HISTORIC LANDMARKS COMMISSION

October 7, 2020
Action Minutes

WELCOME

Meeting called to order at 6:32 p.m.

ROLL CALL

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

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.

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 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

a. **PP16-037 & HP19-008.** An Environmental Impact Report (EIR) and Historic Preservation Permit for St. James Master Plan which includes both physical and programmatic changes to 7.5-acre St. James Park in downtown San José. Physical changes to the park include, but are not limited to, construction or installation of a performing arts pavilion; a central plaza; small commercial buildings; public transit stops and streetscapes improvements; other landscape and park amenities. Programmatic changes to the use of the park include, but are not limited to, new music and performing arts events at the performing arts pavilion; new commercial uses; street performers, festivals, and a farmers’ market. The project also proposes permanently vacating the segment of North 2nd Street that bisects the site (from East St. James Street to East St. John Street), which would prohibit vehicle and bus through-traffic. CEQA: St. James Park Capital Vision and Performing Arts Pavilion Project Environmental Impact Report (EIR).

**PROJECT MANAGER, THAI-CHAU LE**

**Recommendation:** Recommend the City Council certify the Environmental Impact Report (EIR) and the Planning Director approve the Historic Preservation Permit.

Chair Edward Saum introduced the item on tonight hearing.

Dana Peak, Historic Preservation Review Planner, provided the opening statement and introduced the project. Rina Shah, Planning Project Manager, provided a brief presentation about the historic context of the project site and reiterated the staff recommendation. Katy Martin, project manager from Department of Public Works (DPW) representing the Department of Parks, Recreation, and Neighborhood Services (PRNS) as the applicant, provided the project outreach context, project design strategy, project overview, and large components of the design. Thai-Chau Le, Supervising Environmental Project Planner, provided a summary of the environmental review process, public circulation period, responses to comments availability, and findings of the Environmental Impact Report. Ms. Le also explained that the EIR identified significant unavoidable impacts to Cultural Resources, Aesthetics Resource, Noise Resource pertaining to operation, and Recreation resource. Ms. Le also stated that the Statement of Overriding Consideration for the EIR and project and plan would be decided upon during the City Council hearing on October 27, 2020 and this EIR is not under consideration before HLC today.

Chair Suam opened the public comment period. About seven public commenters raised hand to speak, six spoke, and one could not speak due to technical difficulties.

The first caller did not provide a name and commented on the existing condition of the park and its lack of maintenance. Ben Leech, representing PAC*SJ, commented on approval process as it pertains to the current design versus future complete design, the conclusion of the Cultural Resources findings in the EIR, and the missing cannon at the park.
Shawn Atkisson, Executive Director of the Saint Claire Club, encouraged that HLC does not approve the HP permit, encouraged restoration of the cannon at the park, and commented that the unresolved concerns such as inconsistency of the proposed project with the General Plan designation which calls for low intensity uses. Mr. Atkisson stated that the significant impacts, as stated in the EIR, would not qualify as the proposed use as low intensity. Furthermore, the adoption of the Statement of Overriding Consideration does not undo consistency with the General Plan and consistency of the findings in the HP permit.

Mike Sodergren commented on the findings of landmark statues, lack of serious consideration of the alternatives within the EIR, and phasing of the project construction and development. Mr. Sodergren stated that he would like to see the project complete in one phase.

Maria Petersen asked about City Council representatives who she and interested stakeholders could speak to in order to engage in an informal discussion and planning of the project. Brian Grayson, board member of the Friends of Levitt of San Jose, commented on the long history of plan for revitalization of the St. James Park and recommended support for the staff recommendation.

Chair Saum opened the Commissioner discussion. Commissioner Anthony Raynsford asked staff about the process and to clarify the recommendation before commissioners in order to better understand the action needed. Ms. Peak explained that the vote is to approve the findings of the HP permits with the current 25% design and any major changes to the project could result in a HP Permit Amendment at a later time. Commissioner Raynford then continued and commented on the improvements of certain components of the project such as pathway compatibility, potential details needed for fountain, playgrounds, and fountain. Commissioner Stephen Polcyn did not comment on the project due to perceived conflict of interest. Commissioner Eric Hirst reiterated concerns regarding the incomplete project design and clarification needed on what a vote on this part of the design means. Ms. Le responded that while the design is not fully complete, the major components of the proposal are there and those components are analyzed in the EIR. Ms. Martin further added to the response that the details and construction details may not be there, but the component and major intent of the project is part of the consideration before commissioners. Vice Chair Paul Boehm questioned on missing letters from a commenter named April Halberstadt. Ms. Le clarified that the comment is on page 79 of the First Amendment of the EIR posted online. Vice Chair Boehm asked Mr. Sodergren, a public commenter, to clarify the concern about having the project done as a whole and not in piecemeal. Mr. Sodergren elaborated that if the project is to be completed in phases due to budget, the components pertaining to the historic pieces first before the pavilion.

