

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113

Hearing Date/Agenda Number 5.b.
H.L.C. 05/02/07

File Number
H07-008

Application Type
Site Development Permit

Council District
3

Planning Area
Central

Assessor's Parcel Number(s)
259-35-006, 007, & 043

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Michelle Stahlhut

Location: Block bounded by West St. John St, N. Almaden Ave, Carlyle St., and Notre Dame Ave.

Gross Acreage: 1.26 ac

Net Acreage: 1.26 ac

Net Density: 277 DU/AC

Existing Zoning: DC Downtown Core

Existing Use: surface parking lot and industrial uses

Proposed Zoning: No Change

Proposed Use: Residential Mixed-use tower

GENERAL PLAN

Existing Land Use/Transportation Diagram Designation
Core Area

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

North: Office Building

DC Downtown Primary Commercial

East: Office Building / Luis Maria Peralta
Adobe - City Landmark Structure

DC Downtown Primary Commercial

South: Office/Parking

DC Downtown Primary Commercial

West: IBM Building at 99 Notre Dame - City
Landmark Structure

DC Downtown Primary Commercial

ENVIRONMENTAL STATUS

Reuse of Downtown Strategy 2000 EIR
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Annexation Title: Original City.

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommendation
 Approval with Conditions
 Denial

Date

Approved by: _____
 Action
 Recommendation

CURRENT OWNER

Livingston Block, Inc.
76 Notre Dame Avenue
San Jose, CA 95113

DEVELOPER

Barry Swenson Builder/Aaron Barger
777 N. First Street, 5th Floor
San Jose, CA 95112

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: MS

Department of Public Works

None

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Barry Swenson Builder, is requesting a Site Development Permit to construct one residential tower, including 347 residential units and 11,353 square feet of commercial uses with underground and aboveground parking on a 1.258 gross acre site.

The subject site consists of three parcels. The site currently contains a one-story 20,000 square foot industrial building occupied by The Press, a printing company. In addition, the property is improved with an asphalt-paved parking lot, a loading dock, and an approximately 5,000 square-foot metal storage structure. The subject site has a DC Downtown Primary Commercial Zoning designation, and is designated Core Area in the City of San Jose's General Plan Land Use Transportation Diagram.

On August 2, 2005 the applicant submitted a Comprehensive Preliminary Review (Prelim) of the proposal (File No: PRE06-264). Through the prelim process, the Architectural Review Committee (ARC) reviewed the conceptual design of the project for compatibility with the Downtown Design Guidelines and surrounding uses (See attached ARC Synopsis). The Analysis section below includes a summary of the comments made at these meetings in relation to historic preservation.

Pursuant to Section 20.70.110 (c) of the City of San Jose's Zoning Ordinance, new structures exceeding 150 feet in height and an FAR of 6:1 which are constructed within one hundred feet of a City Landmark or Contributing Structure in a designated historic district shall be reviewed by the Historic Landmarks Commission prior to consideration or approval of a development permit for new construction. The proposed project is 217 feet in height with an FAR above 6:1.

The Director of Planning, Building, and Code Enforcement will hold a public hearing to consider the Site Development Permit for this project. The Director may approve, approve with conditions, or deny the application. The Director's decision may be appealed to the Planning Commission by anyone within 1,000 feet of the subject site.

HISTORIC RESOURCES DESCRIPTION

The project site is located adjacent to the Luis Maria Peralta Adobe (City Landmark HL77-1) across the street to the east, and adjacent to the IBM Building (City Landmark HL01-143) across the street to the west. Both City Landmarks are located within 100 feet of the proposed

development. Please refer to the attached Department of Parks and Recreation (DPR) forms for a description of the Peralta Adobe and IBM Building, and to the attached National Register of Historic Places Nomination form for the Peralta Adobe.

An additional City Landmark Structure located in the area is the Thomas Fallon House (City Landmark No. HL77-9), located on W. St. John, approximately 180 feet northeast of the subject site. (DPR form attached).

GENERAL PLAN CONFORMANCE

The site has a General Plan Land Use/Transportation Diagram designation of Core Area. The Core Area designation encourages office, retail, service, residential, and entertainment uses in the Downtown Core Area. Per this section of the General Plan higher density residential uses at 25+ dwelling units per acre or mixed use development of commercial and residential uses are appropriate in areas with a Core Area designation. The subject project conforms in that it proposes high density residential uses (greater than 25 DU/AC) with ground floor commercial space below. The project conforms to the Urban Conservation/Preservation Major Strategy because the project proposes infill development in an area where city services already exist. Additionally, the preservation of historically significant sites will be a key consideration in the development review process, and the development will be reviewed for compatibility with the character of surrounding designated historic resources through its modern design but use of traditional materials, as well as the height and massing of the project as it relates to historic structures and districts in its vicinity.

PROJECT DESCRIPTION

The project proposes 347 residential units with 11,353 square feet of retail/commercial space on the ground floor. The residential units include a mix of condominiums, townhouses, and work/live lofts. Five floors of parking are provided for the project with two floors of subterranean parking and three floors of aboveground parking. The building would be constructed on a four-floor podium encompassing the entire site, with a narrower tower extending above the fourth floor. A large common area is proposed at the fourth level, which includes a pool, patio, and multi-use room. A common indoor and outdoor area is also provided at the sixth level. Retail space is located on the southeast and northeast corners of the site facing onto Carlisle Street and N. Almaden Avenue, and N. Almaden Avenue and West St. John Street. The main pedestrian entrance to the project is located along North Almaden Avenue. The primary vehicular entrance to the project is proposed from Carlisle Street, and the main loading dock area located on West St. John Street.

