most health clubs is obsessed with growth, it's a business and that's the business they happen to be in. In fact have you never visited a Health club that thought they had enough members? Members of the commission tell the YMCA they have enough members! And we have enough parking lots!

The current established Residential Zoning is essential to protect the nature of the entire neighborhood as well as the Wright Mansion from exactly this sort of egregious encroachment and frankly it will for years to come if it is not tinkered with.

4. We as a city, community and neighborhood are being asked to jump through bureaucratic hoops, enact re-zoning legislation; approve lot line adjustments; watch a neighborhood landmark torn asunder and diminished, giant trees in the neighborhood fall to the axe and turn Morse street in to a virtually logging operation- and what do we get in return? Three homes crammed onto two lots, a parking lot, saplings and the cold comfort

that long established residential zoning are in effect virtually no defense against the momentary whims of profit seekers and influence peddlers and the rubber stamps of planning staff.

5. Mr Lebaron was asked, "why not build two houses on the two lots instead of three?" he remarked that would not be "financially feasible". I think we all would be surprised to learn that a developer just can't make a reasonable profit in the Rosegarden without shoehorning three homes onto two lots, perhaps rather Mr. Lebaron's needs to lower somewhat his expectations of profit. On the other hand in every meeting of those neighbors opposed to this project I've attended, I've never heard a single person mention money or property value, only matters of quality of life... lets keep the Rosegarden, in fact a garden. These neighbors have preserved a jewel in San Jose, ironically that is why this site is so attractive to Developers, and they opinions should be deferred to.

6. Lastly from my perspective the process in this project appears flawed and unfair from the beginning, and frankly skewed toward the influence and powerful moneyed interests of the developers and YMCA, and largely against simple regular folks and elderly neighbors. For example the first community meeting was held at the DeMattei offices (not exactly neutral ground). The presentation there was basically a seamless "tag team" approach between the city planning staff and the developers themselves. The unfortunate recommendation of the staff report of Ms Morris is frankly naive and an unsurprising foregone conclusion, containing little surprising other then her report cloaks the dismantling of the Mansion in preservationist terms and fundamentally downplays the level of passion and negative feelings of the vast majority of residential neighbors to this project, a negativity that she knows full well.

Notifications of meetings ( and their subsequent cancellations) to parties of interest, myself included, have not been consistently circulated by planning staff. Many of us of necessity have been forced to rely on word of mouth, local newspaper references and second hand information for attendance. And now we are lead to believe that the final City Counsel meeting to decide the verdict of this atrocious project will be on May 1, 2007, only four short business days, from the Planning Commission Meeting ... This process is moving far too fast, and has the appearance of a forced "shot gun, rubber stamp approach".

Sincerely yours, a citizen

Travis Kimball  
714 Pershing Ave  
San Jose Ca 95126

Ross, Rebekah

Item : 8(b)

PDC06100

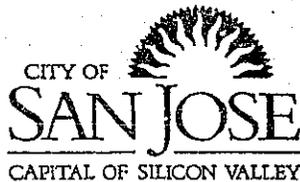
**From:** Kimball, Travis [tkimball@firstam.com]  
**Sent:** Tuesday, April 24, 2007 1:46 PM  
**To:** rebekah.ross@sanjoseca.gov  
**Subject:** FW: PDC06-100- Whitney Mansion

Dear Ms. Ross,

Pursuant to our phone conversation of today, Please find the attached letter. PLEASE VERIFY RECEIPT. Kindly file it in the appropriate planning file. And distribute it to appropriate Planning Staff and Commissioners prior to the scheduled meeting of April 25, 2006.

Thanking you.

Travis Kimball



Department of Planning, Building and Code Enforcement  
JOSEPH HORWEDEL, DIRECTOR

Item: 8(b)  
PDC06-100

April 23, 2007

Jean Dresden  
1276 Blewett Avenue  
San Jose, CA 95125.

Dear Jean,

RE: PDC06-100 – Comments on Mitigated Negative Declaration

The purpose of this letter is to respond to your comments on the Mitigated Negative Declaration, received April 3, 2007. Below, I have listed your comments and a staff response to each.

*Comment #1: I believe the MND is inadequate in two major areas: Biological Resources and Cultural Resources. We must protect our biological resources--which are much more than trees alone. Trees are easy to count and to use formulas for mitigation. However, we must protect the entire urban ecology: birds, native bees, seeds, and urban temperature. We must also protect our Cultural Resources. It is not enough to protect the shell of a historic building. We must consider its context and ways to communicate to our descendants the home's place within the context. With these goals in mind, I have made specific comments.*

Response to Comment 1: The Mitigated Negative Declaration includes mitigation for tree removal consistent with standard City practice and would require significant tree replacement on the site and in the surrounding community. Historic reports prepared for this project by qualified historic consultants and reviewed by the City's Historic Preservation Officer and the Historic Landmarks Commission evaluated the impact of relocation and renovation of the historic house and concluded that the proposed mitigation measures will prevent a significant impact.

