

HISTORIC LANDMARKS COMMISSION

September 2, 2020

Action Minutes

WELCOME

Meeting called to order at 6:33 p.m.

ROLL CALL

Present: Commissioner Saum, Boehm, Arnold, Polcyn (arrived at 6:40 p.m.), Royer, and Raynsford

Absent: Commissioner Hirst

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 request to speak in the manner specified on p. 2 of this agenda.

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 wishes to speak on one of these items, please use the 'raise hand' feature in Zoom or contact 408-535-3505 to request to speak.

No Items

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/historic-landmarks-commission>

3. PUBLIC HEARINGS

No Items

4. EARLY REFERRALS UNDER CITY COUNCIL POLICY

- a. [ER19-058 \(McCabe Hall Loading Dock\)](#). City initiated project to demolish approximately 89 percent of McCabe Hall, an approximately 24,654 square foot, 1964 attached addition to the original 1934 San José City National Civic Auditorium (Civic Auditorium, City Landmark, HL86-40) located on an approximately 2.5-gross acre project site at 135 West San Carlos Street in Downtown San Jose. The demolition would facilitate the development of an expanded auditorium loading/unloading area, new loading dock, pedestrian exit plan, and a future commercial building. The demolition project would also modify the curb area along West San Carlos Street and restore the west façade of the West Hall, an original element of the Civic Auditorium.

PROJECT MANAGER, SHOKO HUANG, PUBLIC WORKS AND KARA HAWKINS, CEQA PLANNER

Recommendation: Provide comments under the “Early Referral” Policy on the Preservation of Landmarks.

Dana Peak introduced the speakers for the item. Rodney Rapson, Division Manager with Public Works presented a PowerPoint presentation with an overview of the project. Kara Hawkins briefly described the status of the environmental analysis under the California Environmental Quality Act. Michael Mulcahy, immediate past Chairman of Team San Jose, presented the project from the convention and cultural facilities management perspective.

*Mike Sodergren (PAC*SJ and self) commented that he worked at the Civic Auditorium with both the City of San Jose and Team San Jose for 17 years and is familiar with operations. Satellite and television trucks need to be accommodated on site with an unobstructed southern perspective. PAC*SJ recommended pushing back that there is no other option other than to demolish a majority of McCabe Hall to keep it operational. Projects have been granted in recent years that have encroached on the plaza making it smaller and the need for the loading dock greater. Reference was made to the written comments submitted by PAC*SJ and insufficient project alternatives.*

Commissioner Arnold asked what is the office space that was referred to in the presentation? Who are the occupants? Nanci Klein responded that Tech Museum employees are occupants of McCabe Hall and there is ongoing discussion about whether those employees will be relocated with several options under consideration.

Commissioner Raynsford commented that he reviewed the project in the Design Review Subcommittee and was distressed at the extent of demolition proposed for what he feels is one of the city’s most important streets. He did not agree with one of the assessments that McCabe Hall is not historic and the architect went to great effort to creatively and sensitively add on to the building. The addition is an important part of the street façade and would be demolished to build a loading dock, glass building and potential paseo in the future. Commissioner Raynsford commented that McCabe Hall would be demolished,

but only half the area would be used as a loading dock and there does not appear to be any plans for the remainder of the site. Is that the case and what alternatives have been investigated to preserve the façade of McCabe Hall? Rodney Rapson responded that enough of the structure would remain to structurally hold it together and responded that a façade would have no mechanical or electrical and would require significant structural upgrades that upon study was determined to cost a significant amount of money to retain. Nanci Klein added that the team conducted more than 20 or 30 studies in assessing the proposal and significant effort was put into exploring what could best be done. The maneuvering and length of the trucks and buses on site, which is a part of the operation requirements of the Civic Center, was also a challenging factor. She added that in the future, the City would potentially seek to have additional building/s constructed on that location. Commissioner Raynsford was concerned that there is no current plan for new development and demolition could occur for a vacant lot. He asserted that there are many other possibilities that have not been considered and should be investigated as part of the Environmental Impact Report. Nanci Klein thanked the commissioner and responded that the street is getting a lot of attention and the Civic Auditorium and surrounding uses make the site a desirable location for redevelopment.

