



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

October 04, 2017

Regular Session

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Harriett Arnold

Melissa Daniels

Eric Hirst

Steve Polcyn

Anthony Raynsford

**Rosalynn Hughey, Interim Director
Department of Planning, Building & Code Enforcement**

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

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 two minutes.*
- 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. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

ROLL CALL

PRESENT: Commissioners Saum, Arnold, Raynsford and Arnold

ABSENT: Commissioners Daniels, Hirst and Marcotte

1. 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.

No Items

2. CONSENT CALENDAR

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.

No Items

3. PUBLIC HEARINGS

No Items

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

- a. [H17-027](#) Site Development Permit to develop up to a 22-story mixed-use building consisting of up to 342 residential units and approximately 17,628 square feet of commercial retail and office space. The project also includes demolition of an existing commercial building totaling approximately 49,100 s.f. that consists of a basement, and a story above the basement, located on an approximately 0.57 gross-acre lot at 27 South First Street, in downtown San José, Council District 3.

Recommendation: Accept public comments and provide comments on the issues that should be discussed in a historic analysis of the proposed project.

Susan Walsh stated that the Commission received a letter from PAC SJ the previous week, which was emailed to the Commission, and there are additional hard copies at the staff table for the public.

Following staff and applicant's presentation Chairperson Ed Saum opened the meeting for public comment.

Larry Ames stated that the project's redesign has effectively addressed his concern regarding the visibility of the project from Market Street.

Brian Grayson, representing PAC SJ, stated that per his letter to the Commission, PAC SJ does not support the project as proposed. The main concern is that the proposed project is too tall when compared to the Bank of America building and the Downtown Commercial National Register District. The project lacks sensitivity to the surrounding area and the historic district and is inconsistent with the Secretary of Interior Standards. In response to a question from Commissioner Saum, he clarified that PAC SJ's comment letter was based on both the initial and revised plans.

He also stated that the building design does not provide any activation at the pedestrian level, which is not consistent with the City's Design Guidelines. Since San Jose is the 10th largest City in the United States we shouldn't have to settle for another glass box!

After the public comment period closed the Commissioners discussed the project. They Commission asked the PAC SJ representative to expand on their comment on how the height of the proposed building affects the Bank of America building. Brian Grayson stated that the height of the proposed building should be closer to the shoulder of the Bank of America building.

The Commission stated that the main question is how the building will be integrated with the surrounding context and the historic district. One commissioner was less concerned about the height than he was concerned about the materials, façade, and massing and the lack of any relationship to the historic district. The Commission asked why the proposed fin element was so important to the design, as it seems incompatible. The applicant's architect responded that it is their way of relating the project to the historic context of the area via a modern design, and it also brings relief to the glass façade. Another commissioner indicated that when adjacent to a historic building, a project should not be more distinctive than the historic building.

The Commission stated that while they appreciated that the applicant's efforts to redesign the building based on the earlier feedback they received. The building design still disregards the City's Design Guidelines and does not respect the Bank of American Building or the other buildings in the National Register District. The height and mass of the building is inappropriate and does not enhance the existing high level of pedestrian activity on First Street. The building is too tall and too massive for this site and doesn't relate to this part of Downtown which is highly pedestrian-oriented. Most of the buildings have a strong relationship to the street and this building does not relate to the street or the public realm. There are better examples in Santa Barbara, Portland, and San Francisco. The City has very little of this kind of dense, walkable, pedestrian-oriented core left in the City, and we should preserve it and maintain the dignity of the National Register District. There is sunlight on South First Street today on both sides of the street, mature trees, people eating outdoors and slow-moving light rail trolleys all of which come together to create a very street friendly, welcoming atmosphere in San Jose that has not been seen in quite some time. Now is not the

time to crush this lively streetscape with a wall of glass and concrete that will dominate and shadow not just the historic nature of the district, but also the trees and people within it. If you want to get a feel for what the proposed scale of development feels like, walk south one block and you will be faced with the façade of the former Knight Ridder building---now KQED. It is dark, cold, shadowed, with no people, no storefronts and no street activity and feels dead.

