



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

November 6, 2019

Regular Meeting

6:30 p.m.

Wing Room 120

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, 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

WELCOME

ROLL CALL

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

Absent: Commissioners Polcyn 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 say so at this time.

- a. **MA19-004.** Historical Property Contract (California Mills Act contract) for Smith House between the City of San José and the owners of the subject property. Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation.

PROJECT MANAGER, Rina Shah

Recommendation: Deferred to the December 4, 2019 Historic Landmarks Commission meeting 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 in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

- a. [H16-042 & HP17-003](#). Site Development Permit and Historic Preservation Permit to allow the construction of a 24-story, 274-room hotel, integrated with the Montgomery Hotel, a designated City Landmark, with off-site parking on an approximately 0.58-gross acre site property located on the westerly side of South 1st Street approximately 340 northerly of West San Carlos Street (211 South 1st Street) (Khanna Enterprises LTD III LP, Owner). Council District: 3. CEQA: Supplemental Environmental Impact Report to the Final Environmental Impact Report for the Downtown Strategy 2040 (Resolution No. 78942), for San Jose Tribute Hotel. *Deferred from 10/2/19.*

PROJECT MANAGER, John Tu

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

The project applicant (Erik S.) and the architect (Adam P.) stated that applicant team has been very accommodating to all project design requests and have provided design changes to reflect the HLC's October meeting comments. Including:

- *They re-worked the exterior design of the project, focusing primarily on the northern façade, the ground floor along South First Street, and with the project's interface with the Fairmont Hotel.*
- *The band was reduced for the cornice.*
- *The opacity of the balconies was reduced to minimize their presences along the building and provide a modern interpretation of the existing balconies on the Montgomery.*
- *Aligned the mullions of the proposed building with the Montgomery.*
- *Adjusted the lobby glazing with larger pieces of glass to provide more transparency.*
- *The ground floor of the building is setback approx. 8 feet which means the Montgomery building is more prominent along the street view stepping forward*
- *Provided details on how the new building to be physically connected to the historic building.*

Public Comments

Andre L.: provided the Commissioners with PACSJ comments. Appreciated architect's work. But does not support the project. PACSJ concerns include:

- *Orientation of the historic building. When the Montgomery Hotel was relocated special attention was given to the compass orientation of the building and the original setting. The hotel was a corner building and the existing setbacks were intended to mimic the historic corner setting.*
- *The project doesn't conform to the Secretary of Interior Standards.*
- *Question of conformance with GP polices. There are over 1,000 hotel rooms in the pipeline for the city. Why does this hotel/site need to help build the Downtown core?*
- *Concerns that the reduced development alternative in the EIR was not thoroughly analyzed.*

Commission Discussion

Commissioner Raynsford: Good job responding to comments. No problem with the ground floor changes. 20-story cantilever is still a huge issue.

Commissioner Hirst: Thinks project has developed in a favorable way. Massing is a concern. Question, why was the south side not treated the same as the north side?

Architect Response: The building is asymmetrical. In order to support the lighter (glassy) north side, the south side needs to be stronger. Also, the south side is limited by Fire Code in terms of allowed openings.

Commissioner Boehm: Salute the applicant for changes and hard work. Concerned with size and scale.

Commissioner Saum: Corner lot citing remains an issue. All the improvements are good. The transparent lobby helps to create corner-like features and reduce his concerns however the massing is still a concern. Concern that not all GP policies are “weighed equally” or listed in staff reports.

Commissioner Hirst: Sees diligence of applicant, massing is only concern.

Commissioner Raynsford: Concurs with PACSJ letter, can't ignore the tower. Can't vote for approval.

Commissioner Boehm: Same, would have to deny project.

Motions and Recommendation

Commissioner Hirst: Move to recommend HP Permit approval with requests for further studies on the massing.

Commissioner Arnold: Second

Motion failed

Commissioner Raynsford: Motion to recommend denial of the HP permit.

*Motion passes 4-1 (Commissioners Arnold, Saum, Boehm, and Raynsford - Yes)
(Commissioner Hirst - No) (Commissioners Polcyn & Royer absent)*

- b. [H19-019](#). Site Development Permit for the “Kelsey Ayer” project including demolition of a non-historic commercial buildings and construction of a new six-story, 115-unit multi-family development on an approximately 0.47-gross acre site at 447 North First Street and surrounded by many historic resources. Council District 3.

PROJECT MANAGER, Stefanie Farmer

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

This item was dropped per staff request.

