



HISTORIC LANDMARKS COMMISSION

SYNOPSIS

WEDNESDAY MARCH 7, 2007

Regular Session

6:00 P.M.

Council Wing, Room W-118/119

200 East Santa Clara Street

San Jose, CA

COMMISSION MEMBERS

EDWARD JANKE, AIA, CHAIR

PATRICIA COLOMBE, VICE CHAIR

HELENE LAVELLE SCOTT CUNNINGHAM

DANA PEAK JUDY STABILE

ERIC THACKER

**JOSEPH HORWEDEL, DIRECTOR
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

NOTICE TO THE PUBLIC

Good evening, my name is **Ed Janke**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the March 7, 2007 meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have one minute.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Historic Landmarks Commission will comment on the referral item.

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience.

AGENDA
ORDER OF BUSINESS

6:00 PM SESSION

1. ROLL CALL

All present, except Peak.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

The matter of deferrals is now closed.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

- a. **APPROVAL OF THE FEBRUARY 7, 2007 AND FEBRUARY 21, 2007 HISTORIC LANDMARKS COMMISSION SYNOPSES.**

APPROVED WITH SEVERAL MINOR EDITS, 6-0-1, Peak absent

The Consent Calendar is now closed.

4. PUBLIC HEARINGS

- a. **[The Addition of a Qualifying Property to the City of San Jose Historic Resources Inventory.](#)** The Addition of the Single Family Residence, located on the northwest corner of Dry Creek Road and Peregrino Way (1725 Dry Creek Road), to the City of San Jose Historic Resources Inventory. Council District: 6. SNI: None. CEQA: Exempt. **[Deferred from 2-7-07.](#)**

Staff Recommendation:

Historic Landmarks Commission to adopt a Resolution approving the addition of the Qualifying Property to the City of San Jose Historic Resources Inventory as a Structure of Merit.

Sally Zarnowitz, Historic Preservation Officer, gave an introductory presentation about the site's qualifications and recommended that the HLC approve the addition to the inventory. Andrea Greene, the property owner spoke, expressing concern over needing Planning approval (Single-Family House Permit) for any work that would require a building permit, having experienced delays in obtaining a currently pending SFHP. Acting Deputy Director Jeannie Hamilton stated the purpose of the SFHP is to support the goals of historic preservation and apply an appropriate level of regulation while being as accommodating as possible to property owners' needs and objectives. Commissioner Thacker expressed interest in obtaining statistics about average response times for SFHPs at a future hearing. Commissioner Thacker also commented that costs to homeowners also include expenses of hiring professionals, not just the costs of the permit.

Commissioner Thacker asked if the property owner was actively seeking addition of the house to the inventory. Ms. Zarnowitz clarified that the City was proposing designation, not the property owner. Ms. Hamilton added that the home would have already been designated if the City had adequate survey resources. Commissioner Stabile asked if the city has done an analysis of successfulness of the SFHP in implementing preservation objectives. Ms. Zarnowitz responded that owners of historic houses benefit from the Category I SFHP process that was created to provide owners of historic homes with a more streamlined, cost effective process. Ms. Hamilton noted that a comprehensive evaluation has not been carried out and would have to become a workplan item. In response to a question from Commissioner Lavelle, the property owner indicated she is not in opposition to her home being added to the Inventory.

Staff Recommendation Adopted 6-0-1, Peak absent.

- b. **HD07-158.** Historic District Initiation for the area generally bounded on the north by West San Fernando Street, on the east by Highway 87 and the VTA Light Rail right-of-way, on the west by Los Gatos Creek and on the south by the rear property lines of lots on the north side of Park Avenue (Various Owners/City of San Jose, Applicant). CEQA: Exempt. Council District: 3. SNI: Delmas Park.

Staff Recommendation:

Historic Landmarks Commission to recommend approval of the subject area as the Lake House City Landmark Historic District to the Planning Commission.

Franklin Maggi (Archives and Architecture) gave a presentation explaining the proposed City Landmark Historic District and some past city actions and studies related to the area. City staff recommended approval of the designation of the proposed district.

One member of the public, Jodene Perrin-Gill, spoke in favor of the designation. One person, Alfio Crema, spoke in opposition to the designation because of concerns over reduced development potential on properties affected by the designation.

Staff Recommendation Adopted 6-0-1, Peak absent.

