



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

January 15, 2020

Regular Meeting

6:30 p.m.

Wing Room 119 & 120

200 East Santa Clara Street

San José, CA 95113

Commission Members

Edward Saum, Chair

Paul Boehm, Vice Chair

Harriett Arnold

Anthony Raynsford

Stephen Polcyn

Rachel Royer

Eric Hirst

Rosalynn Hughey, Director

Department of Planning, Building & Code Enforcement

Note

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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

WELCOME

ROLL CALL

Present: Commissioner Saum, Boehm, Polcyn, Raynsford, Arnold, and Royer

Absent: Commissioner Hirst

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

- a. [GP19-009, PDC19-039 & PD19-029](#). General Plan Amendment, Planned Development Rezoning, and Planned Development Permit for the development of up to 5,900 residential units; up to 7,300,000 gross square feet of office space; up to 500,000 gross square feet of active uses such as retail, cultural, arts, etc.; up to 300 hotel rooms; up to 800 rooms of limited-term corporate accommodations; an approximately 100,000 gross square feet event center; up to two central utilities plants totaling approximately 115,000 gross square feet; and a logistics warehouse(s) of approximately 100,000 gross square feet; all on approximately 84 acres. The proposal also includes conceptual infrastructure, transportation, and public open space plans. The project is known as the Google project, or the Downtown West Mixed-Use Rezoning and Development Plan project.

PROJECT MANAGER, James Han

Recommendation: No recommendation. Provide comments under the “Early Referral” Policy on the Preservation of Landmarks.

- *James Han (project planner) provided staff report*
- *Applicant (Bhavesh P. with Google, Riccardo,)*
 - *Building on a decade of engagement and planning, started 2009 with the Google Neighborhood Committee*
 - *Google is about 30% of the DSAP area*
 - *Reached out to about 3,000 people for feedback*
 - *Submittal of application in Oct 2019, triggers the NOP and EIR*
 - *Scoping meeting Nov and community meeting in Dec*
 - *Of 84 acres, 60 acres is developable*
 - *Uses are in alignment with DSAP plan*
 - *Large portion is used for surface parking and industrial area*
 - *About a mile distance from the north to south boundary*
 - *Wants to create a variety of character zone*
 - *Core near the Diridon Station*
 - *North more industrial*
 - *South more of the neighborhood feel and access to nature*
- *Consultant (Charles Chase, Principal, Architectural Resources Group)*
 - *Soliciting for comments from the public*
 - *CEQA review, a project listed eligible and is on the existing historic resources list, then both the project area and area adjacent to 200 feet of the project area, requires a survey*
 - *Initiated the field survey in Sept 2019 has complete the archival work, working on a conceptual statement*
 - *Study area composed or mixed use, combination of large vacant parcels*
 - *Project mixed use in late 19 century*

Public Comments:

- *Andre Luthard with PAC*SJ,*
 - *Submitted comments during the scoping period*
 - *Curious if Julian Street is part of the scope of work, not from an age but architectural*
- *Jose*
 - *Silicon Valley Debug*
 - *Concerned about the document as seen along with re-development of King and Story Road with small development, cultural and art impact after that time*

- *10 to 15 murals have gone down since then approximately 2002*
- *This had a city impact*
- *With Development this size, but concern not just that area but historic and cultural impact of the entire size*
- *San Jose has such rich cultural and historic, largest population of Raza and Vietnamese*
- *Buildings and Sign and people, rent rates will impact people*
- *Concern about a project this size, there should be tough robust protection of these resources, need policies change to protect those things*
- *Paul Soto*
 - *That area is called the horseshoe*
 - *His mother taught at Garner, went to Washington, went to Lee*
 - *To hear such a forensic analysis*
 - *There is a death that is happening*
 - *There is no moral conscious*
 - *Cannery, his family worked there and built this City*
 - *He represents a gang of Chicano*
- *Liz Gonzales*
 - *From East SJ*
 - *You want this project to be integrated, but that is counter to Google's culture*
 - *Consultant who are paying you and who do you represent*
 - *Colonizing the City*
 - *They are representing of hundreds of thousands of families*
 - *This campus would be place of San Jose, if San Jose will not be here anymore*
 - *There are no details, hope there is an answer*
 - *They understand of this commission, but the people are the greatest assets and you never mention people or how you talk about this project*
- *Celgian*
 - *Have been in this area for a long time, you are tearing up this city*
 - *You have no compassion, the City does not represent us*
 - *The City is allowing them to buy San Jose*
 - *They will fight this project*
 - *All this area, have lived and worked in this area*

