

Memorandum

TO: Sylvia Do, Acting Deputy Director

FROM: Juliet Arroyo,
Historic Preservation Officer

SUBJECT: SEE BELOW

DATE: November 13, 2018

COUNCIL DISTRICT: 3

SUBJECT: FILE NOS. HA14-009-01 AND HPA14-002-02. A SITE DEVELOPMENT PERMIT AMENDMENT TO ALLOW ONE 19-STORY HIGH RISE TOWER WITH 154 UNITS, ONE 12-STORY HIGH RISE TOWER WITH 62 UNITS, 5 TOWNHOUSES, UP TO 18,000 SQUARE FEET OF COMMERCIAL, REHABILITATION OF A VACANT CHURCH THROUGH HISTORIC PRESERVATION PERMIT WITH ALL AMENITIES, AND TWO LEVELS BELOW GRADE PARKING, WITH SATURDAY CONSTRUCTION HOURS FROM 8:00 A.M. TO 5:00 P.M. AND UP TO SIX OCCURRENCES OF 24-HOUR CONSTRUCTION STAGING AND CONCRETE POURING; AND A HISTORIC PRESERVATION PERMIT AMENDMENT TO ALLOW THE PERMANENT REHABILITATION OF THE FIRST CHURCH OF CHRIST SCIENTIST AT ITS PRESENT LOCATION, INCLUDING EXTERIOR MODIFICATIONS AND STRUCTURAL UPGRADES, TO THE STRUCTURE LISTED AS A NATIONAL REGISTER HISTORIC SITE/STRUCTURE AND AS A CONTRIBUTING STRUCTURE TO THE ST. JAMES SQUARE CITY LANDMARK DISTRICT AND TO ALLOW CONSTRUCTION OF THE PROPOSED SITE DEVELOPMENT PERMIT AMENDMENT WITHIN THE SAME CITY LANDMARK DISTRICT; ALL ON A 1.52 GROSS ACRE SITE. (APNS 467-01-118 AND 467-01-008)

BACKGROUND

Previously approved project

The project amends the previously-approved Park View Towers project, which consisted of the development of two residential high rises on a podium with 208 units and approximately 22,700 square feet of ground floor commercial/retail; the rehabilitation of the vacant First Church of Christ, Scientist building; three levels of underground parking; and the demolition of Letcher's Garage, a historic resource. The City prepared a Final Supplemental Environmental Impact Report (FSEIR) for the original project, which the Planning Commission certified on March 12, 2008. Subsequently, the Planning Director approved the project (File nos. H05-029, HP05-002, and HP05-003) on June 6, 2008.

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In 2014, the applicant applied for a revised project under File nos. H14-009 and HP14-002, which retained the two towers but increased the total number of residential units from 208 to 220 by reducing unit sizes; reduced the number of underground parking levels from three to two while reducing the total number of parking spaces from 315 to 282; relocated the First Church of Christ, Scientist building approximately 23 feet west and demolished the church basement to accommodate underground parking; and added the development of six townhouses on the corner of St. James Street and N. 2nd Street. The City prepared an Addendum to the 2008 FSEIR (2015 Addendum), which the Planning Director adopted on May 16, 2015 at a noticed public hearing. Both the Site Development Permit and Historic Preservation Permit were appealed to City Council, which adopted the 2015 Addendum (Resolution no. 77478), rejected the appeals, and upheld the Planning Director's approval of the project on June 23, 2015.

Proposed 2018 amended project

The current project further revises the approved 2015 project by retaining and rehabilitating the First Church of Christ, Scientist building in its present location; reducing the total number of parking spaces from 282 to 221 (resulting in no underground parking underneath the First Church building, which allows the church basement to be retained); demolition and rehabilitation of a rear addition to the Church building; reducing the number of townhouses to five while adding approximately 3,200 square feet of ground floor retail to the townhouse building; and changes to the exterior design of the tower buildings.

The City prepared a new Addendum to the 2008 FSEIR to evaluate the environmental impacts of the proposed changes, which was posted to the City's Active EIRs website on October 24, 2018. After posting, the City notified interested parties via e-mail and sent a website-generated newsflash to subscribers of the City's Planning notifications. The Addendum, and all previous environmental review documents for the project, can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs.

