WELCOME

Meeting called to order at 6:31 p.m.

ROLL CALL

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

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 request to speak in the manner specified on p. 2 of this agenda.

a. **HL20-001.** Historic Landmark Nomination consideration of the 170 Park Center Plaza building (former Bank of California) as a site with special historical, architectural, cultural, aesthetic, or engineering interest for value on a 0.6-gross acre site (170 Park Center Plaza), Council District: 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. 

**PROJECT MANAGER, RINA SHAH**

**Recommendation:** Dropped to be renoted at a later date per Staff request.

*Juliet Arroyo, Historic Preservation Officer, explained the deferral.*
Andre Luthard, on behalf of PAC*SJ, expressed concern about the deferral impacting the ability of the Historic Landmarks Commission to discuss and vote on this item. He opined that the Historic Landmarks Commission intends to take testimony and vote on Item 3b. Mr. Luthard stated that if the Historic Landmarks Commission will hear Item 3b and take a vote, then he has no concern about the deferral.

Juliet Arroyo, Historic Preservation Officer, explained that Item 3b will not be an action on nomination. It will be a direction from the Historic Landmarks Commission; a vote to direct staff.

The commission voted unanimously (6-0) in favor of a motion to defer Item 1a per staff request.

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 wishes to speak on one of these items, please use the ‘raise hand’ feature in Zoom or contact 408-535-3505 to request to speak.

No Items

3. PUBLIC HEARINGS


PROJECT MANAGER, RINA SHAH

1. **HLA86-031-01 and HPA16-004-01**: Historic Landmark Designation Amendment and Historic Preservation Permit Amendment to reduce the current legal boundary of the Smith House and the associated tank house, pump house, and aviary structures, from a 2.15-gross acre parcel designated in 1986 (Assessor Parcel Number 659-04-056) to a smaller 0.44-gross acre parcel (File No. HLA86-031-01); and to allow construction of a six-foot tall solid wall along a new lot line at the rear, with an approximately five-foot setback at a rear corner of the proposed parcel (File No. HPA16-004-01). The lot split will separate the historic resource from new construction both currently located on a combined 4.42-gross acre parcel created when three parcels were merged into one (Assessor Parcel Number 659-04-056).

2. **MA19-004**: Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject Smith House. The site is on a 0.44-gross acre.
**Recommendation:** Staff recommends that the City Council approve the following actions:

a. Adopt a resolution amending the designation of the City Landmark (Smith House) with a reduced legal boundary; and

b. Approve the Historic Preservation Permit Amendment to allow a six-foot tall solid wall along the new lot line at the rear of the City Landmark as shown in project plans; and

c. Approve the proposed Historical Property Contract and adopt the draft Resolution

*Rina Shah, Project Manager, provided the staff report and presentation, including history of the property, the Mills Act contract, and proposed amendments to the Historic Landmark Designation and Historic Preservation Permit. Ms. Shah stated that the Smith House meets 6 of the 8 criteria in the City of San Jose Historic Preservation Ordinance, and recommends approval of action items a, b, and c as listed in the meeting agenda.

John Froalli, on behalf of the applicant, provided a presentation with photos of the current condition of the site, noting the aviary, tank house, pump house, and the orchard in bloom. He stated that the applicant planted orchard trees and also noted that trees have been planted on the back side of the wall by the developers. He mentioned that the color of the wall is an earth tone. Mr. Froalli noted that there was discussion about materiality and height of the wall at a 2017 meeting of the Historic Landmarks Commission.

Commissioner Hirst commented that he is pleased to see the progress and the response of the applicant to input by the Historic Landmarks Commission regarding the wall and aesthetics.

Bill Mabry, on behalf of the owner, referred to a 2017 Historic Landmarks Commission meeting concerning the wall, Nov. 29, 2016 stamped plans depicting the wall and location (Emily Lipoma, planner; Justin Daniels, manager), a Feb. 1, 2017, audio recording starting at minute 17:00, and a resubmittal letter to Justin Daniels, which all confirm that the wall was vetted and approved.

