



Memorandum

TO: HONORABLE MAYOR & CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: CONSIDERATION OF AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 55 N. 11TH STREET FROM R-M MULTIPLE RESIDENCE ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

DATE: March 23, 2009

APPROVE

3-23-09

RECOMMENDATION:

1. Approve Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District, and to allow the construction of an additional three single family attached residential units on the site.
2. Refer the existing structure back to Historic Landmarks Commission (HLC) to begin the process to consider this building as a city historic landmark. Ensure that the matter returns to Council within eight (8) weeks with a recommendation from the HLC and Staff.
3. Direct staff to proceed with processing of the site development permit and building permit applicable to any new units constructed behind the existing structure, without awaiting the outcome of the Council's final determination on the HLC recommendation.
 - a. In the meantime, any site development or building permits relating to the alteration of or addition to the original structure should be considered by staff with consideration to the possibility that a landmark designation may result from this process.
 - b. Staff should apply parking requirements flexibly to allow for full utilization of this parcel, in light of the applicant's efforts to restore the historic structure, and given the low density of the development relative to its General Plan designation of 25-50 DU/AC.

BACKGROUND

- **Tommie Smith's Place in History**

Tommie Smith, a former San Jose State student-athlete, set seven world records in track and field, after which he enjoyed a three-year career in the National Football League. Smith's lasting worldwide and historic recognition, however, come with in a single moment, only minutes after won the gold medal in the 200 meters at the 1968 Olympic Games in Mexico City. Upon finishing the race, he and fellow San Jose State sprinter John Carlos, who finished third, took their shoes off and walked toward the medal stand wearing black gloves on their hands. During the playing of the "Star Spangled Banner," Smith and Carlos raised their gloved fists in a sign of protest.

That moment, on October 16, 1968, has become one of the most enduring and controversial moments in Olympic history, and in all of sport. The image of Smith, silver medalist Peter Norman, and Carlos on the victory podium currently sits in the City Hall gallery outside of council chambers, and has become memorialized in a 22-foot-high statue at San Jose State University.

The experience immediately turned bitter for Smith and Carlos, however, as they suffered expulsion from the U.S. Olympic team the following day. In the ensuing years, they experienced repeated death threats, hate mail, social and economic isolation of various kinds.

Over time, history came to recognize the courage of Smith's and Carlos' moment. Smith became a member of the National Track and Field Hall of Fame in 1978. In 1999, Smith received the California Black Sports Hall of Fame's Sportsman of the Millennium Award. Athletic facilities from Oakland, California to Paris, France now bear Tommie Smith's name. In January 2007, History San José opened a new exhibit, *Speed City: From Civil Rights to Black Power*, focusing on the SJSU athletic program that propelled Smith and several other student-athletes to global prominence. Numerous films and documentaries have recounted Smith and Carlos's triumphs and struggles, including an Australian film in the 2009 Cinequest film festival, and a recent ESPN documentary narrated by actor Tom Cruise.

- **55 North 11th Street**

Smith rented the 1870's Craftsman-style house on North 11th Street in his college years and beyond, including the time that he spent in Mexico City in 1968. When he returned home in 1968 to face post-Olympics scorn, he lived in the house with his wife and infant son. While living there, Smith felt in his family in danger, and on one occasion, a rock was thrown through the front window of the house, barely missing his son's crib. By 1970, he and his wife purchased the house, although it appears unclear whether he actually spent much time in the house thereafter. He sold the home in 1977, and the Applicant purchased the site some two decades years later, in 1999.

- **Procedural History, and Community Involvement**

When the question of the historic status of this home arose with the Historic Landmarks Commission (HLC), policy required the panel to rely upon Historic Evaluation Criteria system, compelling the finding that the home qualified merely for "structure of merit" status, rather than that of Landmark. The "structure of merit" designation resulted from its relatively modest score (43.62) on the formal evaluation tally sheet, largely attributable to the unremarkable architecture of the building.

Since the time of the HLC and Planning Commission hearings, I have sought to reach out to the African-American and historic preservation communities to better assess the significance of this structure to the broader community. We have hosted a well-attended meeting at City Hall, and I have also spoken with Tommie Smith about the development plans on the site.

ANALYSIS

A host of unique considerations arise with this rezoning application, all of which compel the recommendations listed on page 1.

First, it seems far from clear that the Historic Evaluation Criteria's "point-scoring" method directs us toward the best decision for treating this important physical manifestation of our history (or for any other, for that matter). The importance we attribute to different aspects of our history is a political--not technical--determination. These questions involve subjective assessments of community values that are often competing and are more often not readily quantifiable. For example, the National Register "strongly discourages" the listing of properties associated with living persons. According to one member of the HLC, the Historic Evaluation Criteria's system would have qualified this structure for Landmark status if Smith had been deceased. Many members of the community opined that we shouldn't have to wait until a funeral to recognize a person's enduring—and living--legacy. I urge that we send this structure back to HLC--as we are required by our cumbersome process for historic designation--to return to Council for a determination of whether to grant the home landmark status.

Second, until Council makes a final determination, any additional alteration of the original structure should be considered in the context of a home likely to obtain landmark status. As one community member asserted, a very large addition to the home alters the perspective that observers may have on Smith's legacy. Smith and Carlos removed their shoes as they approached the podium in Mexico City precisely to signify the poverty of their youth, and of many other African-American citizens. Smith lived in a very small, older home on the north side of Santa Clara Street in 1968 because redlining practices of the day kept African-Americans like him from owning homes in other parts of the city. If a child sees the Tommie Smith house as a renovated McMansion, she may not understand the socio-economic realities against which Smith raised his gloved fist.

Finally, regardless of the Council's ultimate decision on the question of the building's historic status, we need to allow the applicant to move forward swiftly with the rest of this development. This applicant, Brian Boguess, has patiently endured months of delay in this process, and that delay has severely cost him financially. He has shown himself to be a model member of the community, renting the home at a reduced rate to several City Year corps members, attending several community meetings about the project, and altering the project several times to conform with community demands for the preservation of the home.

That means that the item should return to full council to decide on the building's historic status within eight weeks. In the meantime, Planning should evaluate and process the site development and building permits on the detached units to allow the applicant to proceed on the rest of the site.

If the applicant wishes to add more than three new units to the site, I would entertain a renewal of this application to ensure that applicant has enough units to be able to make the historic renovation "pencil out," particularly given that the current plan remains below the General Plan designated density of 25-50 DU/AC.