



## **HISTORIC LANDMARKS COMMISSION**

### **HEARING SYNOPSIS**

WEDNESDAY SEPTEMBER 6, 2006  
Council Wing, Room W118/119  
200 East Santa Clara Street  
San Jose, CA  
6:30 P.M.

### **ADJOURNED FOR LACK OF QUORUM TO:**

**WEDNESDAY SEPTEMBER 20, 2006**

**Dr. Martin Luther King, Jr. Library  
150 E. San Fernando St., Room 225  
San Jose, CA  
6:30 p.m. – 10:00 P.M.**

### **COMMISSION MEMBERS**

<b>EDWARD JANKE, CHAIR</b>	
<b>PATRICIA COLOMBE</b>	<b>MARTIN ALKIRE</b>
<b>HELENE LAVELLE</b>	<b>SCOTT CUNNINGHAM</b>
<b>VACANT</b>	<b>VACANT</b>

**JOSEPH HORWEDEL, ACTING 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 **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 September 20, 2006 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**

**6:30 PM SESSION**

**1. ROLL CALL**

**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 AUGUST 2, 2006 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**

**APPROVED (4-0-0)**

- b. **MA06-002**. Historical Property Contract (California Mills Act) agreement between the City and the property owners for the preservation of the Curtis House (City Landmark No. HL05-152) on a 0.20 gross acre site, in the R-1-8 Residence Zoning District, located on the southeast corner of East San Antonio Street and South Seventeenth Street (254 South Seventeenth Street) (Gloria M. Sciara, Owner) Council District 3. SNI: University. CEQA: Exempt.

**Staff Recommendation:**

Historic Landmarks Commission recommend approval of the Historical Property Contract to the City Council.

**APPROVED (4-0-0)**

**The Consent Calendar is now closed.**

4. **PUBLIC HEARINGS**

None

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

- a. **PDC05-109**. **Planned Development Rezoning** from the (A) Agricultural to the A(PD) Planned Development District to allow up to 13 single-family detached residences, including the demolition of the existing Almaden Feed and Fuel structure, on a 1.24 gross acre site located on the southeast corner of Almaden Expressway and Almaden Road. (Jon D. Carson, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Historic Landmarks Commission forward a recommendation to the Planning Commission and City Council regarding the identified Structure of Merit located on the site.

*Historic Preservation Officer, Sally Zarnowitz, presented the project to the Historic Landmarks Commission and explained that as part of the environmental review of the project a historic report and Historic Evaluation Criteria (Tally) form were required. Planning staff considered the report and tally as well as the information packet submitted by community members, and conducted an integrity inspection of the structure and site. A final revised report was submitted on August 16, 2006. The report concludes that the structure appears to be eligible for listing in the San Jose Historic Resources Inventory as a Structure of Merit, but not as a Candidate City Landmark or as a Contributing Structure to a City Landmark Historic District. The structure does not appear to meet the criteria for listing on the National Register of Historic Places (NRHP) and/or the California Register of Historical Resources (CRHR) because of the strength of the associations and the loss of integrity.*

*The property owner, Jon Carson, stated that the bar/restaurant was constructed in the 1970's by small additions and enclosing the front portico. This work was done without permits, everything has been changed in the building and the bar will not reopen.*

*Daniel Kirby, a resident who lives near Feed & Fuel, stated that he had issues with noise on the weekends and it has been peaceful since the bar has been closed. He is in favor of the rezoning.*

*Renee Gurza, Deputy City Attorney, asked the Chair of the Commission to make a point of clarification regarding what the purview of the Commission is.*

*Commissioner Janke, Commission Chair, stated that the Historic Landmarks Commission is focused on the historic nature of the building and not the use of the building. Further speakers should direct their comments to this issue.*

*Bill Gunter, an Almaden resident for 30 years, stated that he was for the rezoning and that the City has done a good job preserving history where it has been appropriate such as the museum at the Quicksilver Mine. He also stated that if you feel the building is historic it should be kept, but not as a bar, the structure only meets one out of the seven aspects of integrity. This is a safe City and we have the opportunity to do the right thing and not have a bar in a neighborhood with kids.*

*Ed Della Monica, a supporter of saving the Almaden Feed & Fuel building, asked to defer some of his time and others to let Art Boudreault speak for them. He also added that they are trying to save an historic structure that is a gateway to the Quicksilver Mines.*

*Art Boudreault, historian and volunteer at the New Almaden Quicksilver County Mining Museum, stated that they are not opposed to the area around the structure being rezoned, but that the Feed & Fuel should be separated out on its own lot. He further stated that the historic report failed to include information that the land was once owned by the Quicksilver Mine and therefore the structure should not be stated as loosely connected to the Mine. The New Almaden railroad ended in this area, and this was a stagecoach stop before continuing on to the Quicksilver Mine (the largest mercury mine in the world in the 1870's). Relatives of Pfeiffer, who was a major land owner in the area owned this land and other stores in the City. This is the only structure left along the road, and this site has been a community gathering place since the 1870's, including New Almaden Days.*

