

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks Commission

SUBJECT: SEE BELOW

DATE: August 12, 2008

COUNCIL DISTRICT: 3
SNI AREA: Not Applicable

SUBJECT: HISTORIC LANDMARK DESIGNATION FOR THE FORMER MARTIN LUTHER KING JR. (MLK) MAIN LIBRARY BUILDING (HL08-170)

RECOMMENDATION

The Historic Landmarks Commission voted (6-1-0-0, Cohen opposed) to recommend that the City Council adopt a resolution to:

1. Decline to designate the former MLK Main Library building as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

OUTCOME

The outcome of a Council resolution to decline to designate the former MLK Main Library building as a City Landmark would be that the property would not be established as a historical resource for the purposes of CEQA. The Planning Director, as the City's environmental review administrator, would then separately consider whether to treat the former MLK Main Library building as a historical resource under CEQA when completing the environmental clearance for the potential future expansion of the Convention Center.

BACKGROUND

The San Jose Redevelopment Agency commissioned the environmental firm of LSA, Inc. to prepare the environmental documentation for an Initial Study to consider the potential effects of a proposed public project to expand the San Jose McEnery Convention Center, including demolition of the former MLK Main Library building (Public Project File No. PP08-002). In April 2008, qualified historical consultants, Archives and Architecture (A&A), prepared the historic report for the building, constructed in 1970. The consultant evaluation states that the building exceeds the qualification threshold for City Landmark status, but due to the age consideration for properties less

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than 50 years for the National Register of Historic Places and the California Register of Historical Resources, would not appear to qualify for these designations.

Under Section 21084.1 of the California Public Resources Code, as well as Section 15064.5 of Title 14 of the California Code of Regulations promulgated under that statute, a lead agency must presume a resource is a significant historical resource for purposes of the California Environmental Quality Act of 1970 (CEQA) if it has been listed as a local landmark, unless the preponderance of evidence demonstrates otherwise. The Director of Planning therefore forwarded a City Landmark nomination to the Historic Landmarks Commission in May to begin the process for considering whether the former MLK Main Library would qualify as and should be established as a local landmark, which would be treated as a historical resource for purposes of CEQA.

Based on the findings in the historic report, the Historic Landmarks Commission May 7, 2008 moved to nominate the building as a City Landmark (5-1-1-0, Cunningham opposed, Lavelle absent). In conformance with the Historic Preservation Ordinance Title 13 provisions, the City Council on June 10, 2008 adopted a resolution to initiate the procedure for consideration of the designation of the nominated building by referring the matter to the Historic Landmarks Commission for its consideration, report and recommendation; and setting a date for consideration of the City Landmark designation at a public hearing. Further, the City Council directed the City Attorney and City Manager to return to the Rules and Open Government Committee with proposed amendments to the Historic Preservation Ordinance to 1) revise the City Landmark initiation process to enable the Council to have the discretion to decline to initiate despite a nomination by the Historic Landmarks Commission and 2) to consider a minimum 50 year age requirement for City Landmark structures.

On August 6, 2008 the Historic Landmarks Commission held a public hearing to consider the proposed Historic Landmark designation.

ANALYSIS

At the August 6, 2008 Historic Landmarks Commission hearing, Staff introduced the Historic Landmark initiation, noting that the Director of Planning recommends the Commission recommend that the City Council decline to designate the building as a City Landmark Structure because the consultant found the former Main Library ineligible for the National or California Register on the basis of its age. The Director believes after 38 years the former Main Library does not warrant designation as a City Landmark because it does not appear to embody community values that are timeless and exhibits an architectural style that is not widely accepted and recognized.

Brian Grayson of Preservation Action Council San Jose stated that PAC SJ recommended the Commission address the high ranking City Landmark evaluation of the building, request at a minimum a reuse study for the building, note that from a green building standpoint reuse is better than demolition, give the building a fair hearing, and address the Rules and Open Government Committee recommendations.

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Architectural critic John Pastier spoke to say that he believes it is a good idea to relax the 50 year requirement for some exemplar works of architecture, such as the University of California at Berkeley's Wurster Hall. He noted that San Jose contained better examples of this style of architecture, such as the Family Court building and San Jose State University's Student Union and Clark Hall, but that the former MLK Library building did not represent brutalist architecture.

Commissioner Peak noted that Mr. Pastier is an architectural critic, and not a qualified architectural historical consultant. She continued that the discussion placed too much of an emphasis on style, that the Commission needs to base its recommendation on the City's Historic Preservation Ordinance criteria, and can concur with the findings in the report. The Commission deals with the analysis of these criteria on a monthly basis, and needs to work on the relationship with Council in making these recommendations. In this particular case, however, she stated the Commission could find that not enough time has passed to evaluate the significance of this building and its architecture. The Commissioners stated the City does not have a full understanding at this point of architecture from the recent past, and for that reason the Commission should urge the City to complete the modern context statement survey work, so that these buildings can be better understood within that context.

