

## **AMENDED**

### **HISTORIC LANDMARKS COMMISSION**

February 3, 2021

Action Minutes

#### **WELCOME**

*Meeting called to order at 6:32 p.m.*

#### **ROLL CALL**

*Present: Commissioner Saum, Boehm, Arnold, Royer, Polcyn and Raynsford*

*Absent: None*

### **RECOGNITION OF ERIC HIRST FOR HIS SERVICE TO THE CITY OF SAN JOSE AND HISTORIC LANDMARKS COMMISSION**

#### **1. DEFERRALS**

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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**

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>

## 2. CONSENT CALENDAR

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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

## 3. PUBLIC HEARINGS

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- a. **HP20-003:** Historic Preservation Permit Amendment (to Historic Preservation Permit HP05-001) to allow new energy-efficient windows, egress stair tower and balconies, rooftop terraces and skylights, alterations to storefront, rehabilitation of exterior, demolition of non-contributing one-story southeast addition and new addition facing Fountain Alley on the Bank of Italy City Landmark (HS84-27), located on a 0.4-gross acre site at 12 S. First Street in the San José Downtown Commercial Historic District.

*PROJECT MANAGER, RINA SHAH*

### Staff Recommendations:

1. Consider the Categorical Exemption Section 15331 in accordance with CEQA;
2. Find the proposed project will not be detrimental to the Bank of Italy City Landmark or San José Downtown Commercial District and will be consistent with the spirit and purposes of the Historic Preservation Ordinance; and
3. Recommend the Director of Planning approve the Historic Preservation Permit Amendment HP20-003.

*Vicrim Chima, Historic Preservation Officer, introduced Dana Peak, Historic Preservation Review Planner, who made a brief presentation of the project. Ms. Peak stated that she was presenting the project on behalf of the project manager, Rina Shah. Ms. Peak stated that the Bank of Italy is a designated City Landmark and a Contributing Structure to the San José Downtown Commercial Historic District and the project requires a Historic Preservation Permit (HP Permit). The project consists of the four main components including the rehabilitation of the landmark building including openings and primary storefronts of the building; the addition of a new stair tower and balconies at the rear; the demolition of a non-contributing structure in the rear facing Fountain Alley; and a new one-story addition facing Fountain Alley. Ms. Peak state that the project was evaluated against the Secretary of Interior's Standards for Rehabilitation and San José Downtown Historic District Design Guidelines. Evaluation of the project included three reports prepared by Architectural Resources Group: a preliminary conditions assessment, the standard analysis and assessment report dated October 15<sup>th</sup>*

*and the standards analysis addendum, dated December 18<sup>th</sup>. The project was taken to Design Review Committee (DRC) on September 16, 2020 and the DRC comments were included in the commission packet. Ms. Peak outlined the required findings for the issuance of HP permit: the proposed work is not detrimental to the historic district or to the structure or feature of significant historic, cultural, aesthetic, engineering and architectural significance or value and the work is consistent with the purposes and spirit of the Historic Preservation ordinance. She referred to the staff report for the analysis to support the findings and the draft HP Permit. Ms. Peak introduced the architects for the project with BIG - Agne Rapkeviciute and Thomas Christoffersen - and stated that staff was available to answer any questions.*

*Agne Rapkeviciute (BIG) shared her screen and introduced the project. She stated that an incredible amount of effort and energy had been put into the project over the past two years, and expressed joy in being able to bring back the Bank of Italy's commercial and cultural importance and significance to the city.*

*The project required the Bank of Italy be brought up to current life and safety standards, which meant a second fire rated enclosed egress stairway had to be added to the building. BIG looked at a conventional approach to the addition and was instead inspired by the opportunities the addition presented. The design of the stair tower was based on the various egress requirements and situated on the building to have minimal impact and maximize the light and air conditions of the Bank of Italy building. The design team realized the opportunity to maximize the function of the addition by expanding the stair landings as cantilevered balconies, while minimizing the footprint on site, and providing functional and code compliant outdoor space. The balconies are designed as outdoor ribbons, peeling away from the building and each other, providing double height outdoor space at each floor level. This results in expanded office space outdoors and the opportunity to bring people closer to nature at the same time. In determining materiality to be chosen, the design team recognized the use of terracotta on the Bank of Italy building with its terracotta panel details and ornamental features, flat brick patterns, ornate Corinthian column details, and tapering roof tiles. The ornamentation of the building led the team to a modern interpretation of the use of terracotta - materialized as terracotta baguettes arranged in a consistent repetitive and symmetrical pattern. The material was intended to be differentiated from the traditional material in scale and pattern, but to tie it into the overall building palette. As a result, the stair tower becomes the functional element that addresses the code requirements, but the structure is differentiated as a new element and rendered with a new terracotta material that appears light and airy and brings the building back to life. Ms. Rapkeviciute stated that the volume and the material of the stair tower had to be compatible without the proposed vegetation and she shared several renderings with and without the vegetation. She stated that looking upwards at the building corner, the second-floor balconies would not compromise the reading of the historic footprint of the Bank of Italy building. Ms. Rapkeviciute stated that in the elevation comparison, it is seen that the stair tower does not compete with the height of the Bank of Italy. The massing of the stair tower is terminated at a height where it does not go beyond the roofline of the existing building and where terracotta roof begins tapering up.*