John Froalli, on behalf of the applicant, stated that the plan for the wall has always been in that location. He stated that additional landscaping was proposed to help mitigate the effects of the wall.

Andre Luthard, on behalf of PAC*SJ, stated that he supports the staff recommendations regarding the Smith House, including the Mills Act to help preserve this historic resource. He thanked the staff for achieving this result.

Commissioner Royer commented that the images with landscaping were helpful and agrees that additional landscaping to further screen the wall will be helpful.

Commissioner Raynsford stated his approval of the screening proposal. He asked about future use of the Smith House.
Rina Shah, Project Manager, stated that the use has not been defined as of today, the zoning is commercial, and there will likely be some adaptive reuse of the Smith House.

Bill Mabry, on behalf of the owner, stated that the reason for the lot split was to separate the Smith House from the assisted living community. His intent is to donate the property to a nonprofit organization to utilize the interior in the future.

Commissioner Raynsford commented that the Mills Act is a ten-year process. If the Smith House is donated to a nonprofit, what would be the plan to preserve the interior of the house and who would be responsible for repairs?

Bill Mabry, on behalf of the owner, stated that he doesn’t know who the house will be donated to and has no answers concerning the interior of the house.

Rina Shah, Project Manager, explained that the City would be responsible with making sure the Mills Act preservation plan is being followed when property transfers to a new owner.

Juliet Arroyo, Historic Preservation Officer, confirmed that the Mills Act contract would transfer to the new owner, whether nonprofit or not. Whether an owner pays property taxes or not, a Mills Act contract is still enforceable. Ms. Arroyo opined that a Mills Act contract is great for this property to ensure that any new owner has an obligation to preserve this building.

Commissioner Arnold stated that she is familiar with the Smith House and approves the recommended screening and plans as presented.

Vice Chair Boehm asked what the result would be if the Historic Landmarks Commission failed to approve the recommendations. It seems that actions were taken by the applicant that were not approved or permitted.

Rina Shah, Project Manager, explained that the applicant thought the wall was okay to be constructed because of a building permit, but because the property is a City Landmark, it requires the Historic Preservation Permit.

Vice Chair Boehm commented that the sequence appeared to be done without approval and seems calculated. He opined that it’s complicated – the house restoration is very well done, but if the Historic Landmarks Commission allows this to go forward, other developers might take it as a precedent to build and seek approval after. He also expressed concern with commencing a Mills Act contract when there’s an intent to donate the property to someone who then has to participate in a contract they had no voice in. Vice Chair Boehm stated he doesn’t have a lot of confidence in the applicant. Possibly the property will be used commercially. He reiterated his positive opinion of the restoration and the importance of the property to the Evergreen area of San Jose but doesn’t know if he can support the recommendations because of the prior actions.

Rina Shah, Project Manager, stated that the relocation of the house was analyzed, and the green backdrop will be restored. City staff support the intent of the project, which is to preserve the Smith house. The house is visible to the public from San Felipe Road. Ms.
Shah explained that any adaptive reuse shall not mar the character-defining features of the house and that the house will have to be preserved in perpetuity.

Juliet Arroyo, Historic Preservation Officer, noted that approving the actions tonight makes the original entitlement of 2017 clear for all future owners, and that these actions are characterized as clean-ups.

Chair Saum noted the importance of making sure the result and entitlement actually align.

John Frolli, on behalf of the applicant, stated that the restoration work was monitored. He commented that the owner never did anything nefarious. The owner followed the process, got a permit to build, went through the Historic Landmarks Commission in 2017, and now is being wrongly accused of building a wall without approval. The owner wasn’t aware there wasn’t approval. Mr. Frolli suggested that there’s a lesson here. Issues like this should be handled early on in the process in the planning phases.

Bill Mabry, on behalf of the owner, lauded John Frolli’s assistance throughout the process. Mr. Mabry expressed that he takes offense to the negative comments. He feels that the owner did everything that was asked of them and more to recreate the atmosphere for the house.