Commissioner Royer echoed Commissioner Raynsford's comments that it would be helpful to see several of the design iterations discussed by staff and the thought process behind why those options were not feasible. She also thought it would be helpful to have the lot lines reflected on the plans. Commissioner Royer inquired whether the future development of the remainder of the area would be done by the City or outside developers? Nanci Klein responded that it was unlikely the City would carry out the redevelopment, but would put the property out for bid under the state surplus land act requirements. Commissioner Royer inquired how the loading dock area would be enclosed if the adjacent development does not occur until later. Nanci Klein responded that treatment of the loading dock enclosure is being discussed with the office of Cultural Affairs. There are a number of options being discussed to make the street an interesting experience for pedestrians, including a graphic representation of the façade of McCabe Hall. Commissioner Royer inquired whether the trucks would back into the site or back out of the site because there is not enough room on site to turn around. Rodney Rapson responded that the trucks would need to back in from W. San Carlos and traffic would need to be controlled when there is an event if necessary.

Vice Chair Boehm commented that the Mission Revival style of the building is invaluable to downtown. He commented that the commission reviews downtown projects on a piecemeal basis and projects like Museum Place have related impacts because the sites are integrated. Vice Chair Boehm stated that Museum Place will be taking part of the parking lot and decreasing the effectiveness of the loading dock. He inquired whether the loading dock has been discussed with entertainment professionals to determine whether the proposal would be an advantage over what is currently there. Nanci Klein responded that Team San Jose and City staff have worked extensively with many different theater companies and know what works for them. Vice Chair Boehm inquired whether there was any way to salvage part of McCabe Hall, such as an eastern half, and asked that it be considered.

Chair Saum stated that the commission reviewed Museum Place and the paseo in 2016 and at that time inquired whether the reduced footprint of the loading dock created by that building would affect the loading dock. It was understood that the Museum Place development would not infringe on the viability of the loading dock. Development, especially on the same block should be examined collectively, rather than individually

because they affect each other. Chair Saum stated that in 2019 the Design Review Committee reviewed the loading dock proposals. Those iterations were more detailed and some showed retaining more of McCabe Hall. He recalled that cost was cited as an issue for retaining McCabe Hall. Chair Saum did not feel that the current use and state of the interior of the building (drop ceiling etc.) was sound rationale for demolishing the addition. He stated that an addition to a landmark should be related to and take cues from the building, which is what McCabe Hall achieved. Chair Saum asserted that because the addition is not distinctive, does not mean it is less significant. He expressed concern that the economics of the project was being prioritized over historic preservation.

Commissioner Arnold commented that the review of past actions, discussions, agreements and meetings leaves her with questions. She felt that historic preservation was being pitted against economic potential and questioned how the past studies led to the proposed demolition of the majority of McCabe Hall.

Commissioner Raynsford wondered when there is an existing lively façade on the street in McCabe Hall, there is a need to sacrifice that for the proposed paseo which is currently only a concept. He recommended the Environmental Impact Report investigate how McCabe Hall can be used to create the desired lively pedestrian environment.

Commissioner Polcyn thanked staff for the presentation which was put together in a way that was easier to understand than the material presented to the Design Review Committee. At that time, it was difficult to understand the logistics behind the proposal. He recalled that the Design Review Committee asked to see some options and commented that what was studied by staff was not shared with the Historic Landmarks Commission. Commissioner Polcyn commented that he understood the logic behind needing the loading dock, but questioned the viability of related plans, such as the paseo and adjacent new building, which are a concept at this point. He referred to the DPR forms and pointed out that McCabe Hall is significant for its historic associations, rather than its architecture and questioned the desire to preserve the façade. Commissioner Polcyn believed it is more important to make the Civic Auditorium a viable venue, but would like to see the options studied by staff and commented that details of the proposal still needed to be worked out.

Vice Chair Boehm appreciated Chair Saum's comments regarding whether economics should be part of the consideration for demolition of a landmark and cited the City Council policy on early referral. He also thanked staff for requiring the preparation of an environmental impact report. Vice Chair Boehm reiterated other commissioner comments recommending the reuse of a greater portion of the building, particularly in light of the fact that previously studied options included that proposal.

- b. [**C19-017 & H19-021.**](#) Conforming rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District and a Site Development Permit to allow the relocation of two residential homes, the construction of a 23-story building containing up to 298 units and up to approximately 8,978 square feet of retail, and the removal of six ordinance-size trees, on an approximately 0.98-gross acre site located at 100 North 4th Street on the northeast corner of the North 4th Street and East San John street intersection.