The architect responded that the project design does provide street level interaction, and that the project team studied other high rises around the area to the west and south. He said that the project does not block the views to the Bank of America Building. Additionally, the light and shade analysis for the project concluded that there was no severe impact. He offered to do more design studies if needed.

The Commission thanked the project's team for their willingness to work with PAC SJ and the City, however, they are concerned that the project may deactivate the First Street ambiance. Since this is one of the first new projects adjacent to the Historic District on First Street with this height, so it will be scrutinized very carefully. Some variability to the massing is good; however, they would like to see more exterior shell and massing redesign. The crown of the building is important to the historic context, so design should look at what is compatible to the area without overpowering the Bank of America.

The Commission emphasized that the height, massing, pedestrian orientation and the relationship of the new building to the surrounding area are the most important issues to address. The building size is overpowering around a building that is relatively shorter in height. The historic report should address whether the building meets the Design Guidelines for the National Register District and the Downtown Historic Design Guidelines. The historic report should address how the building could be stepped back in height so it is not a visual impact to the lower scale historic district

The report should also analyze how the project will impact all other buildings in the immediate area that are listed on the Historic Resources Inventory as well as other buildings not on the Inventory that may be eligible for listing on the Inventory. The report should also address preservation of the terrazzo tiles in the building.

5. OPEN FORUM

Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to: (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Larry Ames provided an update on the Willow Glen Trestle, and he mentioned that the City was challenging the definition of what is local. He advised the Commission that there is a second trestle over Coyote Creek where there is a trail being proposed. However, the City has closed the area to the public for engineering work. He encouraged the Commission to ask the City for an update on what is happening at this location.

6. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items:

Staff sent the Commissioners a copy of the City Council Memo that was approved on September 19, 2017 for the Citywide Historic Survey Strategy and staff stated there are also extra copies at the staff table for the public.

2. Future Agenda Items:

At the next HLC meeting the Commission will vote on the approval of the Certified Local Government Report and the final HLC Retreat date. It will be either December 1, 2017 or December 8, 2017.

The Commission asked if there was a community meeting on the Greater Gardner area planned to be held on October 19, 2017, and staff answered in the affirmative that scheduled meeting will be held in the City Hall Wing Rooms 118 and 119.

Commissioner Saum mentioned that the VTA board meeting was moved to January 2018, and stated that the timing of the Greater Gardner area designation is interesting because the High Speed Rail line may be going through the GG Conservation Area, and it might impact this proposed district. Staff stated that to designate the area as a Conservation Area may be a good way to show how important that area is before the High Speed Rail Authority decides on the high speed rail alignment.

Brian Grayson with PAC SJ asked if the community meeting scheduled for October 25, 2017 will be for the St. James Park Design, and staff replied in the affirmative.

The Commission asked if there will be additional meetings for Greater Gardner, and staff mentioned that there will be public hearings with the Historic Landmarks Commission, the Planning Commission and the City Council and explained the process.

The Commission mentioned that they have some other questions from previous meetings that are not yet answered, and staff stated that they will provide answers to those questions at the future meeting when the Commission considers nominating the Conservation area.

3. Summary of communications received by the Historic Landmarks Commission: No items.

b. Report from Committees

Design Review Subcommittee: Meets the 3rd Wednesday of the month as necessary.

Commissioner Saum said that he is optimistic on the role of the Historic Preservation Design Review Subcommittee.

The HLC Design Review Sub-Committee will review two items at their meeting on 10/18: A Preliminary Review Application for a proposed residential tower at 600 South First Street and a Preliminary Review Application for the Bank of Italy Building to replace windows, install new solar panels to improve energy efficiency and do overall building rehabilitation.

c. **Approval of Action Minutes**

Recommendation: Approval of Action Minutes for the Historic Landmarks Commission Meeting of [August 2, 2017](#).

The representative from PAC SJ mentioned that the comments be made were on behalf of PAC SJ. The Commission approved the minutes 4 to 0, with three Commissioners absent

d. **Status of Circulating Environmental Documents:**

No Circulating Draft Environmental Impact Reports that include historic resources impacts.

ADJOURNMENT

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.