Vice Chair Boehm stated that he appreciated and understood the claim that the owner didn’t know and that the lack of approval was unclear. Vice Chair Boehm reiterated that he is happy to have the house restored, but he is not yet convinced of exactly what happened and still has some doubt. He stated he would like to believe the owner was proceeding as instructed. He understands that historic landmark requirements are not easy to follow.

Commissioners Hirst, Royer, and Arnold had no further comments.

Commissioner Raynsford concluded that perhaps there was some miscommunication and that he is willing to give the applicant the benefit of the doubt and support the staff recommendations.

Vice Chair Boehm stated that he appreciated the comments and asked if there was a way to abstain from voting.

Chair Saum explained that a “present” vote is an abstention.

Chair Saum noted that the Mills Act contract is a separate item under this property. He questioned if the 2 amendments on this project would be impacted if there is concern about potential burden on a new nonprofit owner.

Rina Shah, Project Manager, explained that all 3 are separate items going before the City Council on June 9, 2020 and are dependent on the recommendation of the Historic Landmarks Commission.

Chair Saum commented that additional landscaping will go a long way in addressing concerns of the commissioners.
The commission voted unanimously (6-0) in favor of a motion to close the public hearing on Item 3.a. 1. & 2.

The commission voted (5-0) to approve the HLA and HPA amendments per staff recommendation with 1 abstention.

The commission voted (5-0) to approve the Historical Property Contract per staff recommendation with 1 abstention.

b. **FORMER BANK OF CALIFORNIA BUILDING AT 170 PARK CENTER PLAZA.**

*Project Manager, Juliet Arroyo*

**Recommendation:** Review and consider the request for Historic Landmarks Commission (HLC) nomination of the former Bank of California building at 170 Park Center Plaza (Building) as a Historic City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and to direct staff to prepare an application for HLC nomination consideration at a future meeting if the Commission wishes to act on the request and proceed with the nomination and designation process.

Juliet Arroyo, Historic Preservation Officer, provided a presentation of the designation process and explained that the action before the Historic Landmarks Commission is to direct staff to prepare documentation and an application which would be presented to the Historic Landmarks Commission for consideration of nomination at the next meeting on June 3, 2020. Ms. Arroyo noted that Cassandra van der Zweep is present to answer any questions regarding the City View (Park Center) Plaza project.

Ms. Arroyo explained that properties are nominated as Historic City Landmarks by the owner, the Historic Landmarks Commission, or the City Council. The finding of eligibility is determined by the Historic Landmarks Commission. The approval of the designation is granted by the City Council. Owner consent is not required; public hearings are required.

Ms. Arroyo stated that she received 2 letters from PAC*SJ requesting the Historic Landmarks Commission to consider nominating the building. She mentioned there was discussion of the former Bank of California building during the March 2020 Historic Landmarks Commission meeting. Ms. Arroyo stated that she has sufficient information to deem the application complete and make staff findings that the property qualifies for a historic landmark. She now needs direction from the Historic Landmarks Commission.

Ms. Arroyo described the history and physical attributes of the building, referring to a 2009 context statement, and opined that it’s possibly the best example of brutalism in San Jose. The building meets city landmark designation criteria 1,6,7 and 8.

Ms. Arroyo stated that tonight’s action – if the Historic Landmarks Commission votes to act – is to direct staff to prepare nomination documentation for the June 3, 2020 meeting. Following, at the June 3, 2020 meeting, the Historic Landmarks Commission will...
conduct a public hearing, make findings, proceed with nomination (if desired), and make a recommendation to City Council for their June 2020 meeting.

Ben Leech, on behalf of PAC*SJ, stated that PAC*SJ is not alone in their position to save the former Bank of California building. They are joined by the National Trust for Historic Preservation, the California Office of Historic Preservation, the Northern California Chapter of Docomomo, and signers of an online petition. Mr. Leech opined that the building is an asset to downtown San Jose and stated that every period of architecture, including brutalism, is overlooked before it’s appreciated. Mr. Leech commented that buildings like this are the future gems of San Jose. The Envision San Jose 2040 General Plan calls for an architecturally diverse downtown. Preserving the former Bank of California Building is an opportunity for the City to indicate their commitment to that plan.