*Comment #2: Biological Resources. First, the mitigated negative declaration does not address the loss of habitat for the Coopers Hawk, a species of special concern, which has been spotted on the project property. It is believed there is a nesting pair in the evergreens on the north end of the property. No qualified biologist/ornithologist has been asked to confirm the nest. Given the large number of evergreens on site, it would not be a surprise to find a nest. Thus, it is appropriate to mitigate for the loss of their potential nesting habitat since so many prime habitat trees are being removed.*

Response to Comment #2: The California Environmental Quality Act requires analysis of impacts to candidate, sensitive, or special status species. A raptor survey was completed by an ecologist in February 2007 (see attached report) and no raptor nests were observed on the site.

The proposed mitigation measures include pre-construction raptor surveys and other standard measures to ensure that raptors are protected.

*Comment #3: Mitigation alternatives:*

- 1) *Plant a grouping of evergreen trees somewhere on the project site to provide future replacement habitat for a nesting pair of Coopers Hawks*
- 2) *Identify a nearby site--but not within another nesting pair's territory--to plant a grouping of evergreens for a future nesting site for the descendants of the displaced pair. The eastern face of the YMCA building would be an excellent location for these evergreens.*
- 3) *Make a donation to a bird preservation organization that is working to preserve this species of special concern.*

Response to Comment #3: As noted above, a survey by a qualified biologist indicates raptors are not nesting at the site, and therefore staff believes that the proposed mitigation is adequate. The recommended mitigation requires that 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 construction-free buffer zone (typically 250 feet) around the nest. A report summarizing the results of the assessment and any necessary buffer zones would be submitted to the Planning Department prior to the issuance of building or grading permits.

*Comment #4: Secondly, the mitigated negative declaration does not address the loss of habitat for desirable urban wildlife other than raptors. The subject site is notable for its desirable urban wildlife. The subject location is dense in food sources for native and migratory birds and other desirable species, such as butterflies and native (non-stinging) bees. The large number of trees provides shelter and nesting habitat for birds. These birds are the food for the Coopers Hawks. The extensive dead wood provided habitat for beetles that made bores for a large population of native bees which are the primary pollinators of flowers that produce seeds for birds.*

Response to Comment #4: CEQA requires analysis of potential impacts to candidate, sensitive, or special status species. With the exception of possible raptor habitat, it is unlikely that the project site, located within a fully urbanized area, houses any other special status species. A raptor survey was completed by an ecologist in February 2007 and found no raptor nests on-site. Loss of habitat for common wildlife species, such as native bees, butterflies, and beetles is not considered a significant impact requiring mitigation as part of CEQA.

*Comment #5: The mitigation requirement should be:*

- 1) *At least 30% of project landscaping should be with species that are desirable to urban wildlife, including native bees, migratory and year-round birds.*
- 2) *Install artificial native (non-stinging) bee habitat on the east face of each garage on the project site. The habitat will overlook the YMCA parking lot.*
- 3) *Require mitigation landscaping to be installed on the Alameda side of the*

*YMCA. This additional landscaping should be of perennial shrubs that are food sources for birds and native bees. Additional trees should be planted on the YMCA building's eastern face to mitigate for the loss of bird sheltering and nesting habitat.*

Response to Comment #5: Staff believes that potential impacts to raptors have been adequately mitigated. CEQA does not require analysis of impacts to urban wildlife and therefore mitigation is inappropriate.

*Comment #6: Third, the mitigated negative declaration does not address the loss of trees from the point of view of effect on urban temperatures. The increased asphalt and roof square footage of the project will increase urban temperature. Only run-off calculations were used in the mitigation analysis. The significant increase in asphalt due to the construction of 22 additional parking spaces must be mitigated from the point of view of increase in urban temperature.*

*Although the project proposes shade trees (Chinese pistache), they are planted only 10 feet apart and are not expected to grow to full shade size given the configuration of the spaces and their proximity. Any tree presence mitigates for urban run-off but only trees that shade the heat producing structures will mitigate the temperature effect.*

*The mitigation requirement for increased temperatures caused by asphalt and roofs should be:*  
1) *The new parking lot should be redesigned so that shade trees will successfully grow to full size. This will require reduction of two or three of the new parking places. This will provide a significant landscape area around each tree that will allow healthier shade trees that will develop a larger crown. Spacing between the trees should be increased to maximize the height and crown of the mitigating trees. This will mitigate for the increase in asphalt's effect on urban temperature.*

2) *The existing YMCA parking should receive additional plantings of the same shade producing trees in similar large planting area in order to mitigate for the increase in roof square footage. This will further serve to ameliorate neighbors' concerns about Y patrons' using street parking primarily for shade.*

Response to Comment #6: CEQA does not require, nor does the City have a methodology for assessing urban temperature impacts, and therefore it is inappropriate to require mitigation by the project.

