



**HISTORIC LANDMARKS COMMISSION  
HEARING SYNOPSIS**

**WEDNESDAY OCTOBER 3, 2007**

Regular Session

**6:00 P.M.**

**Council Wing, Rooms W-118 & 119**

200 East Santa Clara Street  
San José, CA

**COMMISSION MEMBERS**

**EDWARD JANKE, AIA, CHAIR  
PATRICIA COLOMBE, VICE CHAIR  
HELENE LAVELLE    SCOTT CUNNINGHAM  
DANA PEAK    JUDY STABILE  
ERIC THACKER**

**JOSEPH HORWEDEL, 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 **October 3, 2007** 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. 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 SEPTEMBER 5, 2007 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**

**The Consent Calendar is now closed.**

4. **PUBLIC HEARINGS**

- a. **[The Addition of a Qualifying Property to the City of San José Historic Resources Inventory](#)**. The Butcher Electric Co. Complex, located on the southwest corner of W. San Fernando and S. Autumn Streets (115 S. Autumn St., 510 W. San Fernando St., and 114 S. Montgomery St.), to the City of San José Historic Resources Inventory. Owner: City of San José. Council District: 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:** Adopt a Resolution listing the Qualifying Property on the City of San José Historic Resources Inventory as a Structure of Merit.

*Bill Ekern, San Jose Redevelopment Agency Deputy Director, stated that the Agency is considering demolition of these buildings within the next year and requested the HLC not add the properties to the Inventory, as that sets up conflicts and confusion when demolition is intended.*

**PUBLIC HEARING CLOSED**

*Commissioner Cunningham asked why the properties were proposed for addition. Staff clarified that the properties were identified in the SJ Ballpark EIR, and that staff was working to bring identified resources forward for consideration after EIRs have been certified.*

*Commissioners noted that the previous Ballpark project was now gone, and placing properties on the Inventory gives the City a better record of existing and impacted resources. The HLC was concerned about the fate of these resources absent a project, and a lot of environmental review survey work is completed in anticipation of projects that may not happen.*

**STAFF RECOMMENDATION APPROVED (7-0-0)**

- b. **The Addition of a Qualifying Property to the City of San José Historic Resources Inventory**. The addition of the Ryland Park Swimming Pool Structure, located on the west side of North First Street, southerly of Fox Avenue (421 N. First Street), to the City of San José Historic Resources Inventory. Owner: City of San José. Council District: 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:** Adopt a Resolution listing the Qualifying Structure on the City of San José Historic Resources Inventory as a Candidate City Landmark.

*Commissioner Stabile recused herself because the property was located within 500-feet of her home.*

*Tina Morrill of the CPAC for Ryland Pool spoke in support of maintaining and restoring the pool.*

**PUBLIC HEARING CLOSED**

*Commissioner Thacker stated that the language was unclear in the Historic Report regarding the significance of the site versus the pool itself. The consultant, Mark Bowen of Jones & Stokes, explained that the intent of the report was that the pool vessel itself was significant at the City Landmark level.*

**A Motion was made to add the Ryland Pool Structure to the Inventory as a Structure of Merit.**

*Vice Chair Colombe stated that she would not be supporting the Motion, because the information and language in the historic report substantiated the conclusion that the pool itself qualifies as a City Landmark.*

**Motion Failed (2-4-1, Lavelle, Peak, Colombe, and Janke opposed, Stabile abstained)**

**STAFF RECOMMENDATION ADOPTED (5-1-1, Thacker opposed, Stabile abstained)**

- c. **Report from Historic Landmarks Commission Design Review Subcommittee (DRC).**

Commissioners Janke, Colombe and Cunningham, members  
September 19, 2007 DRC Report

**TAKEN OUT OF ORDER**

*Fred Sabor of Public Works confirmed that the project plans to proceed with the concrete platform design discussed at the DRC with the tiles remaining in place and earth separating the new concrete from the existing pool wall. In addition, the City intends to secure the services of a qualified consultant to provide direction on restoring the tile.*

**REPORT ACCEPTED**

*DRC members requested the project return to DRC to make recommendation on the organization and sectioning of the concrete platform.*

d. **The Addition of a Qualifying Property to the City of San José Historic Resources**

**Inventory**. The addition of the Residence located on the southeast corner of Lincoln Avenue and Nevada Place (1556 Lincoln Avenue), to the City of San José Historic Resources Inventory. Owner: A. Tomasso, Trustee. Council District: 6. SNI: None. CEQA: Exempt.

