



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

December 4, 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

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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 Saum, Boehm, Polcyn, Raynsford, and Hirst
Absent: Commissioners 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 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: Dropped and to be noticed at a later date 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

- a. **HP19-002 & H19-009, Reed District.** Historic Preservation Permit and Site Development Permit to allow the conversion of a 3,647-square foot single-family residence to a 5,548-square foot duplex (basement addition), with an addition of 181 square feet to the rear second-story and attic, for a property listed on the City's Historic Resources Inventory as a Contributing Structure and a Structure of Merit in the Reed City Landmark District and in the R-M Multiple Residence Zoning District, on a 0.14-gross acre site.

PROJECT MANAGER, Rina Shah

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

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

Staff presented a brief staff report and stated that the proposal was conversion of an existing house to a duplex with minimal changes to building exterior.

Public Comments

Member of public, Dave Naiomi, provided following comments:

The project:

- *is not consistent with Historic Preservation Goals*
- *is not consistent with Historic Land Use Policies,*
- *does not provide adequate parking,*
- *does not provide adequate private open space,*
- *allows non-historic features to remain,*
- *allows for the addition of a private-space fence in the front yard that will degrade the appearance of the property from the street,*
- *does not have adequate landscaping,*
- *does not address the poor condition of the existing rear accessory structure, and*
- *does not appear to have adequate egress for the newly finished attic space, including two full bathrooms and three rooms that could be used for sleeping.*
- *the proposal had too many attached bathrooms.*

Commissioners had questions about the number of potential bedrooms and questioned the excess number of attached bathrooms. They also commented that the egress attic windows do not appear to meet the building code requirements and could possibly change the exterior if they were required to be modified in size.

Applicant was also asked to address the front private yard fence and the rear accessory structure. This structure should be repaired and rehabilitated as necessary. The commissioners unanimously voted to defer the item and requested the applicant to provide a revised set of plans addressing all the concerns.

Commissioner Polcyn motioned to defer, seconded by Commissioner Boehm and the Commission unanimously voted to defer the item to a future meeting.

3. PUBLIC HEARINGS

- a. **[HP19-003 & H19-018, Hensley District.](#)** Historic Preservation Permit to allow the demolition of a 348-square foot non-historic rear addition and new addition of two attached residential units to the rear, totaling approximately 2,655 square feet, for an existing single-family residence, listed as a contributing structure on the City's Historic Resources Inventory in the Hensley City Landmark District and the Hensley National Register District, and removal of two ordinance-size trees on a 0.22-gross acre site in the R-M Multiple Residence Zoning District.

PROJECT MANAGER, Rina Shah

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

Staff presented a brief staff report. The project applicant and architect, Kim Green, gave an overview of the project as follows:

- *Project would add two units to the rear of the Victorian house.*
- *Roof form and mass were different yet compatible with the existing home.*
- *The addition would be minimally visible from public street view.*
- *The wall colors would be white with beige trims to match the existing house*

There were no public comments for this item.

Commissioners Discussion:

Commissioners overall liked the project, requested to point out the items that were revised since the DRC meeting. Staff pointed out that the revised plans addressed the size and width of the exterior wood siding and alignment of the walls. The applicant responded that the wall alignment was modified such that the walls had an offset to differentiate historic house from the new. Commissioner Raynsford commented on the roof style being strikingly different from the existing, with lack of roof details from the historic house. Commissioner Boehm liked the differences in form and mass of the addition, which differentiated from the existing sloped roof of the historic house. Chair Saum also agreed with the roof design but requested additional roof detailing at the building roof parapet.

The commissioners unanimously voted to recommend approval of the item and suggested voluntarily reviewing the roof pitch, as applicable.

- b. [H19-033](#). Site Development Permit to allow the construction of a 20-story commercial building with approximately 16,372 square feet of commercial retail and approximately 568,286 square feet of commercial office on an approximately 1.49-gross acre site. Council District 3.

PROJECT MANAGER, Stefanie Farmer

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

Applicant Presentation:

- *The applicant/architect walked through the background of the project and gave an overview of the timeline, submittal, and details.*
- *The applicant noted that they were in discussions with city staff focusing on the adjacent historic resources such as the Montgomery Hotel surrounding Block 8 in the San Antonio Redevelopment Area.*
- *They also discussed how they arrived at the idea for the massing of the building, with four distinct towers.*
- *In the design:*
 - *They wanted to pay close attention to the pedestrian realm*

- *Shape the tower to make it relate to its surroundings*
- *Glass is a neutral material that reflects the sky, and also respects nearby buildings*
- *Took their cue from other buildings in the vicinity including the Marriott and the Fairmont Hotel*
- *Other buildings have curved facades*
- *Pay close attention to the relationship with the park*
- *Specific Design Guidelines that the applicant set out to follow*
 - *Create a textured pattern*
 - *Breaking up the massing of the building*
 - *Building articulation*
 - *Relate to St. Claire Hotel across the street*
- *Two options for better integrating with Montgomery Hotel*
 - *OPTION 1: Continuous band at ground level*
 - *Emphasizes ground level pedestrian realm*
 - *Creates a defined edge*
 - *Emphasizes horizontal elements at ground level, shares similar canopy elements with Montgomery Hotel*
 - *OPTION 2: The Veil*
 - *Raised cladding, introduced orthogonal elements at lower levels*
 - *Directs towards the Montgomery Hotel*
 - *Scales down, double glazed system*