*Comment #7: Cultural Resources. My concerns are for communicating the historic home's context within the subject property as well as within the context of the Rosegarden. The historic home is being moved from its context -- admittedly very close to its original location. By subdividing the property, it is losing its sense of a large home (for its time period) on a large piece of property. The home is part of the Rosegarden--a community that is noted for its architecture, with unique and custom-built homes. Many architectural books for professionals cite the Rosegarden as a neighborhood worthy of visiting. This historic home is part of that cultural resource. The historic home was originally landscaped with a formal garden with pathways and a fountain in the front yard. The project's design will cause a partial loss in this*

*cultural resource as the historic home's gardens, open space, and site location will be removed. Further, the currently proposed new homes have the same floor plan and look the same despite having "Craftsman" and "Mediterranean" shells. They have been built repeatedly and are becoming so familiar to area residents that they are considered nice "tract" homes. This is incompatible with the context of individual and unique homes in the Rosegarden. In addition to the suggestions in the negative declaration, this loss should be mitigated in the following ways:*

*1) Move the home to the northernmost lot of the project property where it would be adjacent to another architecturally significant home of the same time period. Further, it would be closer to a cluster of architecturally significant homes across the street and at the corner of Emory and Morse. Moving the home to this site, would place the home adjacent to mature ordinance sized trees that are on the adjacent property but near the property line. This would help to communicate the age and significance of the historic home.*

*Further, the open space of the adjacent property would help to mitigate the loss of the open space that surrounded the historic home. This location would help reduce the sense that the historic home is "squeezed into" a small lot.*

*2) Specify in the negative declaration that the larger lot size and larger setbacks associated with the historic home in the project plan are mitigations for the loss of the context of the historic home.*

*3) Mitigate the loss of cultural resources by planting the historic home with landscaping elements appropriate to 1925 garden design fashion. (New, disease resistant cultivars may be used.) Install a landscape element in the front yard that is reminiscent of the original fountain structure.*

*4) Specify that the new homes' design will communicate that the historic home was prominent in its time period by not exceeding the height of the historic home in the front one-third of the new structures and by having front faces that do not exceed the width of the historic home.*

*5) Specify that the two new homes may not be of the same design. That is, they must have a different style and a different floor plan from one another. In order to maintain the cultural milieu that defines the architectural resources of the Rosegarden, they should be different from other homes within the Rosegarden. The currently proposed homes do not meet this standard. The new homes should provide the visitor with a sense of compatible diversity.*

Response to Comment #7: The impacts of relocation of the historic house, within the 0.48 gross acre site upon which the house is currently situated, were assessed as part of the historic reports reviewed for the project, with the conclusion there would be no impact or loss of context to the historic house. Therefore, a requirement for mitigation is inappropriate. Relocation of the house onto a different property within the block was not evaluated; staff believes that minimizing the distance of the move, and keeping the historic house nearer to the existing neighboring historic house to the east, is an appropriate context. The existing yard area was evaluated as part of the historic report and determined to lack any discernable garden design, in large part due to many

years of low to no maintenance. With regard to height of the proposed new houses, they are proposed to be less than 30 feet in height, consistent with the requirements of the R-1-8 Zoning District, and in keeping with the existing residence and pattern of the development in the surrounding residential community, with the existing house approximately 26 feet in height. The conceptual plans for the two new residences show two different architectural styles occurring elsewhere in the larger neighborhood. The final homes designs will be determined at the Planned Development Permit stage of the project review process, with an opportunity for community input.

Thank you for commenting on this Mitigated Negative Declaration for PDC06-100.

Sincerely,

*Erin Morris*

*EM*

Erin Morris  
Senior Planner

Attachment:

Raptor Survey Letter by Live Oak Associates, Inc.

4/20/07

Item 8(b)

PDC06-100

Chairman Campos and Members of the Commission  
200 E Santa Clara St.  
San Jose, CA 95113

Re: 744 Morse (PDC06-100)

Dear Chairman Campos and Members of the Commission,

Over the last 19 months we have worked closely with the City of San Jose Planning Department, the City Historic Preservation Staff, the City Arborist, the YMCA and the neighbors on our project at 744 Morse and the adjoining YMCA property on Morse Street (we will refer to this as 760 Morse). Over this period of time we have worked with 4 different planners and many other City Staff to create a project that resulted in unanimous approval by the HLC on 4/4/07.

The home at 744 Morse has been vacant for almost 2 years and prior to that it was noted that the owner simply closed off parts of the house as they became unusable. The home has not had any repairs made to it in many, many years. The Wright Family Trust (prior owners) hired Eagle Inspection Group to conduct an inspection and their findings (8/31/05) were so negative that it took over 50 pages to detail the poor condition of the home. Subsequent reports only validated the uninhabitable condition (attached).

We conducted a neighborhood meeting on 11/16/06 and have met with many neighbors informally over the last 19 months and we wanted to recap some of the changes that have been made to address feedback we have received.

1) **General Plan and Zoning Confusion** – The existing General Plan Land Use Designation for the properties fronting on Morse St. (744 and 760 Morse St.) is Medium Low Density Residential. The existing zoning is a mix of R1-8, single family detached residence district and Planned Development (PD), reflective of specialized zoning for the YMCA Facility which does fit within any conventional zoning district. The proposed Rezoning Application is for a Planned Development Rezoning due the inclusion of the YMCA site, however, the proposed single family homes proposed along the Morse Street frontage will be built or relocated (in the case of the Wright House) utilizing development standards that meet or exceed the requirements of the R1-8 zoning district. Under R1-8 zoning standards it would be possible to develop the Morse Street property with up to four single family homes, but we are only proposing three homes. The Planned Development Rezoning, as recommended by staff is simply the best “vehicle” to allow for a holistic review of the proposed mix residential use and the recreational uses at the YMCA.

