



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

October 2, 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, 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, Polcyn, Hirst, Raynsford, Royer, and Saum

Absent: Commissioner 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.

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 in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

a. **[Historic Resources Inventory Additions](#)**

PROJECT MANAGER, Juliet Arroyo, HPO

Recommendation: Historic Preservation Officer recommends the Historic Landmarks Commission approve adding the proposed properties to the Historic Resources Inventory.

The Commission heard public testimony on the proposed additions to the Historic Resources Inventory (HRI) and voted unanimously to add the following properties:

**Chicano Murals (Six Murals) as Contributing Sites/Structures*

**Graves House at 4145 Mitzi Drive as a Candidate City Landmark and California Register Eligible*

- *Old IBM Building on Saint John Street as an Identified Structure
- *460 N. 15th Street as an Identified Structure
- *830 Delmas Avenue as an Identified Structure
- *Alviso Community Center as an Identified Structure

The Commission voted to defer the addition of 1020 N. 4th Street to the HRI at staff's request.

- b. **HL19-002 & MA19-001.** Historic Landmark Nomination to designate “Goodenough House” built in 1897 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 0.53-gross acre site located on the northwest corner of Dry Creek Road and Peregrino Way (1725 Dry Creek Road) (Grenne, Andrea Claire Trustee, Owner). 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 Nomination and Mills Act Contract.

On October 2, 2019, the Historic Landmarks Commission held a Public Hearing on the proposed Landmark Designation and Historical Property Contract for the “Winsor and Susie Goodenough House” located at 1725 Dry Creek Road. Planning staff recommended that the Historic Landmarks Commission recommend approval of the City Landmark designation and Historical Property Contract to the City Council.

Staff commented that the overall integrity of the house, the family's contribution to the community, the Shingle-style architecture which adds to the rich architectural history of the City, and the cultural value of the house would make the property a strong candidate for City Landmark designation as well as a Historical Property Contract.

Public Testimony

The historical consultant, Krista Van Laan of Archives & Architecture, LLC, gave testimony, explaining briefly her extensive research on the house and its history that qualifies as a City Landmark based on several criteria under the Historic Preservation Ordinance. The property owners spoke about their on-going efforts to preserve this special house.

Staff and Historic Landmarks Commission Discussion

The Commission noted that the “Winsor and Susie Goodenough House” is a beautiful house and a good example of Shingle-style architecture. The Commissioners agreed that it needs on-going special maintenance and care due to its age. Commissioner Boehm requested that the work plan include installation of a plaque at the house. The Commission recommended approval of the house with the condition that a plaque be included in the recommendation of the Mills Act Program.

The Commissioners unanimously recommended that the City Council designate the house as a City Landmark and approve the Mills Act Contract.

- c. [HL19-003 & MA19-003](#). Historic Landmark Nomination for “Martin 5 homes” to include addresses at 1225, 1233, 1241,1249 and 1257 Martin Avenue “Wolfe & Mckenzie” homes built from 1909 to 1912, each on an approximately 0.16-gross acre site and Historical Property Contract (California Mills Act contract) between the City of San José and the owners of the subject properties, in the Hanchett and Hester Park Conservation Area (1241 Martin Avenue) (Kaltsas, David and Leah, Owner). 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 Nomination and Mills Act Contract.

On October 2, 2019, the Historic Landmarks Commission held a Public Hearing on the proposed Landmark Designation and Historical Property Contract for each of the “Martin 5 Homes” located at 1225, 1233, 1241, 1249 & 1257 Martin Avenue. Planning staff recommended that the Historic Landmarks Commission recommend approval of the City Landmark designation and Historical Property Contracts to the City Council.

Staff commented that the overall integrity of the houses and the group of Craftsman-style homes adds to the rich architectural and cultural history of the City of San José and would make the properties strong candidates for City Landmark designation as well as Historical Property Contracts.

Public Testimony

The historical consultant, Krista Van Laan of Archives & Architecture, LLC, gave testimony, explaining briefly her extensive research on the Craftsman style homes and its history that qualifies all five homes as City Landmarks, based on the famous architectural firm of Wolf and McKenzie and several other criteria under the Historic Preservation Ordinance.

The property owners also spoke as a group and were thankful for the Commission’s time towards their application and stated that they enjoyed living in their Craftsman homes and were looking forward to preserving them with the Mills Act Contract. They added that the grouping of the landmark designation had brought all the neighbors together on the block. The owners also shared that they would like to preserve the Wolf and Mckenzie homes and were open to offer tours of their homes as well.