*Ms. Rapkeviciute discussed the proposed window replacement and stated the intent is to use energy efficient systems to replace existing glazing with better performing windows, while maintaining the historic look of the frames and the lights. She stated the proposal includes the removal of existing air conditioning units and the installation of double awning windows that would provide meaningful, natural ventilation that would reduce*

*will reduce the energy use to mechanically cool and heat the building. Ms. Rapkeviciute stated the attic level fenestration is proposed in response to new occupation of the uppermost level of building and enjoyment of the view. The proposal is to bring adequate lighting with attic windows at the south façade and an expanded the skylight footprint.*

*Ms. Rapkeviciute discussed the ground floor storefront and proposed new addition to the Fountain Alley side of the building. Showing the historic storefront, she related that the analysis showed the South First Street elevation had been inconsistently altered and highlighted the features from the historic period up to 1927 and historic features up to 1947. Ms. Rapkeviciute noted the current appearance of the storefront. She stated the proposed alterations would organize the storefront with greater transparency and connection between the public realm and beyond. Only two bays from the second historic period are proposed to be altered, as well as the front entry since it is not of historic significance. A new main entrance to the building is proposed which is differentiated by material use (brass) that relates to the organization of the storefront of the historic building. Ms. Rapkeviciute stated the new entry references the historical use of the building as a bank. She discussed the Fountain Alley podium of the building where the project proposes the removal of a one-story non-significant addition on the building to allow the stair tower and tenant space in a new one-story building. This elevation works to provide public space at the podium level which is homogenous with the balconies above. The podium massing is shaped homogenous with the rest of the new additions. It creates a recessed storefront for the future tenant and becomes a new cultural identity of the pedestrian realm of the Fountain Alley. Compatibility of the new podium retains the general footprint of the non-contributing addition. The new construction is differentiated enough, but compatible in materials, size and volume with an intent to protect the historic integrity of Fountain Alley and adjacent buildings. The proposed exterior material is intended to keep the new construction in the background and is set back to allow the existing urban fabric to stand out. The storefront of the new one-story building resembles historic storefront patterns, including the front entry related transom bar and clerestory glazing, and conforms to the guidelines and the Secretary of the Interior's Standards. The original podium steps up in three levels towards the East Santa Clara Street elevation and provides an opportunity for programmed and landscaped roof terraces.*

*Chair Saum opened the public comment period.*

*Tessa Woodmansee stated that she was happy to find the meeting details on Google development and was concerned about the homes on 615 Stockton Avenue which she advocated as a receivership lot. She supported the relocation of three homes that are a part of the Google project to prevent a hotel from coming in the neighborhood.*

*Ben Leech, Executive Director PAC\*SJ, thanked the project applicant for the improvements made to the First Street storefront and providing the level of detail at the ground floor. He commented that the stair tower addition should be further discussed regarding compatibility and the use of terracotta baguettes. Mr. Leech stated that the proposed material is distracting and busy in comparison to the terracotta panels of the historic building. He thought more discussion was required regarding the windows at the attic level and supported setting back the windows to create wall reveals. Mr. Leech stated the plans do not clearly show how the windows will cut through the terracotta panels and reinforced concrete walls and this aspect of the project merits a closer study.*

*Mike Sodergren (PAC\*SJ) questioned the connecting elements which will be seen at the street level. He stated the new entrance does not transition well and the storefront appears to be all new and glassy along Fountain Alley and on either side of the historic*

*building. Mr. Sodergren recommended the architects further review the projects being developed around the project site for better connectivity.*

*Nathan Ulsh with the San Jose Downtown Association supported the project. He thanked the applicant for bringing ingenuity into downtown with careful thought process and for bringing this important landmark building to code in an interesting way. He looked forward to what this team had to unveil for downtown.*