Commissioner Cohen addressed four points in the Redevelopment Agency memorandum, stating that: 1) The 50-year mark is used as a guideline in evaluating historic resources, is not a set criterion, and we are still learning more about these recent resources; 2) While brutalism refers to unpainted concrete, the paint is reversible; 3) More time is needed to understand the work of architect Norton Curtis; and 4) The library is a tremendous symbol of the effect of technology as the place where the general public first had access to computers. He concluded by stating that the building represents much more than its architecture.

Commissioner Lavelle noted that the building stood out as an interesting architectural variation on the West San Carlos streetscape, that the building appeared to be better than average, and that one could ask why it should be torn down if it could be reused.

Chair Janke noted that concrete took on the shape of its mold, and many buildings have come out of the brutalist tradition – some with paint and some without. Le Corbusier used concrete differently in the architecture of Carpenter Center, Ronchamp, and Chandigarh. Chair Janke felt ill at ease that the Library building design included concrete arches rather than brick or stone, and that the slotted windows were not 'honest.' He felt the Agency memo had some reason, such that the consultants report could be seen in a different light.

The Historic Landmarks Commission then made a motion to recommend the City Council decline to designate the former MLK Main Library building as a City Landmark (6-1-0-0, Cohen opposed).

EVALUATION AND FOLLOW-UP

Not applicable.

POLICY ALTERNATIVES

Should the City Council choose to designate the building as a City Landmark, the property would be established as a historical resource for the purposes of CEQA. The Planning Director, as the City's environmental review administrator, would then prepare an EIR addressing the former MLK Main Library building as a historical resource under CEQA when completing the environmental clearance for the potential future expansion of the Convention Center. Designation would also establish the requirement for the issuance of Historic Preservation permits to approve any exterior changes.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, the HLC agenda and HLC staff report dated July 30, 2008 were posted on the PBCE website. This transmittal memorandum is also posted on the City's website, and planning staff has been available to respond to questions from the public. As required by the Historic Preservation Ordinance, a notice of the Historic Landmarks Commission and City Council public hearings for designation was distributed to the owners and tenants of all properties located within 500 feet of the project site, posted at the site and on the City website, and published in a local newspaper.

COORDINATION

The historic evaluation of this property was commissioned by the San Jose Redevelopment Agency. The Historic Landmarks Commission staff report was coordinated with and the Redevelopment Agency and the City Attorney's Office. The City Council transmittal memorandum and resolution was coordinated with the City Attorney's Office.

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FISCAL/POLICY ALIGNMENT

Consideration of the Landmark designation is consistent with applicable General Plan policies. The San Jose 2020 General Plan Urban Conservation/Preservation Major Strategy states that, at a strategic level, preservation activities contribute visual evidence to a sense of community. The Historic, Archaeological and Cultural Resources (HACR) policies state that the City should use the Area of Historic Sensitivity overlay and the City Landmark designation process of the Historic Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Not a project



JOSEPH HORWEDEL, SECRETARY
Historic Landmarks Commission

For questions please contact Sally Zarnowitz, AIA, Historic Preservation Officer, at 408-535-7834.

Attachments: HLC Staff Report
Map



CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St., San José, California 95113

Hearing Date/Agenda Number
H.L.C.: 08/06/08 Item: 4.c

Application Type
Historic Landmark Nomination

Council District: 3

SNI Area: None

STAFF REPORT

Agenda Item, File Numbers, and Locations:

4.c HL08-170, 180 W. San Carlos Street, former Martin Luther King Jr. (MLK) Main Library building
PP08-002, Public Project to expand the San Jose McEnergy Convention Center

Application:

- Nomination of the subject building for designation as a City Landmark Structure

CEQA

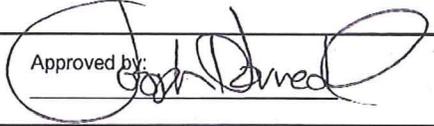
- Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on

- Exempt
 Environmental Review Incomplete
 Not A Project

PLANNING DEPARTMENT RECOMMENDATIONS

- Recommend Designate
 Recommend Decline to Designate

Date: 7/30/08

Approved by: 

OWNER/APPLICANT

City of San Jose Redevelopment Agency



BACKGROUND

The San Jose Redevelopment Agency commissioned the environmental firm of LSA, Inc. to prepare the environmental documentation for an Initial Study to consider the potential effects of a proposed public project to expand the San Jose McEnery Convention Center, including demolition of the former MLK Main Library building (Public Project File No. PP08-002). In April 2008, qualified historical consultants, Archives and Architecture (A&A), prepared the historic report for the building, constructed in 1970. The consultant evaluation states that the building exceeds the qualification threshold for City Landmark status, but due to the age consideration for properties less than 50 years for the National Register of Historic Places and the California Register of Historical Resources, would not appear to qualify for these designations.