- *Olga*
 - *Runs a small business in SJ*
 - *As a business woman and engineer*
 - *She needs Google, need business, not crime and tagging on her walls*
 - *Needs a normal community*
 - *Wants business here, needs the community overall propensity and it can happen*
 - *Progress comes with changes and it could be hard for people*
- *Brian Jesus*
 - *Concern about the history*
 - *From Orange County*
 - *Impressed with SJ of Latin*
 - *A lot of people don't have time to speak here*
 - *You worry about building Google, it will be fake and ugly building, will be in the middle of a historic City*
 - *San Jose has been doing great without Google*
 - *San Jose and its Culture is beautiful, and Google won't help*
- *John Mitchell*
 - *PAC*SJ*
 - *Situation of document of the historic resources*
 - *Digital scanning of building*
 - *Like the commission, the City adopt a policy that any type of development of historic building*
 - *Diridon Station itself, a few months ago at a VTA meeting how they will treat it with BART, elevate the track over Santa Clara, add four tracks east, which necessitate the movement of the Diridon Station*
 - *Going east from the Station is where the Google plans on having an office*
- *Eliberto Quamcho*
 - *Comudad*
 - *John Lick and grew up on the east side and have seen all these dramatic changes because of tech companies*
 - *Tech companies are making profit off culture, will cost all the residents, students feel like they can't live here*
 - *Trying to teach, the money they make as teacher, won't be able to afford to live here*
 - *Companies like Google, Adobe are driving rent and driving out people, it's a slap in the face*

- *There is a whole population of homeless people, will get arrested*
- *Their culture and history should not be displaced by corporation*

Commissioner Discussion:

- *Commissioner Raynsford*
 - *This is a huge project*
 - *There is a larger discussion about Silicon Valley in general*
 - *Focus on narrowing on history and memory*
 - *Christopher building, transition housing*
 - *An architectural landmark, not old enough, but related to housing*
 - *All the different kinds of people and labor struggle, have some kind of a memory, that will be transformed with this project*
 - *There are a lot of empty vacant parcels, building new things will create new memory*
- *Commissioner Royer*
 - *Survey uses 45 years instead of 50*
 - *Through the survey are you including murals and signs*
 - *They have observed signs and murals in this area*
 - *There is one sign*
 - *There are many vacant lots and surface parking, for opportunity for redevelopment*
 - *When you redevelop those vacant parcels, massing and height should consider adjacent historic resources*
 - *Does not want Diridon Station to be dwarfed by the new development*
- *Ricardo (Google)*
 - *There are some newer murals*
- *Commissioner Arnold*
 - *San Jose Water Company building*
 - *Bhavesh, there was a HP permit, want to do some work on it for community first use from the existing entitlement*
 - *Relocation in the future, poor house bistro, there are some residents, and their relocation*
 - *Chase, have only done the architectural review, no formal recommendation on properties of those sites; the work is independent of the applicant's project, they are here to objectively evaluate the project under CEQA*

- *Concerns about the people who are residents of those properties listed on HRI*
- *As you plan for the future, preservation of history and culture should be considered and not just new buildings*
 - *Ricardo is working with tenant, most of occupant were tenant owners and there are two tenants they are helping*
- *Commissioner Polcyn*
 - *This is a huge development project, multiple maps showing different information, trying to digest everything, and filter down what is the expectation of commission*
 - *Commission empathizes with the public*
 - *Our role is important as some of this is culturally important, so how do you translate the cultural part of history?*
 - *Looking at the size of the project,*
 - *What would be helpful is to break the project down in phases and have different meetings to review each of those areas*
 - *This is a 20-year process, but might be longer than that, it would be nice to know what the intent of the phased development built out would be.*
 - *Concept of height should be noted and how it affects local neighborhood, Lake House Historic District, Diridon and Water company buildings*
 - *Commission has lost most of the battle regarding height adjacent to City Landmark buildings.*
 - *Future towers would diminish the value of historic resources*
 - *Tribal Resources*
 - *This area was first inhabited by the Ohlone Indians and the cultural history should be considered.*
- *Commissioner Boehm*
 - *Did read studies that will be taking place, there is some assurance due to those studies*
 - *It is a land with a lot of history with Ohlone Indians*
 - *Consider how to honor those people, as well as Spanish and Mexican*
 - *The town was the first Puebla, 1777, which is 200+ years of history*
 - *History started close to Cesar Chavez*
 - *Santa Clara which turns into Alameda is the road that they walked, how do you mark and honor that (statue or marker)*
 - *There are artists in the audience who could be recruited with high value of murals, so have mural art as part of the proposed building design*

