



**HISTORIC LANDMARKS COMMISSION
HEARING SYNOPSIS**

Wednesday, February 2, 2005

**Study Session on Economic Incentives
4:30 to 5:30 p.m.
City Hall, Room 400**

**Regular Session
6:00 P.M.
City Hall, Room 205
801 North First Street
San Jose, CA**

COMMISSION MEMBERS

**STEPHEN POLCYN, CHAIR
MICHAEL YOUMANS, VICE CHAIR**

**SANDRA PAIM JUSTINE LEONG
EDWARD JANKE MARTIN ALKIRE
PATRICIA COLOMBE**

**STEPHEN M. HAASE, AICP, 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) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

NOTICE TO THE PUBLIC

Good evening, my name is **Stephen Polcyn**, 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 **February 2, 2005** 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. Each speaker will have two minutes.
- 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 will be limited to 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 WERE PRESENT EXCEPT JANKE AND PAIM.

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. **A list of staff-recommended deferrals is available on the table.** 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 DECEMBER 1, 2004 HISTORIC LANDMARK COMMISSION SYNOPSIS.**

APPROVED (5-0-2, JANKE AND PAIM ABSENT)

The Consent Calendar is now closed.

4. PUBLIC HEARINGS

NONE

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

- a. **C04-067 CONVENTIONAL REZONING and H04-037 SITE DEVELOPMENT PERMIT.** Conventional rezoning from CG Commercial General Zoning District to DC Downtown Primary Commercial Zoning District and Site Development Permit to allow four residential units located on the northwest corner of North 2nd Street and Devine Street, adjacent to Germania Hall City Landmark Structure, on a 0.09 gross acre site. General Plan Designation: Residential Support for the Core (25+ du/ac). Council District 3. SNI: St. James Square. CEQA: Reuse San Jose 2020 General Plan EIR; Exempt.

KEN PASTOFF PRESENTED THE PROJECT.

1. *PUBLIC COMMENT*

BRENDEN ROSS OF QUIXOTIC VENTURES, A POTENTIAL TENANT OF GERMANIA HALL SPOKE IN OPPOSITION TO THE REZONING, NOTING THAT THE RESIDENTIAL USE WOULD RAISE NOISE ISSUES THAT WOULD NEGATIVELY IMPACT GERMANIA HALL'S HISTORIC MUSIC HALL AND BALLROOM USES. CHRIS ESPARZA, OF QUIXOTIC VENTURES, NOTED THAT EVENING MUSICAL EVENTS HAVE BEEN HELD AT GERMANIA HALL AS LATE AS 2:00 AM, AND THAT RESIDENTIAL NEIGHBORS TO THE NORTH ARE ALREADY CONCERNED ABOUT THE INTERFACE.

2. *COMMISSION DISCUSSION*

VICE CHAIR YOUMANS RECOGNIZED THE WORK OF THE DESIGN REVIEW COMMITTEE ON THIS PROJECT, BUT STATED HE DID NOT SUPPORT THE REZONING OR THE PROPOSED PROJECT. HE QUESTIONED THE APPROPRIATENESS OF SQUEEZING THE CITY LANDMARK BETWEEN TWO RESIDENTIAL PROJECTS AND NOTED THAT THE GERMAN COMMUNITY HAS A FEW REMAINING LANDMARKS. THE PROPOSED MASSING IS NOT APPROPRIATE AND THE SIDE SETBACKS ARE NOT SUFFICIENT TO AVOID THE PROJECT'S OBFUSCATION OF THE CITY LANDMARK'S SIDE ELEVATION.

CHAIR POLCYN ASKED THE APPLICANT IF HE WAS AWARE OF NOISE ISSUES. MR. PASTOFF RESPONDED THAT GIVEN THE TECHNOLOGY OF CURRENT BUILDING MATERIALS, HE WAS CONFIDENT THAT THE COMMON WALLS CAN BE MADE SOUND PROOF, AND THAT THE CITY MUST HAVE NOISE STANDARDS.

COMMISSIONER COLOMBE NOTED THAT THE CITY DOES NOT HAVE A NOISE ORDINANCE, BUT DOES HAVE A NUISANCE ORDINANCE, WHICH MAY BE DIFFICULT TO ENFORCE. SHE OPPOSED THE REZONING ON THE BASIS OF THE PROPOSED USE AND ITS NEGATIVE IMPACT ON THE HISTORIC USE. COMMISSIONER COLOMBE WAS ALSO CONCERNED ABOUT THE DEVINE STREET ELEVATIONS. WHILE THE NEW PROJECT SHOULD NOT BE A HISTORIC BUILDING, IT DOES NEED TO DISPLAY A BETTER RELATIONSHIP WITH THE QUALITIES OF THE VICTORIAN ARCHITECTURE OF ITS NEIGHBOR. THE FIRST TWO FLOORS ON DEVINE STREET ARE FLAT AND THE ENTRY ON DEVINE IS PINCHED AND SHOULD HAVE MORE PRESENCE.