PROJECT MANAGER, STEFANIE FARMER

Recommendation: Provide comments under the “Early Referral” Policy on the Preservation of Landmarks.

Dana Peak introduced the speaker for the item. Stefanie Farmer, planning project manager, summarized the staff report by highlighting project details, on-site and off-site historic resources, and Design Review Subcommittee comments. She noted that the application predates the effective date of the 2019 Downtown Design Guidelines; therefore, project review is limited to the 2004 Downtown Historic Design Guidelines. Following that, Anthony Ho, representing the project architect, presented an update to the project details in terms of site context, the proposal, and how the project addresses previous comments.

Gavin Lohry (Catalyze SV) commented that Catalyze SV reviewed the project several months ago and was impressed with effort to relocate the two on-site historic buildings. He spoke about how Downtown needs more housing and residents, and encourage commissioners to consider the height and the density required for downtown when providing comments.

*Ben Leech (PAC*SJ) stated that PAC*SJ submitted a comment letter in advance of the meeting and had not reviewed the updates to the project design presented at the meeting. He commented that PAC*SJ generally supports the relocation of the two houses and noted that the existing historic context is lacking and the receiver site would improve the context. Ben Leech noted that PAC*SJ is interested in the details of the relocation/preservation plan and strongly recommends the relocation of the houses be a condition of any project approval. He was also interested in the future use, long-term management and ownership of the relocated houses, as well as the proposed rehabilitation plan. Ben Leech commented that the design of the façade contains a lot of different colors and materials and suggested simplifying the busy façade. He encouraged the commission to follow up on the comments previously provided by the Design Review Committee.*

Commissioner Raynsford appreciated the changes made to the project he reviewed with the Design Review Committee. He believes relocating the structures will improve both the houses, their situation and 5th Street which current contains a vacant lot. Commissioner Raynsford would like to know that plans for rehabilitation and use. He commented that 4th Street is a place of juncture between the expanding downtown and the existing low-rise neighborhood and appreciated that each side of the building needs to respect these different contexts. Commissioner Raynsford wondered what the 4th Street façade of the building is responding to in terms of context. Anthony Ho stated that the revisions to the design of the façade included toning down the colors and removing the competing elements. The different elements were intended to break up the mass and scale of the width of the building. The window patterns were taken from the adjacent buildings and not repeated, but interpreted. The design of the rear elevation had previously emphasized verticality and the garage plate. This was changed to bring the scale down. Anthony Ho stated that the relocated houses are intended for residential use, either rented or sold. Stefanie Farmer noted that a relocation plan was requested and will be included within the analysis before a decision is made on the application.

Commissioner Polcyn appreciated the proposed relocation and reuse of the two houses and calming down the design of the initial proposal. He expressed concern regarding the height and massing of the building in a transitional area near St. James Park and the adjoining residential neighborhood. Commissioner Polcyn commented that the design of

the façade is still busy with the different levels, heights and setbacks, and he is concerned with the height and transition to the single-family neighborhood. He added that the ground-level commercial unusual with the palm streets and design activity. Commissioner Polcyn was unclear how the alley way transition works. Anthony Ho responded that the setback is 10 feet and the area includes emergency access, pathway for bike access, stormwater treatment and a green wall.

Commissioner Royer also appreciated eliminating the colors and calming down the design of the façade. She felt that the articulation was better than using color to break up the long façade. Commission Royer inquired whether the building is taller in the new design. Anthony Ho responded that the height may be increased from 23 to 25 stories and that may be helpful to articulate the top of the building. Commissioner Royer commented that the changes to the rear of the building with the activation of the podium level/garage wall was an improvement, as well as the setback of the building and podium level. She appreciated the proposed relocation of the two houses and that a rehabilitation plan is required.

Commissioner Arnold also appreciated the proposed relocation of the two houses and thanked the applicant. She noted the height and mass of the building and asked if the plan is for 23 or 25 stories. Anthony Ho responded that the current proposal is 23 stories, but that City Council talks about the desire for roofline articulation and the additional stories may be used to create that differential so the building does not feel as boxy. Commissioner Arnold inquired about the parking plan. Anthony Ho responded that the current package proposes 0.96 car parking spaces per unit and 1.36 bicycles per unit.

