



HISTORIC LANDMARKS COMMISSION

HEARING SYNOPSIS

WEDNESDAY NOVEMBER 1, 2006

Council Wing, Room W118/119

200 East Santa Clara Street

San Jose, CA

6:00 P.M.

COMMISSION MEMBERS

EDWARD JANKE, CHAIR

PATRICIA COLOMBE

HELENE LAVELLE

SCOTT CUNNINGHAM

VACANT VACANT

VACANT

**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 November 1, 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

6:00 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 OCTOBER 4, 2006 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**

APPROVED (4-0-0)

The Consent Calendar is now closed.

4. **PUBLIC HEARINGS**

- a. **HP06-003**. Historic Preservation Permit to allow construction of a new foundation for the John C. Morrill House City Landmark file no. HL05-151 on a 0.28 gross acre site, in the A(PD) Planned Development Zoning District, located at the northwest corner of Jackson Street and North 19th Street (897 JACKSON ST) (Eric Thacker, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 10-4-06.

Staff Recommendation:

Historic Landmarks Commission to recommend approval of the Historic Preservation Permit to the Director of Planning.

Commissioner Cunningham asked why the underside of the new foundation was proposed to be poured to the underside of the mudsill, rather than utilizing a curb foundation with cripple wall construction. The owner, Eric Thacker, replied that the engineer recommended the concrete foundation for structural stability and supporting the brick veneer.

Commissioner Cunningham asked about the black panels, expressing concern about delaminating potential, and Mr. Thacker explained that they were designed to simulate windows.

STAFF RECOMMENDATION ADOPTED 4-0-0

- b. **H06-040**. Site Development Permit to construct three residential towers, including two 25 story towers with 207 condominium units each and one 18 story tower with 245 senior and affordable rental units over a shared retail base with three levels of underground parking, on 2.02 gross acre site located on the northeast corner of South Market Street and East San Carlos Street. The project is located within 150 feet of the Montgomery Hotel, the Saint Claire Building, and the Saint Claire Hotel City Landmarks. Council District 3. SNI: None. CEQA: In Process.

Staff Recommendation:

Historic Landmarks Commission to provide comment to the Director of Planning regarding the manner in which the proposed project design can be found to have considered the Standards in addressing the context of the City Landmarks .

PUBLIC COMMENT

Andrew L., a resident in the area inquired as to whether sufficient efforts were made to lessen the impact of the proposed development on the Hotel Montgomery. He said the project is nice for development but maybe the impact on the hotel could be lessened.

COMMISSION DISCUSSION

Commissioner Colombe expressed her disappointment with the revised design of the project relative to comments that were made at the Design Review Committee (DRC) meeting for the preliminary design of the project. She stated that the Secretary of

Interior Standards has a lot of discussion about scale, that this proposal is a big project and is much larger than the existing buildings. She stated that the respect that's paid is not nearly adequate aside from the added setback to the new Casa del Pueblo (CDP) building. She went on to say that at the DRC meeting there was a comment about reducing the number of stories at the corner of the CDP building adjacent to the Hotel where currently a blank wall is being proposed. She noted that it would be helpful if there were some architectural treatments along First Street frontage that reflected the Montgomery Hotel that could include details reflecting the scale of the Hotel. She went on to say that this is not done at all and that the building as proposed is monolithic. She expressed concern regarding the 20-foot space between the two buildings and stated that the proposed gate at this location looks industrial.

Gary Klompaker, the project architect, commented that efforts have been made to balance the scale of the building with the market requirements of such a project. He said that architectural elements have been incorporated into the design of the project (calling out notches on the building elevations) to acknowledge the height of the adjacent hotels. He stated that the gate proposed between the CDP building and the Hotel Montgomery is not industrial and will be a high quality gate. He went on to say that the doors proposed on the loading docks and driveway entrances will also be of high quality.

Commissioner Colombe expressed her concern regarding the architect's comments and stated that these proposed notches would not work and the proposed high quality gates and doors may alleviate some of the aesthetic concern but do not deal with the functional deficiency along First Street which should be a pedestrian oriented area.

Commissioner Cunningham stated that the key issue is the base of the project which should be five to six stories in height. He went on to say that there is adequate space in the middle of the site and that possibly part of the mass of the buildings could be shifted to relieve some of the mass at the street.

Commissioner Lavelle echoed Commissioner Colombe's concerns regarding the height of the project and how the renderings show how dwarfed the Hotel Montgomery is in relation to the proposal.

