



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**April 3, 2019**

**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**

**ROLL CALL**

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

**Absent:** Commissioners Hirst and 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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**No Items**

**3. PUBLIC HEARINGS**

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- a. **HL19-001**, Historic Landmark Nomination to designate “Chiechi House” as a City Landmark on a 17-gross acre site (History Park) in the R-1-8 Single-Family Residence Zoning District. (City of San Jose, owner). Council District 7.

**PROJECT MANAGER, RINA SHAH**

**Recommendation:** Planning staff recommends that the Historic Landmarks Commission recommend that the City Council approve the proposed Historic Landmark Nomination.

*Rina Shah, Project Manager, gave a brief staff presentation.  
The discussion was opened for public comment.*

*Fernando Zazueta, representing La Raza Historical Society as the future tenant of Chiechi House, expressed his support for the Historic Landmark designation so that they could proceed with the County requirements to obtain grant funds for necessary improvements to the structure.*

*The Commission voted to recommend that the City Council approve the proposed Historic Landmark Nomination. (5-0-2)*

- b. [PD18-045](#). Planned Development Permit to allow up to three buildings (up to 850,000 square feet) for commercial office, research and development, and/or retail uses, and an above grade parking garage on an approximately 13.0-gross acre site.

*PROJECT MANAGER, STEFANIE FARMER*

**Recommendation:** No recommendation, referral for comments and feedback.

Attachments:

1. Project Plan Set, March 6, 2019
2. Santana West HLC Memo for the Planned Development Zoning (File No. PDC14-068), dated August 3, 2016
3. Historical Evaluation and Assessment for the Santana West Development Project, dated June 13, 2016

*Stefanie Farmer, Project Manager, gave a staff presentation and welcomed the applicant to speak.*

*Seth Bland, project applicant, gave an overview of the current proposal in relation to previous iterations from 2016.*

*The discussion was opened for public comment.*

*Mike Sodergren, representing Preservation Action Council, stated that a plan should be formulated to restore the Century 21 Theater to its original function and retain parking to accommodate that use. He also expressed the need to restore and preserve Bob's Big Boy restaurant building. Additionally, he felt that more coordination should occur with the proposed Winchester Ranch project to ensure appropriate traffic levels and circulation patterns.*

*Gayle Frank, representing Preservation Action Council, felt that the Bob's Big Boy restaurant building is eligible as a Landmark and should be relocated closer to Century 21 Theater to function as two good examples of Mid-Century Modern styles. She stated that if this is not possible, then the developer should donate demolition costs to an interested buyer to aid in relocation.*

*The Commissioners asked clarifying questions of the applicant:*

- *The applicant stated that relocation of the Bob's Big Boy restaurant building had been considered in the EIR process. The building has been offered for relocation and advertised two times, but no serious offers were received.*
- *The applicant explained that coordination with Winchester Ranch applicants has been difficult because the projects are progressing at different stages in the planning process.*

*The comments from the Commissioners were as follows:*

- *The contrast between the Winchester Mystery House and the renderings of the façade on the nearest proposed building is too severe and should be lessened when the architectural design progresses. Color schemes and use of glazing should be appropriate to not visually compete with the Winchester Mystery House.*
- *The location of Olsen Drive should be left where it is and circulation should be coordinated with the Winchester Ranch project.*

- *More discussion should occur on the plan for Bob's Big Boy. Possibilities include relocating the structure on-site or incorporating and preserving elements such as the roofline, tile or sign.*

*The Commission acknowledged that the project was presented for comments and feedback, and looks forward to additional conversations with the architect and applicant.*

- c. [H17-004](#). Site Development Permit to allow the demolition of an existing residence and a three-story apartment building and the construction of an 18-story mixed use building consisting of 218 residential units, approximately 1,345 square feet of commercial use and approximately 12,381 square feet of a public eating establishment on a 0.52-gross acre site.

**PROJECT MANAGER, STEFANIE FARMER**

**Recommendation:** No recommendation, referral for comments and feedback.

Attachments:

1. Project Plan Set, dated October 15, 2018
2. Historic Resource Evaluation, South Fourth Street Mixed Use Project (4<sup>th</sup> Street Metro Station), by Archives & Architecture, LLC, 6-7-2017 (revised 6-12-2017 and 2-15-2019)
3. Historic Resources Project Assessment, South Fourth Street Mixed Use Project by Archives & Architecture, LLC, 2-15-2019

*Stefanie Farmer, Project Manager, gave a brief presentation and clarified that they are requesting specific design feedback in regard to compatibility.*

*The applicant gave a presentation on project characteristics such as landscaping, front setbacks, and architectural considerations.*

*The discussion was opened for public comment.*

*Andre Luthard, representing Preservation Action Council, spoke against the project and stated that the proposal is not consistent with the scale and height of the surrounding neighborhood. He felt that the approval of the project would set a dangerous precedent for infill.*