November 7, 2018 Historic Landmarks Commission Meeting

At the November 7, 2018 meeting, the Historic Landmarks Commission voted unanimously to recommend approval of the project as proposed after receiving the package from Adams, Broadwell, Joseph, and Cardozo and hearing testimony from their representative, Ms. Christina Caro, who briefly explained the points in their letter. The Commissioners wanted to fully review the materials submitted at the meeting, but did not feel new or substantial comments were identified. As a result, the Chair offered the Commissioners the opportunity to fully review the package and return any comments or concerns to staff by Friday, November 9, 2018. Letters and emails were received from Commissioners, Harriett Arnold, Steven Polcyn, Paul Boehm, and Chair Edward Saum, and are attached to this memo. Based on the responses from these Commissioners, no new issues were raised associated with the review and analysis of the proposed project, and the associated CEQA review. The letters are provided to the final decision maker for consideration.

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For questions please contact Juliet Arroyo, at (408) 535-7847.

Attachments

Attachment A: E-mail from Harriett Arnold, City of San Jose Historic Landmarks Commission, dated November 9, 2018.

Attachment B: E-mail from Edward Saum, Chair, City of San Jose Historic Landmarks Commission, dated November 9, 2018.

Attachment C: Letter from Stephen G. Polcyn, City of San Jose Historic Landmarks Commission, dated November 9, 2018.

Attachment D: E-mail from Paul Boehm, City of San Jose Historic Landmarks Commission, dated November 8, 2018.

Keyon, David

From: Arroyo, Juliet
Sent: Tuesday, November 13, 2018 4:35 PM
To: Keyon, David
Subject: FW: RE HA 14-009-02 & HPA14-002-02

Importance: High

FYI

From: Harriett Arnold [mailto:████████████████████]
Sent: Friday, November 9, 2018 9:50 AM
To: Arroyo, Juliet <Juliet.Arroyo@sanjoseca.gov>
Subject: RE HA 14-009-02 & HPA14-002-02
Importance: High

Good Morning Juliet:

I have read the November 7 memorandum regarding the above-mentioned items and agree with the motion of Tuesday, November 7, 2018 presented at the Historical Landmarks Commission Meeting.

Sincerely,

Harriett Arnold, Ed.D.
Professor Emerita
Director, Early Childhood Development Projects
Gladys L. Benerd School of Education
Department of Curriculum & Instruction
University of the Pacific
3601 Pacific Avenue
Stockton, CA 95211

Keyon, David

From: Arroyo, Juliet
Sent: Tuesday, November 13, 2018 4:35 PM
To: Keyon, David
Subject: FW: Park View Towers - HA14-009-02

FYI

From: Historic Landmarks Commission 1
Sent: Friday, November 9, 2018 2:16 PM
To: Arroyo, Juliet <Juliet.Arroyo@sanjoseca.gov>
Subject: Park View Towers - HA14-009-02

Juliet -

Good afternoon. Per the HLC's motion regarding the Site Development Permit Amendment for Park View Towers (HA14-009-02), please consider this email correspondence as my additional comments regarding the correspondence received by the HLC minutes before the start of Wednesday's meeting.

Firstly, I would like to thank David Keyon from Environmental Planning for his quick, initial dive into the correspondence received from Adams Broadwell Joseph & Cardozo. A response at the meeting itself, even a preliminary one, given the foreshortened timeframe, was important.

I also appreciate Staff's dedication to generating a formal response to the correspondence in time for the Planning Director's meeting. It's unfortunate that some or all of the points raised in the correspondence were not brought up during the public meeting of the Design Review Subcommittee in May, or in written correspondence in the six months since that meeting. Apart from the redesign and reorientation of the townhomes - both of which are substantial improvements - the proposal is almost identical to that shown in May, including the many detailed massing and design element slides shared by the applicant's design team.

I would also like to commend the other Commissioners for rightly insisting that we take the time to read, and respond to, the correspondence. To not do so would be irresponsible, and would fly in the face of the interests in openness, historic stewardship, and the built-environment of San Jose that are a common thread throughout the current members of the Commission.