Chair Janke noted that he too was disappointed with the project. He stated that the proposal looks like it could be anywhere in the world and that the proportions don't make a reference to the Hotel Montgomery. He went on to say that richness comes from the ground. He commented on the proposed notches and stated that he cannot buy these as an intention to pay reference because the Hotel Montgomery has punched openings and the proposed notches are like a curtain. He continued to say that the same comment applies to the elevations along San Carlos Street and the project's lack of relationship to Original Joe's. He noted that the major flaw of the project is along First Street and that the project doesn't relate at all to anything around it. He went on to echo Commissioner Colombe's concern regarding the proposed driveway entrance and loading dock doors along First Street. He stated that these doors would be open

most of the time in which case the public will be looking into the utilitarian side of the building.

- c. [Japantown Historic Context and Intensive Survey Final Report](#) for the area generally bounded by North First Street on the west, Taylor Street on the north, North Tenth Street on the east and Empire Street on the south. Council District: 3. SNI: None. CEQA: Not a Project.

Staff Recommendation:

Historic Landmarks Commission to discuss and comment.

Sally Zarnowitz introduced the project. Caitlin Harvey of Carey & Co. presented the project in power point.

Leslie Masunaga of the SJ JCC spoke to thank the City for the work on the project, noting that Japantown is old and precious to the community, and like much of the City, under development pressure. The Corporation Yard development is a large City block, much like the site the Commission just discussed. The project has identified Historic Resources and cultural history in the area and the committee hopes to move forward with the recommendations.

Commissioner Colombe asked whether there is interest in the community in establishing a Historic District. Leslie Masunaga said that while some residents may be apprehensive, Japantown is surrounded by the Hensley Historic District, and the Vendome and the northside neighborhoods, that have a deep concern for what happens in Japantown. One challenge is to define cultural preservation. The larger churches in the area are looking for expanded parking opportunities adjacent to their properties.

Commissioner LaVelle thanked Caitlin Harvey, noting that the Survey effort is a work in progress, and that she understood the depth of the culture that needs to be preserved from the most recent Survey Committee meeting.

Chair Janke was pleased to see things like this happen. Former HPO Courtney Damkroger started the work, and HPO Sally Zarnowitz is continuing the work under Deputy Director Jeannie Hamilton. Leslie Masunaga has continuously worked hard on the project, as has Carey & Co. The Commission anticipates a spin off to next steps.

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

- a. **DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE LOWE'S STORE (File No. PDC06-003)**. Planned Development rezoning from IP Industrial Park zoning district to A(PD) Planned Development zoning district to allow demolition of the existing IBM Building 025 on site and development of up to approximately 204,600 square feet of commercial buildings, including an approximately 180,000-square-foot home improvement store and 24,600 square feet of free-standing commercial/retail buildings. The project is located on the east side of Cottle Road between Monterey Highway and Poughkeepsie Road, Council District 2.

Staff Recommendation:

Historic Landmarks Commission to provide comments and authorize the HLC Chair to sign a DEIR comment letter on behalf of the Commission, to the Director of Planning, Building and Code Enforcement.

Principal Environmental Planner, Akoni Danielsen, introduced the document and noted that this Draft Environmental Impact Report (EIR) for the proposed Lowe's project replaces an EIR for a similar Lowe's proposal that was certified by the City of San Jose in 2003 but was later invalidated by a court order.

San Jose resident Cheryl Edwards stated that IBM was important to her adjacent residential neighborhood. Growing up, many of the men wore short sleeved white shirts and mothers played in tennis tournaments on the campus. The building remains as a tangible piece of the era's heritage within a changing environment. Building 025 has a distinct style, which is gaining appreciation, and it is a great asset to the neighborhood, which can be a mix of old and new.

San Jose resident Stephen Polcyn stated that he intended to comment on the document in writing. He said he was glad to see the DEIR had expanded the range of alternatives to include retaining Building 025 on the site. He was concerned about the use of the word feasible, especially as it relates to big box retail. Is it based on an inexpensive building plan and lots of parking? As the suburbs grow up, big box stores look to a more urban model. The discussion about the State Historic Building Code is not fair and the assumptions about code issues can not be made before delving into the details of the project. A recently proposed 125,000 SF Target store project in Davis met opposition and the developer made concessions in terms of urban planning, including bike lanes and other amenities in the project.