*Chair Saum called for commissioner comment.*

*Commissioner Raynsford commented on three aspects of the project – the stair tower, first street storefront windows and rear addition. He commented the stair tower was the most prominent feature and the form and materials were not compatible with the existing historic building. Therefore, he disagreed with the compatibility findings. Commissioner Raynsford stated that the stair tower is a curvilinear structure which competes with the existing rectilinear building and he did not see a connection with the Bank of Italy. He did not believe that function of the stair tower would preclude a more compatible design and that the structure should be less obtrusive. Commissioner Raynsford commented that window transparency was an issue at front façade with lots of clear glazing. He expressed concerned about transparent glass and what will be visible with different kinds of interiors. Commissioner Raynsford commented what would be visible of the interiors through the glass should be thought about so as not to clash. He inquired if the historic bank space would be demolished. He appreciated the public space at the rear. Thomas Christoffersen (BIG) responded that intent was to make the stair tower more compatible in material, while thinking of it as a new addition and being true to that as well. It was a balance between making the addition compatible, while allowing it to stand as a good companion next to the Bank of Italy building. The design team tried to make the stair tower compatible, less in form than in materials. Mr. Christoffersen clarified that no glass is proposed to be added to the existing façade, just the proposed addition of the opaque entry brass doors. He reported that the interior spaces have not been designed, and the intent is to retain as much interior lobby historic fabric as possible.*

*Commissioner Polcyn stated that he had an initial reaction to the stair tower when he saw the proposal at DRC - it was busy in design; however, it grows on you. He appreciated that it is not a rectilinear block and is separated from the Bank of Italy building. Commissioner Polcyn appreciated that the stair tower is differentiated from the Bank of Italy building, but that there was effort in making it compatible. He stated that the proposed vegetation softens the whole stair tower element, but he questioned how the vegetation would be maintained over time. Commissioner Polcyn supported the podium level terraces and the transition of the building to Fountain Alley - it did not conflict with the historic building. He appreciated the much-needed revisions at front façade. Commissioner Polcyn inquired how much historic material is proposed for removal? He commented the project was more successful with the changes that had been made. Commissioner Polcyn inquired how the window glazing would look in reality? He saw the project more as a rehabilitation and not a restoration of the building. Commissioner Polcyn supported repurposing the space. He commented that altering elements that had been added since the 1940s onwards is acceptable. Commissioner Polcyn discussed the windows at frieze level, which he was conflicted about. He understood the need to bring light into the interior, but believed that area is a significant part of the building. Cutting into the building and removing original historic fabric is hard to accept. Commission Polcyn preferred the windows be recessed to provide some depth and shadow line. Mr. Christoffersen (BIG) responded that the egress stair tower with rounded corners helped*

*to differentiate the addition from the Bank of Italy building and the curved massing would appear smaller in comparison to a traditional block massing. He commented that the storefront glazing is important for transparency at ground level and noted that no new windows are proposed to be added. Mr. Christoffersen agreed the selection of glass type is important. There would be more reflection to comply with energy standards. The window sections appear darker in the drawings. He noted that the design team considered several approaches to the attic windows and a frameless piece is proposed to make the new windows appear opaque and blend better.*

*Commissioner Royer commented the stair tower is a prominent feature and appreciated that it is not just a rectilinear box. She also appreciated consideration of the stair tower as a design element featuring terracotta baguettes. Commission Royer noted the vegetation softens the design and the outdoor space would be highly used and valuable. She noted the proposed windows are energy efficiency and supported the removal of the air conditioning units. Commissioner Royer recommended that attention be given to the profile of the new windows so that they may be compatible with the existing windows. She commented the ground floor level raises a practical question about the proposed solid door in terms of safety. Commissioner Royer applauded the activation of the podium space, but expressed concern about the attic space which requires cutting into the historic fabric. She supported transparency at ground level and noted the historic ceiling in the lobby area should be visible. Mr. Christoffersen (BIG) responded that frameless windows were proposed for the attic space and noted that there would be interior visibility, but from outside the glass will have same color. He stated the proposed windows would match the existing windows and the ceiling in the main lobby area will be salvaged. Will salvage ceiling in the main lobby area.*

*Commissioner Arnold concur with her fellow commissioner comments. She inquired about the draft condition of approval in the HP Permit regarding the salvage of historical materials. Dana Peak responded that it is a standard condition of approval to encourage the salvage of historic material such as windows and terra cotta. She noted the project does not involve large-scale demolition and commented that usable historic material will be made available for salvage.*

*Vice Chairman Boehm appreciated the work and design. He commented that stucco cladding was a preferred option as opposed to the use of aluminum tubing as proposed. Vice Chairman Boehm inquired if there were any renderings available to view the stair tower material option? Agne Rapkeviciute responded that any change in materials from the proposed terracotta baguettes, would need to come back for approval. Vice Chairman Boehm liked the first-floor window glazing and the project storefront. He inquired whether the windows were reflective or transparent? Ms. Rapkeviciute responded that some of the windows have been painted or blocked from the inside and have lost the reflectivity. All windows will be restored to transparency, will be energy efficient, but will not be too reflective. She commented that the goal is to stay as close to the existing conditions as possible. Vice Chairman Boehm appreciated the design consideration. He recommended the design team consider all points raised by fellow commissioners, and applauded the efforts of the design team.*