One Member of the Public Spoke – Andre Luthard (PAC*SJ)

- *Supports the development of underutilized land*
- *Supportive of revising the design of the building*
- *A lot of emphasis was made on the Montgomery Hotel, but what about the St. Claire, Hales Department Store, and other landmarks nearby*
- *How does this design relate to historic buildings across the street?*
- *The building should step back from the historic structure*
- *Consider swapping the roof top gardens so that there is a garden on the side of the Montgomery Hotel*

Commissioner Hirst

- *What is the rationale for placing the taller building in the front?*
 - *Applicant Response: The buildings in this row are gesturing upwards towards San Carlos (looking south from Fairmont)*

- *Was there a sun/shade study? It feels heavy on the glass.*
- *Glass reflecting too much light might be an issue*

Commissioner Raynsford

- *I have doubts about how this building responds to historic structures*
- *One issue is that the applicant said the glass is neutral/sympathetic to the historic structure. This is not true; glass buildings are generally in opposition to historic structures (i.e. Hancock Tower in Copley Square)*
- *Needs to respond more closely to the historic context*
- *Likes the idea of the veil, maybe on a larger scale*
- *Think more about the materials used and the relationship to other historic structures, not just the Montgomery*
- *This is an extremely important block and a lot of people have been waiting for something appropriate for this space which could make this a good opportunity for creativity*

Commissioner Polcyn

- *Likes the design, appreciates the massing study*
- *Consider rotating the towers, have the lower quadrant face the intersection on the southside to give more respect to both the Montgomery Hotel and the St. Claire*
- *In the historic report, the heights of the St. Claire and Montgomery needs to be considered*
- *Prefers the veil option over the overhang option*
- *The veil stands on its own without conflict with the historic building next to it*
- *The building canopy design appears to be too abrupt*
- *The canopy over the freight/loading area does strengthen the street level a bit more and an alternate canopy design could be considered*
- *The first floor is tall which contrasts with the street level of other buildings nearby, but could be work*
- *The alleyway on the Montgomery side is a good opportunity for a pedestrian thoroughfare to the park*

Vice Chair Boehm

- *Glass material at the building façade does not appear to be compatible – as mentioned in the historic report*
- *Façade and materials should be better articulated*
- *The proposed building is monumental, bows outwards, and does not appear to be compatible in size and form; the building is also not compatible in materials such as terracotta and brick used in the surrounding historic buildings*
- *Doesn't seem to reflect historic character or appreciation to its surroundings*

Chair Saum

- Consider switching the placement of four towers in relationship to the surroundings
- Use a variety of materials, the veil concept goes well with different materials
- Consider not using the veil stop at the canopy line by bringing it down to the corner
- On the Market Street side, this project is in front of a large open space due to location of Cezar Chavez Plaza where you experience presence of buildings all around
- The project should be designed to not substantially disrespect City National Civic
- It is important to maintain a strong pedestrian presence at each building corner in relation to the surroundings
- The project is well-designed in terms of mass and shape of the building with a good street presence. The shadow line is a complicated gesture, but was well worked out
- The canopy seems to undermine the project's usage of glass and needs more thought

- c. [H19-041, HP19-007 & T19-035](#). Site Development Permit to allow demolition of an existing 5,870-square foot building (formerly Lido Nightclub, 30 S. 1st Street), removal of an adjacent 7,355-square foot surface parking lot (26 S.1st Street), and the construction of a new 6-story, mixed-use building consisting of ground-floor commercial, five stories of office space, and a rooftop bar/restaurant; an Historic Preservation Permit for the rehabilitation and adaptive reuse of a City Landmark (Knox-Goodrich Building, 36 S. 1st Street); and a Tentative Map to merge three lots, under separate ownership, on an approximately 0.34-gross acre project site. Unique project factors include: Proposed 100% reduction in required vehicle parking and a request to exceed the 60-foot height guideline in the San Jose Downtown Historic District Guidelines.

PROJECT MANAGER, Maira Blanco

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

Applicant:

-Tim Woloshyn, Urban Catalyst

-Paul Ring, Urban Catalyst

-Jeff Current, Studio Current

-Chandraprabha Sreekantaswamy, Studio Current

Item 'C' called by Chair Saum

Project Manager (PM), Maira Blanco, corrected recommendation (no recommendation, early referral item for feedback), gave staff presentation and welcomed applicant to speak.

Project applicant, Tim Woloshyn provided brief introduction to proposed project.