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

- a. **PDC06-003**. Planned Development Rezoning from the IP (PD) Planned Development Zoning District to the IP (PD) Planned Development Zoning District to allow the demolition of an existing industrial park building (Building 025) and associated site improvements, and the construction of a new approximately 204,000 square foot commercial facility (including a retail/commercial use, with a single occupant greater than 100,000 square feet (with a garden center), and other retail/commercial uses) on an approximately 17.5 acre site, located on the northeasterly corner of Cottle and Poughkeepsie Roads.

Sally Zarnowitz gave an introduction of the proposed project and a review of the previous permit history, focusing on the proposed demolition of historically significant former IBM Bldg 025. She spoke about the HP-related General Plan policies and discussed the EIR's project alternatives, some of which would potentially avoid the demolition of the structure.

Jennifer Renk, appearing on behalf of the project proponents, indicated that she had no formal presentation but spoke in favor of the CBRE Report as a credible appendix to the EIR.

Judi Henderson of PAC SJ and Anthea Hartig of the National Trust for Historic Preservation, discussed the importance of historic preservation. Ms. Hartig expressed support for a design solution that would allow a new Lowe's store and Bldg 025 to co-exist on the site, and inquired whether HLC could review the FEIR when it becomes available. She suggested the possibility of a design charette to explore possible site plan solutions and urged recommendation of preserving Bldg 025.

Commissioner Thacker asked if Ms. Hartig had a preference for any of the site design alternatives. Ms. Hartig responded that something with integration of Lowe's and Bldg 025 (as opposed to bifurcation of the project) would be desirable, but with sufficient "breathing room" between the two buildings.

Judi Henderson asked about the status of the City's responses to PAC SJ's comments on the Draft EIR. She also observed that the earlier 2002 EIR analyzed a 160,000-sq-ft building which has now increased to 180,000 sq ft although the

site size has decreased. She expressed PAC SJ's support for one of the project alternatives.

Mike Boulland spoke on behalf of the Friends of Santa Teresa Park neighborhood association. He expressed concern over the possible impact of the water table on any underground parking that might become part of the project. He also expressed concern over the loss of what he termed "the last orchard in Blossom Valley."

Commissioner Cunningham asked about the possible use of Bldg 025 as the Lowe's garden center. Ms. Renk responded that this scenario was evaluated in the original EIR but was rejected on the grounds that the watering of plants and similar activities would be likely to damage the building. Mr. Cunningham also discussed the possibility of parking at-grade and having a podium-type building above.

Vice Chair Colombe asked about the status of the Final EIR and the pending responses to HLC's comments, and inquired about the possibility of holding a special hearing to discuss the Final EIR. Staff indicated that the Final EIR would become available on Friday, March 16.

Commissioner Stabile asked about the difference between the "existing zoning" alternative and the "no development" project alternatives in the Draft EIR. Staff responded that the existing zoning alternative would allow intensification on the site in accordance with the IP Industrial Park zoning development standards, as opposed to a scenario of no development taking place at all.

Commissioner Cunningham stated the alternatives seem to indicate that the site is not suitable for a Lowe's development. He also inquired why Building 025 is a not a City Landmark after all the years that versions of the Lowe's project have been under consideration. Ms. Zarnowitz responded that no proposal has come forward for nomination of the building, but that the City treats candidate City Landmark buildings no differently from buildings that have been so designated.

Commissioner Lavelle inquired whether representatives of IBM have any consideration for Building 025 as a historic resource. Rachel Horscht, speaking on behalf of the law firm representing IBM, indicated that IBM has no future plans to retain or rehabilitate the structure.

Commissioner Thacker expressed doubt that any of the alternatives could be successfully implemented and that they all essentially amount to an over-development of the site.

Chairman Janke expressed dissatisfaction with the alternatives in the EIR and with the possibility of a partial demolition of the building or placement of an informational exhibit on the site. He also expressed surprise and disappointment that IBM appeared uninterested in preserving its architectural legacy. He stated

that a “no project” alternative appeared to be the only supportable recommendation.

Commissioner Lavelle spoke in support of using creativity and flexibility to find solutions with regard to this site design challenge, especially given that IBM was historically instrumental in creating a local strength of creative thinking. Vice Chair Colombe discussed the building as a rare example of architectural excellence in its era. Commissioner Stabile spoke in favor of seeing the Final EIR as an aid in HLC’s deliberations on the project. She also expressed support for matching the Building 025 site up with a developer who appreciates its qualities. Mr. Janke discussed the importance of preservation and reiterated leaning toward recommending a “no project” alternative.

Vice Chair Colombe moved for continuation of the discussion on this item to 3/21. Motion passed 6-0-1.