Vice chair Boehm expressed appreciation for the relocation of the two houses. He suggested making the design less modern and more compatible with the historic environment. Vice chair Boehm inquired about the bump out Anthony Ho responded that it will be custom-designed metal screening (rust brown color) and used where important for transitions, or at the entry. The green material for the 5 stories above is a glass window wall system, similar to the Graduate. Vice chair Boehm suggested considering an alternative because historic buildings generally do not have that extent of glass or installation method. Anthony Ho commented the other building materials are concrete panels. The punched windows were intended to break down the scale of the building. Vice chair Boehm felt the material used on the upper stories is more compatible than the glass. He stated the proposed palm trees are not a native species and suggested using more deciduous trees. Further, Vice chair Boehm complimented the applicant on the building setback.

Chair Saum supported the relocation of the two houses and the toning down of the façade. He recommended presentations highlight the materiality of proposals and the design response to context since height is guided by the zoning of the property. Chair Saum felt that the project would primarily be experienced from the ground level and that the first two to three stories of the building was not as successful as the rest of the design in terms of materials and color. He recommended a simpler plinth and the use of fewer types of materials in this area. Chair Saum noted that palm trees offer no shade and are not viable street trees in the city's context. He pointed out that the surrounding buildings do not have design emphasis on their corners and suggested that the historic context be given greater consideration on the lower floors of the building for compatibility. Chair Saum recommended as much detail as possible be provided for the receiver site.

Commissioner Raynsford noted that it is difficult to comment on the ground level because of the speculative nature of commercial storefronts and signage. He inquired why the metal screen elements were more discrete elements and a broader screening solution not applied to the parking garage. Commissioner Raynsford suggested that the screening could be a creative opportunity to unify the lower floors and create an elevation more even in appearance. He is not concerned about the glass material.

Commission Polcyn concurred with the commission's comments and agreed the focus should be on the ground level in terms of creating a uniform façade that is less busy. With the building located off the main street, the façade of the building should have a simpler, more integrated neighborhood feel including deciduous street trees.

Vice Chairman Boehm expanded on Commissioner Raynsford's comments regarding the extension of the metal screens, and simplification of the lower levels, and recommended the use of a substitute material for glass. He reiterated prior comments regarding the relocation and rehabilitation of the two houses and the street trees.

- c. **SP20-021**. Special Use Permit to allow the demolition of two existing multi-family residential buildings and one single-family home, the construction of a new multi-family residential building (21 stories above grade) with a total of 222 residential dwelling units, and a four-level automated parking system, including one basement level, with associated landscaping and amenities on a 0.45-gross acre project site bounded by South Fourth Street to the east, East San Salvador Street to the north, South Third Street to the west and East William Street to the south.

PROJECT MANAGER, LAURA MEINERS

Recommendation: Provide comments under the “Early Referral” Policy on the Preservation of Landmarks.

Dana Peak introduced the speakers for the item. Maira Blanco, Environmental Review planner, briefly described the status of the environmental analysis under the California Environmental Quality Act. Alex Sinunu and Paul Ring, Urban Catalyst, presented an overview of the student apartments project and its surrounding context. Jonathan Ennis, BDE Architecture, reviewed the architectural plans with the commission.

*Ben Leech (PAC*SJ) noted that PAC*SJ submitted written comment on the project and noted that it should be reviewed in relation to other proposed large-scale projects in the vicinity. He expressed concern that such projects should be steered to the appropriate location for their scale and density, and wondered whether the proposal would result in pressure on the adjacent historic resources.*

Commissioner Polcyn expressed concern with the height in essentially a residential neighborhood containing historic structures and the reduced setbacks. He felt that there was conflicting information with regard to the age of the buildings proposed to be demolished. Commissioner Polcyn commented that if high rise development in residential neighborhoods is a trend downtown, the City is trending in the wrong direction.

Commissioner Royer inquired about the materiality of the building and wondered what the building would look like from the rear where the historic resources are located. Elevations and renderings were previously presented by Jonathan Ennis. The materials are precast concrete C-cap panels with inset windows above the third floor, with blue metal panel and stone below around the storefront windows.

Commissioner Arnold expressed concern about the height and mass of the building and adjacency to a historic district and surrounding homes. She also expressed concern regarding the demolition of existing buildings near a historic district. Commissioner Arnold inquired about the parking requirements. Alex Sinunu stated that the parking for the 222 units within downtown and use of a TDM plan would be reduced from 1 space per unit (222 parking spaces) to a minimum of 95 parking spaces plus two loading spaces. Commissioner Arnold inquired about the provision of bicycle spaces and Alex Sinunu stated that 60 bicycle spaces are proposed to be provided.