2) **Parking** – This was a major concern of the neighbors in the initial meeting. Our plan will allow the YMCA to increase its on-site parking by 22 parking places and reduce off site parking. In addition, the increased parking will reduce neighborhood traffic by reducing cars circling Emory, Morse, Naglee and the Alameda to find off-site parking. Lastly, the parking provided for the restored home and new homes will exceed the R1-8 standards.

3) **744 Lot Size** - In our 11/16/06 meeting neighbors requested that the home at 744 Morse (Structure of Merit) have a larger lot than the other two and that the set back for 744 be

increased by five feet. The lot at 744 has been enlarged and the house is set back 5 additional feet from the front property line (Relative to the R1-8 zoning).

4) The "Tuscan" Style home was requested to be changed (Mr. Douglas-730 Morse) to a different style. That home has been redesigned and is now a Monterey Style home. In addition, a request was also made to place the driveway to the right of this home to be consistent with the others on the 700 block and that too was accommodated.

5) The new home sizes were also discussed and we have redesigned both new homes and reduced the size by approximately 350 square feet per home with only a 42% F.A.R. (45% is permitted in the Rose Garden area).

6) The three new lot sizes will substantially exceed R1-8 standards and the homes will be smaller than are allowed for R1-8 designation. Homes on Morse between Randol and Emory shows that the three lot widths will be larger than 90% of the homes in these blocks and they will be one of the few homes in this area to actually 100% comply with R1-8 Standards.

7) The condition of the yard and trees is very similar to condition of the house. It is in very poor condition and has been very poorly maintained. The Arborist Report dated 9/17/06 (updated 11/22/06) addresses this and it is broken up into three categories; (1) Condition (0 is dead, 1 is very poor to 5 being excellent), (2) Size (i.e. Ordinance, or non-ordinance) and (3) Species.

a) The condition of the trees – Less than 20% (13 of the 66) of the trees are in good or excellent condition (exhibit 3):

- Zero - (1) Tree is a dead
- "1" – (11) Trees are in Very Poor condition
- "2" – (28) Trees are in Poor Condition
- "3" – (13) Trees are in Fair Condition
- "4" – (7) Trees are in Good Condition
- "5" – (6) Trees are in Excellent Condition

b) There are 24 species of the trees on the properties with the most common being (13) trees being Acacia (" A Weed Species") and (8) Privets.

c) The Sizes of the Trees - Of the 66 items listed on the report 38 are smaller, non-ordinance sized trees

8) Tree Recommendation – Our project will mitigate the loss of trees and exceed the standard that the City requires. Based on our revised plans, 20 Ordinance size trees of varying condition and species are to be relocated, or removed. The condition of these trees are:

- Zero - (1) Tree is a dead
- "1" – (3) Trees are in Very Poor condition
- "2" – (7) Trees are in Poor Condition
- "3" – (5) Trees are in Fair Condition
- "4" – (3) Trees are in Good Condition
- "5" – (1) Tree is in Excellent Condition (#5 – could be boxed and relocated)

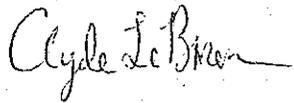
In closing, our team plans to "Save the Whitney Wright Mansion" and spend well over \$1,000,000 in restoring it to Secretary of Interior Standards. Prior to buying the property in

Item: 8(b) POC6700

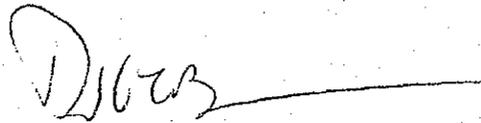
September of last year, this house was described as an "eyesore". It is far from beautiful today, but our efforts and your support will make this home beautiful again for all of us to enjoy.

We ask for you to approve our plans so that the restoration and building will not be further challenged by the elements and hinder our ability to restore and save this home. The restoration of this home is a sizable challenge and will take an owner who is supported by a qualified team with the resources and experience to save this once beautiful home. With your recommendation and the approval by the City Council, it will allow our team to make this neighborhood treasure.

Sincerely,



Clyde LeBaron



David LeBaron

Cc: Jean Hamilton, Deputy Director AICP San Jose, Sally Notthoff Zarnowitz, Senior Planner, Susan Walton, Planner

Item 8(b)  
PDC06-100**Morris, Erin**

---

**From:** Kelly Snider [kellyosha@yahoo.com]  
**Sent:** Wednesday, April 04, 2007 3:09 PM  
**To:** erin.morris@sanjoseca.gov  
**Cc:** jeananr2@aol.com  
**Subject:** 744 Morse St. - public comment

Hi, Erin. I hope you're well.