- c. [HL19-004 & MA19-002](#). Historic Landmark Nomination to designate “Filice House” built in 1939 in the English Tudor Revival style as a City Landmark and Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject property on an approximately 0.15-gross acre site located at 1651 Hanchett Avenue (Taylor and Justin Buzzard, Owners). Council District 6. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation.

PROJECT MANAGER, Rina Shah

Recommendation: Recommend that the City Council approve the Historic Landmark Designation and Mills Act Contract.

Staff provided a brief history of the “The Filice House” and commented that the overall integrity of the house had been maintained. The family’s contribution as local wine makers as well as being owners of a local print shop was influential in the 1940s period in Downtown San José. The house exhibited an attractive Tudor Revival Style and the architectural characteristics added to the rich architectural history and culture of the City of San José. The Tudor Revival style was a distinctive representation of the English Period Revival style in San Jose and the house was a strong candidate for recommendation to the City Landmark Status as well as eligible for a Historical Property Contract, by the Historic Landmarks Commission to the City Council.

Public Testimony

The owners gave a brief presentation on the architectural history of the house and the purpose of their interest in preservation and maintenance of the house as a City Landmark based on the fact that John Filice was known not only as a successful winemaker but had also been a successful business owner and had printed company labels in his own printing shop. They were also fortunate to meet his daughter and grandchildren and gather the history of the house. They added that they loved their neighborhood and the house would be an asset if properly preserved. They had carefully worked out their Mills Act program to help preserve the house and structurally stabilize the home.

Staff and Historic Landmarks Commission Discussion

The Commission noted that “The Filice House” is a beautiful house and a good example of Tudor Revival Style architecture. The Commissioners agreed that it needs ongoing special maintenance and care as it has an attractive architectural style. The Commissioners appreciated the robust research on the property’s history and unanimously recommended that the City Council designate the house as a City Landmark and approve the Mills Act Contract.

- d. [MA19-005](#). Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject properties (12 S First Street, LLC) for the preservation, restoration, and rehabilitation of the designated “Bank of Italy” City Landmark (HS84-27). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation.

PROJECT MANAGER, Rina Shah

Recommendation: Recommend that the City Council approve the Mills Act Contract.

Staff provided a brief history in the oral staff report and stated that the approval of the Historical Property Contract (California Mills Act Contract), would help preserve the integrity and prominence of the 14-story Bank of Italy building which is a City Landmark-designated commercial building. It is recognized for its historic value and recommending approval of the Mills Act Contract will ensure the preservation of a unique Renaissance Revival architectural style in Downtown San José. The Bank of Italy building, built in 1926, was designed by Henry A. Minton for Amadeo P. Giannini, who originally established the first branch (built in 1904) in San Francisco, and later the bank was known as the “Bank of America.” The exterior and the interior lobby area should be preserved, as much as possible.

Public Testimony

The applicant’s representative, Tom Dubel, gave a brief presentation on the importance of preservation of this City Landmark building and the continuous expense that was required for the maintenance and restoration of the exterior finishes and interior spaces, including the interior front lobby area, and they would continue to preserve the interior spaces to the extent feasible.

Staff and Historic Landmarks Commission Discussion

The Commissioners agreed that the building needs ongoing special maintenance and care to preserve this special Landmark structure known for its prominent height and was a good example of Renaissance Revival architectural style. The Bank of Italy was one of the oldest tower building in San José and there was definitely a need to preserve this 94-year-old building. The Commissioners unanimously recommended that the City Council approve the Mills Act Contract with the recommendation to also maintain the interior banking lobby space and front lobby area, to the extent feasible.

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.

6. GOOD AND WELFARE

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

- i. Past Agenda Items: No items.
- ii. Future Potential Agenda Items: Sobrato Block 8 (H19-033), Fountain Alley Building (HP19-007), Google Project.
- iii. Summary of communications received by the Historic Landmarks Commission.

b. Report from Committees

- i. Design Review Subcommittee (DRC): Meeting held on October 16 to review the Saint James Park Improvement Plan and the Our Lady of La Vang Parish Church project.

The Commissioners summarized the October 16, 2019 DRC meeting. .

c. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of October 2, 2019.](#)

The Commissioners voted unanimously to approve the Action Minutes.

d. Status of Circulating Environmental Documents

Notice of Preparation of an Environmental Impact Report for GP19-009, PDC19-039, and PD19-029, the Downtown West Mixed-Use Plan (Google Project). EIR Scoping comments due November 22, 2019 and Scoping Meeting on November 7, 2019.

<http://www.sanjoseca.gov/index.aspx?nid=6468>.

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.