Commissioner Raynsford was concerned about the context of the site which is surrounded by one to four story buildings. He wondered what the future of the locality would be in terms of scale. Commissioner Raynsford commented that the massing, setbacks, crowning element, window patterns and shapes, materials, colors, shadow impacts should be further considered to be more sensitively respond to the surrounding context. He commented that consideration should be given to the existing buildings proposed for demolition. Commissioner Raynsford suggested that the buildings could be relocated as there are many vacant lots downtown and a need for housing.

Vice Chairman Boehm inquired whether there will be any framing for the windows. Jonathan Ennis responded that the precast panel system allows for a deep-set window, but there will be no window trim. Vice Chair Boehm suggested that window framing be considered to add interest. He inquired what percentage of the building material is glass. Jonathan Ennis responded that the glass is about 25-30% of the exterior building materials. Vice Chair Boehm expressed concern over the demolition of the Structure of Merit on site and supported the suggestion to relocate the structure at 459 S. 4th Street. He reiterated a concern about the height of the building and suggested reducing the height.

Chair Saum felt relocating the Structure of Merit at 459 4th Street would be important to address housing concerns. He commented that the mid-block context of the site is difficult because the project will impact the surrounding small-scale buildings. Chair Saum supported the shade and shadow of the materials, but questioned whether the materiality of the building responds to its context.

Commission Polcyn inquired about the zoning classification of the site and the height allowed. He noted Sheet G.05 showing an elevation of the project in relation to a proposed tower and asked where the other project is in relation to the proposed project. Dana Peak responded that the proposals are adjacent to each other. Commission Polcyn noted this is the second building of significant height being proposed on the block. He referred to Sheet AP.13 and AP.14 with the street views of the project and questioned how the materials on the street level related to the surroundings.

Commissioner Raynsford commented that the two adjacent developments should be considered together and expressed concern about the overall plan for the area. He wondered what the plan would be for the surrounding historic urban fabric and quality of the environment. Alex Sinunu commented that he understands the concern and noted that he believes the scale of the development is appropriate for S. 4th Street, particularly since none of the buildings evaluated in the historic report had S. 4th Street addresses. He noted that S. 3rd Street and Williams Street have more historic structures, but S. 4th Street is a thoroughfare.

Vice Chair Boehm commented that as San Jose grows there will likely be more tall buildings next to historic resources and it is incumbent on the commission to protect historic buildings listed in the Historic Resource Inventory. He recommended that the adjacent historic structures on the Historic Resources Inventory should be inspected during construction.

5. GENERAL BUSINESS

- a. **Opportunity Housing.** As part of the solution to the housing shortage in the Bay Area and in San Jose, Opportunity Housing is being explored as part of the General Plan 4-Year Review. Opportunity Housing refers to enabling multi-unit housing on properties with a Residential Neighborhood General Plan land use designation subject to certain criteria, that could include a mix of a single-family home, duplex, triplex, or fourplex while generally maintaining zoning setbacks and heights.

PROJECT MANAGER, JESSICA SETIAWAN

Recommendation: No recommendation. Informational briefing.

Public comment:

*Ben Leech spoke on behalf of the San Jose Preservation Action Council (PAC*SJ) and mentioned that an official comment letter on Opportunity Housing was submitted to the HLC prior to this meeting and also through the General Plan 4-Year Review process. Mr. Leech acknowledged that the goals of opportunity housing (e.g., increase quantity, diversity, and affordability of homes) are worthy goals. He also mentioned that historic and older neighborhoods already provide the bulk of more affordable housing options and opportunity housing could inadvertently incentivize the demolition of the very housing type opportunity housing intends to support. PAC*SJ recognizes and recommends conducting and completing the HRI where it has not previously been analyzed which is much of the city. They want to clarify and make sure that there are air tight protections for historic resources for this to work, otherwise it would be counterproductive. The HRI is paramount for opportunity housing to succeed.*

Christina Farrigno lives in a conservation designated area and purchased in 2003 into a single family neighborhood with intent, thinking that a conservation area would provide safeguards against being in a neighborhood with duplexes and triplexes. Ms. Farrigno is concerned that Opportunity Housing will change the pulse of her neighborhood and is deeply offended by this and the fact that no community engagement was completed and that the Task Force was upset with the neighborhood association member that brought this to the neighborhood's attention. She wants assurances that developers cannot demolish down old homes and maintain the look and feel of the old San Jose. She mentioned that those that move into Opportunity Housing type homes will not take care of their homes. She recommended that property owners developing multi-unit properties be required to live in one unit, because without that, people living there would not have any buy-in to the neighborhood and developers should not be allowed to bid on homes and redevelop them as they would not care about the historic structures or neighborhood. She reiterated that she is deeply offended at how the Task Force has approached this topic.