Vice Chair Boehm agrees with Mr. Sodergren and asked staff about funding, phasing of project, and implementation of operational noise decibel. Ms. Martin responded that PRNS is currently working through the process of funding for the whole project, but need to advance the design of the park by completing the HP permit and EIR at this stage. Ms. Martin also stated that staff does not have a decision and does not yet know about phasing of the park. Ms. Martin also elaborated that currently, the city also implements monitoring of the concert noise in existing venues and the while the EIR is analyzing the
worst-case-scenario, the proposal with a partnership with future vendor such as Levitt would result in smaller scale events. Ms. Le also expanded on the decibel response and with the condition of approval, mitigation measures, and project design features, the project would still not meet the General Plan noise policy. Hence, why the EIR concluded that the project would be significant unavoidable in impact. Vice Chair Boehm asked to see the proposed design again and Ms. Martin showed and clarify that it is a rough design at this point.

Ms. Le reiterate that while the recommendation before commissioner tonight is not about the EIR itself; she would use this chance to clarify questions and concerns pertaining to the EIR and its findings. She pointed out that on page 73 and 74 of the Draft EIR, the conclusion stated that the project would not substantially conform to the Secretary of Interior Design Standards through substantial evidence provided in the reports in the EIR. She stated that the EIR also disclosed that the previous Historic Preservation Officer (HPO) disagreed with that analysis and the EIR disclosed both experts opinions and staff elevated the findings to one with more evidences, which is the significant unavoidable impacts. She also provided answers to the Ms. Petersen that she would need to email the City Council representative of the district directly to start the discussion. Furthermore, the EIR did not assume any phasing of the project and if there is phasing in the future, that part of the EIR must be reanalyze and, depending on the findings, a separate process is needed for approval of that analysis.

Chair Saum asked who determined if there is a substantial change to the HP permit in the future. Ms. Peak and Ms. Le responded that it would be Planning Division with the consultation and analysis from qualified experts. Chair Saum asked for staff to elaborate on General Plan conformance. Ms. Peak and Ms. Le responses that it is consistent with the General Plan designation as it is still a remaining as a recreational space. Chair Saum reiterate neighborhood concerns regarding noise and it is a longstanding concerns. Chair Saum also asked about the cannon in the park and Ms. Martin responded that the cannon has been stolen.

Chair Saum asked regarding next steps if the HP and EIR were approved at this time. Ms. Martin responded that the EIR and project still needs to go to City Council for approval and explore funding. Therefore, the next phase after project may be more community engagement for the details of the rest of the design and is looking for directions from City Council. Chair Saum provided more comments regarding the concern of prematurely approving a project without a full design. Chair Saum then asked Commissioners for additional comments or questions before closing the public comment. Commissioners Raynfords reiterate the need for the project to move forward as a whole and Vice Chair Boehm reiterate the concern about unsecure funding leaning to phasing of project components.

Robert Manford, Deputy Director of Planning, stated that commissioners can request for additional conditions and recommendations of those conditions to the Director of Planning. Chair Saum summarized that Commissioners have the purview to recommend denial, approval, or deferral with conditions. Commissioner Hirst motion to close public hearing. Commissioner Raynfords second. The Commission voted unanimously (4-0-2-1; Arnold and Royer Absent; Polcyn Abstained) in favor of closing public hearing.
The next procedure step is to determine the action among the Commissioners. Commissioner Hirst commented that an approval with recommendation and conditions could be made. Commissioner Raynfords commented that the overall concept is approval, but there are reservation regarding phasing. Commissioner Raynfords also recommended that the project would should be built in one phase and detail of the full plans be brought back to HLC and/or Design Committee. Vice Chair Boehm agrees with Commissioner Raynfords, but recommends a deferral until the funding is complete.

