



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**February 5, 2020**

**Regular Meeting**

**6:30 p.m.**

**City Council Chambers**

**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

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff 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, 3<sup>rd</sup> 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**

*Meeting called to order at 6:30 p.m.*

**ROLL CALL**

Present: Commissioners Boehm, Arnold, Polcyn, Hirst, Raynsford, and Saum

Absent: Commissioner Royer

**1. DEFERRALS**

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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**

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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

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a. [Historic Resources Inventory \(Additions and Modifications\).](#)

*PROJECT MANAGER, JULIET ARROYO, HISTORIC PRESERVATION OFFICER*

**Recommendation:** Historic Preservation Officer recommends the Historic Landmarks Commission approve adding and modifying the proposed properties to the Historic Resources Inventory.

*Commercial Signs (10 Locations)*

*Juliet Arroyo, Historic Preservation Officer, explained that these signs are the first grouping identified for listing on the Historic Resources Inventory and she commended PAC\*SJ for locating, identifying, recognizing, and celebrating the signs.*

*Photographs of the signs were displayed.*

*Andre Luthard, representing PAC\*SJ, commented that he is very excited to see these steps being taken to add these signs to the HRI. Hopefully there will be many more additions. Because of development pressure, he is excited to see the signs and buildings on the agenda tonight.*

*John Frolli, representing PAC\*SJ, commented that PAC\*SJ will work with Ken Middlebrook and Juliet Arroyo regarding ideas to keep the signs in context. He fully supports this agenda item.*

*Commissioners commented that this is an excellent project and they appreciate the hard work of the staff and the comprehensive format used to protect these resources.*

*Ken Middlebrook, Curator of Collections at History San Jose, commented that these signs are iconic and landmarks. They resonate with the public and are important to the community.*

*Commissioner Boehm read his letter into the record:*

*"I commend our Historic Preservation Officer in her efforts to expand the prospective properties to be considered landmarks. This has involved much work and diligence and for that we salute you, Juliet. These signs are more than bright lights, but rather point to cherished days of yore that remind us that just seventy years ago we were a medium sized city of 95,000 with an agricultural axis and "country-community" feel. Thank you for bringing this feeling back to us and preserving our "Valley of Heart's Delight" history. Indeed, you aptly represent your title of Historic Preservation Officer, and do it well."*

*Chair Saum commented that the signs could be used as mileposts or markers along a path, e.g., on a mile-long stretch of public space.*

*Commissioner Boehm commented that placing the signs in an area like what was found historically around the signs would be most appropriate.*

*The commission voted unanimously in favor of adding the first group of commercial signs to San Jose's Historic Resources Inventory. (6-0; Royer absent)*

*Juliet Arroyo introduced Lisa Ruder as a new intern in the Historic Preservation Office.*

*1020 N. 4<sup>th</sup> Street (Dick's Market)*

*Juliet Arroyo, Historic Preservation Officer, described the former Dick's Market as a 1948 postwar grocery store in the early modern architectural style. There has been removal of character-defining features that results in a loss of integrity, so it is not a candidate for a City Landmark. The recommendation is to add Dick's Market to the Historic Resources Inventory as a Structure of Merit due to its historic associations. There is a development proposal for the site.*

*Allison Riley, representing PATH Ventures, current owner of the site, explained that they are looking to develop the site and would like to preserve the history and integrity of Dick's Market to the extent possible.*

*Commissioners expressed support for protecting what's left of the building and listing Dick's Market as a Structure of Merit,*

*Juliet Arroyo, Historic Preservation Officer, explained that she is working with PATH Ventures regarding keeping key elements of the building, and having interpretive and commemorative features.*

*Chair Saum commented that the Structure of Merit designation serves us looking forward and can serve as an example, so buildings don't have to become a Structure of Merit.*

*Andre Luthard, representing PAC\*SJ, expressed hope that the current owner and Planning will consider salvaging the glass brick north wall and large timbers. Maybe they can be offered to the community so that the demolition has not all gone to waste.*

*The Commission voted unanimously in favor of adding Dick's Market to the Historic Resources Inventory as a Structure of Merit. (6-0; Royer absent)*

