



Memorandum

TO: Historic Landmarks Commission

FROM: Sally Zarnowitz

SUBJECT: Fleming-Holms Residence
1070 Bird Avenue
PDC06-028

DATE: September 29, 2006

BACKGROUND

The owner of this historic resource is requesting a rezoning from the R-1-8 Single Family Residence District to the A(PD) Planned Development Zoning District to allow up to three residential units on a 0.29 gross acre site. The site is currently developed with two buildings that house a total of three residential units. One of the buildings, the Stick Style Queen Anne Victorian Fleming-Holms residence, is currently listed on the Historic Resources Inventory as a Contributing Structure. The basement level of this house was converted to a one-bedroom apartment without permits in 1997. The second building is a five-car detached garage with a second-level studio apartment. The garage constructed was larger than the approved building permit allowed, and the upper studio apartment was created without the benefit of permits.

GENERAL PLAN CONFORMANCE

The applicant proposes to retain the existing Victorian house and the two additional residential units created without permits for a total of three units. The existing and proposed density level of the project (three units) of 10.34 DU/AC does not conform to the site's General Plan Land Use/Transportation Diagram of Medium Low Density Residential (8 DU/AC). Approval of the applicant's proposal would require the use of a Discretionary Alternate Use policy to find conformance with the General Plan. Staff does not believe that the project qualifies for use of a discretionary policy as the project does not meet and exceed the Residential Design Guidelines or provide an exceptional design (see attached Staff Report). A two-unit project would result in a density of seven dwelling units per acre, in conformance with the General Plan. Planning staff is recommending that the subject Planned Development Rezoning be approved to allow up to two residential units on the site in conformance with the General Plan.

On September 13, 2006 the Planning Commission voted 4-1-2, Commissioner Campos opposed, Commissioners Platten and Pham absent, to recommend that the City Council consider and adopt an ordinance to allow up to two residential dwelling units on the site, as recommended by Planning staff, on the site (see attached Memo).

This item is schedule to be heard by the City Council on October 24, 2006.

COMMUNITY OUTREACH

The applicant posted a notification sign at the site in conformance with the Public Outreach Council Policy. Notices of the community meeting and the public hearings were distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. 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 Planning Commission agenda is posted on the City of San Jose website along with this staff report.

A meeting reminder for the HLC meeting was sent via e-mail to residents who attended the community meeting or requested notification. As standard practice, Historic Landmarks Commission memorandums, as well as the hearing dates and agendas, are posted at City Hall and on the City and Planning Division website, and planning staff has been available to answer questions.

Since the application has been filed, planning staff has received many inquires from the community regarding the historic structure. The community has expressed concern that the proposed rezoning would facilitate the demolition of this historic resource. Staff has informed the public that the applicant is not proposing demolition of the structure. On June 29, 2006 two people attended a community meeting held at the Church of God on Minnesota Avenue. An adjacent property owner expressed concern that adequate guest parking be provided on the site. Since the community meeting, staff has received numerous inquiries regarding the preservation of the historic structure and two letters of protest (see attached). The applicant has supplied 11 letters of support for the project as proposed by the applicant from the neighborhood. Since the Planning Commission hearing, staff has received one additional letter from a community member.

HISTORIC RESOURCE

A State Department of Parks and Recreation (DPR) form, completed by historical consultant Urban Programmers, (see attached) indicates the Fleming Holms residence was constructed in 1889. Alterations have been made to the house without the benefit of permits. As a result of these modifications, the architectural integrity of the structure has been somewhat compromised but the structure retains many of its original, character defining features. Currently the structure is listed as a Contributing Structure on the City's Historic Resources Inventory. Based on the significance evaluation in the current DPR, the structure qualifies as a Structure of Merit, despite the loss of integrity. The Historic Resources Inventory will be updated to reflect this information.

The structure's significance relates mainly to the association of significant historic events in the history of San Jose. In 1933, the house was occupied by John M. Holms, one of two people lynched in St. James Park that year for the kidnapping and murder of a prominent community member.

The DPR describes alterations to the original structure, and the project architect has indicated these on the plans. The changes include replacement of basement level foundation walls, the installation of exterior stairs and porches, replacement of a front bay window, the installation of a rear bay window and altering the interior of the front parlor to be consistent of the characteristics of 1920's parlor.

Planning staff will work with the applicant during the Planned Development Permit stage to help identify steps that can be taken to help restore and maintain the integrity of the structure. To ensure that future changes and alterations to the historic structure will be in conformance with the Secretary of the Interior's Standards, staff will include in the proposed draft development standards regulations that require the applicant to file a Planned Development Amendment for all major renovations and repairs and a Planned Development Permit Adjustment for all minor modifications. Any proposed modifications on any scale would be required to meet or exceed the Secretary of the Interior Standards for Rehabilitation as outlined in "Your Old House: Guide for Preserving San Jose Homes". Should a future project propose demolition or significant adverse alteration of the structure, a Historic Report would be required as part of the environmental review process for that project.

Sally Notthoff Zarnowitz, AIA
Historic Preservation Officer

Attachments