COMMISSIONER COLOMBE ASKED WHETHER GERMANIA CONCERT HALL USE PRE-DATED CURRENT NOISE STANDARDS. PLANNING STAFF RESPONDED THAT THE ZONING ORDINANCE DOES CONTAIN NOISE STANDARDS.

COMMISSIONER ALKIRE ASKED WHETHER THE DRC'S SUGGESTION OF USING DORMERS ON THE 3RD FLOOR TO REDUCE THE MASSING WAS CONSIDERED.

DRC CHAIR, COMMISSIONER LEONGE, RESPONDED THAT THE INTENT OF THE SUGGESTION WAS TO MAKE A COMPATIBLE MASSING, WHICH, OVERALL, HAS SIGNIFICANTLY IMPROVED.

CHAIR POLCYN SUMMARIZED THE COMMENTS. THE REZONING REQUEST NEEDS GREATER ANALYSIS. THE HISTORIC USE AND ITS CULTURAL CONTRIBUTION ARE IMPORTANT AND LIMITING THAT USE IS AN ISSUE. THE DESIGN AND OVERALL MASSING HAS IMPROVED IN RESPONSE TO THE DRC, BUT COULD USE MORE WORK. THE DEVINE STREET ELEVATION IS TOO FLAT AND HAS RECEIVED FAR LESS ATTENTION THAN THE SECOND STREET ELEVATION. THE SECOND STREET ELEVATION IS BETTER, BUT COULD ALSO USE MORE ARTICULATION. THE EAVES ARE TOO SHALLOW, RESULTING IN A CLUNKY THIRD STORY.

THE HLC MOVED TO FORWARD THE COMMENTS TO THE PLANNING DIVISION AND PLANNING COMMISSION.

APPROVED (5-0-2; JANKE AND PAIM ABSENT)

CHAIR POLCYN ASKED TO HAVE THE PROJECT RETURN TO THE COMMISSION AS IT CONTINUES.

- b. [Comment on proposed ordinance](#) amending Chapter 20.100 of Title 20 of the San Jose Municipal Code 1) to provide for a Single Family House Permit exception for City Landmark and Historic District homes that require Historic Preservation Permits, and 2) to provide for a reduced fee for Category 1 Single Family House Permits for historic resources with a Floor Area Ratio equal to or less than forty-five hundredths (.45). Council District Citywide. CEQA: Exempt, PP05-002.

COMMISSIONER COLOMBE NOTED THAT THE SINGLE FAMILY HOUSE PERMIT (SFH) REQUIREMENTS WERE DESIGNED TO ADDRESS THE COMPATIBILITY CONCERNS OF MONSTER HOME DEVELOPMENT IN EXISTING RESIDENTIAL NEIGHBORHOODS AND THAT IF THE SFH PERMIT REQUIREMENT FOR CITY LANDMARK HOUSES AND HOUSES LOCATED IN CITY LANDMARK DISTRICTS SUBJECT TO THE HP PERMIT IS REMOVED AND INCORPORATED INTO THE HP PERMIT PROCESS, THEN ALL OF THOSE CONCERNS SHOULD BE CARRIED OVER INTO THE COMBINED PERMIT.

PLANNING STAFF STATED THAT THE CITY ATTORNEY COULD BE CONSULTED REGARDING LANGUAGE IN THE PRESERVATION ORDINANCE REFERENCING THE SFH PERMIT ISSUES. THE HP PERMIT REVIEW IS A HIGHER STANDARD THAN THE SFH PERMIT REVIEW AND THEREFORE TAKES PRECEDENCE OVER IT. THE HP PERMIT ANALYZES THE IMPACT OF ALTERATIONS ON THE SIGNIFICANCE AND CHARACTER OF THE STRUCTURE, AS WELL AS, ON THAT OF THE NEIGHBORHOOD OR DISTRICT.

- c. [Selection of a member to represent the Historic Landmarks Commission](#) at the Cambrian Community Council meeting February 7, 2005, on the Street Improvement Plan adjacent to the We and Our Neighbor's Club House at 15460 Union Avenue.