Under Section 21084.1 of the California Public Resources Code, as well as Section 15064.5 of Title 14 of the California Code of Regulations promulgated under that statute, a lead agency must presume a resource is a significant historical resource for purposes of the California Environmental Quality Act of 1970 (CEQA) if it has been listed as a local landmark, unless the preponderance of evidence demonstrates otherwise. The Director of Planning therefore forwarded a City Landmark nomination to the Historic Landmarks Commission in May to begin the process for considering whether the former MLK Main Library would qualify as and should be established as a local landmark, which would be treated as a presumptively significant historical resource under CEQA.

Based on the findings in the historic report, the Historic Landmarks Commission May 7, 2008 moved to nominate the building as a City Landmark (5-1-1, Cunningham opposed, Lavelle absent). At the June 10, 2008 City Council hearing, Commissioner Peak spoke on behalf of the Landmarks Commission, encouraging the Council to focus on the recommendation of the Commission and the nomination findings, based on the evaluation by a qualified consultant, in order to allow the public hearing process to continue. Following public testimony and in conformance with the Historic Preservation Ordinance Title 13 provisions, the City Council adopted a resolution to initiate the procedure for consideration of the designation of the nominated building by referring the matter to the Historic Landmarks Commission for its consideration, report and recommendation; and by setting a date for the City Council's consideration of City Landmark designation at a public hearing. Further, the City Council directed the City Attorney and City Manager to return to the Rules and Open Government Committee with proposed amendments to the Historic Preservation Ordinance to 1) revise the City Landmark initiation process to enable the Council to have the discretion to decline to initiate despite a recommendation from the Historic Landmarks Commission and 2) to consider a minimum 50 year age requirement for City Landmark structures.

ANALYSIS

As described in more detail in the attached May 23, 2008 memo from Planning Director Joseph Horwedel to the Mayor and City Council, there are three main issues to be considered in the decision to initiate landmark designation for the Martin Luther King Library building. These are:

1. Should the City landmark a building that is less than 50 years old?
 2. What is the building's character, interest, or value as part of the local, regional, state or national history, heritage, or culture?
 3. Does the building embody distinguishing characteristics of an architectural type or specimen?
-
1. Should the City designate a building less than 50 years old?

A historical resource less than 50 years old may be considered eligible for listing in the California Register if a qualified historian can demonstrate that sufficient time has passed to obtain a scholarly perspective on the events associated with the resource. The historic report concludes that due to age considerations, it would be difficult to find that the former MLK Main Library building qualifies for the California Register of Historical Resources under either Criterion. The City's Preservation Ordinance requires an initial consideration of 8 factors *in addition* to other relevant factors. One of these relevant factors should be the consideration of age. The designation of structures as historic that are less than 50 years old on the grounds of architectural significance should be reserved for all but the finest examples of a particular style of architecture.

According to A&A, "*Exceptional importance means that a building embodies community values that are timeless and widely accepted and recognized. The City of San Jose Public Library is clearly timeless and of value to its citizens; however, it would appear from recent bond issues for replacement branch library buildings that the buildings are currently of less general importance than the efficient functioning of the system itself. The former Main Library building arguably has some value within the architectural community for its distinctive representation of late 1960s Brutalist design in the South Bay Area; however, at this time, this style of architecture, along with much of Modern design, is not widely accepted as important to the general populace. Time would certainly provide a broader perspective on the significance of this building, but the building does not at this point (appear to) have recognized exceptional importance.*"

The historic report's evaluation concerning California Register ineligibility would appear to apply to City Landmark eligibility as well. Accordingly, the same issue (the former Main Library does not appear after 38 years to embody community values that are timeless and exhibits an architectural style that is not widely accepted and recognized) argues against City Landmark eligibility.

2. What is the building's character, interest, or value as part of the local, regional, state or national history, heritage, or culture?