- *Will the Environmental Impact Report (EIR)*
 - *Analyze the architecture of the buildings?*
 - *It talks about overall design and impacts on historic resources*
- *Would like to see the architectural identity of existing historic buildings*
- *Will the years built be included in the historic evaluation to identify age of properties?*
- *Will the Historic significance be recognized when adjacent to City Landmark buildings?*
- *Size and massing will be an important consideration*
- *Number of historic organizations in San Jose, PAC*SJ, California Pioneer of Santa Clara Count are active organizations who would be interested in finding out more about this project*
- *When building housing*
 - *Will it be open to Google employees only or to public?*
 - *The housing is not for Google and affordable housing*
- *Applicant response: The Station is not within the Google project boundary and the applicant has been coordinating with that group to understand the details*
- *Commission concerns about the Landmark Station is noted*
- *Compatibility*
 - *Project looks at height, if there is a historic landmark, the new building will be compatible*
- *Commissioner Saum*
 - *Unlike other public hearing, they are not being asked for a recommendation, meeting is just to provide additional comments*
 - *Most of the questions and comments will be addressed in the EIR scope*
 - *For the last three years I have chaired this Commission and am now vice president of the neighborhood association, west of the project, 3/4 miles away, have been a renter for 11 years in the area and therefore am focused around this area*
 - *There is an opportunity for a historic analysis*
 - *Glad that murals and signs are given more historic consideration*
 - *34 structures are on Historic Resources Inventory in the project site area*
 - *They will develop a Master Planed design for the project which will be developed in phases and hopefully those buildings will go before the HLC for adjacency to the historic resources*
 - *We should emphasize design criteria and analyze in terms of compatibility*

- *When adjacent to historic resources, the scale and mass needs to match*
- *Important to consider maximum height and infill development*
- *Work with existing buildings, structures and cultures*
- *I also represent SAGG and know that the analysis is in the EIR and DISC*
- *Diridon and DISC needs to be addressed in this project*
- *In the Development of Design Guidelines, historic design guidelines should get incorporated; the downtown historic guidelines should be extended as well*
- *Lakehouse City Landmark District should be considered*
- *There is a lot of historic context in this area, diligent analysis helps the City embrace the cultural resources and can only improve the project.*
- *This project would go before HLC*
- *Early referral helps them to provide comments sooner rather than later*

Chair Saum requested ending comments from Commissioners

- *Commissioner Polcyn*
 - *Are there Design Guidelines? – Got a response stating “yes there are DSAP, in the process of an update.”*
 - *Diagram, only has the maximum allowance height, there are some high buildings, this concern them, would like to specifically what are the plans and proposal?*
- *Commissioner Arnold*
 - *Break this up the development in phases, a lot of information right now*
- *Commissioner Royer*
 - *Suggest, viewing this as an infill instead of a redevelopment project to bring in the existing culture and what is currently in this area*
- *Commissioner Raynsford*
 - *Not sure if infill is correct, because so little to fill*
 - *Needs to be careful urban design in relates to the urban fabric, especially with the Diridon Station*
 - *Google's rendering has the station as the axis, but depends on the height of the buildings*
 - *Someone needs to fill in the dialogue between Google and DISC*
 - *Might need to push back against engineer with multiple Tract maps*
 - *Likes the idea of cultural places near parks*
 - *What is the general sense of the urban design*
 - *Seems like hotel near SAP off to the side, shouldn't it be the urban center*
 - *Integration of the park required as there is a lot of opportunity to tie those together, not just build a giant glass building next to the park*

- *Commissioner Boehm*
 - *Height is a criteria factor, maximum height based on TERPS*
 - *Will seek variety, won't be a solid plane*
 - *Page 7, has listed some structures, for example 56 Autumn Street, that will be analyzed*

- b. **Annual Work Plan.** Discuss the annual historic preservation Work Plan. Review the prior year Certified Local Government (CLG) work plans.