Former Historic Landmarks Commissioner Bonnie Bamburg stated that Building 025 is an amazing building and qualifies as one of the top ten Landmarks in San Jose. It was not only the beginning of an architectural trend, but also the center of the research that went on to spurn the internet. She stated that it sounded like a lot of alternatives have been identified in the document, and she hoped they would be considered, noting that the big box era is at the end of its cycle, whereas Building 025 was the beginning of its cycle. She recommended that the HLC view the building.

Andre Lutard, speaking for PAC SJ, stated that Lowe's built a store in Charlotte NC with rooftop parking. The development around Hitachi is going to be intensive, staying with this suburban big box model is not taking into consideration the change in the area's density.

Vice Chair Colombe stated that CBRE is extremely limited in their analysis of the State Historic Building Code. The language re: feasibility of office uses appears disingenuous. There are plenty of offices that are not readily visible.

Commissioner Cunningham asked whether the Commission could access the site, and the Commissioners added that they were interested in a tour of the site.

Commissioner LaVelle noted that she would like to see it being re-used, and that its cultural significance as the beginning of Silicon Valley was absolutely critical.

Chair Janke spoke about his experience working with the IBM Real Estate division in White Plains on IBM Building 012 upgrades in the early 1980s. He noted that with respect to buildings designed by Industrial Designer Elliot Noyes and Architect John Bolles, IBM actually had construction standards that far exceed building standards of the day, and that Building 025 probably came close to meeting current building codes. The Building Code points in the CBRE report are relatively hollow. This is a perfect building for reuse. If IKEA can build a two-story warehouse store, Lowe's can build a two-story box.

Principal Planner Akoni Danielsen stated that the DEIR describes the alternatives as potentially feasible and outlines how they differ from the proposed project, what their environmental effects are, and lists factors which may affect their feasibility. The document includes functional alternatives for consideration by Planning, Planning Commission, and City Council. The burden of proof as to why they would be infeasible is on the applicant. A somewhat compromised court decision does not equal infeasible. The CBRE report is not a technical report accepted by the City, but a report commissioned and introduced into the public record by the applicant to support a finding of feasibility. Other information can be made available and the public can comment and analyze the report.

Chair Janke stated that the analysis could cause Lowe's to truly design something, and not just drop a big box store on the site. This is one of the more complex EIRs.

Vice Chair Colombe stated that the DEIR was generally good, but that she was concerned about the document's ability to analyze feasibility. Akoni Danielsen replied that if the City were in agreement with the CBRE studies, then it would not have stated that the alternatives are potentially feasible. The studies are included in the document at this point to receive maximum public review. Vice Chair Colombe noted that the HLC could request the EIR could more clearly focus on the weaknesses in the CBRE report. When Akoni Danielsen noted that Planning Staff was not in the position to comment on the feasibility of the project, Vice Chair Colombe replied that the body of the EIR could include language clarifying that the report was included for information only.

Deputy Director Jeannie Hamilton asked whether Commissioners felt that the CBRE report had already passed into the project level discussion at this point, and were looking for an explicit statement in the EIR that the alternatives included in the document are assumed to be feasible until clearly proven otherwise.

Commissioner Cunningham asked whether a structural engineering report had been included in the Appendices.

Sally Zarnowitz stated that the HLC could adopt the Staff Recommendation to compose a letter based on comments this evening or they could appoint a subcommittee to draft a comment letter.

Chair Janke moved that a subcommittee of two or more Commissioners, chaired by Colombe work to produce an enhanced outline for a comment letter. Commissioner Cunningham and Lavelle volunteered to sit on the subcommittee.

MOTION APPROVED (4-0-0)

- b. [GP05-03-08 / C06-126](#). General Plan Amendment and Conventional Rezoning application to change the land use designation from Combined Industrial/Commercial and General Commercial to Downtown Core and to change the zoning designation from HI Heavy Industrial to DC Downtown Core on a 1.72-acre site located on the east side of Stockton Avenue, approximately 300 feet north of W. Santa Clara Street. Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Historic Landmarks Commission to forward comments to the Planning Commission and City Council regarding the identified Historic Resources located on the site.

Sally Zarnowitz introduced the Initial Study, including slides of the existing industrial and commercial buildings on the east-side of Stockton Avenue.

Deputy Jeannie Hamilton stated that the faces in the context of the streetscape and perhaps separate from the industrial buildings behind them, tell a story.