- b. **BART Extension to Milpitas, San Jose, and Santa Clara Supplemental Draft Environmental Impact Report (SDEIR)** for design modifications to the project, including a proposed entrance on the south side of East Santa Clara Street between 1st and 2nd streets in the City of San Jose, located at either the Bank of America building, the Ravioli building, or the Western Dental building.

Staff Recommendation:

Historic Landmarks Commission to provide comments and consider authorization of the HLC Chair to sign a comment letter on behalf of the Commission, to the Santa Clara Valley Transportation Authority.

Henry Servin of the City of San Jose Transportation Department gave a presentation about the BART extension project as presented in the Draft Supplemental EIR, focusing on changes to the project including station entrances in the downtown historic district.

Commissioners Cunningham and Lavelle asked about the current tenants of the Bank of America (B of A) building and the vision for how the building interior should be used in the future. Mr. Servin indicated the building contains a nightclub and office condos and that a project with integration of BART entrances into the building would strive to restore the building interior to its original splendor.

Commissioner Thacker asked why BART entrances have to be located in building facades, as opposed to sidewalks. Mr. Servin responded that sidewalks in San Jose are not wide enough to accommodate entrances in addition to street trees, sidewalk width, and street furniture.

Vice-Chair Colombe asked if street parking/loading could potentially be reduced in order to put surface portals on the sidewalk instead of buildings. Mr. Servin indicated that it is possible but that the portals are 60-70 feet long and would

have visual and practical impacts. In response to a comment from Ms. Colombe that portals can be attractive “identity” structures, Mr. Servin noted that sidewalk portals are envisioned in Alum Rock area, but not downtown. Ms. Colombe inquired what types of changes would be needed to the B of A building or other building exteriors in order to serve as portals. Mr. Servin replied that VTA is beginning this work, but will not have detailed analysis until approximately April 2007. Ms. Colombe expressed concern that the impacts and mitigation measures in the BART Extension Draft Supplemental EIR are too vague, especially with regard to the formation of a memorandum of agreement as mitigation, and lack of commitment to any further specific course of action. She also asked what extent of evaluation has been prepared for the 94 additional structures identified by VTA in the Draft Supplemental EIR.

Commissioner Stabile asked whether VTA has expressed a preference for any one of the historic buildings identified as possible candidates for a portal in the EIR. Mr. Servin responded that VTA is looking at all with equal interest, but might be particularly interested in the B of A because of its significance to the City’s identity. Ms. Stabile expressed concern that a building under condo ownership may be more difficult to make upgrades. She was also concerned that the B of A building could become a “hangout” as a station entrance, and stated that VTA is not a good tenant in this regard at its office building on First Street. Mr. Servin noted projections that the BART project would move 24,000 riders per day through the new downtown stations.

Vice Chair Colombe stated that not enough information is presented in the Draft Supplemental EIR related to Diridon station and other areas of City other than downtown.

One member of the public, Judi Henderson, expressed concern about making changes to the exterior of the B of A building, and asked whether VTA is looking at potential portal sites other than the south side of East Santa Clara Street. Mr. Servin responded that the south side of Santa Clara Street is most advantageous because of the possibilities for connection with light rail and San Jose State University.

Vice Chair Colombe stated that in order to comment effectively on the Draft Supplemental EIR, HLC needs to receive more information about the identified resources, impacts, and mitigation measures.

Commissioner Stabile suggested that VTA and the City should remain open-minded regarding buildings other than the B of A until more comprehensive analysis has been done. Commissioner Thacker added that the possibility of integrating BART portal entrances into the sidewalk, rather than locating them on building exteriors, should also remain under consideration.

A motion was made to draft a comment letter from the HLC Chair to VTA, regarding the adequacy of the Draft Supplemental EIR.

Motion passed 6-0-1, Peak absent.

6. PETITIONS AND COMMUNICATIONS

Public comments to the Historic Landmarks Commission on non-agendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

a. Public Comment

Edward Della Monica addressed the Commission regarding preservation of the Almaden Feed & Fuel building, asking the Commission to write a letter to the City Council regarding its support for full preservation of the building. Jeannie Hamilton, Acting Deputy Director of Planning, noted that the Council had already had the benefit of HLC's input and recommendations on the Feed and Fuel project, but that the speaker would have a chance to address the Council at its second reading of the rezoning ordinance if he so chose. Mike Boulland also spoke in favor of preserving portions of the building as part of the redevelopment of the site.

Judi Henderson expressed concern about vandalism problems at Mirassou Winery, IBM Building 025, and other historic structures.