The use of exaggerated language in regards to the building massing and / or setbacks hinders the argument at the heart of the correspondence. On page 3, the use of "near-total encasement of the Church" is misleading, at best. A wide vehicular access, pedestrian access, and outdoor seating area separates the Church from the proposed towers on two of the four sides, and the Church faces a large urban park on a third. Nowhere in the correspondence is it mentioned that the distance between the Church to the towers has been increased from 26' to 49'. If setbacks between the Church and the proposed structures are at the heart of the correspondence's argument, then a full stating of said setbacks is appropriate. The similar use of "sandwiched" on page 12 of the correspondence is also misleading. The term would seem to indicate that there are buildings on both sides of the church, at roughly the same distance, with the buildings acting as the pieces of bread in said Church "sandwich". This was the previous historic context, but, in the current design, the tower side of the church is 49' away from the Church, nearly three times the distance between the Church and the townhouse structure. Again, the verbiage cherry picks the context, and ignores the data that does not fit with the argument being put forth. To state that the project 'encases the Church completely on three of its four sides' is not true; a fact made clear

in the correspondence itself, when it correctly identifies that the setbacks between the Church and the disparate elements of the design differ on each side. One cannot have it both ways. Similarly, the portion of the tower to one side of the Church, separated from it by 49', is substantially shorter than the rest of the towers. The townhomes are shorter than the overall height of the church. Therefore, the use of "massive new structures" is misleading, especially since the preponderance of the towers that exceed the height of the Church are, to my recollection, outside of the boundaries of the St. James Historic District. Were either of these elements to substantially exceed the height of the Church, I would be the first to object.

The correspondence claims that the group represented by the author of the correspondence "has an interest in enforcing public laws that encourage sustainable development and ensure a safe working environment for its members". By my reading, nowhere does the correspondence say where the proposed project would violate either of these goals. Similarly, these goals are ones that are no doubt common goals of the City of San Jose, the Historic Landmarks Commission, Preservation Action Council, and all other parties with a vested interest in the historicity and economic viability of St. James Park. The implication is that, by disagreeing with the correspondence, one is somehow not in favor of these common sense aspirations. Similarly, sustainable development and / or working environment conditions are not part of the portfolio of the HLC; therefore, the statement has no bearing on the Commission's review of the proposed project, and seems instead a "shot across the bow" directed at the developer and PBCE.

For much of the Church's history, especially during its time when it served as a place of worship, the building was bookended by other, existing buildings. The historical context of the building, when considering the era of significance from which it dates, is a building flanked by other buildings, not a parking lot. To cite the parking lot as part of the historical context of a building built before the widespread existence of the automobile for personal use is contextually and historically invalid.

The historical consultant used a foreshortened elevation view of the Church and Sainte Claire Club, where the vertical heights of the buildings are accurate, but the space between the resources was not. If the crux of one's argument is that the horizontal space between two buildings is of key historic importance, accurately representing the distance between the two buildings would seem to be of primary importance. The diagram, taken directly from the St. James Square Historic District Design Guidelines, when reviewed in its original context, was not created as an indicator of accurate horizontal distance between resources. To take the diagram out of context reduces the efficacy and integrity of the image. While the historical consultant's report indicates that the horizontal space between the building is foreshortened, the legal correspondence does not. The omission weakens the argument of the correspondence.

When placed in proper historical context, there was never an unbroken, direct line of sight between the entirety of the Church and the entirety of the Sainte Claire Club. The visual relationship emphasized by the St. James Historic District, per the diagram the consultant and correspondent used previously, is emphasized as the view from St. James Park itself. Nowhere is a direct line of sight, across previously separately owned and operated land parcels, indicated as a requirement for the St. James Historic District.

The District Guidelines recommend that new "development directly adjacent to an existing historic structure should be designed so as to respect the historic structure" This guideline is then applied to the spatial relationship between the Church and the Sainte Claire Club, which has changed repeatedly over the decades that the buildings have been in existence. The guideline states, in so many words, that it is applicable to historic structures. The physical distance between the Church and the Sainte Claire Club is not an historic structure. Applying a structure-specific guideline to the District as a whole is, in my opinion, a misreading of the guidelines.