Chair Janke agreed that the area was interesting, and resembled a western town with the east side backing up to the Railroad yards. Jeannie Hamilton noted that with the Downtown Strategy 2000 set the stage for expanding the Core Area into this area.

Commissioner Colombe expressed concern about the leapfrogging from downtown to this area and the impacts on a slough of potential Historic Resources. Jeannie Hamilton noted that the Core Area Land Use Diagram designation does not presume wholesale demolition of existing buildings. This designation allows for a broad range of possibilities, which could include incorporating Resources, as opposed to a designation of 55 DU/AC, for example. Vice Chair Colombe responded that it was still a struggle to retain Historic Resources.

Commissioner Cunningham asked whether the site would have a commercial use, and whether it could provide the required parking. Jeannie Hamilton explained that a Zoning Code Amendment would be required to change the zoning on the property. The Downtown Core zoning district allows residential and mixed as well as commercial uses, and has different parking regulations. The policy decision to expand the Core Area designation is the first step.

Chair Janke stated that he was uncomfortable with making the zoning decision at this stage. Vice Chair Colombe supported the Staff recommendation to conduct a reconnaissance survey in the area, sooner rather than later. Everyone should have information on the building and the area before the land use decisions are made. For example, were the importance of IBM Building 025 known before Lowe's bought the property, would they have bought it? Someone is speculating on the site, and it would be more useful to everyone if we knew what we had a full analysis before the project goes forward. Chair Janke concurred, and Commissioner Cunningham echoed the comments that the entire section of the street should be analyzed prior to the policy decision.

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

Andre Lutard requested information on the apparent changes in the design of a new project on the southeast corner of Delmas Street across from the River Street Historic District. Did the Commission review the design of this building? Jeannie Hamilton noted that the Director has the discretion to approve changes in architecture on Development Permits, short of totally changing the project, under the Permit Adjustment process.

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 Winter 2006
 - Parkview Towers DEIR
NOP distributed March 2006
Circulation anticipated Winter 2006
 - Coyote Valley Specific Plan DEIR
Circulation anticipated Winter 2006
- ii) Ballpark Study in the Diridon/Arena Area
December 6, 2006 Planning Commission Hearing
Commissioner Colombe, Liaison
- iii) Santa Clara Valley Water District Upper Guadalupe River Flood Control Project:
Reach 6; Request for Demolition Permits
- c. **Report from Committees**
- History San Jose Collections Committee
Liaison position vacant
Planning Staff will contact History San Jose regarding the vacant position
 - Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee
Commissioner Cunningham, Liaison
No Report – anticipating the distribution of the DEIR
 - Japantown Survey Committee
Commissioner LaVelle, Liaison
Report and Comment under item 4.c
 - Pellier Park Committee
Commissioner Colombe, Liaison
The HP Permit will come before the HLC as a joint meeting with the Parks Commission
 - Counter to Council Historic Resources Subcommittee
Liaison position vacant
Jeannie Hamilton stated that this work may be concluding, and that she would report back to the Commission as the department works to map a work plan. Resources have been secured to fill the Planner II HP position, which will also allow staff to address some of the items identified by this subcommittee.

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

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

Nov. 15th DRC will meet to review the proposed addition to the Carnegie Library City Landmark

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

Chair Janke reported that he had participated in the PBCE Director interview process, that it was an interesting process, and that while participants are not allowed to comment on the process, he trusts that whoever is selected will serve the City well.

Commissioner Lavelle reported that she attended the informative CCPH conference session on archaeology and the history of the Santa Clara Mission.

8. **ADJOURNMENT**

In Memory of Leonard McKay

Chair Janke stated that Leonard McKay was a stalwart in the community with respect to the City's history and heritage. His presence will be missed and his memory will be long. Vice Chair Colombe noted that McKay had been energetically involved in the Pellier Park subcommittee over the past year, providing history of why it came to be, and he was adamant that the trees should be Prune.

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	6:00 p.m.	Regular Meeting	Room W118/119
October 18, 2006	12:00 p.m.	DRC Currently Inactive	Room T-550
November 1, 2006	6:00 p.m.	Regular Meeting	Room W118/119
November 15, 2006	12:00 p.m.	Regular Meeting	Room T-550
December 6, 2006	6:00 p.m.	Regular Meeting	Room W118/119
December 20, 2006	12:00 p.m.	DRC Currently Inactive	Room T-550

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