HLC comment:

Commissioner Royer echoed the concerns of Ben Leech and some of the other letters, including from Chair Saum. The HRI needs to be the main focus before any policy is put into place. Opportunity Housing could have a huge impact on historic stock in the city and the HRI needs to be the top priority as the City look into changing the zoning allowances for some of these neighborhoods.

Commissioner Arnold agreed with Commissioner Royer and recommended that the annual retreat include Opportunity Housing and HRI as a topic for further discussion and exploration. Commissioner Royer also mentioned that throughout the Opportunity Housing, the HLC and the community should be updated on its progress. Discussing Opportunity Housing during the retreat will provide time to digest the concept and a forum to ask questions and provide comments.

Commissioner Raynsford appreciated all the comments and recognized that there is both a huge opportunity and danger in this proposal although he acknowledged that the concept is still very preliminary. He agreed that everyone living in single family neighborhoods should be included in the conversation citywide, but there should also be an understanding that the City is going to get denser and housing has to go somewhere. This could be a creative solution that could satisfy different sides that would preserve the character of historic neighborhoods while providing additional housing. He worries about San Jose and pockets of houses that are strictly single family homes and cramming residential towers into certain neighborhoods or demolishing historic structures for the sake of high density housing. There's an opportunity here to create a creative solution that addresses these issues. Some of the examples are impressive and looking at existing historic neighborhoods such as Naglee Park, you could see how it could work as it currently maintains the historic character and integrity but allow different kinds and sizes of units to be in the neighborhood. He acknowledged that there are a lot of illegal and unpermitted units, but this acknowledges what is already happening and coupled with a high need for housing, brings these to the surface to allow it and address it. Commissioner Raynsford does agree that big developers should not be allowed to buy up properties and develop them with generic units – it has to be grass roots, neighborhood based, and preserve the historic fabric.

Commissioner Polcyn agreed with the previous statements. We have a crisis and we need to deal with housing but he has a concern that there could be an overreaction in accommodating more housing and have grave concerns that the proposal is a swath across San Jose. The neighborhoods are varied (both suburban and historic), suburban neighborhoods can accommodate more population, but the historic neighborhoods near downtown are going to be impacted a lot more. The city already allows ADUs and we see people are building these in their backyards and increasing population, pushing the envelope. His concern with triplexes and fourplexes is the environmental impacts. Commissioner Polcyn mentioned that being able to define how those designs work and how it impacts the historic nature of these homes are already difficult in additions and renovations at this current time, it will be a mess to try and define these standards. He also mentioned that services such as electric, sewage, parking on these old neighborhoods would be an additional strain and there may be the same issue with people with ADUs backing out because they cannot afford to upgrade their utility infrastructure. He thinks it's worthy of discussion and a good topic for the retreat, and if it's moving forward the HLC should get ahead of it and take some stances.

Vice Chair Boehm concurred with many of the comments already made. He asked staff if Opportunity Housing would require maintaining the exterior of the home when possible

or if standards would be put in place or could it be scraped/rebuilt and to elaborate the term “adaptive reuse”. Staff responded that for properties on the HRI, the exterior would need to be maintained with minimal changes, scraping a property on the HRI would not allow Opportunity Housing development. For properties not on the HRI, staff is considering an age-based rule and design standards is something that would need to be established as part of the Opportunity Housing work plan. Staff further elaborated that it does not preclude the additions to a building, but that it would have to comply with the Secretary of Interior’s standards to building additions on a historic home to preserve and maintain the historic integrity of the existing structure. Vice Chair Boehm also asked if the age in the age-based rule is 1950. Staff explained that the 1950s were mentioned only as an example, but the year would be determined as Opportunity Housing is further explored. Vice Chair Boehm believes that the age threshold should be 1955 at the earliest. He also asked staff if an older house would have to comply to updated building and electrical upgrades. Staff responded that those developing Opportunity Housing would need building permits and would be subject to the building regulations under Title 24.