Architecturally, the previous iterations of the proposed project were far more insensitive to the Church and surrounding historical context. Why were no objections raised regarding the 2014 Addendum? Even compared

to the iteration of the current scheme presented in May, the revisions presented to the HLC at the November meeting are a substantial improvement. When compared to the placeless, anonymous architecture of the 2014 Addendum's design, the level of improvement cannot be overstated. The audio of the 2015 presentation of said design makes clear that the HLC took substantial issue with the perceived impact the architecture would have.

To say that the 13.5' separation between the Church and the townhomes is "randomly selected" is disingenuous, an insult to the design team, which spent substantial time redesigning the project to be more architecturally and historically appropriate, and shows a lack of understanding of the nature of architectural design. Little to no part of architectural design, especially in a project of this scale, is done "randomly". The verbiage disparages the design efforts of the applicant, and, in my mind, weakens the argument of the correspondence, by resorting to jabs and pokes at the project team, instead of solely addressing potential tangible concerns.

The parking lot surrounding the Church is not its historic setting; a fact that the preponderance of the information generated by PBCE and Page & Turnbull makes clear. To claim otherwise is to ignore the historic context that is at the heart of the St. James Historic District. To use the correspondent's turn of phrase, the presence of a parking lot adjacent to the Church is no more vital to the "key spatial relationships" than are the VTA tracks along Second Street. Both are elements that came about long after the Church and St. James Park were constructed. By the consultant's own findings, the St. James Historic District was originally envisioned in the 1840s, and was in its heyday from the 1860s through the 1920s. Therefore, the parking lot is not the strong historical context to which the Church and Sainte Claire Club should be tied; the appropriate connector is the view from, and orientation towards, St. James Park.

The historical consultant's analysis claims that the sole improvement to the project included in the Addendum is the fact that the Church will no longer be relocated. This ignores the substantial, across the board improvements made to the architecture and detailing of the proposed project, which were based on careful visual analysis of the Church's design elements. The architectural design of the towers is overwhelmingly more appropriate than the 2014 Addendum iteration, and very much more in keeping with the letter and intent of the District Design Guidelines.

The weight of the correspondent's argument would have been substantially increased had the historical consultant been present at the HLC meeting. The project was initially agendized for the October 3, 2018, HLC meeting, and then deferred to the November meeting at the request of Staff.

The Church, by definition, is not adjacent to the Saint Claire Club. Previously separately-owned and operated businesses stood on the parcel between the Church and Second Street for decades. Second Street is adjacent to the Sainte Claire Club, then the VTA tracks, then the previously-separate parcel, *then* the Church. Any arguments emphasizing adjacency between the Church and the Sainte Claire Club are therefore invalid.

At the HLC meeting, and in written correspondence provided beforehand, Page & Turnbull indicated, via written text, spoken words, and photographs, that the deterioration of the 1915 Organ Room addition would require demolition and reconstruction.

The Sainte Claire Club is neither directly adjacent to the Church, nor is it to solely to the East of the Church. While the ENE direction of East St. James Street is admittedly splitting hairs, to say that the Sainte Claire Club is "directly East of the Church" is not accurate, and weakens the historical consultant's position, by not accurately conveying the exact relationship between the two structures. Previous iterations of the project have always had low-rise buildings on the parcel between the Church and the Sainte Claire Club, yet only this iteration has raised objections regarding the line of sight. Similarly, by definition, if there have always been proposed structures between the Church and the Sainte Claire Club, then the former is not "directly East" of the latter.

On the whole, the current land use of the parcels surrounding the Church is not the proper historical context for the Church, the Sainte Claire Club, or St. James Park as a whole. To focus on it, and the line of sight views that the demolition of buildings created many decades later, is to ignore the primary nature of the context between the Park, Club, and Church.

The Church, in its proper context, as shown in historical photographs, was never visible from all sides. Few, if any, buildings within an urban context can be viewed "in the round". To attempt to apply that standard to this project, when it is not codified anywhere in the Design Guidelines, and was not part of the process for the approval of the project being constructed across the Park, adjacent to Trinity Cathedral, is inappropriate. The primacy of the elevation facing St. James Park, and the secondary - and typically obscured - nature of the side elevations of the Church, has been its context for the much of its more than 100 year history. The view of the building enshrined in the Design Guidelines is the view from the Park, not from the former site of the garage, nor from the Sainte Claire Club. The view from the Club has been a happy coincidence for many years, but it is not a codified mandate. In fact, the Design Guidelines discourage surface parking, as the historical consultant correctly indicated.