Vice Chair Boehm asked if the project could be deferred to the next HLC hearing. Ms. Peak reiterated that HLC purview on the recommendation tonight only pertains to if they find the HP permit findings is complete and is adequate under the City’s Historic Preservation Ordinance. Ms. Le and Mr. Manford added that the recommendation from HLC tonight could also include these recommendation as conditions to the Director. Chair Saum and Vice Chair Boehm asked what is the impact of a decision to defer the HP permit. Nicolle Burham, Deputy Director of PRNS, responded that the project could continue to City Council. Ms. Le added that while deferral is possible, the implication is additional re-noticing to already set hearings such as Director’s Hearings (DH) and clarification on what staff needed to add or change in order to not result in a 2nd or 3rd deferrals. Ms. Burham also expressed that funding issues may not be resolved in a month. Ms. Shah indicated that any recommendations tonight to the HP permit would be added to the HP permit. Chair Saum asked whether recommendations by HLC to DH could be deny and Ms. Shah indicate that changes would have to go back to HLC. Ms. Le corrected that recommendation from HLC to the HP permit would be presented to DH and DH may or may not consider those findings, but would need to state why that would or would not affect the findings of the HP permit before an approval or denial. Denial of HLC’s recommendations on HP permits would not need to come back to HLC.

Commissioner Raynfords motioned to recommend DH approve the HP permit with additional conditions that the project shall be constructed in one phase and subsequent full design shall come back to HLC. Chair Saum summarized the motion and Commissioner Hirst second the motion. Vice Chair Boehm asked about conditions of the HP permit. Ms. Le shared screen and clarified that the HP permit has its own conditions pertaining to historic, but the EIR Resolution also has its set of mitigation measures and conditions for implementation of the project.

The Commission voted (4-0-2-1; Arnold and Royer Absent; Polcyn Abstained) in favor of recommending to Director of Planning, Building and Code Enforcement that the Historic Landmark Commission find the find the proposed St. James Park Capital Vision and Levitt Pavilion Project consistent with the purposes of the Historic Preservation Ordinance and recommend approval of the Historic Preservation Permit to the Director of Planning, Building and Code Enforcement with two additional conditions which are 1) the funding and construction of the project be done all at once and 2) any detailed subsequent the current design be brought back to HLC and/or design subcommittee for discussion.
4. EARLY REFERRALS UNDER CITY COUNCIL POLICY

a. **C19-051 & H19-053.** Conforming rezoning from the Light Industrial Zoning District to the Downtown Primary Commercial Zoning District, Tentative Map to merge four lots into one lot and Site Development Permit to demolish all existing structures on the parcels and to redevelop the site with an eight-story hotel consisting of up to 175 rooms on an approximately 0.60-gross acre site located at 491-499 W. San Carlos Street and 270 Josefa Street in San José.

**PROJECT MANAGER, JAMES HAN**

**Recommendation:** Provide comments under the “Early Referral” Policy on the Preservation of Landmarks.

Dana Peak introduced the presenters for the item. James Han, Planning project manager, introduced the project and general analysis of identified historic resources on the site. He referred to the historic report for the project which provides the documentation for the historic resources evaluation and discusses potential impacts and mitigation measures. Mr. Han requested comments from the HLC and stated the applicant team would provide an overview of the project. Paul Ring, Urban Catalyst, made introductory comments and introduced development director Tim Woloshyn. Mr. Woloshyn presented the planning context and project goals, and introduced project architect Jeff Current (Studio Current). Mr. Current shared a PowerPoint presentation of the project plans and operation details. Mr. Han added that one of the permits being sought was inadvertently omitted from the material provided - application for a vesting tentative map (T-20-004) to merge four lots into one lot.

**Call-In User (“Tax Payer”)** questioned the need for a hotel and the demolition of buildings.

Ben Leech stated that PAC*SJ concurred with the conclusions of the TreanorHL historic report that the corner store, attached house and tankhouse are together a Candidate City Landmark. PAC*SJ insisted that the EIR take the identified historic resources into consideration and that alternatives to demolition be explored, such as preservation on site or relocation to an appropriate receiver site/s. He stated that the historic report is a great introduction to the tankhouse as a property/building type and a reminder of San Jose’s agricultural past and vernacular construction traditions. Mr. Leech stated that PAC*SJ would like more context prepared on tankhouses in the EIR and information on how the resource compares to other existing examples of the building type - are there others or is this the last tankhouse in San Jose? He asserted this analysis would inform decision-making on what can and should be done to mitigate or avoid the potential impacts to the historic resource.

Mike Sodergren made a general request that Planning staff revisit the hotel capacity envisioned in the General Plan in light of current circumstances and expressed a concern that there is overbuilding at the expense of historic resources which are being demolished to accommodate new development. He found it difficult to hear that the applicant is concerned about historic resources when the project proposes demolition of the historic resources on site.
Chair Saum pointed out that the hyperlink in the published packet material for the Notice of Preparation for the Marriott project goes to a different environmental document and is incorrect. (Note: the online link has since been corrected).