I recently read a letter regarding the MND issued for 744 Morse St. from Ms. Jean Dresden, and I concur with many of her comments. I want to go on record as supporting the following mitigation requirements proposed by Ms. Dresden:

1. Plant a grouping of evergreen trees somewhere on the project site which could provide future replacement habitat for a nesting pair of Coopers Hawks
2. Make a donation to a bird preservation organization that is working to preserve this species of special concern. (suggest \$5,000)
3. At least 30% of project landscaping should be with species that are desirable to urban wildlife, including native bees, migratory and year-round birds (as recommended by a certified landscape architect), with additional landscaping planted on YMCA property where feasible and appropriate (this could include additional evergreen trees on the YMCA's eastern face).

As you know, I am a staunch supporter of increased housing supply, particularly when it's a few blocks from my home, and this project both preserves an historic home and delivers two new homes which should be commended. At the same time, I think the above additional mitigation measures, as suggested by Ms. Dresden, seem to be easily enough implemented without having any negative impact the and almost certainly having a positive one. When neighbors and property owners can make "win-win" compromises on the impacts of a project such as this, I think the city should do all it can to encourage such simple changes as landscaping and a modest donation to offset some of the potential impacts, not to mention garnering good will from the community and encouraging compromise among disparate parties.

In short, I am rarely one to second-guess the findings of a CEQA document and the city's professionally researched mitigation measures, but these suggestions strike me as a "no-brainer" that will both further offset the impacts of the project to native fauna, and allow the applicant to proceed with essentially the same project as they've proposed. I support the inclusion of project conditions, or at least strong suggestions, such as those proposed by Ms. Dresden.

Sincerely,  
Kelly Snider  
Pershing Avenue

4/22/2007

Morris, Erin

Item: 8(b)

From: JeanAnn2@aol.com  
Sent: Tuesday, April 03, 2007 2:48 PM  
To: Erin.Morris@sanjoseca.gov  
Subject: PDC06-100 744 Morse MND

PDC06-100

Planning Commissioners,  
Planning Director, Joe Horwadel  
Senior Planner, Erin Morris

This is a letter of comment on the mitigated negative declaration for PDC06-100 (744 Morse St.). I believe the MND is inadequate in two major areas: Biological Resources and Cultural Resources. We must protect our biological resources--which are much more than trees alone. Trees are easy to count and to use formulas for mitigation. However, we must protect the entire urban ecology: birds, native bees, seeds, and urban temperature. We must also protect our Cultural Resources. It is not enough to protect the shell of a historic building. We must consider its context and ways to communicate to our descendants the home's place within the context. With these goals in mind, I have made specific comments.

#### Biological Resources.

First, the mitigated negative declaration does not address the loss of habitat for the Coopers Hawk, a species of special concern, which has been spotted on the project property. It is believed there is a nesting pair in the evergreens on the north end of the property. No qualified biologist/ornithologist has been asked to confirm the nest. Given the large number of evergreens on site, it would not be a surprise to find a nest. Thus, it is appropriate to mitigate for the loss of their potential nesting habitat since so many prime habitat trees are being removed.

#### Mitigation alternatives:

- 1) Plant a grouping of evergreen trees somewhere on the project site to provide future replacement habitat for a nesting pair of Coopers Hawks
- 2) Identify a nearby site--but not within another nesting pair's territory--to plant a grouping of evergreens for a future nesting site for the descendants of the displaced pair. The eastern face of the YMCA building would be an excellent location for these evergreens.
- 3) Make a donation to a bird preservation organization that is working to preserve this species of special concern.

Secondly, the mitigated negative declaration does not address the loss of habitat for desirable urban wildlife other than raptors. The subject site is notable for its desirable urban wildlife. The subject location is dense in food sources for native and migratory birds and other desirable species, such as butterflies and native (non-stinging) bees. The large number of trees provides shelter and nesting habitat for birds. These birds are the food for the Coopers Hawks. The extensive dead wood provided habitat for beetles that made bores for a large population of native bees which are the primary pollinators of flowers that produce seeds for birds.

#### The mitigation requirement should be:

- 1) At least 30% of project landscaping should be with species that are desirable to urban wildlife, including native bees, migratory and year-round birds.
- 2) Install artificial native (non-stinging) bee habitat on the east face of each garage on the project site. The habitat will overlook the YMCA parking

lot.

Item: 8(b)  
PDC06-100

3) Require mitigation landscaping to be installed on the Alameda side of the YMCA. This additional landscaping should be of perennial shrubs that are food sources for birds and native bees. Additional trees should be planted on the YMCA building's eastern face to mitigate for the loss of bird sheltering and nesting habitat.

Third, the mitigated negative declaration does not address the loss of trees from the point of view of effect on urban temperatures. The increased asphalt and roof square footage of the project will increase urban temperature. Only run-off calculations were used in the mitigation analysis. The significant increase in asphalt due to the construction of 22 additional parking spaces must be mitigated from the point of view of increase in urban temperature. Although the project proposes shade trees (Chinese pistache), they are planted only 10 feet apart and are not expected to grow to full shade size given the configuration of the spaces and their proximity. Any tree presence mitigates for urban run-off but only trees that shade the heat producing structures will mitigate the temperature effect.