*Waldo Residence at 1023 Bird Avenue.*

*Krista Van Laan of Archives & Architecture explained that this Victorian Queen Anne farmhouse is a City Landmark and that she was hired by the current owners to re-evaluate the property.*

*Chair Saum expressed his appreciation for this project as an example of the breadth of the work of the Historic Landmarks Commission and his appreciation of owners who are engaged and interested in making sure the history of their property is correct.*

*The Commission voted unanimously in favor of updating and correcting historic information regarding the Waldo Residence at 1023 Bird Avenue in the Historic Resources Inventory. (6-0; Royer absent)*

*Commissioner Saum commented that adding the group of signs, etc. is fantastic and expands the thinking of what should be preserved.*

*Juliet Arroyo, Historic Preservation Officer gave a brief presentation explaining property additions and modifications. She also explained that the Historic Resources Inventory is not comprehensive because the whole city has not been surveyed. Therefore, properties are added and identified under certain classifications overtime and is on-going.*

- b. [PD19-014 & PDC19-014](#). Planned Development Zoning from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District and a Planned Development Permit to allow the demolition of eight residences found to be a Candidate City Landmark and development of two seven-story mixed-use buildings with one level of below-ground parking, including 173 residential units and approximately 20,864 square feet of commercial uses on an approximately 1.342-gross acre site property located on the Southeast corner of West San Carlos Street and Buena Vista Avenue (1530-1544 West San Carlos Street). **PROJECT MANAGER, Alec Atienza**

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

*Alec Atienza, City of San Jose project manager, described the proposed project and explained that all existing buildings on the property – 5 commercial buildings and 8 residential buildings - would be demolished. The 8 residential buildings consist of one Craftsman style house and a seven-unit Spanish style bungalow court. City of San Jose staff is asking the Historic Landmarks Commission to provide comments on potential historic resources.*

*Juliet Arroyo, Historic Preservation Officer, noted that a historic report found the bungalow court eligible as a City Landmark site when evaluated against context for this property type. The bungalow court is in the Spanish Colonial Revival style with very few alterations and retains its integrity. All other buildings on the project site are not historic.*

*Commissioner Polcyn noted some conflicting language in the historic report. In the report the bungalow court is identified as critical to criteria 1, 6, 8. The home is criteria 6. The report makes an argument for criteria 4 and 5 for the bungalow court and criteria 8 for the home. On page 19 there’s a narrative about this style of multi-family housing and there are statements about the style, and the cultural and economic significance of bungalow courts. But the summary says it’s not important. Commissioner Polcyn stated that he has a problem with the writing and conclusions in the report.*

*Juliet Arroyo, Historic Preservation Officer, noted these comments and stated that a full analysis will be part of the CEQA doc. Inconsistencies in the report can be addressed in the technical report and CEQA.*

*Commissioner Raynsford stated that in the concluding portion of the report the authors are considering factors 1, 4, 5, 6, and 8. They all seem appropriate as criteria for a landmark. He stated that it is appalling that it might be demolished. Maybe the criteria could be rethought, elevating it a little bit more. Commissioner Raynsford commented that Phase 2 is on the corner and Phase 1 is interior and that seems backwards; that Phase 1 should not be destroying historic resources. He asked the reason for the phasing.*

*Tai Wu, on behalf of Studio Current, explained that the project may be built all at once.*

*Commissioner Arnold stated that she finds destruction of the Craftsman house bothersome and disconcerting and asked if there was any thought given to preservation of the house. She spoke of the lack of historical information regarding the house and its significance. She is also concerned about parking for the project.*

*Commissioner Boehm concurred with what has been said. He stated that the house and bungalows retained their value and recommended that they be evaluated as historic properties for the HRI.*

*Chair Saum stated that it's not just individual buildings, but the whole cluster is a snapshot in time. He explained that in the initial intent of the project, Phase 2 would be the staging area for Phase 1. When Phase 1 sold, Phase 2 would then be economically viable. He mentioned that addressing the housing concern and the commercial in the General Plan shouldn't outweigh the historic resources goals and objectives. He stated that he helped to write The Alameda Urban Village Plan, which is the only one with a historic preservation section. He noted that the paseo in the project plan is only a paseo if two houses on Buena Vista Avenue get bought and redeveloped. Otherwise it's not a paseo. It's a private pocket park for Phase 1. If the bungalows are removed for a private park for this development, that would add insult to injury. There is history of clusters of houses previously on the block. Burbank is an area with a historical context, but preservation has been spotty. Chair Saum stated that there is enough evidence for further analysis and investigation of the individual buildings and the cluster as a whole.*