*Steve Cohen, representing himself, spoke against the project and felt that 18 stories was too tall and the setbacks were not appropriate. He expressed concerns that nearby residences and historic structures would be impacted by the height of the project and thrown into darkness from resulting shade.*

*The comments from the Commissioners were as follows:*

- *The color scheme of dark materials and yellow columns on the ground floor is too drastic and lighter colors should be incorporated. The use of granite is appreciated, but different shades should be used for contrast.*
- *The amount of glazing on the ground floor should be reduced if there is no proposed retail, as it does not contribute to a residential feel.*
- *The placement and proportion of balconies and windows should be reconfigured to improve the overall composition.*

- *Although the project conforms to the General Plan, the height of the proposed building is too tall in regard to historic impacts and neighborhood compatibility.*

*The Commission acknowledged that the project was presented for comments and feedback.*

- d. **H18-038.** Site Development Permit to allow a 330-room, 19-story hotel, approximately 225 feet tall. Commercial uses are proposed at the ground floor and on the top level (Almaden Corner Hotel Project). The .39-acre project site at 8 North Almaden Boulevard, on the northeast corner of North Almaden Boulevard and West Santa Clara Street, is currently vacant. No on-site parking is currently proposed, but off-site parking would be provided using a valet service. The site is immediately adjacent to the De Anza Hotel, a property listed on the National Register of Historic Places and a designated City Landmark (HL81-17). HLC review and comment is being requested under the Zoning Code (for downtown projects adjacent to historic resources, Section 20.70.110), and City Council Policy on Preservation of Historic Landmarks (“early referral” policy). Project impacts analysis on historic resources is being conducted as a part of the Project’s CEQA review. Council District 3.

**PROJECT MANAGER, PATRICK KELLY**

**Recommendation:** No recommendation, referral for comments and feedback.

Attachments:

1. Project Plan Set, January 30, 2019
2. DRC Synopsis, June 20, 2018
3. Historic Resource Project Assessment (Draft), September 20, 2018
4. <http://www.sanjoseca.gov/index.aspx?NID=6294> (Active EIRs)

*Steven Ohlhaber, project architect, gave a presentation on project characteristics.*

*Mark Tersini, property owner, gave an overview of previous design comments that he felt have been addressed in the current iteration.*

*The discussion was opened for public comment.*

*Andre Luthard, representing Preservation Action Council, stated that more needs to be done to protect San Jose historic resources.*

*Brian Gluth, representing himself, expressed that the Hotel De Anza sign is a welcoming symbol for visitors entering San Jose, and that it is an iconic attraction for that corridor that shouldn’t be masked.*

*Susan Castaneda, downtown resident, stated that the proposed project will block the iconic Hotel De Anza hotel if built.*

*Carolyn Meredith, representing Linda Dahlberg, read a letter detailing how the “Life Abundant in the face of Death” mural will be obscured with the development of the proposed project. The letter spoke against the proposed project and expressed that too many high-rises are being built downtown. Speaking for herself, Carolyn stated that she liked the steel used in the design but felt that the building should be shorter.*

*Gayle Frank, representing Preservation Action Council, expressed that the lot is too small for the proposed project and that the Hotel De Anza and the rooftop sign would be completely overwhelmed. She felt that the De Anza should be respected, not dwarfed, and that increased setbacks and a lower building height should be incorporated.*

*Lisa Ruder, downtown resident, stated that she wants to see vibrancy in San Jose, but that the changes needs to be managed well. She felt that the height and massing are too severe and that the project would erase the view of the iconic Hotel De Anza sign.*

*Jeanie Verbeermoes, Axis resident, corrected a statement made in her previous letter to the Commission. She expressed that the project should be no higher than nine floors, should have increased setbacks, and should incorporate better materials.*

*John Mitchell, representing Preservation Action Council, stated that if the value of the Hotel De Anza is diminished, then the City will see less economic development. He felt that the proposed building should be a more appropriate scale and should not overshadow the Hotel De Anza.*

*Mike Sodergren, representing Preservation Action Council, stated that the correct number of proposed rooms needs to be updated on all site plans and documents to avoid confusion. He expressed that the proposal doesn't even seem to be a viable hotel, in that it only has one conference room, no employee office space, and inadequate parking/valet services. He also mentioned that the exterior fire escape on the Hotel De Anza is significant and should not be impacted.*

*The comments from the Commissioners were as follows:*

- The current design does not overall respect the adjacent historic resource (Hotel De Anza). Height and adjacency are the primary issues regarding the project.*
- The taller portion of the proposed building that steps out towards the Hotel De Anza appears to be the opposite of what would be preferred. There should be a greater setback/step-back for the portion of the building that is the nearest to the Hotel De Anza.*
- The curtain wall near the Hotel De Anza is too tall and the building height should not overpower the iconic Hotel De Anza sign.*
- The current design includes too much glazing to be compatible with the Hotel De Anza, and the incorporation of stone should be considered.*
- Facades that appear to reference the Hotel De Anza more strongly are situated facing the Axis, and should be closer to facing the Hotel De Anza instead.*
- The incorporation of datum lines should be expanded beyond just the use of angle.*
- Better complementary materials should be used on the first few levels.*
- The incorporation of horizontal elements at the street level does a good job of referencing the Hotel De Anza.*
- The stronger belt lines in the most recent iteration are appreciated.*