The mitigation requirement for increased temperatures caused by asphalt and roofs should be:

1) The new parking lot should be redesigned so that shade trees will successfully grow to full size. This will require reduction of two or three of the new parking places. This will provide a significant landscape area around each tree that will allow healthier shade trees that will develop a larger crown. Spacing between the trees should be increased to maximize the height and crown of the mitigating trees. This will mitigate for the increase in asphalt's effect on urban temperature.

2) The existing YMCA parking should receive additional plantings of the same shade producing trees in similar large planting area in order to mitigate for the increase in roof square footage. This will further serve to ameliorate neighbors' concerns about Y patrons' using street parking primarily for shade.

Cultural Resources. My concerns are for communicating the historic home's context within the subject property as well as within the context of the Rosegarden.

The historic home is being moved from its context -- admittedly very close to its original location. By subdividing the property, it is losing its sense of a large home (for its time period) on a large piece of property. The home is part of the Rosegarden--a community that is noted for its architecture, with unique and custom built homes. Many architectural books for professionals cite the Rosegarden as a neighborhood worthy of visiting. This historic home is part of that cultural resource. The historic home was originally landscaped with a formal garden with pathways and a fountain in the front yard. The project's design will cause a partial loss in this cultural resource as the historic home's gardens, open space, and site location will be removed. Further, the currently proposed new homes have the same floor plan and look the same despite having "Craftsman" and "Mediterranean" shells. They have been built repeatedly and are becoming so familiar to area residents that they are considered nice "tract" homes. This is incompatible with the context of individual and unique homes in the Rosegarden. In addition to the suggestions in the negative declaration, this loss should be mitigated in the following ways:

1) Move the home to the northernmost lot of the project property where it would be adjacent to another architecturally significant home of the the same time period. Further, it would be closer to a cluster of architecturally significant homes across the street and at the corner of Emory and Morse. Moving the home to this site, would place the home adjacent to mature ordinance sized trees that are on the adjacent property but near the property line. This would help to communicate the age and significance of the historic home. Further, the open space of the adjacent property would help to mitigate the loss of the open space that surrounded the historic home. This location would help reduce the sense that the historic home is "squeezed into" a small lot.

Item: 8(b)

PDC06700

2) Specify in the negative declaration that the larger lot size and larger setbacks associated with the historic home in the project plan are mitigations for the loss of the context of the historic home.

3) Mitigate the loss of cultural resources by planting the historic home with landscaping elements appropriate to 1925 garden design fashion. (New, disease resistant cultivars may be used.) Install a landscape element in the front yard that is reminiscent of the original fountain structure.

4) Specify that the new homes' design will communicate that the historic home was prominent in its time period by not exceeding the height of the historic home in the front one-third of the new structures and by having front faces that do not exceed the width of the historic home.

5) Specify that the two new homes may not be of the same design. That is, they must have a different style and a different floor plan from one another. In order to maintain the cultural milieu that defines the architectural resources of the Rosegarden, they should be different from other homes within the Rosegarden. The currently proposed homes do not meet this standard. The new homes should provide the visitor with a sense of compatible diversity.

Thank-you for the opportunity to comment on the mitigated negative declaration.

Sincerely,  
Jean Dresden  
1276 Blewett Avenue  
San Jose, CA 95125<BR><BR><BR>\*\*\*\*\*<BR>  
See what's free at <http://www.aol.com>.

Item: 8(b)  
PDC06 700



# LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

February 13, 2007

Clyde LeBaron  
965 Garden Dr.  
San Jose, CA 95126

**Subject: Raptor survey for 744 Morse St. in San Jose (PN 1024-01)**

Dear Mr. LeBaron:

Per your request, Live Oak Associates, Inc. (LOA), conducted a raptor survey of the 744 Morse Street in San Jose, Santa Clara County, California, and evaluated the likely impacts to nesting raptors from the development of the property.

The proposed project consists of the development of a parking lot, two new buildings and the movement of the current house to a new location. During the development, roughly 20 trees will be removed from the property.

The property at 744 Morse Street is bound to the north by an open lot, to the east by Morse street, to the south by the Lands of Douglas, and to the west by the lands of YMCA. The property currently consists of a decrepit home surrounded by approximately one acre of untended land. The tall, large trees at the edges of the property are of sufficient size to be suitable for raptor nests. Raptor's stick nests are persistent for up to three years and raptors have relatively strong site fidelity. Therefore, if nests are observed on a site there is a probability that a pair of raptors will utilize the nest in the upcoming breeding season.

## Raptor Surveys

On the evening of February 12 and morning of February 13, 2007, LOA ecologist Brian Williams conducted raptor nest surveys of the site to provide coverage of the site at dusk and dawn. The objective of this survey was to identify if raptor nests were on the property and specifically in the trees to be removed.

## Conclusion

No raptor nests were observed on the site or in the trees to be removed. We conclude that development of 744 Morse Street will not result in detrimental effects to nesting raptors.

Please contact me at 408-281-5889 or 408-772-7997 if you have any questions relating to this letter report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Williams', written in a cursive style.