CHAIR POLCYN SAID HE WAS PLEASED WITH THE WAY THIS PUBLIC WORKS PLAN HAS PROGRESSED.

THE COMMISSION VOTED TO APPOINT VICE CHAIR YOUMANS TO REPRESENT THE HLC AT THE CAMBRIAN COMMUNITY COUNCIL MEETING.

APPROVED (5-0-2; JANKE AND PAIM ABSENT)

- d. [Distribution of the Historic Landmarks Commission comment letter](#) on the Draft Environmental Impact Report for the KB Home Monte Vista Residential Planned Development Zoning Project.

THE HLC WOULD LIKE THE PLANNED DEVELOPMENT ZONING TO BE REFERRED TO THEM AT THEIR MARCH 2, 2005 MEETING AND ASKED STAFF TO AGENDIZED SELECTION OF A LANDMARKS COMMISSIONER TO REPRESENT THE COMMISSION AT PLANNING COMMISSION HEARINGS ON THIS ISSUE.

6. PETITIONS AND COMMUNICATIONS

Public comments to the Historic Landmarks Commission on nonagendized 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

- *JUDI HENDERSON WANTED TO BRING IT TO THE ATTENTION OF THE COMMISSION THAT THE MIRASSOU WINERY MAY BE FOR SALE AND IS NOT A DESIGNATED LANDMARK.*
 - *COMMISSIONER COLOMBE NOTED THAT THE BUILDING IS AT THE HEART OF THE EVERGREEN SPECIFIC PLAN, AND THAT THE ZONING ALLOWS COMMERCIAL USES THAT WOULD RETAIN THE HISTORIC BUILDINGS AND WINERY CHARACTER. THERE ARE MANY TOOLS TO PRESERVE THE WINERY.*
 - *CHAIR POLCYN ASKED WHETHER THE HLC COULD DO ANYTHING TO PRIORITIZE THE IDENTIFICATION AND EVALUATION OF SUCH HIGHLY SIGNIFICANT SITES.*
 - *COURTNEY DAMKROGER NOTED THAT THE WORK INVOLVES HIRING QUALIFIED CONSULTANTS TO EVALUATE THE PROPERTY. THE HLC 2005 WORK PLAN PRIORITIZED THE JAPANTOWN SURVEY AND THE UNIVERSITY NEIGHBORHOOD HISTORIC DISTRICT NOMINATION AND THAT STAFF DOES NOT HAVE THE CAPACITY AT THIS TIME TO CONDUCT BUILDING RESEARCH AND EVALUATIONS. OTHER ORGANIZATIONS, SUCH AS PAC SJ, COULD SPONSOR THE EVALUATION OF HISTORIC RESOURCES BY QUALIFIED CONSULTANTS FOR THE HLC TO REVIEW AS ADDITIONS TO THE INVENTORY OR AS CITY LANDMARK NOMINATIONS.*
- *LESLIE MASUNAGA INVITED THE COMMISSION TO THE JAPANTOWN COMMUNITY CONGRESS TOWN HALL MEETING ON FEBRUARY 5, 2005. PROJECTS ADDRESSED WILL BE THE 5TH AND JACKSON LANDMARK MONUMENT AND THE CORPORATION YARD RELOCATION AND REVITALIZATION PROJECT.*

- *VICE CHAIR YOUMANS ASKED THAT THE SAN JOSE WATER COMPANY NOISE ATTENUATION PROJECT BE PLACED ON THE HLC AGENDA AS THE ATTENUATION TREATMENT IS STILL ON THE BUILDING AND WAS SCHEDULED TO BE REMOVED BY DECEMBER 2004.*

7. GOOD AND WELFARE

a. Report from the Redevelopment Agency

NONE

b. Report from the Secretary

- [Report on the Graves House at 4146 Mitzi Drive.](#)

THERE IS NO CURRENT DEVELOPMENT APPLICATION ON FILE IN PLANNING. THE PROPERTY IS NOT LISTED IN THE HISTORIC RESOURCES INVENTORY. IN ORDER TO DETERMINE WHETHER THE BUILDING IS ELIGIBLE AS A CITY LANDMARK OR FOR LISTING IN THE HISTORIC RESOURCES INVENTORY AN EVALUATION BY A QUALIFIED EVALUATOR WOULD BE REQUIRED. UNFORTUNATELY, PLANNING STAFF IS NOT ABLE TO CONDUCT SUCH AN EVALUATION AT THIS TIME.

- [Verbal report on HP04-006. Historic Preservation Permit](#) to allow the rehabilitation of the Porter Stock Building (HL01-127) with office above first floor retail uses. The .22 gross acre site is located on the west side of North First Street, approximately 150 feet north of San Fernando Street (83-91 North First Street)). Council District 3.