**Staff Recommendation:** Adopt a Resolution listing the Qualifying Property on the City of San José Historic Resources Inventory as a Structure of Merit.

**PUBLIC COMMENT**

*Peggy Tomasso spoke to reiterate that the owners would like to find a house to fit into the neighborhood on the adjacent lot that is being created through the Planned Development Zoning process.*

**STAFF RECOMMENDATION ADOPTED (7-0-0)**

e. **The Addition of Qualifying Properties to the City of San José Historic Resources**

**Inventory**. The addition of the following commercial buildings, located on the north side of Park Avenue between Sonoma Street and Gifford Avenue, to the City of San José Historic Resources Inventory. Council District: 3. SNI: Delmas Park. CEQA: Exempt.

- 1) 437 Park Avenue. Owner: Gorin, Victor and Mercedes.
- 2) 445 Park Avenue. Owner: City of San José
- 3) 457 Park Avenue. Owner: Nehru, Michael and David

**Staff Recommendation:** Adopt Resolutions individually listing the Qualifying Properties on the City of San José Historic Resources Inventory as Structures of Merit.

*Commissioner Stabile stated that she did not know if she would fight for these properties, and that they were not complementary to the Inventory.*

*Commissioner Peak stated that a context for everyday mid-century commercial structures in the City was missing. She asked for clarification regarding under which California Register criterion the properties would qualify.*

*Staff stated that the Historic Evaluation Criteria (Tally) forms consider cumulative categories of significance for architecture, associations, and patterns for Structures of Merit as part of the City's urban fabric.*

*Commissioner Colombe stated that she had a bias against buildings from the 60's because many of them were extremely poor quality. Noting that many people had biases against Victorians at one point of time, she would try to keep her bias out of it, but she was not prepared to go to the mat for these buildings. She had concerns about integrity on 445 Park Ave.*

*Commissioner Thacker noted two of the DPR forms stated that the properties did not qualify for the Inventory. Staff explained that the DPR forms in the Survey did align with the Historic Evaluation Criteria form conclusion that the properties qualified, but that the forms submitted in the packet did appear to contain language to the contrary.*

**MOTION TO CONTINUE THE ITEM WITH DPR FORMS CLARIFYING ELIGIBILITY FOR THE INVENTORY. MOTION APPROVED (7-0-0)**

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

- a. **Report on Funding Opportunity Discussions for BART Station Entrance in the Bank of Italy Building**. City Landmark No. HS84-27, located on the southeast corner of South First and Santa Clara Streets (12 South First Street) in the Downtown Commercial National Register Historic District.

PUBLIC COMMENT

*Stephen Polcyn spoke to say that this was an opportunity for much needed funding and to have a permanent resident in the Landmark with a creative adaptive reuse of the structure. Alterations could affect the Santa Clara Street elevation. He recommended the Commission vote in favor of the proposal, taking this opportunity to explore the options and stay involved in the design review process.*

*Scott Knies, Executive Director of the San Jose Downtown Association, spoke in favor of the proposal for the City to purchase the ground floor of the building for use as a BART Station Entrance.*

*Connie Martinez of First Act Silicon Valley spoke in favor of the proposal, noting that a network of leaders who care about the vibrancy of downtown was working to create Big Deals and Small Wonders across five downtown domains.*

*Judi Henderson, Advocacy Director of PAC SJ, stated PAC had a concern regarding the cut through to Santa Clara Street. If funding comes together, PAC would watch but be supportive.*

*San Jose Redevelopment Agency (SJRA) Deputy Director spoke to the Commission, noting that the acquisition costs, rehab of the Banker's Club, and seismic retrofitting of the entire structure required a substantial investment. SJRA proposes to work collaboratively with the VTA to rehab the station, and to work with the office tower condominium owners on an owner participation agreement and federal 20% tax credit project.*