In summary, based upon my reading of the correspondence, and my comments contained herein, I remain in agreement with the HLC's recommendation that the Planning Director approve HA14-009-02 as submitted.

Please feel free to distribute these comments to the other HLC members as deemed appropriate.

Edward Saum

Chair, City of San Jose Historic Landmarks Commission

Stephen G. Polcyn

96 North 3rd Street, Suite 325
San Jose, CA 95112

November 9, 2018

Juliet Arroyo
Historic Preservation Officer
City of San Jose
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

RE: Reply to Letter from Christina M. Caro, Representing Residents for a Sustainable Downtown, Regarding Site Development Permit Adjustment for HA14-009-02 & HPA14-002-02, Park View Towers Development Proposal

Dear Juliet,

After careful review of the letter provided by Ms. Caro, it is my opinion that the proposed development amendment does not require further comment from the Historic Landmarks Commission and that the amendment should be approved as presented in our public HLC hearing on November 7th, 2018.

Although the consultant historian / preservationist provides a professional overview of the proposed amendments to the HLC permit, I disagree with their interpretation of the Secretary of the Interior Standards, The St. James Square Historic District Design Guidelines and subsequent interpretation of the existing EIR.

At this time, it is not the purpose of this letter or the HLC at large to make arguments for or against the project or the amendment that is being considered, but to comment on the validity of the issues put forward by Ms. Christina M. Caro. If the City of San Jose's Planning Department, Office of Historic Preservation or others would like to discuss in more detail, I would be willing to do so in a public forum. However, based on my review of this letter, it is my opinion that the amendment(s) as presented in the hearing should be approved.

This letter to you will serve as my "yay" vote to approve the motion put forward that the item #HA14-009-02 to be approved pending review and response to letter submitted as noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Polcyn", followed by a period.

Stephen G. Polcyn, IIDA, CID, LEED-AP
Commissioner
City of San Jose, Historic Landmarks Commission

Cc: Rosalynn Hughey – City of San Jose
Edward Saum – Chair, Historic Landmarks Commission

Keyon, David

From: Arroyo, Juliet
Sent: Tuesday, November 13, 2018 4:36 PM
To: Keyon, David
Subject: FW: response to Adams, Broadwell, Joseph, and Cardozo letter

FYI

From: Historic Landmarks Commission 2
Sent: Thursday, November 8, 2018 10:36 PM
To: Arroyo, Juliet <Juliet.Arroyo@sanjoseca.gov>
Subject: response to Adams, Broadwell, Joseph, and Cardozo letter

Hi Juliet,

I have read the letter written to the Historic Landmarks Commission by Adams, Broadwell, Joseph, and Cardozo and dated November 7, 2018. I find the letter to be well written and logically constructed. However, I believe the substantive points made in the letter are of minor significance to the city. The EIR report considered the Park View Towers Project, and though some changes were made subsequent to the report, they were minor. Ms. Caro writes that there are three major concerns that require a supplemental EIR: the narrow space (13.5 ft.) between the town-homes and the church, the blockage of view of the St. Clair Club, and the demolition of the 1915 addition. To reiterate a point made at the meeting of the HLC, the church previously was less than 13 feet from another building. That building that was later demolished. The fact that the 1915 addition is going to be demolished ignores the fact that it has substantially degraded due to the negligence of the past 40 years, and the plan calls for it to be rebuilt. Finally, it is true that the church will not have sight lines to the St. Clair Club. However, it must be remembered that an alternative to rejecting the project would be to lose the church entirely due to a collapse in an earthquake or damage after a fire. Too many historic buildings have been lost to decay. Letcher's garage, which was next to the church, was one such building. It is rare to find a builder willing to restore a Historic Landmark at no cost to the city. I believe the best choice for San Jose is to approve the project and preserve the church as we continue to expand our housing and commercial space to accommodate new residents.

Paul Boehm
HL Commissioner