Mike Sodergren, on behalf of PAC*SJ, commented that the former Bank of California building has been a candidate city landmark for 20 years. He stated that the COVID-19 Shelter in Place order is in place through the end of this month and that this procedure feels rushed. PAC*SJ has received considerable input from experts begging them to save this building. The conflict about who designed the building needs to be resolved and the building needs to be recognized as a city landmark. Mr. Sodergren is concerned that this project is coming before the City Council before the next Historic Landmarks Commission meeting. Mr. Sodergren described the CityView Plaza as a monoculture.

Andre Luthard, on behalf of PAC*SJ, stated that he’d like to reinforce everything that Mr. Leech and Mr. Sodergren mentioned. Mr. Luthard thanked Ms. Arroyo for her presentation and explanation of the process. Mr. Luthard stated that the Historic Landmarks Commission should direct staff to initiate the process, and the planning department should defer until the Historic Landmarks Commission makes their recommendation on landmark nomination.

Commissioner Arnold stated that she had no questions and added that she was pleased to see the latest edition of the PAC*SJ newsletter and National Trust publication featuring the building.

Commissioner Raynsford stated that he is very supportive of this landmarking; it’s an important building. He asked for clarification regarding timeline, HLC approval, City Council approval, development, CityView Plaza.

Juliet Arroyo, Historic Preservation Officer, explained that the approval for CityView Plaza and landmarking are two separate processes. Both go to the City Council. The City Council makes the decision on both designation and project approval. The goal is to bring both to the City Council at the same time so that the City Council can look at them together.

Chair Saum asked the following two questions: With regard to the Historic Landmarks Commission’s action tonight, what is the likelihood of that goal? What is the impact the Historic Landmark Commission’s action tonight will have on the CityView Plaza plan regarding the building?
Juliet Arroyo explained that Cassandra van der Zweep is currently writing the staff report for the planning commission; she will disclose that this separate process is going on.

Commissioner Royer asked about process and timeline; she commented that it’s important to do this at the appropriate time, so the designation can be considered before the approval.

Juliet Arroyo, Historic Preservation Officer, explained that the City Council would make the decision on both designation and project approval. If the project approval comes up first, the City Council will be informed of the proposed designation process and will work with Ms. van der Zweep to assist with timing for both.

Commissioner Royer expressed her support for bringing a nomination forward.

Vice Chair Boehm commented that he has been ambivalent about this landmark nomination in the past. But because of the importance of the location to San Jose’s early history and because landmarking the former Bank of California building would be one way to preserve a part of the block which represents San Jose in the 1970s, Vice Chair Boehm stated that he has come to the conclusion to support this building as a historic landmark.

Chair Saum commented that Ms. Arroyo and Ms. van der Zweep are working together, and both items need to be in the forefront of the minds of the planning commissioners and city council members. He commented that the animated conversation concerning this building is indicative of the reactions to brutalist architecture capturing an era. He thanked staff for their breadth of research and PAC*SJ for their advocacy.

Commissioners Hirst and Royer had no additional comments or questions.

Commissioner Raynsford spoke about Boston City Hall being a famous brutalist building that was very controversial. He believes this is an important moment for brutalism in San Jose. He opined that people might have a different attitude about brutalism and the former Bank of California building in 20 years. As an example, that development and preservation can go hand in hand. Commission Raynsford pointed out that the expansion of SJSU’s new student union building preserved the historic core of the building and providing a sensitively designed addition.

The commission voted unanimously (6-0) in favor of a motion to close the public hearing on Item 3.b.