*Commissioner Stabile stated that if the City makes this investment and then is a small member in the condominium association, it would not be clear how the exterior would be preserved. She recommended that the City buy the whole building in order to guarantee a better outcome for the Landmark.*

*Vice Chair Colombe echoed the concern about placing the responsibility for the rehab in the hands of private condominium owners. She noted that the City could purchase a majority of the interest in the Condominium association in order to control the building.*

*Commissioner Cunningham noted that structural reports indicated the tower would be unoccupied for two years to implement seismic upgrades. John Weiss noted that the SJRA has retained a different consultant to investigate reinforcing the structure from the core outwards, which is believed to involve less time, but they do not have the numbers yet. The Commissioner asked whether there was indication that demand for the office condominiums would increase. John Weiss stated that he believed the demand will increase with BART, and that the SJRA will work with the owners to address the lack of parking.*

*Chair Janke stated that having followed BART since the 60's, worked on several Transit station projects, and represented HLC on the BART Design Review Committee, this was an*

*opportunity for urban design and preservation, including seismic upgrading. It would be like a small Grand Central Station, entering into the dignity of the Banking Hall, and becoming a destination. It is an iconic thing that the Western Dental building cannot provide. It is the best thing we could possibly hope for. The Commission should lend its support and allow it to become a class A building. Let the details fall where they will, knowing it will be under considerable scrutiny, he challenged the Commission to come up with something that will best suit the City of San Jose.*

*Commissioner Stabile reiterated a recommendation to have the City purchase the full building, noting that she could not say yes to this deal. Western Dental is a station location that would happen. This deal does not preserve the building for the next 200 years because the condominium association will own the façade of the building, and she has no confidence in owning 10% of the building.*

*Vice Chair Colombe asked whether the City would agree to purchasing a majority of the building, noting that it would be good to keep a façade easement on the building. John Weiss stated that the City did not have the funds to buy the majority but did have the funds to buy the ground floor condominium. The SJRA plans to work with the owner to rehab the Station and provide stability inside and outside.*

*PBCE Director Joe Horwedel reiterated that the tax credit funds were to be targeted for rehab.*

**MOTION TO CRAFT HLC LETTER REPRESENTING DIFFERENT VIEWPOINTS ON THE PROPOSAL FOR REVIEW AT SUBSEQUENT MEETING. MOTION APPROVED (7-0-0)**

**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

b. [Envision San José 2040 Task Force](#)  
[Saturday, October 13, 2007 Community Visioning Workshop](#)

9:30 a.m. -12:30 p.m. at San José City Hall

[http://www.sanjoseca.gov/planning/gp\\_update/default.asp](http://www.sanjoseca.gov/planning/gp_update/default.asp)

Commission to consider designating Commissioner to attend Workshop

*Vice Chair Colombe and Commissioner Thacker selected to attend GP Update meetings and report back to HLC as appropriate.*

c. Status of c. 1860's Remillard Residence City Landmark No. HS92-62 (755 Story Road).

*Code Enforcement working with owner to allow repair and occupancy.*

- d. Jim Arbuckle Memorial Service, 5:00 p.m. October 4, 2007

## 7. **GOOD AND WELFARE**

- a. Report from the Redevelopment Agency.
- b. Report from the Secretary.
  - 1) Status of Circulation of Environmental Review Documents  
<http://www.sanjoseca.gov/planning/eir/>  
  
Parkview Towers SDEIR  
(E. St. James and N. First Streets)  
NOP distributed March 2006  
Fall 2007 Circulation  
  
The Carlyle mixed-use high-rise (H07-008)  
(bounded by W. St. John St., N. Almaden Ave., Carlyle St., & Notre Dame St.)  
Staff Reviewing Administrative Draft Initial Study/MND  
  
Coleman/Autumn Street Improvements DEIR  
NOP distributed March 2007  
October 2007 Circulation Anticipated  
  
Demolition of the San José Medical Center DEIR  
NOP distributed July 7, 2007  
  
PDC06-094 Morrisson Park Planned Development Rezoning  
  
Japantown Corporation Yard  
September 2007 NOP Distribution
  - 2) Status of previous HLC Recommendations on Referrals to City Council, Boards, Commissions, and Other Agencies.
    - PDC06-100. 744 Morse Street Planned Development Rezoning  
PD Rezoning and PD Permit for relocation approved.  
PD Permit for new construction to be referred to DRC.  
  