The significance of the building is that it was built during the period, approximately 40 years ago, that San Jose was growing at an explosive rate and needed to deliver basic services to its residents. The historic analysis notes, "*The building was originally planned as part of a larger civic plaza. The library was intended to be the centerpiece of an area similar to Lincoln Center in New York City—a broad, raised plaza accented by discrete, monumental civic buildings. The remaining buildings in that master plan were never constructed.*"

Under this criterion, the candidate Landmark should help tell the story of a period of history for the community. The decision to make it a Landmark is based on how well the building does in supporting the story about the community at that time of explosive growth 40 or so years ago. The story that the building tells in this case is that the City was growing, there were grand plans for the civic buildings, the Former MLK Library is the only physical expression of those grand plans, and the community was unable to fulfill those aspirations (except for construction of the Library itself, at the time the largest City building ever constructed) and did the best it could. So, while the building was built as the new Main Library during a time of expansive growth in the City, the building does not clearly reflect an aspect of community values in a significant way that tells the story of the period of growth of the City nor does it in its current setting (discussed below) help the community understand the values of San José at that time.

3. Does the building embody distinguishing characteristics of an architectural type or specimen?

As discussed previously, the historic analysis noted, "*The building was originally planned as part of a*

larger civic plaza. The library was intended to be the centerpiece of an area similar to Lincoln Center in New York City—a broad, raised plaza accented by discrete, monumental civic buildings.” The remaining buildings in that master plan were never constructed, and the setting for the Library structure has changed since it was built so that the building no longer sits in an open space; it is instead hemmed in by later development, including the McEnery Convention Center.

The Former MLK Library building is a unique example of the Brutalist Style of architecture in San Jose according to the consultant’s analysis. However, as noted by Commissioner Cunningham at the May 7, 2008 Historic Landmarks Commission public hearing, this style of architecture can be found in many public buildings of the era around the State. Other local examples are the Police Administration Building at 201 West Mission, and the Family Court Building on Almaden Boulevard in Downtown San Jose. Commissioner Cunningham stated the case had not been adequately made that the library was significant either because it was located in the second fastest growing U.S. City during this period in the nation’s history, or because it was a unique architectural design. He noted that the Brutalist architectural style was commonly found on California’s community college campuses during this time period and just being located in a fast growing area is not a basis for designating buildings as landmarks.

According to the A&A analysis, the building has not received recognition on a broader scale for architectural significance. While Norton S. Curtis, who died in July 2008, was a prolific local architect, his work has not been cited in professional journals or received professional recognition as a leading architect in California. The work of his deceased father Ernest Curtis, a partner in Binder and Curtis, which Norton worked at early in his career, has been recognized for numerous city landmark structures.

While the building is certainly a unique style of architecture, it does not rise to the level of City Landmark significance because the building’s setting has been compromised by the construction of the Convention Center, the building has not received recognition from the architectural community as a leading example of the architectural style, and other better examples exist in the region as noted in the April 23, 2008 staff report to the Historic Landmarks Commission.

Conclusion

The Former Martin Luther King Library building was built at a period of phenomenal City growth roughly 40 years ago and helped meet the needs of the community at that time in providing a centralized home for the City library system. However, the building and its setting has significantly changed over time. Most notably with the construction of the Convention Center directly behind it and the fact that the building was intended to be part of a larger public space plan that never materialized. The building was designed to make a statement about the community. Debate about the quality and nature of that statement continues even to today, which in itself is a rationale of why the relatively young (38 year old) building should not be designated as a City landmark.

GENERAL PLAN CONFORMANCE

The San Jose 2020 General Plan *Urban Conservation/Preservation Major Strategy* recognizes that preservation activities contribute visual evidence to a sense of community. Historic, Archaeological and Cultural Resources HACR Policy No. 1 states that because historically or archaeologically significant sites, structures, and districts are irreplaceable resource, their preservation should be a key consideration in the development review process, while HACR Policy No. 2 states that the City should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historic Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures. The City may consider preservation options for the building in the design process for the Convention Center Expansion.

CEQA

The decision whether to designate a structure as a City Landmark is not a project under the California Environmental Quality Act. The outcome of the designation process will inform the CEQA review process for the planned Convention Center Expansion in that the Planning Director would consider the former Main Library to be a significant historic resource if the City Council were to designate it as a City Landmark.

COMMUNITY OUTREACH

The Historic Landmark designation was nominated by the Historic Landmarks Commission and initiated by the City Council in public meetings. A public hearing notice for the designation decision was published in a local newspaper, posted at the site, and mailed to all property owners and tenants within at least 500 feet of the subject site. Information about the proposed projects and the associated public hearings has been made available through the Planning Division's web site.