*The Commission acknowledged that the project was presented for comments and feedback.*

#### **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.

#### **6. GOOD AND WELFARE**

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

i. Past Agenda Items: No items.

ii. Future Potential Agenda Items: Invicta (H18-030), Museum Place II (SPA-17-031-01), and Almaden Corner Hotel (H18-038).

*The Almaden Corner Hotel was heard tonight and will not be on next month's agenda. Invicta has been delayed and will not be on next month's agenda.*

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

*Letters were received for the Almaden Corner Hotel.*

iv. Historic Signs, proposed additions to HRI, staff update

*Juliet Arroyo, Historic Preservation Officer, is finishing up the sign report for the first group of signs to be added to the inventory.*

v. Historic Murals, proposed additions to the HRI, community update

*Daniel Osorio spoke of the inspiration that the murals provided to him growing up. He felt that the remaining Chicano murals have a place in San Jose, and are important to the community as a silent voice that speaks out.*

*Enedina Cardenas expressed that the loss of murals without the community's ability to preserve them is unfortunate and should be remedied. The City needs proactive, not reactive action on the preservation of murals. Enedina reported that a more thorough plan for preservation will be submitted at the next meeting.*

*Larry G Renteria spoke on the importance of Mural de la Raza, and how it spoke of San Jose heroes to all races. He wants to preserve what is left.*

*Miguel Saucedo, representing El Comite for the Preservation of Chicano Art, expressed that murals provide an education to youth that is not taught in schools. Murals have the ability to deflect negative contextual energy and are important in creating a cultural zone.*

*Jose Valle, representing El Comite for the Preservation of Chicano Arts, stated that a working list of Chicano murals had been sent and distributed to the Commission. The lost Mural de la Raza was part of a vibrant mural movement spanning all of San Jose. He expressed that in the rating and determination of what constituted a mural of importance, the following criteria had been utilized: 1) age of the mural 2) if the mural was in the original hand or had been restored 3) cultural significance. He stated that the group is still adding to the group.*

*Paulina Cortes, as an advocate for the protection of Chicano murals, expressed that the erasing of the Mural de la Raza left a cultural wound in the community. She stated that murals are important to the education of youth and the continuation of a cultural reference point. She is working on photo documentation of the murals.*

*Commissioners applauded the efforts taken to preserve Chicano murals and raise awareness of the issue. They appreciated the documentation and photographs that had been assembled up to that point. Commissioners expressed that the significance was already there, but that a formalized process was needed for protection. They recommended continuing to speak with the media, on a local and regional scale, about efforts thus far and to change the narrative to one that is positive and proactive. Commissioners also recommended reaching out to individual landowners to see if they would be willing to obtain Landmark status of those murals on their own.*

vi. [Alviso, staff and community update](#)

*Juliet Arroyo, Historic Preservation Officer, gave a staff update on the Alviso schoolhouse. The Alviso schoolhouse is currently vacant, owned by the City, and managed by PRNS. The structure is outside of the National Register Historic District boundaries but is a part of historic Alviso. Juliet will coordinate with PRNS and would like to see Alviso made a priority as a survey area, as there limited records of most properties in Alviso.*

vii. Proposed Conservation Areas, project update, set hearings for North Willow Glen

*Juliet Arroyo, Historic Preservation Officer, reported that she would like to proceed with the North Willow Glen conservation area, and will be asking City Council to initiate the designation process. She would like more information on Gardener before proceeding with that area.*

viii. Pellier Park, staff update

*Juliet Arroyo, Historic Preservation Officer, announced that PRNS is currently getting community input, and that preliminary plans should be submitted within a few months.*

**b. Report from Committees**

i. Design Review Subcommittee: Last meeting held on March 20, 2019 to review project Hotel Clariana, next meeting to be held on April 17, 2019, no items at this time.

*Commissioners summarized the review of the Hotel Clariana, stating that it was primarily a positive response to the design. The architect did a good job with color, materials, and parking, and the new addition does not overly compete with the existing Hotel Clariana.*

c. **Approval of Action Minutes**

- i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [March 6, 2019](#).

*Minutes were approved (5-0-2, Hirst & Royer absent)*

d. **Status of Circulating Environmental Documents**

[Revised Notice of Preparation of a Draft Supplemental Environmental Impact Report for the Garden Gate Tower Project \(SP18-001; T18-001\)](#)

*The design of the project has not changed, but co-housing use is now being proposed rather than individual apartment units.*

## 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.