Stephen's Meat Products Building Construction Contract for Demolition  
September 11, 2007 Redevelopment Agency Board Approval  
  
*Vice Chair Colombe noted that the Board Memorandum did not state that the sign would be preserved, rather that the HLC recommended preservation.*
  - 3) Ruben Baker Ranch City Landmark Site HL92-61 (6468 Almaden Expressway)  
Preliminary Review Application.
  - 4) Fall 2007 Historic Landmarks Commission Retreat.  
We and Our Neighbors Clubhouse, located at 15480 Union Avenue  
National Register Site and City Landmark No. HS93-57

Friday November 2, 2007, 11:30 a.m. - 5:00 p.m.  
Draft Retreat Agenda

- 5) Commissioner Report on State Historic Building Code Workshop.
- 6) Sunshine Reform Task Force Recommendations.
- 7) Commission to consider adding a January 9, 2008 HLC meeting to the Calendar.

*Commission agreed to addition of January 9<sup>th</sup> meeting to the Calendar*

- 8) Sign Ordinance Revisions proposed to allow for relocation of detached and attached historic signs.

#### VERBAL REPORT OUT OF ORDER AT END OF AGENDA

*Commissioner Colombe noted that the language did not specify the exact manner in which the historic character of the signs would be maintained.*

#### c. **Report from Committees**

- 1) History San José Collections Committee.  
Commissioner Stabile, Liaison  
Next 2007 quarterly meeting: October 11th  
2008 quarterly meetings: February 14th, May 8th, August 14th, and November 13th
- 2) Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee.  
Commissioner Cunningham, Liaison  
Listing Qualifying Properties on City and County Inventories
- 3) Japantown Survey Committee.  
Commissioner Lavelle, Liaison  
Residential and Commercial Property Owner Meetings Requested.  
Report Acceptance by City Council planned prior to listing properties on HRI
- 4) Pellier Park Committee.  
Commissioner Colombe, Liaison
- 5) City of San José BART extension, Design, Art & Architecture Review.  
Chair Janke, Liaison

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

- 1) Design Review Committee (DRC).  
Commissioners Janke, Colombe and Cunningham, members  
HLC to select DRC Alternate Member  
*Commissioner Lavelle selected (6-0-1, Peak absent)*

#### 8. **ADJOURNMENT**

*Adjourned in Memory of Jim Arbuckle*

## 2007 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
No Meeting in January		Regular Meeting	
January 17, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
January 26, 2007	12:00 p.m. – 4:30 p.m.	HLC Retreat	Room T-1654
February 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
February 21, 2007	12:00 p.m.	Special Meeting/DRC Subcommittee	Room T-550
March 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
March 21, 2007	12:00 p.m.	Special Meeting	Room T-550
April 4, 2007	5:00 p.m.	Special Session	Room T-332
April 4, 2007	6:00 p.m.	Regular Meeting	Room W118/119
April 18, 2007	12:00 p.m.	Design Review Subcommittee	No Meeting
May 2, 2007	5:30 p.m.	Regular Meeting (Early Start Time)	Room W118/119
May 16, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
June 6, 2007	6:00 p.m.	Regular Meeting	Room W118/119
June 20, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
July 11, 2007	6:00 p.m.	Regular Meeting	Room W120
July 18, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
August 1, 2007	6:00 p.m.	Regular Meeting	Room W118/119
August 15, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
September 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
September 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
October 3, 2007	6:00 p.m.	Regular Meeting	Room W118/119
October 17, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
November 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
November 21, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
December 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
December 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
January 9, 2008	6:00 p.m.	<i>Tentative Regular Meeting</i>	<i>TBA</i>

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

# CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

## 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

## 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.