Chair Saum wanted to reiterate the points that were made in the letters that he submitted as part of the General Plan 4-Year Review Opportunity Housing correspondence. Chair Saum mentioned for full disclosure he worked with the Shasta Hanchett neighborhood association to craft their official Opportunity Housing comment letter and also worked on the historic preservation specific policies that are part of the Alameda (East) Urban Village Plan. Chair Saum also pointed out that due to the proximity of the Alameda (East) Urban Village and other urban villages such as the West San Carlos Urban Village, all the HRI properties indicated in the presentation map and two streets that are conservations areas would be impacted under the half-mile Opportunity Housing proposal. Chair Saum mentioned that one of the key questions and concerns is with staffing and that in the August Task Force meeting Councilmember Pam Foley expressed concern about staffing for other General Plan efforts to which staff responded that it has the most citywide staff it has had in many years, yet historic preservation still only has one staff. Chair Saum expressed that the plentiful staffing and having only one staff allocated to historic preservation is at odds with one another and that if resources were to be reallocated, they should be reallocated to historic preservation. Chair Saum also mentioned that the timeline for Opportunity Housing is much shorter than its examples, such as Portland which took 6 years to get its version of Opportunity Housing approved. He reiterated that historic preservation and completing the HRI should be an integral path and part of Opportunity Housing and historic preservation staffing should be remedied to address this. Cities with equivalent size or slightly smaller have between 6 and 10 preservation officers versus 1 position in San Jose. If this substantial increase of impact on historic properties is to move forward, historic preservation resources and staffing needs to be a lynchpin in Opportunity Housing. Chair Saum also mentioned that many of the achievements listed in the FY18-19 HRI list of additions took more than a decade to process, especially because the City did not have a historic preservation officer – the City is already lagging behind in proactive historic preservation, if rededication of staff is in the conversation for Opportunity Housing, historic preservation should be at the heart of that. Chair Saum then asked staff if there is a more specific timeline than spring 2020 for opportunity housing to be heard by City Council. Staff responded that since there are still four topics to be addressed in the General Plan 4-Year Review Task Force scope and many topics have encompassed multiple meetings, it is not feasible at this time to provide a more specific timeline.

Commissioner Royer mentioned that there would be a domino effect for properties allowed Opportunity Housing if it shares a property line with other existing Opportunity Housing types. She mentioned that it could get out of control across the city by allowing it, although a domino effect may not be bad if there's foresight into it.

Commissioner Polcyn speculated that the properties closer to Downtown that are not on the inventory and have never been surveyed would be the most sought after by developers to convert to opportunity housing. He worries that the adjacency rule for Opportunity Housing could convert homes to big rental units. Commissioner Polcyn mentioned that it is an issue in these areas because they were never properly assessed and added to the HRI – development in existing conservation areas will probably be scrutinized and review fairly well, but not these other areas that have not been assessed. Commissioner Polcyn asks how ADUs would interact with Opportunity Housing. Staff responded that ADUs would be allowed on top of Opportunity Housing for a total potential of 7 units on a property – it would be difficult to fit all theoretical 7 units on a property and staff could consider allowing limiting units on a property counting ADUs, but the State law on ADU mandates that cities allow ADUs on a property. Staff also elaborated that although there has been a lot of talk regarding rental properties, Opportunity Housing would also allow the purchase of units to provide people the opportunity to own a smaller home at a more affordable price rather than a more expensive single family home.

Commissioner Raynsford echoed sentiments on concerns with the domino effect but also acknowledged the need to provide opportunities for ownership – for example, San Francisco has many housing options for home ownership, but in San Jose it is limited and there is an opportunity to increase options. He also echoed sentiments of other commissioners regarding the HRI and the need for updating the HRI, particularly with older neighborhoods that have not been properly assessed to prevent historic from being lost in the process.

Commissioner Arnold agreed with other comments regarding updating the HRI. She valued the role of a Historic Preservation Officer, especially as a new commissioner, in updating the HRI. She reiterated that this is a brief discussion but that Opportunity Housing needs to be discussed deeper in the retreat. Staff mentioned that a possibility would be to take a tour of examples of this type of housing in San Jose which happen to be historic homes.

Vice Chair Boehm also agreed with discussing Opportunity Housing during the retreat. He pondered if there is a way to see how all proposed developments work together to better imagine the evolution of an area and looks forward to discussion at the retreat.