Commissioner Polcyn thanked the applicants for the opportunity to comment in the Early Referral process. He felt the overall design of the building was appropriate for the neighborhood in terms of height and materials, but questioned if the use is appropriate given the neighborhood context. He concurred with the historic report conclusion regarding the building located at 491 W. San Carlos Street (restaurant supply).

Commissioner Polcyn felt that the buildings located at 493-495 ½ W. San Carlos Street, which include Hubcap City, have a certain character important to W. San Carlos Street and that character (funky/ eclectic) is being lost. He stated that the buildings located at 497-499 W. San Carlos Street have value and historic character and he would hate to see them lost. Commissioner Polcyn stated that preserving and relocating the tankhouse in some manner would have value. He felt there was also a cultural aspect to the historic resources with the Italian American connection that would be lost. Commissioner Polcyn wondered if some kind of restitution for the loss of historic resources would be appropriate because commemoration does not mitigate the loss.

Commissioner Hirst echoed the comments of Commissioner Polcyn and felt the height and massing was appropriate for downtown development. He commented that it seemed many of the decisions made with regard to the preparation of the General Plan did not take into account historic resources. Commissioner Hirst reiterated that San Jose is rapidly losing its historic elements. He commented how tankhouses were historically important to industry and the economy of San Jose and questioned how many tankhouses remain. Commissioner Hirst commented that the corner store/house are indicative of a history that many people in San Jose can relate to and this history is being lost. He asserted that the City needs to get serious about preserving historic structures or there will be nothing left - that discussion needs to happen. Commissioner Hirst commented that a plaque would not suffice and the tankhouse could be repaired and preserved.

Commissioner Raynsford commented that this W. San Carlos Street area is problematic because there are a lot of historic buildings and there are a lot of not so historic buildings, like parking lots. He thought the corner store and house were significant not only historically and culturally, but for the hybrid building type. Commissioner Raynsford asserted that the buildings should be preserved, but wondered whether moving them would result in the loss of historic context on W. San Carlos Street. He asserted the tankhouse is a disappearing remnant of California history and thought it would be easy to move. Relocation should be part of the discussion for all of the historic resources. Commissioner Raynsford agreed with Commissioner Polcyn that the “Hubcap City” building lends character to the neighborhood, but also recognized that the area will become denser. As a result, thought needs to be given to how the historical memory of these buildings can be retained. Commissioner Raynsford thought the corner store and house should not be demolished and if the buildings were moved, they should be relocated to another corner site. He commented that the HLC was not given any information on how the proposed building was designed to respond to the historic context of the site and neighborhood. Commissioner Raynsford felt the design was generic and could be located anywhere. He thought that the new building should make some acknowledgement of the specific context in terms of what was there and what is around the site.
Vice Chair Boehm pointed out that the historic report suggested relocation for mitigation, but he felt the preservation in place would be a better alternative. If preservation in place is not possible, he thought that a site nearby would be suitable. Vice Chair Boehm thought that History San Jose already had a tankhouse and perhaps the dog park located on Auzerais Avenue might be a possible location for the rehabilitated structure. He referenced the historic report and San Jose’s shift from agriculture to military history as early as 1941. Vice Chair Boehm thought 1941 was early because there was little military industry in the Santa Clara Valley at that time (Hendy Iron Works in Sunnyvale). He stated that when the subject historic resources were constructed, the area was primarily agricultural and the tankhouse is a representation of that era that many cherish. Vice Chair Boehm agreed that a plaque would not suffice as mitigation for demolition and asked the applicant to restore and preserve the buildings.

Chair Saum thought the building typology and location of the corner store and house was important and urged the identification of a receiver lot. He was less concerned about the historic context in the locality of the W. San Carlos Street site, as there is not much adjacent extant context to relate. Chair Saum commented that finding a receiver lot and the treatment of buildings on site is important. He suggested that further analysis be done to look at the tankhouse in context with other existing tankhouses and confirm if Kelley Park has a tankhouse. This could determine the relative significance and uniqueness of the tankhouse on site. Further study should be done to preserve and relocate the identified Candidate Landmark buildings on site.

Commissioner Raynsford encouraged thought about the urban design context. Where is the design of the street going? How does the design of the building contribute to where we think the street is going?

Commissioner Polcyn reiterated the site’s connection with the Italian American community and suggested reaching out to those involved with Little Italy. He suggested maybe the Marriott corporation could give some more thought to the neighborhood context and perhaps modify the design of the building to include some contextual cues.

Commissioner Hirst commented that the City needs a more comprehensive historic resources inventory and staffing for the historic preservation program. He was interested in the forthcoming EIR and emphasized that it needs to be thorough. Commissioner Hirst thought the site was important.