The commission voted unanimously (6-0) in favor of a motion to direct staff to prepare documentation for nomination of the former Bank of California building as a Historic City Landmark.
**DEACCESSION OF ITEMS IN CITY COLLECTIONS.**

**PROJECT MANAGER, KEN MIDDLEBROOK, HISTORY SAN JOSE**

**Recommendation:** No recommendation. Discuss the Deaccession of items in the City Collection. Potential action to be considered at a meeting on or after the June 3, 2020.

Juliet Arroyo, Historic Preservation Officer, explained that this item is for discussion and comment unless the Historic Landmarks Commission. Ms. Arroyo recommended discussion but no need for action tonight. Ms. Arroyo described the deaccession process as an annual process that History San Jose undertakes by making a list of property in their collection that they want to move on to other homes. Ms. Arroyo previewed the list, which consisted primarily of textiles, household goods, furniture and hardware, and saw nothing concerning for the HLC. There were no architectural salvage items or signs on the list. Ms. Arroyo explained that this list will go before the City Council for approval. The comments of the Historic Landmark commissioners are not required for formal approval but are welcomed.

Arlene Biala, on behalf of the City of San Jose Department of Cultural Affairs Art Program, explained that her office oversees a maintenance agreement with History San Jose. The City of San Jose is requiring History San Jose to vacate a warehouse by August 2020 for the public works department to remodel the warehouse for a fire training center. This necessitates the deaccession of the aforementioned items.

Commissioner Arnold noted that she submitted a conflict of interest form and she will pass on making any comments as a board member of History San Jose.

Commissioner Raynsford stated that he had no comments.

Commissioner Royer stated that she had no comments or questions.

Commissioner Hirst expressed appreciation for being brought up to date on this item. He asked about the fire training building and wanted to confirm that the list included all of the items being deaccessioned at this time. He asked what will happen to these items.

Arlene Biala, on behalf of the City of San Jose Department of Cultural Affairs Art Program, stated that she had no details about the move. She explained that deaccessions are typically done at least once a year. She identified the items as old quilts, textiles, paintings without historical value, spools of thread, old postcards. Ms. Biala explained that usually History San Jose will conduct a rummage sale or donate items to, for example, The Lace Museum in Sunnyvale.

Chair Saum explained that the city’s current fire training center is within the Diridon Station Area Plan and part of the property sold to Google. The city needs to find a new fire training center, has identified a warehouse currently used by History San Jose, and so items in the warehouse need to be moved.

Arlene Biala, on behalf of the City of San Jose Department of Cultural Affairs Art Program stated that the people working on the deaccession have experience and know which items are superfluous.
Commissioner Hirst asked where the new location will be for items which are being kept.

Arlene Biala, on behalf of the City of San Jose Department of Cultural Affairs Art Program, explained that items will be moved into one of History San Jose’s other warehouses in an effort to consolidate.

Vice Chair Boehm stated that he had no concerns about the items on this extensive list. He opined that relevance, condition, and redundancy are good reasons for deaccessioning, but he stated that giving up warehouse space is a cause for concern and he hates to lose items because of space constraints. He stated that he will be voting in favor of this list.

Andre Luthard, on behalf of PAC*SJ, asked where the items will go if the City Council approves the list for deaccession. He stated that other entities may be interested in receiving the items.

Arlene Biala, on behalf of the City of San Jose Department of Cultural Affairs Art Program, explained that the deaccession process is a regular exercise. History San Jose does some outreach by sending the deaccessioned items list to a massive mailing list of entities who might be interested. The items will be available through a garage sale or auction.

Mike Sodergren, on behalf of PAC*SJ, opined that hopefully there will be a Downtown San Jose museum in the future with items categorized by period of significance for developers who want to feature and celebrate San Jose’s history.

d. **CERTIFIED LOCAL GOVERNMENT REPORT FOR 2018-2019.**

**PROJECT MANAGER, JULIET ARROYO**

**Recommendation:** Review and accept the proposed the Certified Local Government annual report to the State Office of Historic Preservation for the reporting period 2018-2019.