Chair Saum thanked staff for the presentation and recognized the record amount of correspondence received on the Opportunity Housing topic and concluded the discussion on Opportunity Housing.

b. **Historic Landmarks Commission Annual Retreat.**

Recommendation: Discuss potential topics and date for virtual Annual Historic Landmarks Commission Retreat.

Commissioner Edward Saum, Chair

Staffing for the HPO Position. Cities of equivalent size have 6-10 staff for historic preservation work. City should not neglect other aspects of Planning. Update of HRI needs to be put on the agenda in addition to Opportunity Housing and ADU processing time. We can invite Dev Davies, the City Council liaison for HLC to discuss pros and cons. She voted against opportunity housing. Proper staffing for Historic Preservation needs to be at the heart of opportunity housing. Items listed on FY 19-20 took several years to complete. For example, Willow Glen Conservation Area took 15 years to complete. Chicano murals work was completed because of engaged community and that also took 4 years.

Envision an HP Ordinance division within Planning to be reactive and proactive. What would it look like? Different legislations from Sacramento and how they impact the city and HP program (AB 3040, AB240, AB330SB902, etc). How would city respond? Showing blocks for redevelopment or upcoming major development that impact historic resources in 3D. WE need to avoid the McCabe Hall example.

Commissioner Polcyn

How do ADU and Junior ADU fit into the topic of Opportunity Housing

Commissioner Raynsford

Also interested in opportunity housing. San Francisco has many different options. We can look into the available options for San Jose using San Francisco as example.

Commissioner Arnold

Opportunity Housing is important. We also need to keep up with the Historic Resource Inventory. Site visits if possible and feasible.

Commissioner Boehm

Also interested in Opportunity Housing. Important to know whether opportunity housing is intended to put housing on the market for rent or for sale. Can they become condominiums?

Commissioner Royer

Also interested in opportunity Housing

*Mike Sondergram from PAC*SJ*

A topic on mitigation concepts will be useful, as we often are forced with demolition and Statement of Overriding Considerations. Can we model a SFR Structure of Merit and mitigation strategies for avoiding demolition? What do we do with it?

Commissioners also suggested the following topics:

- Preservation of landmarks and urban design*
- Outside meetings or subcommittees*
- Goals/Mission and the big picture*
- Technical application of the Secretary of the Interior's Standards*
- What would historic preservation division look like - grants and volunteers?*
- How do development projects downtown interact - visual tools?*

- *Communication*
- *Monetary value of assets lost*

Rosalynn Hughey suggested grouping topics together, such as housing (such as Housing Catalyst Team) and downtown. She recommended scheduling the retreat later in October so the new Historic Preservation Officer can participate.

Potential times and dates:

- *A Friday from 1:00pm to 5:00pm*
- *Doodle poll is effective*
- *Not October 23rd*

All commissioners agreed on a Friday in October from 1-5pm. Commissioner Arnold said Friday is okay, but she is not available on October 23rd. Commissioner Boehm said Fridays are good but not September 18th. Staff will send out email to finalize a specific date and time in October.

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

No Items

7. 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. If anyone wishes to speak, please connect to the meeting either by Zoom or by telephone using the instructions on page 2 of this agenda.

*Mike Sodergren (PAC*SJ and self) reported that it appears the Pallesen Apartment building, which is part of the Garden Gate Towers project site, will be demolished.*

Commissioner Royer inquired about the procedure to address unpermitted work on historic resources. Rosalynn Hughey confirmed that Code Enforcement Division is the appropriate channel and is actively working outside during the pandemic. She noted that the City's approach is to do everything possible to bring property owners into compliance, which may take some time.

8. GOOD AND WELFARE

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

- i. Future Agenda Items: None at this time.

No items

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

No items

b. Report from Committees

- i. Design Review Subcommittee: No meeting held August 19, 2020. Next meeting on September 16, 2020.

No items

c. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of August 5, 2020.](#)

The Commission voted unanimously (6-0-1; Hirst absent) in favor of a motion to approve the action minutes for the Historic Landmarks Commission Meeting of August 5, 2020 with corrections to:

- It was noted there is a typo at the bottom of Page 6, “visible from the sidewalk” not “visible form the sidewalk”
- Commissioner Hirst’s last name is misspelled

d. Status of Circulating Environmental Documents

No items

ADJOURNMENT

The commission voted unanimously (6-0-1; Hirst absent) in favor of a motion to adjourn the meeting.

The meeting was adjourned at 11:13 p.m.