*Commissioner Cunningham commented that the murals painted inside the structure were removable and asked if the building could be stripped down and restored. Mr. Boudreault stated that the ceiling of the portico and the porticos support structure are still there.*

*Commissioner Colombe asked if there was any siding left on the building. A community member, Ed Della Monica, responded that he had done construction work on the structure and that underneath the stucco there was siding on the east and south side of the building.*

*Mike Boulland, co-author with Mr. Boudreault on the book, "Images of America: New Almaden", stated that he did not believe the structure was given proper for visual and quality design. In his opinion, the exterior is a unique example of the 1930's gas station, it is a roadside destination, and was built in the style of the Quicksilver mine's main office. The structure can also be used as an educational tool as to the history of the area.*

*Lauren Bowker, in favor of saving the structure, stated that the best use of the land is to let it stand as is. The site is a gateway to the Quicksilver mine, a hub of the community, and the last spot of its kind. Also, the murals painted inside the structure represent the past, present, and future of the bar.*

*Denelle Fedor, a resident of District 10 and former council aid to former council member Pat Dando, stated that the owner is responsible for refusing service to patrons, and for the illegal additions to the structure. This is the first time she has ever protested land development in the area and that historians are afraid to come forward and protest the historic report. She stated that you could still build houses on the site and keep the Feed & Fuel structure.*

*Rodger Springall, in favor of saving the structure, stated that it was a shame that we do not care about our history and that we should look at the broad relevance of the building. Almaden is missing a community hub for residents to meet.*

*Sharon Pfeiffer spoke of her family in the area and their participation in new Almaden Days and stated that this was a huge part of her family.*

### **PUBLIC HEARING CLOSED**

*Commissioner Cunningham stated that the community has done their homework and that he questioned the report. He would like to know more about the history of the building.*

*Commissioner Helene stated that the facts of the report seem to have been disputed by the community and that we need to know the true story behind the building.*

*Commissioner Colombe asked why more value wasn't given to the building since it is the last of its kind, a representation of the early 20<sup>th</sup> century western roadhouse. The structure also appears to be a rare example of its type according to the "How to Evaluate Integrity" guidelines and that the standards could be lowered if the structure is the last of its kind, which would give the structure more value for integrity. The structure should also get more points for association and also for design if there are in fact materials still left on the structure that can be restored.*

*Historic Preservation Officer, Sally Zarnowitz, stated that the Historic Evaluation Criteria had taken into consideration the possibility that few similar structures remain within the City.*

*Commissioner Janke commented that the structure is old and has evolved over time, different uses, different owners, and enough has been brought into question that he is uncomfortable with the conclusions of the historic report. There is not enough information to make a decision and the historic evaluation should be reconsidered.*

*Commissioner Colombe stated that based on the information provided some items appear to not have been adequately considered including what materials remain under the stucco, and the associations with the Almaden Mines and with the Pfeiffer family.*

*Commissioner Cunningham voiced his agreement and stated that the Commission's concern is that the report may not be representative of the building.*

*Sally Zarnowitz asked the commissioners whether there was a specific fact or piece of information that they would want to direct their attention to, and whether based on the information provided and the comment heard tonight, there was something they felt had not been included in the record. Planning staff visited the site to review the integrity of the 1930's structure, and that analysis was included in the staff report.*

*Commissioner Cunningham stated that the terms loosely connected with train stops and people was a concern in that it seems likely that significant events and people would have occurred on the site given that so few buildings surrounded the site in the 1930's. Some of the conclusions in the review are stitched together based on an opinion that may not be substantiated.*

*Commissioner Colombe thought that the score for integrity was smaller than perhaps it should be and she did not see the information in the report as to whether any of the 1930's materials exist and what and who was specifically associated with the Pfeiffer family on the site.*

*Commissioner Janke asked what the process from this point on would be.*

*Sally Zarnowitz stated that the Commission's comments would be forwarded to the Planning Commission. Ron Eddow noted that the Mitigated Negative Declaration had been protested and would not be adopted until written information from this meeting could be included in the full record.*

**Commissioner Colombe moved to recommend that without the benefit of more information, the existing structure be rehabilitated and reused, and that it be listed as a Structure of Merit on the City of San Jose Historic Resource Inventory.**

#### **MOTION APPROVED (4-0-0)**

- b. **PP06-117. Public Project** for the demolition of the existing 5,330-square foot Willow Glen Branch Library structure, and the construction of a new, approximately 13,000-square foot branch library on a 0.95 gross acre site in the R-1-8 Residence Zoning District, located on the north side of Minnesota Avenue approximately 700 feet west of Lincoln Avenue (1157 Minnesota Avenue). (City of San Jose Public Library, Owner). Council District 6. SNI: None. CEQA: In Process.