PROJECT MANAGER, JULIET ARROYO, HISTORIC PRESERVATION OFFICER

Recommendation: Staff recommends that the Historic Landmarks Commission review last year's CLG Report and discuss this year's Work Plan.

Attachment: [Draft Work Plan 2020, dated 1-6-2020](#)

The Commission overall liked the work plan.

Staff (Juliet Arroyo, HPO) presented draft work plan and stated that the annual CLG report was due on April 17th. It will be brought before the HLC in February and March for comments.

She further stated that staff is working with an intern to update HRI and will work on technical bulletins next for interactive HRI as well as Guidelines for historic reports. Focus in 2020 would be to get citywide survey-depending on funding by Council.

Commissioner Raynsford:

Citywide survey should include survey of 1st street and extend to all properties south of I-280. We could take help of students and others to help with surveys. We could even request Google to help with those.

Commissioner Polcyn:

Identify the Conservation areas which have potential significant historic resources and work with Code Enforcement to prevent them from being damaged or destroyed.

Staff (Juliet Arroyo): Yes, I am working on getting an eligibility list as once listed on HRI the identified properties receive a higher level of scrutiny. We will identify areas which are significant.

Polcyn: Website could be upgraded to reflect the areas

Staff JA: Early referral station area will be brought to HLC in March meeting. Design Guidelines to be prepared for the proposed amendment to the Diridon Station Area Plan will be brought before HLC. Google Master Planned Development will follow best design practices, which is separate from the Diridon Station Area Plan.

Commissioner Chair Saum:

The Google master plan and survey to be put in an accessible format. Mayor Ricardo conveyed to Chair Saum to provide a scope of what was needed, and they will make it happen. Make HLC more interactive. AB 900 will streamline approval of permits for Google but not without historical repercussions. Shorten local approval authority, San Carlos area has already been incorporated.

Staff: Need more data to backup certified by HLC for authenticity and quality of work. Promote historic preservation and minimize local control.

Commissioner Saum: Just like the City's ADU Amnesty program and ADU allies, we could advocate for Historic Preservation, Landmark designations and Mills Act Contracts and provide email and contact numbers of people who could provide all the information so that the people don't go seeking around for answers.

For City's non-historic properties, code enforcement sits too long.

Commissioner Raynsford: I would like to find an easy way to notify them of properties. For example, 546 West Julian Street.

Commissioner Polcyn: Looking to Google for help and support by digitizing all the properties on the HRI list.

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

No Items

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.

Chris Giangreco addressed the Commission regarding the Century 21 Theater reuse plans. He suggested that the Commission could go out and get a tour of the building. He was working on successfully repurposing the theater building. He added that it is an iconic Historic Landmark Structure and they are working on getting it back to function as a movie theater.

6. GOOD AND WELFARE

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

- i. Past Agenda Items: Winchester Ranch project; Almaden Corner Hotel project; Tribute Hotel project
- ii. Future Potential Agenda Items: Station Area Plan
- iii. Summary of communications received by the Historic Landmarks Commission.

b. Technical Preservation Bulletins: Plan for Bulletin No. 1, Guidelines for Historic Reports

c. Report from Committees

- i. Design Review Subcommittee: Next meeting February 19, 2020.

d. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of December 4, 2019.](#)

The Commission unanimously approved the action minutes, as amended, for the December 4, 2019 HLC meeting.

Discussion on Amended Action Minutes stated below:

Project File Nos. HP19-002 & H19-009: Chair Saum stated that the minutes should be corrected on page 4 to state that the project plans did not provide any egress windows for potential bedrooms with 3 to 4 bathrooms shown in the attic. Also, individual plan sheets showed a six-foot tall fence in the front yard, whereas oral presentation said otherwise. So, there was discrepancy which should be clarified as there was misrepresentation of the submitted plans. The impact to the historic resource with potential increase in the number of bedrooms and occupancy per the 17 or so bathrooms provided was emphasized repeatedly by the commissioners. Lack of egress windows in the attic and potential blocking of the historic resource due to six-foot tall fence in the front yard were addressed by the Commission and should be added to the amended minutes.

e. Status of Circulating Environmental Documents

No Items

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.