7. GOOD AND WELFARE

a. Report from the Redevelopment Agency

No report

b. Report from the Secretary

i) Status of Circulation of Environmental Review Documents

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

- Parkview Towers DEIR
NOP distributed March 2006
- Coyote Valley Specific Plan (CVSP) DEIR
Circulation anticipated March 2007

Morrison Park DEIR
NOP distributed February 27, 2007
As noted above.

- (ii) Status of HLC Recommendations on Referrals to City Council, Boards, Commissions, and Other Agencies

Flea Market DEIR (File No. PDC03-108)

February 21, 2007 DEIR referred to HLC
April 25, 2007 Planning Commission Hearing
May 15, 2007 City Council Hearing

Ballpark Study in the Diridon/Arena Area

Vice Chair Colombe, HLC Representative
April 5, 2006 Project and DEIR referred to HLC
September 20, 2006 Re-circulated DEIR referred to HLC
February 28, 2007 Planning Commission Hearing

PDC05-109. Planned Development Rezoning from the (A) Agricultural to the A(PD) Planned Development District to allow up to thirteen single-family detached residences, on a 1.24 gross acre site including the existing Almaden Feed and Fuel Structure of Merit, located on the southeast corner of Almaden Expressway and Almaden Road.

December 6, 2006 Rezoning Referred to HLC
January 31, 2007 Planning Commission Hearing
March 6, 2007 City Council Hearing

PDC06-003. Lowe's Home Improvement Warehouse. Planned Development rezoning from IP(PD) Industrial Park zoning district to A(PD) Planned Development zoning district, including proposed demolition of IBM Building 025

November 1, 2006 DEIR Referred to HLC
March 7, 2007 Rezoning Referred to HLC
Tentative March 28, 2007 Planning Commission Hearing
Tentative April 17, 2007 City Council Hearing

Vice Chair Colombe attended the 2/28/07 Planning Commission hearing to communicate to the Planning Commission and City Council the importance of preservation; also to remind them they can't clear the site based on EIR for a now-nonexistent project

- (iii) 2006 Commissioners' Form 700 and Family Gift Reporting Form due to City Clerk April 2, 2007
- (iv) Preservation Month: May 2007
- (v) California Preservation Conference, May 3-6, 2007, Hollywood, CA.

- (vi) Proposed Update to the San Jose 2020 General Plan
Special Landmarks Commission Work Session
April 4, 2007, 5:00 – 5:45 p.m.
Third Floor, City Hall Tower
HLC requested the Study Session to be held at 5:00 on 4/4/07.
- (vii) Neighborhood/Community requests for Commissioner presentations

d. Report from Committees

- History San Jose Collections Committee
Commissioner Stabile, Liaison

Request to Schedule Deaccessioning for April 7 HLC
- Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee
Commissioner Cunningham, Liaison

HLC will comment on the EIR. Staff to report back to HLC regarding timeline/deadline for CVSP comments. Additional information distributed re: HLC question in March meeting.
- Japantown Survey Committee
Commissioner LaVelle, Liaison

Commissioners agreed that further Public Outreach would be appropriate before City Council acceptance of the survey.
- Pellier Park Committee
Commissioner Colombe, Liaison

PRNS is preparing HP Permit application submittal.
- City of San Jose BART extension, Design, Art & Architecture Review
Chair Janke, Liaison

e. Report from Historic Landmarks Commission Subcommittees

- Design Review Committee (DRC)
Commissioners Janke, Colombe and Cunningham, members

December 17, 2007 Report
February 21, 2007 Report
Acceptance of synopsis with minor revisions noted.

8. ADJOURNMENT

2007 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
No Meeting in January		Regular Meeting	
January 17, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
January 26, 2007	12:00 p.m. – 4:30 p.m.	HLC Retreat	Room T-1654
February 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
February 21, 2007	12:00 p.m.	Special Meeting/Design Review Subcommittee	Room T-550
March 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
March 21, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
April 4, 2007	6:00 p.m.	Regular Meeting	Room W118/119
April 18, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
May 2, 2007	6:00 p.m.	Regular Meeting	Room W118/119
May 16, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
June 6, 2007	6:00 p.m.	Regular Meeting	Room W118/119
June 20, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
No Meeting in July		Regular meeting	
No Meeting		Design Review Subcommittee	
August 1, 2007	6:00 p.m.	Regular Meeting	Room W118/119
August 15, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
September 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
September 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
October 3, 2007	6:00 p.m.	Regular Meeting	Room W118/119
October 17, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
November 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
November 21, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
December 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
December 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550

HISTORIC LANDMARKS AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/historic.asp>