



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

November 7, 2018

Regular Meeting

6:30 p.m.

Wing Room 120

200 East Santa Clara Street

San José, CA 95113

Commission Members

Edward Saum, Chair

Vacant, Vice Chair

Harriett Arnold

Paul Boehm

Anthony Raynsford

Stephen Polcyn

Rachael 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, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

ROLL CALL

PRESENT: Commissioners Saum, Arnold, Boehm, Hirst, Polcyn, Raynsford, and Royer
ABSENT: None

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

3. PUBLIC HEARINGS

- a. [H17-062 & HP18-002](#). Site Development Permit and Historic Preservation Permit to allow the demolition of non-historic patios and stairways and construction of a new commercial building on the corner of North Almaden Street and West Santa Clara Street immediately adjacent and attached to the Lyndon Building, a designated City Landmark. The new construction would consist of 3,459 square feet of ground floor commercial/restaurant space and 1,920 square feet of second floor office space. Work also includes rehabilitation of the Lyndon Building. The 0.11 gross acre project site is located at 169 W. Santa Clara Street. CEQA document: Addendum to the Downtown Strategy 2000 Environmental Impact Report (Resolution No. 72767), and addenda thereto.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Recommendation: Review updated project plans and CEQA document, receive public comments, and recommend that the Planning Director approve HP18-002 with conditions of approval.

Commissioner Royer recused herself from this item because she has a working relationship with the applicant's architectural firm.

The Staff report was presented by Cassandra Van Der Zweep, Project Manager.

The applicant's representative Ken Rodrigues made a presentation explaining how the Commission's comments from last month were incorporated into the latest iteration of the project.

A motion was made to accept the plan as presented, and to direct staff to ensure that the specifications as written in the current plan are carried out. The motion passed (6-0-0).

- b. The proposed project is on a 1.52 gross acre site located on the northwest corner of the intersection of North 2nd Street and St. James Street. (252 North First Street Development LLC, Owner). Council District: 3. CEQA: Addendum to the Final Supplemental Environmental Impact Report for the Park View Towers Project, Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto.

HA14-009-02. Site Development Permit Amendment to increase the number of units by one for a total of 221 residential units, increase the height of the North Tower building by 3.5 inches to a total height of 204.5 feet, increase the amount of commercial area to a total of 25,607 square feet, modify the architecture of the proposed buildings, and to modify the site plan to maintain the existing location of the First Church of Christ the Scientist, and allow Saturday construction hours from 8:00 a.m. to 5:00 p.m. and up to six occurrences of 24-hour construction staging and concrete pouring. .

HPA14-002-02. Historic Preservation Permit Amendment to allow the rehabilitation of the First Church of Christ the Scientist building, amend the previous permit to maintain the existing location of the church building, allow the removal and replacement of the existing organ room and exterior modifications and structural upgrades to facilitate occupancy, as well as construction within the St. James Historic District consistent with Site Development Permit File No. HA14-009-02.

PROJECT MANAGER, EMILY LIPOMA

Recommendation: Recommend that the Planning Director approve the Site Development Permit Amendment and Historic Preservation Permit Amendment

The staff report was presented by Project Manager, Emily Lipoma.

The applicant's representative Tim Woloshyn from Z&L Properties introduced the project. Todd Smith from Page and Turnbull made a presentation to explain the current state of the building and how it will be restored under the project.

Public Comments:

Brian Grayson, PAC SJ - *This project is a very good example of a bad thing. An interpretive exhibit along one side of the Church would be beneficial.*

Christina Carrow, Residents for a Sustainable Downtown – *submitted written comments at the start of the meeting; the project will have substantial impacts on the historic district. Placement of the townhouse building and church is extremely narrow. In 1991 there was a 16-foot uniform buffer that was not analyzed in the CEQA analysis. The CEQA analysis did not evaluate the project against St. James Park Historic District. The project has no consistency with the Secretary of the Interior's Standards for historic districts. Spatial relationships between buildings were not analyzed.*

David Keyon, Environmental Project Manager, responded that staff has not had an opportunity to review the letter since it was handed in when he walked into the meeting at 6:30 p.m. To respond to the comments at a high level, the project complies with the design guidelines for St. James Park historic district. The CEQA analysis did not identify any new significant impacts because the project complies with the guidelines.