Applicant's architect, Jeff Current from Studio Current, presented proposed project:

Description: Ground floor retail/restaurant with office above, and an express elevator to rooftop bar from Fountain Alley. Knox-Goodrich building would be used as lobby and main entrance to project – applicant still exploring other uses for lobby (i.e. uses that would commemorate history of buildings).

Work on historic structure (1889 Knox-Goodrich building) includes cleaning up/rehabilitation of façade – but for minor modifications to storefront entrance, everything will be left in place. Initial storefront ideas: Double pair of Herculite doors, clean glazes, frameless glass.

Materials/coloration: still being considered (brick)

The discussion was opened for public comment.

Andre Luthard, representing Preservation Action Council of San Jose (PAC SJ), stated he was impressed and happy with changes made since initial proposal; however, pointed out that proposed height does not conform to guidelines for height and should consider building to be stepped back. Additionally, a mention was made of the existing historic advertisement sign that PAC* SJ would like to see conserved; creative solution could be explored by applicant. PAC* SJ would also like to see O'Brien's Ice Cream Parlor and Candy Shop commemorated in some form in the new lobby. PAC* SJ supports new building with some modifications.*

Comments from Commissioners were as follows:

Commissioner Hirst: *Referenced DRC notes, positive about cohesiveness new design brings with Knox-Goodrich building, but found initial project design more appealing; felt the added step down was distracting. Compared to the Knox-Goodrich building, the new addition looks busy (e.g., glass and framing). Added that he is interested in commemorating the O'Brien Candy Shop.*

Commissioner Raynsford: *During DRC, he had expressed concern with building corner (northwest along Fountain Alley) because of proposed sheer glass curtain. Current design proposal, he stated, is now more compatible – canopy does not appear so exaggerated. Did not recall suggesting a step down and still confused about colors (looks orange). He stated terracotta is an interesting choice and is relieved Corten steel will not be used. Had a question regarding material being for ground floor because it looked like cement panels. Overall, there are existing family of colors in historic district. Does not agree with idea of stepping building back and instead feels that the more aligned with the Knox-Goodrich building, the better.*

Commissioner Boehm: *Stated that he was not part of the DRC panel and therefore, does not know if discussion was had about actual building being proposed for demolition (Lido). Felt that the Lido building still has historic value because it predates most buildings in historic district and thought the basement might be part of the original construction. He thanked applicant for not proposing a “glass box,” and for proposing to commemorate the O'Brien Candy Shop within the Knox-Goodrich building. He commented that terracotta and brick would be good materials; colors and materials should be compatible with Knox-Goodrich*

building. He appreciated punched windows and felt the design made a good attempt at being sensitive to historic context.

Applicant's response to Commissioner's comments: Rendering will be updated to reflect final decision on colors and materials.

Commission Saum: Thanked applicant for bringing project to HLC early in the process. Stated that Fountain Alley and S. 1st Street are very much about the pedestrian experience. The commemoration of the O'Brien Candy Shop is in keeping with other asks made from similar projects. Takes no issue with height, likes step because it adds to strength of corner/gives corner prominence. Terracotta is a good choice because it treads middle ground for coloration.

Secondary comments made by Commissioners:

Commissioner Hirst: Not enough renderings or viewpoints seen tonight. Building step is feasible but would like to see other viewpoints; slight setback between Knox-Goodrich building and the proposed Fountain Alley Building, even if slight, could be looked at. Color scheme sounds interesting; however, fenestration still looks busy.

Commissioner Raynsford: The Knox-Goodrich building and new building are awkwardly attached – there's an "agitation" at the joint. Recommended applicant finds a way to make this calmer, maybe explore stronger horizontals. Perhaps keep subterranean portion of Lido building as an attraction.

Commissioner Boehm: Demolishing building in the heart of San Jose would be like losing part of City's heart and soul. Appeal to developer to salvage building features and materials as much as possible.

Commissioner Saum: At least looking at possibilities to salvage building would show gesture of good will.

The Commission acknowledged that the project was presented for comments and feedback and that project would return to HLC for recommendation.

- d. **Annual Work Plan.** Discuss the annual historic preservation Work Plan. Review the prior year Certified Local Government (CLG) report.

PROJECT MANAGER, JULIET ARROYO, HISTORIC PRESERVATION OFFICER

Recommendation: Staff recommends that the Historic Landmarks Commission review last year's CLG Report and discuss this year's Work Plan.

Attachment: GLG Report: October 1, 2017 to September 30, 2018

Juliet Arroyo, HPA, presented a very preliminary idea of a work plan which she will present at the January 15th, 2020, HLC meeting.

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: Google Project, Station Area Plan.
- iii. Summary of communications received by the Historic Landmarks Commission.

b. Historic Preservation Officer: Staff assistance to the Historic Landmarks Commission.

c. Report from Committees

- i. Design Review Subcommittee: No meeting held on November 20, 2019.

d. Approval of Action Minutes

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

The Commission unanimously approved the action minutes for the November 6, 2019 HLC meeting.

e. Status of Circulating Environmental Documents

No Items

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.