Brian Williams, M.S.  
Assistant Project Manager  
Staff Ecologist

Morris, Erin

Item: 8(b)  
PDC06-100

From: JeanAnn2@aol.com  
Sent: Tuesday, April 03, 2007 2:48 PM  
To: Erin.Morris@sanjoseca.gov  
Subject: PDC06-100 744 Morse MND

Planning Commissioners,  
Planning Director, Joe Horwadel  
Senior Planner, Erin Morris

This is a letter of comment on the mitigated negative declaration for PDC06-100 (744 Morse St.). I believe the MND is inadequate in two major areas: Biological Resources and Cultural Resources. We must protect our biological resources--which are much more than trees alone. Trees are easy to count and to use formulas for mitigation. However, we must protect the entire urban ecology: birds, native bees, seeds, and urban temperature. We must also protect our Cultural Resources. It is not enough to protect the shell of a historic building. We must consider its context and ways to communicate to our descendants the home's place within the context. With these goals in mind, I have made specific comments.

Biological Resources.

First, the mitigated negative declaration does not address the loss of habitat for the Coopers Hawk, a species of special concern, which has been spotted on the project property. It is believed there is a nesting pair in the evergreens on the north end of the property. No qualified biologist/ornithologist has been asked to confirm the nest. Given the large number of evergreens on site, it would not be a surprise to find a nest. Thus, it is appropriate to mitigate for the loss of their potential nesting habitat since so many prime habitat trees are being removed.

Mitigation alternatives:

- 1) Plant a grouping of evergreen trees somewhere on the project site to provide future replacement habitat for a nesting pair of Coopers Hawks
- 2) Identify a nearby site--but not within another nesting pair's territory--to plant a grouping of evergreens for a future nesting site for the descendants of the displaced pair. The eastern face of the YMCA building would be an excellent location for these evergreens.
- 3) Make a donation to a bird preservation organization that is working to preserve this species of special concern.

Secondly, the mitigated negative declaration does not address the loss of habitat for desirable urban wildlife other than raptors. The subject site is notable for its desirable urban wildlife. The subject location is dense in food sources for native and migratory birds and other desirable species, such as butterflies and native (non-stinging) bees. The large number of trees provides shelter and nesting habitat for birds. These birds are the food for the Coopers Hawks. The extensive dead wood provided habitat for beetles that made bores for a large population of native bees which are the primary pollinators of flowers that produce seeds for birds.

The mitigation requirement should be:

- 1) At least 30% of project landscaping should be with species that are desirable to urban wildlife, including native bees, migratory and year-round birds.
- 2) Install artificial native (non-stinging) bee habitat on the east face of each garage on the project site. The habitat will overlook the YMCA parking

lot.

Item: 8(b)  
PDC06700

3) Require mitigation landscaping to be installed on the Alameda side of the YMCA. This additional landscaping should be of perennial shrubs that are food sources for birds and native bees. Additional trees should be planted on the YMCA building's eastern face to mitigate for the loss of bird sheltering and nesting habitat.

Third, the mitigated negative declaration does not address the loss of trees from the point of view of effect on urban temperatures. The increased asphalt and roof square footage of the project will increase urban temperature. Only run-off calculations were used in the mitigation analysis. The significant increase in asphalt due to the construction of 22 additional parking spaces must be mitigated from the point of view of increase in urban temperature. Although the project proposes shade trees (Chinese pistache), they are planted only 10 feet apart and are not expected to grow to full shade size given the configuration of the spaces and their proximity. Any tree presence mitigates for urban run-off but only trees that shade the heat producing structures will mitigate the temperature effect.

The mitigation requirement for increased temperatures caused by asphalt and roofs should be:

1) The new parking lot should be redesigned so that shade trees will successfully grow to full size. This will require reduction of two or three of the new parking places. This will provide a significant landscape area around each tree that will allow healthier shade trees that will develop a larger crown. Spacing between the trees should be increased to maximize the height and crown of the mitigating trees. This will mitigate for the increase in asphalt's effect on urban temperature.

2) The existing YMCA parking should receive additional plantings of the same shade producing trees in similar large planting area in order to mitigate for the increase in roof square footage. This will further serve to ameliorate neighbors' concerns about Y patrons' using street parking primarily for shade.

Cultural Resources. My concerns are for communicating the historic home's context within the subject property as well as within the context of the Rosegarden.

The historic home is being moved from its context -- admittedly very close to its original location. By subdividing the property, it is losing its sense of a large home (for its time period) on a large piece of property. The home is part of the Rosegarden--a community that is noted for its architecture, with unique and custom built homes. Many architectural books for professionals cite the Rosegarden as a neighborhood worthy of visiting. This historic home is part of that cultural resource. The historic home was originally landscaped with a formal garden with pathways and a fountain in the front yard. The project's design will cause a partial loss in this cultural resource as the historic home's gardens, open space, and site location will be removed. Further, the currently proposed new homes have the same floor plan and look the same despite having "Craftsman" and "Mediterranean" shells. They have been built repeatedly and are becoming so familiar to area residents that they are considered nice "tract" homes. This is incompatible with the context of individual and unique homes in the Rosegarden. In addition to the suggestions in the negative declaration, this loss should be mitigated in the following ways:

1) Move the home to the northernmost lot of the project property where it would be adjacent to another architecturally significant home of the the same time period. Further, it would be closer to a cluster of architecturally significant homes across the street and at the corner of Emory and Morse. Moving the home to this site, would place the home adjacent to mature ordinance sized trees that are on the adjacent property but near the property line. This would help to communicate the age and significance of the historic home. Further, the open space of the adjacent property would help to mitigate the loss of the open space that surrounded the historic home. This location would help reduce the sense that the historic home is "squeezed into" a small lot.