ENVIRONMENTAL REVIEW

Staff is currently reviewing the administrative draft of the Initial Study for this project. Possible environmental impacts to Cultural Resources include construction-generated dust and vibration, post-construction traffic, and shade and shadow impacts to the City Landmarks, and historic archaeology impacts on-site.

ANALYSIS

The primary issues for this project include compatibility of the project to the Luis Maria Peralta Adobe site and the IBM Building, and compatibility of the project to the general character of the area.

Below is a summary of the comments and suggestions made by the Architectural Review Committee (ARC) at the Preliminary Review stage (File No: PRE06-264) in relation to the project's compatibility with the adjacent area and how the current proposal addresses these comments:

Compatibility of the Project to the General Character of the Area

ARC Preliminary Review comments on previous planset. The project hovers between modern and traditional, and it is difficult to blend historicist and modernist designs. The project should reflect 21st century society. The mass of the street should be broken up, with defined retail spaces along Almaden. Aligning the tower with Almaden Avenue is positive, however there is too much parking garage facing the street on Notre Dame. Notre Dame should not be forgotten and should be activated with pedestrian-friendly uses that take into consideration possible future development across the street.

Current proposal – The current design of the project has evolved to align the tower with Almaden Avenue, which is consistent with the Downtown Design Guidelines in that the main building entry is oriented toward the street front with highest pedestrian activity, which is North Almaden Avenue.

The base of the project has been re-designed to focus on one style of architecture that is more modern than the faux historicism that was proposed during the preliminary review stage. Materials proposed for the tower and base are traditional in nature. The parking garage at the base of the tower has been wrapped with live/work units to create a more pedestrian-oriented environment on Notre Dame.

The current project is tentatively scheduled to return to ARC on May 17, 2007. The HLC Design Review Committee members will be notified of this meeting.

Secretary of the Interior's Standards Consideration

While the attached Standards for Rehabilitation do not include a chapter specifically addressing new construction adjacent to historic resources, Standard No. 9 is most often used to address issues of compatibility:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

In addition, the Standards for Rehabilitation address considerations for District/Neighborhood compatibility, recommend that the historic visual relationship between buildings and settings, as well as important views, be maintained. The attached excerpts from the National Park Service publication, *A Guide to the Federal Historic Preservation Tax Incentives Program for Income-Producing Properties*, note that it is important to consider the setting, location, scale, and design of the new construction in relationship to the historic building or neighborhood. While the publication further acknowledges that large-scale construction in close proximity to a historic building may be appropriate in a dense urban context versus a rural context, it emphasizes that important views of the property are crucial in determining the impact of the new construction.

Downtown Design Guidelines

The City of San Jose Downtown Design Guidelines (DDGs) provides direction for addressing historic landmarks and historic districts. The DDGs direct that the building mass should be arranged in response to surrounding historic district and adjacent landmarks.

The project is directly adjacent to three City Landmarks, the IBM Building at 99 Notre Dame to the west, the Luis Maria Peralta Adobe to the east, and the Thomas Fallon House located to the northeast. Additionally, the project borders San Pedro Square, which is a potential Historic District with several historic buildings listed on the Historic Resources Inventory. (See attached "Historic Resource Survey Downtown San Jose - San Pedro Square").

The project currently proposes orientation of the residential tower along the street grid on the most active pedestrian street, which is Almaden Avenue. The base of the tower includes a 32-foot parking podium with approximately 11,353 square feet of retail facing Almaden Avenue, and live/work units at the base facing Notre Dame Avenue.

The project proposes a 185-foot tower on a 32-foot parking podium base, for a total height of 217 feet. The height of development in the Downtown Core of San Jose is restricted by the Federal Aviation Administration height limits as it relates to Mineta International Airport, except in Historic Districts such as the Downtown Commercial Historic District, which has a height limit of 60 feet. The project as proposed currently conforms to all airport related height restrictions. The Zoning Ordinance requires referral of projects located near City Landmarks to the Historic Landmarks Commission to address the issues of compatibility and preservation of historic resources in the city.

COMMUNITY OUTREACH

This proposal was submitted as a Comprehensive Prelim on August 2006 and presented to the Architectural Review Committee (ARC) on October 4, 2006, presented to the community on November 13, 2006 through the Prelim process.

Hearing notices for the ARC and community meeting were mailed out to owners and tenants within 1000 feet of the property. Planning Staff was available to discuss the proposal with members of the public.

The current proposal submitted through a Site Development Permit application will be presented to the community at a meeting to be held in early May. The project will be presented to the ARC on May 17, 2007. Hearing notices for these meetings and for this Historic Landmarks

Commission meeting were mailed out to owners and tenants within 1000 feet of the property. Planning Staff has been available to discuss the proposal with members of the public.

Prior to the HLC public hearing, an electronic version of the staff report was made available online, accessible from the Historic Landmarks Commission agenda, on the Planning Divisions' website.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission forward recommendations to the Director of Planning, Building and Code enforcement regarding the compatibility of the proposed building's site and architectural design with the Peralta Adobe (City Landmark HL77-01) and the IBM Building (City Landmark HL01-143), and continue the item to the next Historic Landmark Commission hearing to consider the Initial Study, including Historic Report and any possible impacts from construction at the site as relates to City Landmarks.

Attachments:

Area Map of City Landmarks
Department of Parks and Recreation forms for the Peralta Adobe, IBM Building, Fallon House
National Register of Historic Places Nomination for the Peralta Adobe
Architectural Review Committee Meeting Synopsis, October 4, 2006 (Pages 3-4)
Historic Resource Survey Downtown San Jose
Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings
Downtown Design Guidelines