*Chair Saum stated that the project provides 10% more parking than required by the City of San Jose.*

*Commissioner Hirst inquired if it is too late to landmark.*

*Chair Saum opined that landmarking over the objection of a developer is difficult.*

*Commissioner Hirst commented that there are very few bungalow courts. Studio Current seems open to the City granting a variance, so that's encouraging. Maybe a solution can be worked out.*

*Commissioner Boehm stated that there is a distinction between the bungalow court and individual homes. The bungalow court is historic and worthy of preservation.*

*Juliet Arroyo, Historic Preservation Officer, explained that the next step is the administrative staff level CEQA document which will incorporate these documents in the review period. She told the Commission she can bring the project back to the Commission during the CEQA public review period and the Commission expressed support for this next step.*

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

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**No Items**

## 5. OPEN FORUM

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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.

*Andre Luthard, representing PAC\*SJ, provided an update on the 1971 Pelli-designed Bank of California building. PAC\*SJ continues to advocate for its preservation.*

*Juliet Arroyo, Historic Preservation Officer, stated that the Bank of California building is under administrative review right now as a part of the Cityview Plaza development project. When the conclusions are public, she will provide a copy.*

*Ken Middlebrook, curator of collections at History San Jose, explained that History San Jose has been asked by the Public Works Department to vacate its largest warehouse. He is working on the whole collection with the Historic Preservation Officer regarding deaccession.*

*Chair Saum expressed full disclosure regarding his activities with his neighborhood association, Alameda Park.*

*Kay Goodman, representing the Alameda Park subdivision, explained that her neighborhood is under pressure from the movement of downtown coming west and described a 5-story hotel project proposed on Stockton Avenue that would sit behind the historic homes that are common in the neighborhood. She explained the work she has done to help establish a new Conservation Area.*

*Chair Saum commented that there was a neighborhood association meeting and paperwork had been submitted concerning the hotel project.*

## 6. GOOD AND WELFARE

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

#### i. Past Agenda Items: Tribute Hotel project, Cityview Plaza project

*Juliet Arroyo, Historic Preservation Officer gave the following updates:*

*San Jose City Council approved the Tribute Hotel project after appeal by PAC\*SJ. Ms. Arroyo explained that she was not involved in this project and that Erik Schoennauer misspoke when referring to the current HPO.*

*The CityView Plaza project is under administrative review. There is a request from PAC\*SJ to nominate the Bank of California building. It will be on the March agenda for early referral. The project boundary has expanded in size.*

- ii. Future Potential Agenda Items: Station Area Plan, Draft Citywide Design Guidelines, Smith House

*Juliet Arroyo, Historic Preservation Officer, stated that the North Willow Glen Conservation Area proposal will come before the commission in March. Notices are being sent to property owners. There are also other projects on that agenda. March and April meetings are expected to be full.*

- iii. Summary of communications received by the Historic Landmarks Commission.

*Commissioner Saum noted receiving a letter from PAC\*SJ regarding the Pelli building.*

**b. Technical Preservation Bulletins**

*Juliet Arroyo, Historic Preservation Officer, is working on publishing a series that will explain the Historic Resources Inventory. She noted that guidelines for historic reports are critical. The guidelines need to be strengthened so that reports can stand up to any challenge. Ms. Arroyo asked the Commissioners to email her with any suggestions for making historic reports better and more useful.*

**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 January 15, 2020.](#)

*Juliet Arroyo, Historic Preservation Officer, stated that she received several corrections to the minutes of the January 15, 2020 meeting. She will update the minutes and defer the approval of the minutes to next month.*

*The commission voted unanimously in favor of a motion to defer the January minutes. (6-0-1; Royer absent)*

**e. Status of Circulating Environmental Documents**

No Items

**ADJOURNMENT**

*The meeting was adjourned at 8:20 p.m.*

# 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.