Item: 8(b)

POC06100

2) Specify in the negative declaration that the larger lot size and larger setbacks associated with the historic home in the project plan are mitigations for the loss of the context of the historic home.

3) Mitigate the loss of cultural resources by planting the historic home with landscaping elements appropriate to 1925 garden design fashion. (New, disease resistant cultivars may be used.) Install a landscape element in the front yard that is reminiscent of the original fountain structure.

4) Specify that the new homes' design will communicate that the historic home was prominent in its time period by not exceeding the height of the historic home in the front one-third of the new structures and by having front faces that do not exceed the width of the historic home.

5) Specify that the two new homes may not be of the same design. That is, they must have a different style and a different floor plan from one another. In order to maintain the cultural milieu that defines the architectural resources of the Rosegarden, they should be different from other homes within the Rosegarden. The currently proposed homes do not meet this standard. The new homes should provide the visitor with a sense of compatible diversity.

Thank-you for the opportunity to comment on the mitigated negative declaration.

Sincerely,  
Jean Dresden  
1276 Blewett Avenue  
San Jose, CA 95125<BR><BR><BR>\*\*\*\*\*<BR>  
See what's free at <http://www.aol.com.</HTML>>



# LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

Item: 8(b)  
PDC06100

February 13, 2007

Clyde LeBaron  
965 Garden Dr.  
San Jose, CA 95126

**Subject: Raptor survey for 744 Morse St. in San Jose (PN 1024-01)**

Dear Mr. LeBaron:

Per your request, Live Oak Associates, Inc. (LOA), conducted a raptor survey of the 744 Morse Street in San Jose, Santa Clara County, California, and evaluated the likely impacts to nesting raptors from the development of the property.

The proposed project consists of the development of a parking lot, two new buildings and the movement of the current house to a new location. During the development, roughly 20 trees will be removed from the property.

The property at 744 Morse Street is bound to the north by an open lot, to the east by Morse street, to the south by the Lands of Douglas, and to the west by the lands of YMCA. The property currently consists of a decrepit home surrounded by approximately one acre of untended land. The tall, large trees at the edges of the property are of sufficient size to be suitable for raptor nests. Raptor's stick nests are persistent for up to three years and raptors have relatively strong site fidelity. Therefore, if nests are observed on a site there is a probability that a pair of raptors will utilize the nest in the upcoming breeding season.

### Raptor Surveys

On the evening of February 12 and morning of February 13, 2007, LOA ecologist Brian Williams conducted raptor nest surveys of the site to provide coverage of the site at dusk and dawn. The objective of this survey was to identify if raptor nests were on the property and specifically in the trees to be removed.

### Conclusion

No raptor nests were observed on the site or in the trees to be removed. We conclude that development of 744 Morse Street will not result in detrimental effects to nesting raptors.

Please contact me at 408-281-5889 or 408-772-7997 if you have any questions relating to this letter report.

Sincerely,

Brian Williams, M.S.  
Assistant Project Manager  
Staff Ecologist

**Walton, Susan**

Item: 8(b)  
PDC06-100

**From:** Walton, Susan  
**Sent:** Monday, April 23, 2007 11:16 AM  
**To:** 'kellyosha@yahoo.com'  
**Subject:** MND Comments PDC06-100

Ms. Snider,

Thank you for your comments on the Mitigated Negative Declaration for PDC06-100. As your comments were reinforcements of comments submitted by Jean Dresden, attached please find the electronic version of the responses to Ms. Dresden's comments which Erin Morris drafted before she left the city. Her last day was Friday, April 20th.

I can follow up with a "hard copy" of this letter if needed, if you will provide me with your street address number. Your email only indicates Pershing Avenue as the address.



PDC06-100 MND  
omment\_response..

***Susan Walton, Principal Planner***

Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905  
Tel: (408) 535-7847  
e-mail: susan.walton@sanjoseca.gov

Walton, Susan

Item 8(b)

From: Walton, Susan  
Sent: Monday, April 23, 2007 11:11 AM  
To: 'JeanAnn2@aol.com'  
Cc: Ross, Rebekah  
Subject: Response to MND comments PDC06-100

PDC06-100

Jean--Thank you for your comments. A written "hard copy" response has been mailed to you at 1276 Blewett Avenue, but attached is the electronic version of the response that Erin drafted before she left the City. Her last day was Friday, April 20th.



PDC06-100 MND  
omment\_response..

Your comment letter and these responses have also been forwarded to the Planning Commission prior to the hearing on Wednesday, April 25th.

***Susan Walton, Principal Planner***

Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905  
Tel: (408) 535-7847  
e-mail: susan.walton@sanjoseca.gov