Staff and Historic Landmark Commission Discussion

The Commission noted that the “Martin 5 Homes” were a good example of the Craftsman style architecture, especially with the intricate details of each house and agreed that they exemplified an extra layer of appreciation because of being grouped and nominated together for City Landmark status. Commissioner Polcyn requested clarification on the grouping of the five homes. Staff clarified that the homes are nominated for City Landmark status as they are significant individually and as a cluster in the Hanchett and Hester Conservation Area and are not being considered as a City Landmark District at this time.

The Commissioners unanimously recommended that the City Council designate the homes as City Landmarks and approve the Mills Act Contracts.

- d. [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.

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 architecture (Adam P.) gave an overview of the project and the evolution of the design changes based on the HLC, City, Historic Consultants, and Public Comments. In summary:

- *History of the modifications considered in regard to the atrium, windows, balcony, materials, building floor height, lighting, cornice, building setbacks, panels, sidewalk, and windows*
- *Additional attention was given to the columns, glazing, and cornice*
- *Proposed two alternatives to the north elevation, to modify the windows locations and design*

Public Comments:

Mike S. (PAC SJ)

- *The project is large and overshadowing*
- *Would like to see drawings from San Carlos and 1st Street*

Maria E.

- *Was horrified by the building, as it would hover over the building*
- *The City spent millions to move the building*
- *Would set a horrible precedent and lead to a slippery slope*
- *Would like to put a brake to this project as it looks terrible and they should build it somewhere else*

Mark E.

- *This is lipstick on a pig*
- *It hovers over the hotel*
- *This is a huge mistake*

Erik S. (Applicant)

- *The notion of putting a building over a historic building is not unique*
- *San Francisco has done cantilever designs*
- *Hope the commission can appreciate the owner working with all the different stakeholders*

Commissioners Discussion:

Commissioners Raynsford

- *Was originally in favor of the balcony but now not as sure*
- *There is a lot more refinement and color scheme is better*
- *Punched windows are better and the façade has improved*
- *This is an enormous building*

Commissioner Polcyn

- *Appreciate the revisions as it blended all the different comments*
- *Nice design, but still rather not have the balcony as it may draw away from the historic structure*
- *There is some visual tension between the historic and new building*

Commissioner Arnold

- *It has been a three-year journey*
- *There is some visual tension between the balcony and cornice.*

Commissioner Boehm

- *Some of the mitigations he likes, others he would like to see revised.*
- *Instead of the northside using punched windows, it seems better to have it on the street side.*
- *Does sympathized with the lipstick on the pig comment.*

Chair Saum

- *Likes the color palate as it has changed over time.*
- *He was at the Design Review Committed and referral meeting and overall the design has improved.*
- *Agrees the balcony is okay.*
- *The view from the street is what is seen the most, but that the rendering down the street is less than flattery.*

Commissioner Raynsford motioned to deferred, seconded by Commissioner Polcyn and the commission voted 6-0-0 to deferred to November 6, 2019 meeting.

e. [Historic Landmark Commission Comments on the Winchester Ranch Residential Project \(PDC18-038 & GP18-014\) Draft EIR](#)

PROJECT MANAGER, Stefanie Farmer

Recommendation: No recommendation. Provide comments on the historic resource analysis in the Draft Environmental Impact Report (EIR) for the Winchester Ranch Residential Project.

The Commission discuss the EIR and how to provide comments as a Commission. The Commission agreed to have Ed Saum, as the Chair, draft a letter in response to the EIR, incorporate comments discussed that reflect the Commission's comments and submit to the City before the deadline.

f. [Historic Landmark Commission Comments on the Almaden Corner Hotel Project \(H18-038\) Draft EIR](#)

PROJECT MANAGER, Patrick Kelly

Recommendation: No recommendation. Provide comments on the historic resource analysis in the Draft Supplemental Environmental Impact Report (EIR) for the Almaden Corner Hotel Project.

The Commission discuss the EIR and how to provide comments as a Commission. The Commission agreed to have Ed Saum, as the Chair, draft a letter in response to the EIR, incorporate comments discussed that reflect the Commission's comments and submit to the City before the deadline.

g. [Historic Landmarks Commission Annual Retreat](#)

PROJECT MANAGER, Juliet Arroyo, HPO

Recommendation: Review updated draft agenda for retreat on October 11, 2019.

The Commission reviewed the draft Agenda and agreed to move the Work Plan discussion to the December 2019 HLC meeting to allow more time for guest speakers.

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: Museum Place II (SPA-17-031-01), Sobrato Block 8 (H19-033).
- iii. Summary of communications received by the Historic Landmarks Commission.

b. Report from Committees

- i. Design Review Subcommittee: Meeting held on September 18 to review the 4th and Saint John Street housing project.

c. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of September 4, 2019.](#)

The Commissioners voted unanimously to approve the Action Minutes.

d. Status of Circulating Environmental Documents

None

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.