Vice Chair Boehm thought the use of brick, metal and cement was a big advantage in contextual design. He felt that little things could be done to modify the design to be more responsive to the neighborhood. Vice Chair Boehm suggested that the Candidate Landmark buildings at 497-499 W. San Carlos Street be landmarked and hoped City staff could pursue the designation of the buildings. He suggested if the buildings must be moved, Little Italy might be an appropriate location due to their connection with Italian American heritage. Vice Chair Boehm recommended that the tankhouse be restored and relocated within the downtown area.

Chair Saum recommended a comprehensive update of the Historic Resources Inventory to facilitate greater predictability in the context of development.
5. GENERAL BUSINESS

No Items

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

No Items

7. 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.

Brendan Rawson commented that the tankhouse might be a wonderful addition to downtown projects like Downtown West/Google or the Diridon Station Area which are incorporating urban agriculture and organizations like Veggielution and Valley Verde.

“Tax Payer” commented that it would be a benefit to rebuild and preserve the tankhouse and put it to use in the W. San Carlos Street neighborhood. San Jose should use what it already has, instead of creating a new corporate look.

8. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council
   i. Future Agenda Items: Downtown West Mixed-Use Rezoning and Development Plan (Google) project, Berryessa Flea Market, City Landmark and Mills Act contract applications

   Chair Saum noted that the Google EIR has been issued for comment.

   Robert Manford, Deputy Director of Planning, noted that the Downtown West Mixed-Use Rezoning and Development Plan (Google) project EIR will be agenized for November HLC meeting.
Dana Peak noted that the Berryessa Flea Market EIR will also be agenized for the November HLC meeting, as well as two applications for City Landmark designation and one application for a Mills Act contract.

Dr. Manford pointed out that the November HLC meeting agenda is quite full and inquired if the HLC would object to paring down the agenda items to just the Google project. It was recommended that the Landmark and Mills Act applications be put on consent. Chair Saum concurred.

ii. Summary of communications received by the Historic Landmarks Commission.

No items

iii. Annual Retreat scheduled for 10/30/2020.

Robert Manford shared a tentative agenda for HLC annual retreat with the commission for comment.

Rosalynn Hughey, Director of Planning, noted that the topic suggestions provided by the HLC at the September meeting were grouped together to prepare the draft agenda and staff is open to further feedback.

Commissioner Raynsford suggesting folding in the topic of urban design and historic preservation.

Commissioner Polcyn suggested that the timing be maintained so all the topic can be covered.

Vice Chair Boehm inquired about the Historic Preservation Officer position and why Opportunity Housing was not included as a topic.

Dr. Manford provided an update on the Historic Preservation Officer position. He stated that an offer has been made and hopefully the new staff member will be onboard to attend the HLC retreat.

Ms. Hughey addressed Opportunity Housing and stated that the General Plan Task Force made a recommendation to City Council and subsequently Planning staff provided the briefing to the HLC. There is no new information to present at this time. The Task Force recommendation will be presented to City Council in the Spring of 2021 and staff will be not be taking on any additional work at this time.

Chairmain Polcyn agreed that Opportunity Housing should be discussed in the future, perhaps as a special meeting. Ms. Hughey reminded the HLC that at this point there is no direction from City Council to move forward. If City Council decides to move forward with the Task Force recommendation in 2021, staff would be happy to set up a study session to talk about the next phase of Opportunity Housing.

Vice Chair Boehm suggested a topic for the retreat might be the blending of new buildings into historic settings. San Francisco could be examined as an example, in particular Henry Adams Street.

b. Report from Committees


Chair Saum reported that the subcommittee reviewed preliminary concepts for the Bank of Italy building and discussed the general issues. A summary of this meeting is available online.
Commissioner Raynsford commented that the stair tower appeared to be competing with the design of the building and he would rather see it be more compatible.

Commissioner Polcyn suggested that the HLC review the Downtown Historic Guidelines (2004) for assessment context for the Bank of Italy building.

Dana Peak confirmed that there would be two items on the October Design Review Subcommittee meeting.

c. Approval of Action Minutes


      The Commission voted unanimously (5-0-2; Arnold and Royer absent) in favor of a motion to approve the action minutes for the Historic Landmarks Commission Meeting of September 2, 2020.

d. Status of Circulating Environmental Documents

   i. Draft Environmental Impact Report for the Former San Jose City Hall Project open for public review and comment through November 9, 2020.

      No comments

ADJOURNMENT

The commission voted unanimously (5-0-2; Arnold and Royer absent) in favor of a motion to adjourn the meeting.

The meeting was adjourned at 9:37 p.m.