THE EXISTING IRON PILASTER HAS BEEN INCORPORATED INTO THE APPROVED HP PERMIT AS RECOMMENDED BY THE HLC IN DECEMBER 2004.

c. Report from the Subcommittees

- Report of the Design Review Committee
[December 15, 2004](#) and [January 19, 2005](#)
Commissioner Leong, Chair

JUDI HENDERSON, OF PAC SJ, STATED THAT THE DRC REVIEWED THE BUILDING PROPOSED FOR FOUNTAIN ALLEY IN THE MIDDLE OF THE NATIONAL REGISTER DISTRICT. THE CITY WORKED LONG AND HARD ON THE HISTORIC DISTRICT DESIGN GUIDELINES, WHICH SET A

HEIGHT LIMIT OF SIXTY FEET. THE FIRST PROJECT OUT OF THE GATE IS A TWO HUNDRED FOOT HIGH TOWER. THE HLC MUST ADDRESS THIS AS THE MOST IMPORTANT PART OF THE PROJECT AT THIS POINT. THE CONTRACT WITH THE DEVELOPER WAS TO BE COMPLETE BY THE END OF JANUARY 2005, INCLUDING THE ENVIRONMENTAL CLEARANCE. THE CITY COUNCIL WILL GRANT A YEAR'S EXTENSION ON THE CONTRACT THIS COMING TUESDAY. THE CC MEMO NOTES THAT THE PROJECT REQUIRES A HIGHER DENSITY AND HEIGHT AND THAT THE ENVIRONMENTAL REVIEW MAY NOT BE COMPLETE UNTIL THE GUIDELINES APPROVED BY CITY COUNCIL ARE AMENDED.

CHAIR POLCYN STATED THAT THE PROPOSAL IS FRUSTRATING.

COMMISSIONER COLOMBE WILL BE THE ALTERNATE DRC MEMBER FOR COMMISSIONER PAIM AT THE FEBRUARY 16TH DRC MEETING.

DRC SUBCOMMITTEE REPORT ACCEPTED (5-0-2; JANKE AND PAIM ABSENT)

- History San Jose Collections Committee

*VICE CHAIR YOUMANS, HLC LIAISON
NEXT MEETING IN MARCH*

- Coyote Valley Specific Plan and Habitat Conservation Plan Technical Advisory Committee

NO REPORT

- Dublin Sister City Program

INACTIVE—TO BE REMOVED FROM AGENDA UNTIL FURTHER NOTICE.

8. ADJOURNMENT

ADJOURNED IN MEMORY OF KATE BORUFF (1954-2004), WHO WAS IMPORTANT TO THE HISTORIC PRESERVATION COMMUNITY AND WAS THE FORMER EXECUTIVE DIRECTOR OF PAC SJ.

2005 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
February 2, 2005	6:00 p.m.	Regular Meeting	Room 205
February 16, 2005	12:00 p.m.	Design Review Meeting	Room 400
March 2, 2005	6:00 p.m.	Regular Meeting	Room 205
March 16, 2005	12:00 p.m.	Design Review Meeting	Room 400
April 6, 2005	6:00 p.m.	Regular Meeting	Room 300
April 20, 2005	12:00 p.m.	Design Review Meeting	Room 400
April 22, 2005	12:00- 5:00 p.m.	Retreat	TBA
May 4, 2005	6:00 p.m.	Regular Meeting	Room 205
May 18, 2005	12:00 p.m.	Design Review Meeting	Room 400
June 1, 2005	6:00 p.m.	Regular Meeting	Room 205
June 15, 2005	12:00 p.m.	Design Review Meeting	Room 400
July 20, 2005	12:00 p.m.	Design Review Meeting	Room 400
August 3, 2005	6:00 p.m.	Regular Meeting	Room 205
August 17, 2005	12:00 p.m.	Design Review Meeting	Room 400
September 7, 2005	6:00 p.m.	Regular Meeting	Room 205
September 21, 2005	12:00 p.m.	Design Review Meeting	Room 400
October 5, 2005	6:00 p.m.	Regular Meeting	Room 205
October 19, 2005	12:00 p.m.	Design Review Meeting	Room 400
November 2, 2005	6:00 p.m.	Regular Meeting	Room 205
November 16, 2005	12:00 p.m.	Design Review Meeting	Room 400
December 7, 2005	6:00 p.m.	Regular Meeting	Room 106E
December 21, 2005	12:00 p.m.	Design Review Meeting	Room 400

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