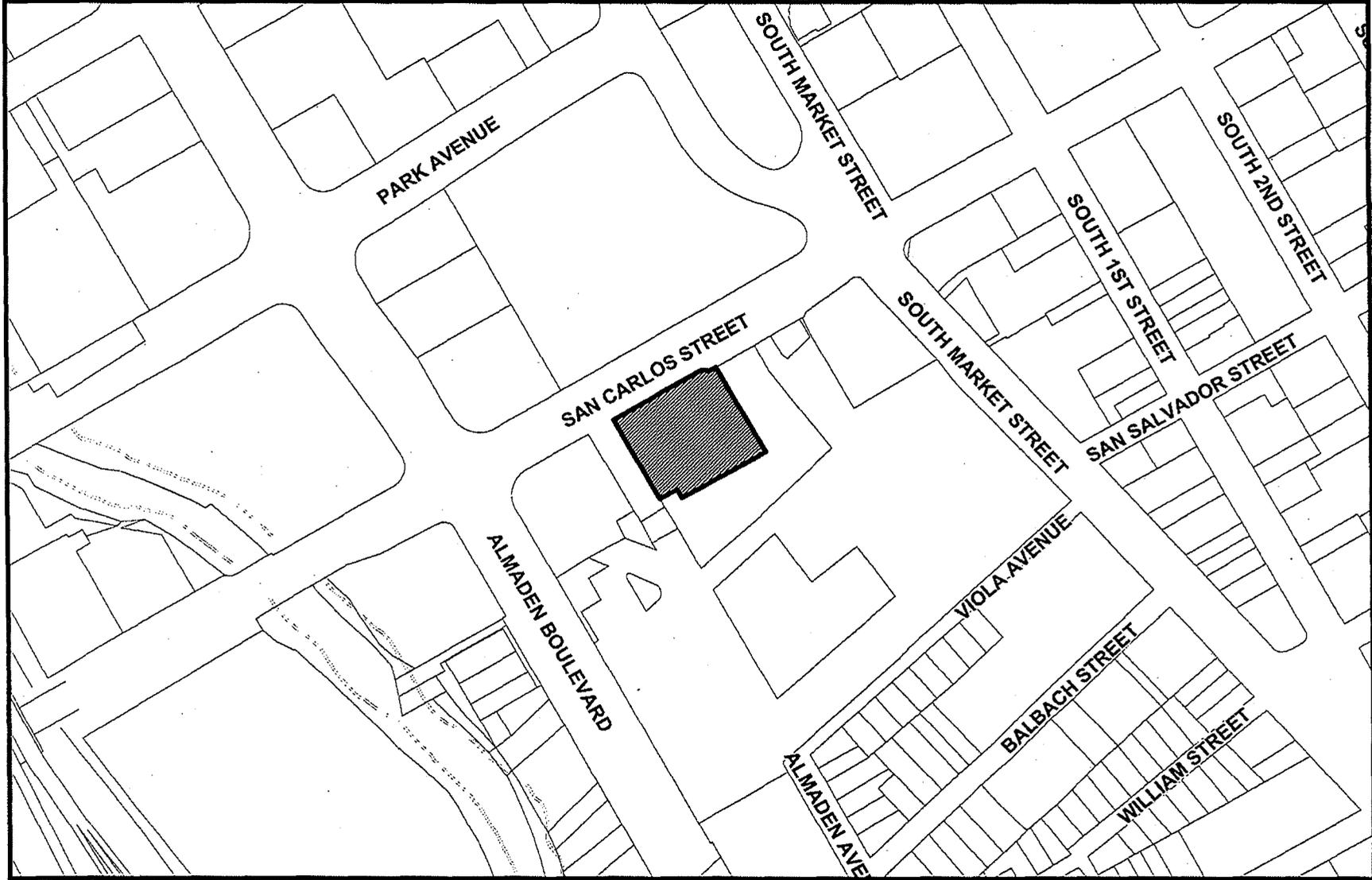
RECOMMENDATION

The Director of Planning recommends that the Commission, after holding a public hearing on the subject, recommend that the City Council decline to designate the building as a City Landmark Structure because the consultant found the former Main Library ineligible for the National or California Register on the basis of its age. The Director believes after 38 years the former Main Library does not warrant designation as a City Landmark because it does not appear to embody community values that are timeless nor does it exhibit an architectural style that is widely accepted and recognized.

Attachments:

Memo from Harry Mavrogenes to Redevelopment Agency Board May 30, 2008
Memo from Joseph Horvedel to City Council May 23, 2008
Memo from HLC to City Council May 19, 2008
Department of Parks and Recreation (DPR) forms
Location map





Approx. Scale: 1" = 300'

Map Created On: 04/22/2008

Noticing Radius: 500 feet

File No: HL08-170

District: 7

Quad No: 99