#### **Staff Recommendation:**

Historic Landmarks Commission forward a recommendation to the Director of Public Works and City Council regarding the identified Structure of Merit located on the site.

*Commissioner Lavelle asked about public outreach regarding the demolition of the existing branch library. Richard Desmond of the Branch Library Development Team replied that there had been five community meetings, in which there was no voice to save the building. Most of the interest had been in preserving the Oak tree.*

*Commissioner Cunningham asked whether Public Works had looked at designing separate structures for the expansion. Mr. Desmond replied that that option was not considered to be feasible, given the existing library structure construction and configuration.*

*Commissioner Lavelle noted that the tile in the photograph of the restroom seemed to be unique, and wondered what would happen to it.*

*Commissioner Colombe asked how set the new design was, and Mr. Desmond responded that construction documents for the project are 96 percent completed. She continued to state that she liked the fact that the designer had retained a residential feel to the front of the new building.*

*Commissioner Lavelle asked whether one architect was being used on all of the new library projects, to which Mr. Desmond replied that eleven different architects have worked on different library bond projects, including the Willow Glen Branch Library designer, Mr. Krong, who worked on the Rose Garden Branch as well.*

*Chair Janke asked about how the tree would be protected during construction, and noted that the Library Bond program in the City was to be commended. Mr. Desmond stated that substantial funds have been dedicated to the preservation of the tree.*

**Commissioner Colombe moved to support demolition of the Structure of Merit and recommended the following project conditions:**

- 1. DOCUMENTATION:** Three scrapbooks full of memorabilia, including old photos and newspaper articles, pertaining to and maintained at the Willow Glen Branch Library, shall be submitted to the California Room at the MLK Library for storage. Non-archival photo documentation of the building and site should be submitted to the History San Jose Archives, for storage and maintenance.
- 2. SALVAGE:** Prior to demolition, the BLDT shall offer through the SJPL website, an opportunity to the Willow Glen Neighborhood Association, and local interested historical societies and preservation groups, such as History San Jose, to tour and salvage the structure for items for use in educational exhibits.

*Commissioner Cunningham noted that he would not be supporting the motion, as the new building does not relate to the adjacent house or to Willow Glen as a whole.*

**MOTION FAILED FOR LACK OF A QUORUM (3-1-0; CUNNINGHAM OPPOSED)**

- c. **CP06-034. Conditional Use Permit** to allow conversion of an existing single-family residence to a Residential Care Facility on a 0.20 gross acre site located in the Hensley Historic District on the east side of North Fifth Street approximately 500 feet south of Washington Street (341 North Fifth Street). (Uboh Ini Okon and Okon, Owner). Council District 3. SNI: Thirteenth Street. CEQA: Exempt.

**Staff Recommendation:**

Historic Landmarks Commission review as early informational item. Work proposed to be performed on the residence located in the Hensley City Landmark Historic District in conjunction with the Conditional Use Permit shall require future issuance of a Historic Preservation Permit.

**DEFERRED TO OCTOBER 4, 2006 (4-0-0)**

- d. **SAN JOSE BALLPARK DEIR**. **Recirculation of the Draft Environmental Impact Report (DEIR)** for the Baseball Stadium in the Diridon/Arena Area. The public project would include the demolition of all existing buildings on the site. Additional information about the Sunlite Baking Company building (145 South Montgomery Street) was discovered in the process of drafting responses to comments on the DEIR.

**Staff Recommendation:**

Historic Landmarks Commission comment on the revised portion of the re-circulated DEIR and authorize the HLC Chair to sign a comment letter on behalf of the Commission, to the Director of Planning, Building and Code Enforcement.

**APPROVED (4-0-0)**

*Commissioner Colombe voiced her disappointment that information on the other historic resources of concern within the project area, identified in the first HLC Comment Letter, had not been added. Previously stated additional concerns, particularly the environmental impacts of pedestrian noise on adjacent historic neighborhoods should also have been addressed. The letter should state that the Commission is appreciative of the new information, however, other issues of concern regarding the document are still standing.*

**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

**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

Link to Environmental Review on Planning Division web page:

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

- Flea Market DEIR (File No. PDC03-108)  
NOP distributed April 2006  
Circulation anticipated Fall 2006
- Parkview Towers DEIR  
NOP distributed March 2006  
Circulation anticipated Fall 2006
- Lowe's Home Improvement Warehouse DEIR (File No. PDC06-003)  
NOP distributed January 2006  
Circulation anticipated September 2006
- Fountain Alley Mixed-Use Development SDEIR  
File No. H06-005 withdrawn
- Coyote Valley Specific Plan DEIR  
Circulation anticipated Winter 2006

ii) Election of Historic Landmarks Commission Vice Chair

**COMMISSIONER COLOMBE ELECTED (4-0-0)**

iii) Ballpark Study in the Diridon/Arena Area comments to the Planning Commission  
Commissioner Colombe, Liaison

**Commissioner Cunningham volunteered to be an alternate liaison for October**

iv) Report on Status of 97 South Thirteenth Street (SF05-023)

*A Single Family House Permit was approved including a condition that wood windows would be replaced in existing framed openings. Deputy Director Jeannie Hamilton visited the site with Code Enforcement staff, confirming that clad windows had been incorrectly installed in reduced framed window openings. The Code Enforcement Officer will work with the owner to measure the existing openings. The owner has been directed to comply with the approved Historic Single Family House permit for work requiring building permits on a residence listed on the HRI within a Conservation Area.*

v) Historic Landmarks Commission Meeting proposed time change to 6:00 p.m.

**APPROVED (4-0-0)**

- vi) Preserve America Presidential Award 2007 Nominations due November 1, 2006
- vii) Alliance of Monterey Area Preservationists Seminar  
Secretary of the Interior's Standards for Historic Preservation Projects  
David Look, FAIA, FAPT, Speaker  
September 2,, 2006, 1:00 p.m.

*Commissioner Cunningham will attend.*

*Commissioner Colombe requested a presentation at the HLC Winter Retreat*

- viii) Santa Clara County Civil Grand Jury Letter to HLC Chair regarding ability of the public to review open meetings records

*No Comments*

**c. Report from Committees**

- History San Jose Collections Committee  
Liaison position, Vacant
- Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee  
Commissioner Cunningham, Liaison  
*Staff prepared a map identifying properties within County and City boundaries*
- Japantown Survey Committee  
Former Commissioner Alkire, Liaison

**COMMISSIONER LAVELLE ELECTED (4-0-0)**

- Pellier Park Committee  
Commissioner Colombe, Liaison
- Counter to Council Historic Resources Subcommittee  
Liaison position vacant

**d. Report from Historic Landmarks Commission Subcommittees**

- Design Review Committee (DRC)  
Chair Janke, Commissioners Colombe and Cunningham, members  
August 16, 2006 Meeting  
Pellier Park  
*Chair Janke added that he had a problem with the use of slump stone, but that he was ready to leave the design alone and allow Parks and Recreation to continue to review the design.*  
*Commissioner Colombe added two things: 1) the trees should be identified as French Plum trees, and 2) the connection of the posts to the ground is not appropriate*

**REPORT ACCEPTED (4-0-0)**

- San Jose Industrial/High Tech Committee  
Commissioner Lavelle  
**Inactive**

**8. ADJOURNMENT**

## 2006 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
January 20, 2006	12:00 - 4:30 p.m.	HLC Retreat	Room T-747
February 1, 2006	6:30 p.m.	Regular Meeting	Room W118/119
February 15, 2006	12:00 p.m.	Design Review Meeting	Room T-550
March 1, 2006	6:30 p.m.	Regular Meeting	Room W118/119
March 29, 2006	12:00 p.m.	Cancelled	Room T-550
April 5, 2006	6:30 p.m.	Regular Meeting	Room W118/119
April 19, 2006	12:00 p.m.	Design Review Meeting	Room T-550
May 3, 2006	6:30 p.m.	Regular Meeting	Room W118/119
May 17, 2006	12:00 p.m.	Design Review Meeting	Room T-550
June 7, 2006	6:30 p.m.	Regular Meeting	Room W118/119
June 21, 2006	12:00 p.m.	Design Review Meeting	Room T-550
No Meetings in July			
August 2, 2006	6:30 p.m.	Regular Meeting	Room W118/119
August 16, 2006	12:00 p.m.	Design Review Meeting	Room T-550
September 6, 2006	6:30 p.m.	Adjourned to Sept. 20, 2006	MLK Jr. Library
September 20, 2006	12:00 p.m.	Design Review Meeting	Room T-550
October 4, 2006	6:30 p.m.	Regular Meeting	Room W118/119
October 18, 2006	12:00 p.m.	Design Review Meeting	Room T-550
November 1, 2006	6:30 p.m.	Regular Meeting	Room W118/119
November 15, 2006	12:00 p.m.	Design Review Meeting	Room T-550
December 6, 2006	6:30 p.m.	Regular Meeting	Room W118/119
December 20, 2006	12:00 p.m.	Design Review Meeting	Room T-550

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