The Commission had the following comments:

- The ultimate use should have a public facing component such as a music venue, restaurant, and the like.
- Tenants should be respectful of the historic structure and maintenance of the building.
- The project is much improved from prior submission.
- Current condition of the building is alarming.
- The 1926 historical context is important.
- Whatever ends up facing the park should be an active public use.

The Commission voted to approve 1) HPA14-002-02 as recommended, and 2) approve HA14-009-02 with a condition that the Commission write a letter to the Planning Commission by 4 pm on Friday with written comments forthcoming (in order to read and respond to the letter submitted by Residents for a Sustainable Downtown) for incorporation into recommendations. The motion passed. (6-0-0)

- c. **Pine Avenue City Landmark Nomination.** The subject house is on a 0.81-gross acre site located on the south side of Pine Avenue, approximately 350 feet east of Cherry Avenue (1300 Pine Avenue), in the R-1-8 Single-Family Residence Zoning District (Penelope and Stephen Thompson, Owners). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation.

HL18-001. Historic Landmark Nomination to designate “Edwin and Mary Wilcox House” as a City Landmark on a 0.81-gross acre site in the R-1-8 Single-Family Residence Zoning District.

MA18-001. Historical Property Contract (California Mills Act Contract) between the City of San José and the owners of the subject property.

PROJECT MANAGER, RINA SHAH

Recommendation: Planning staff recommends that the Historic Landmarks Commission recommend that the City Council approve the proposed Historical Landmark Designation and Historical Property Contract.

The staff report was presented by Rina Shah, Project Manager.

The applicant, Steven Thompson, gave a short talk about how he acquired the site and intends to maintain it as a family home as envisioned by the original owner.

Public Comments:

Brian Grayson, PAC SJ – PAC SJ supports the nomination.

The Commission had the following comments:

- *Keep the front fence at 3 feet because we want the house to be visible from the street*

- *It would be great if the house could be included in historic home tours*

The Commission voted to approve the staff recommendation as is. The motion passed. (6-0-0)

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

No Items

5. OPEN FORUM

Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to: (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Sally Zarnowitz, member of the public – Informed the Commission that the Fairglen Additions Eichler Neighborhood has submitted an application to the Office of Historic Preservation for listing on the National Register of Historic Places.

Brian Grayson, PAC SJ – updated the Commission on the search for the missing vintage Orchard Hardware sign.

6. GOOD AND WELFARE

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

- i. Past Agenda Items: No items.
- ii. Future Potential Agenda Items: Hotel Clariana (H17-059 & HP17-007), Invicta (H18-030).

Invicta Towers Project is scheduled for the November 21 Design Review Committee.

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

- iv. Letter seeking designation of the [Chiechi House in History Park](#).

Bonnie Bamburg, History San Jose – informed the Commission that there is a grant fund available that History San Jose would like to take advantage of, but in order to do that, the Chiechi House should be a designated landmark. The application is due in December. Asked for the item to be agendaized in December.

- v. Design Review Subcommittee: Duties, Meetings, Rotations, and Chair.
- vi. Project Updates: Saint James Park.

The 25% drawings have been released. The total cost is \$60M. Full funding is not available right now.

- b. [HLC Work Plan](#), Fiscal Year 2018/2019 discussion
- c. Election of Chair and Vice Chair of the Historic Landmarks Commission for Fiscal Year 2017/2018
 - i. Statement of Interest from Chair Saum
 - ii. [Statement of Interest from Paul Boehm, for Vice Chair](#)
The Commission voted for Commissioner Saum to serve as Chair and Commissioner Boehm to serve as Vice Chair. The motion passed. (6-0-0)
- d. **Report from Committees**
 - i. Design Review Subcommittee: No meeting held on October 17, 2018
There was no DRC meeting last month.
- e. **Approval of Action Minutes**
 - i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [October 3, 2018](#)
Brian Grayson requested that the minutes reflect that regarding the Grey's House, PAC SJ is supportive in concept but couldn't comment specifically because PAC SJ hasn't had time to come up with a formal position at the last meeting.
Commissioner Saum also stated for the record that the correct name of the historic church on the Park View Towers site is First Church of Christ, Scientist.
The Commission voted to approve the minutes. The motion passed. (6-0-0)
- f. **Status of Circulating Environmental Documents**
SP17-037, AT18-012. Page Street Housing Project. Demolition of residential structures and construction of a five-story multi-family residential building.
<http://www.sanjoseca.gov/index.aspx?nid=2165>
Motion to adjourn was passed. (6-0-0)

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.