Juliet Arroyo, Historic Preservation Officer, explained that the CLG report is an annual report to the California Office of Historic Preservation. The report includes the accomplishments of the past year, future plans (such as HRI, consultants, citywide context statement, etc.), Commission member attendance at HLC meetings, qualifications of HLC commissioners, etc.

The commissioners commented that the goals capture well the conversations of the Historic Landmarks Commissioners in previous meetings.

Vice Chair Boehm commented about preservation review for single-family homes, the HRI, a system for survey and inventory, and properties recently added to the HRI.

Chair Saum emphasized the substantial amount of important work Ms. Arroyo has in front of her and that the goals are very important. He stated that the Historic Landmarks Commission is very much in support of whatever they can do to get staff and resources for the Historic Preservation Office.
The commission voted unanimously (6-0) in favor of a motion to review and accept the Certified Local Government annual report.

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. If anyone wishes to speak, please connect to the meeting either by Zoom or by telephone using the instructions on page 2 of this agenda.

Gayle Frank, on behalf of PAC*SJ, stated that she sent an email in support of the nomination of the Pelli building at 170 Park Center Plaza.

Mike Sodergren, on behalf of PAC*SJ, stated that substantial information has been submitted regarding the McCabe Hall project and commented that hopefully the Historic Landmarks Commission will continually review massing, etc. in the planning stages.

He suggested that the Historic Landmarks Commission request from developers any plans that they already have and provide images that best portray the projects as proposed.

Chair Saum commented that HLC and DRC commissioners have said the same thing, i.e., if a project is near other buildings, the plans need to show the nearby buildings. Staff can give this directive to applicants, so applicants are not surprised when asked this by HLC and DRC.
6. **GOOD AND WELFARE**

Commissioner Raynsford stated that he wanted to bring up two buildings for a future meeting. The Julian Street Inn by Christopher Alexander (1988) is close in proximity to proposed developments. He’d like to make sure the building is considered, and he will send a memo to that effect to Ms. Arroyo. The Alfred A Alquist building on the Paseo de San Antonio is an important example of early attempts at sustainable architecture. This building might be in the path of proposed development.

a. **Report from Secretary, Planning Commission, and City Council**
   i. **Summary of communications received by the Historic Landmarks Commission.**
      
      A few letters were received; most dealt with the former Bank of California building.

   ii. Future Agenda Items: Fountain Alley Building, McCabe Hall, Saint James Park, Citywide Design Guidelines, Downtown West, Station Area Plan, North First Street Urban Village, Historic Survey Update.
      
      These are future potential projects that may come before the HLC. There are no dates yet. Some were seen in early deferral and are coming back for further review or recommendations.

   iii. Alameda Park/Schiele Avenue Potential Conservation Area
      
      Alameda Park/Schiele Avenue potential conservation area. Ms. Arroyo, HPO, will bring the HRI listings to the HLC June 2020 meeting. There is a high concentration of contributing properties. There is a need to bring those properties to the Historic Landmarks Commission to be listed on the HRI because there is no discretionary review over these properties at this time. This would be a way to identify them early. After the properties are on the HRI, we can discuss the process for designation as a Conservation Area or City Landmark District.

b. **Report from Committees**
   i. Design Review Subcommittee: No meeting held on April 15, 2020. Next meeting on May 20, 2020 may be postponed.
      
      Juliet Arroyo, Historic Preservation Officer, stated that the Design Review Committee meeting is likely to be postponed because there are no projects for the May meeting.

c. **Approval of Action Minutes**
   i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of March 4, 2020 and April 1, 2020.

   Vice Chair Boehm described three issues with the minutes. Ms. Arroyo said she would clear them up. The commission voted unanimously (6-0) in favor of a motion to approve the minutes of both dates (March 4, 2020 and April 1, 2020) with the amendments and clarification requested by Vice Chair Boehm.
d. Status of Circulating Environmental Documents

No circulating documents.

ADJOURNMENT

The commission voted unanimously (6-0) in favor of a motion to adjourn the meeting.

The meeting was adjourned at 9:04 p.m.