*Chair-Saum commented on the challenge of compatibility. He supported the removal of the air conditioning units and the treatment of the podium level openings. Chair Saum noted the clerestory windows and commented that the change would not be visible from the pedestrian level. He commented that there had been a substantial increase in skylights from the previous proposal seen at the DRC and noted substantial removal of*

*material with the addition of attic windows. Chair Saum noted that shadow line at the attic windows should be shown. He supported the change in materiality of the stair tower and appreciated the lowering of the height of the stair tower. Chair Saum commented the balconies are more successful as they peel away from the building. This creates a deliberate separation as they pull the stair off the balcony. He noted a substantial improvement in the window replacement. Chair Saum commented that the Bank of Italy is a high-profile building and the smaller details of the project should be worked out. He recommended the clerestory attic windows be recessed and was concerned about the overall net loss of terracotta panel material at the attic level. Thomas Christoffersen (BIG) appreciated the attention to detail and noted the attic window glazing would be flush with the existing terracotta panels to achieve the same rendering and reading of the shadow lines as existing.*

*Commissioner Polcyn inquired about the front door and adjacent awning design - how does that feel and work together? How does the awning fit in?*

*Commissioner Raynsford echoed commissioner comments about the attic windows. He noted the present condition of shadows should be maintained and the new windows should not be flush, but recessed. Commissioner Raynsford commented that the stair tower design is different from the Bank of Italy building with the curves, angles, and vertical baguettes, and utilizes a completely different design vocabulary than the historic building.*

*Vice Chairman Boehm noted the balconies are rounded, but are alternating, which creates shadows. He suggested varying the balconies without alternating curves and shadows to be less obtrusive. Vice Chairman Boehm recommended that the attic windows be unobtrusive and recessed with color and texture that would blend in with the tiles.*

*Dana Peak noted that the project plans are being presented to the commission for a recommendation of approval at this time and there will not be an opportunity to bring the project back with an alternate design. She suggested that the commission may want to recommend additional conditions of approval.*

*Commissioner Royer moved to close the public hearing. Commissioner Polcyn seconded the motion. The public hearing was closed.*

*Commissioner Polcyn suggested narrowing down the issues to the windows at frieze level – he recommended frame/color/shadow lines or recessed windows with relief be a condition of approval and that the balconies be stacked at one side to have one consistent curvature. Dana Peak noted staff studied balcony alternatives during the review process and the proposed design provides maximum light exposed to all the balconies.*

*Commissioner Arnold expressed concern about the outstanding issues with stairs, window glazing, entry door, attic windows, terracotta material at stair tower.*

*Commissioner Royer suggested the commission could move forward with additional approval conditions. She noted that overall, it is a successful project, but commented that there were outstanding questions that had not been worked out. Commissioner Royer recommended the commission craft conditions to address the windows and the stair material.*

*Commissioner Raysnford disagreed and stated he could not recommend approval for the project as presented. He recommended denial and re-application for the project or deferral with a design resubmittal.*

*Vice Chairman Boehm commented that he would recommend approval with a condition that if terracotta baguettes were not used and aluminum were proposed, the change should be brought back to commission for approval. Vicrim Chima noted that the change would require a Permit Adjustment (staff level) and not a Permit Amendment as proposed in the draft HP Permit conditions. Commissioners should provide clear direction as to their preference if they want to see the project again and state that they want to continue rather than defer the item to a date certain.*

*Chair Saum commented there are a number of questions on a high-profile project which have to be resolved. He suggested that the windows be revisited, especially at the attic level, to accomplish the shadow lines. Chair Saum suggested the design of the stair tower be presented again with aligned balconies.*

*Commissioners Royer and Arnold supported to a continuation of the project review for to achieve clarity on specific items and the review of details.*

*Rene Ortega reminded the commission that a recommendation must be provided within 60 days of the project being deemed complete. Chair Saum inquired whether the 60 days would be violated if the item comes back to the commission in March? Dr. Manford replied deferral would violate the 60-day time limit and it would be better to add conditions to a recommendation of approval so the applicant can maintain the project schedule. Andrew Jacobson of Westbank (applicant) commented that the project needed to move forward to maintain the momentum in the city. He noted an eagerness to get going and expressed a willingness to work with conditions. Chair Saum stated the application was submitted on November 9, 2020 and inquired when the clock starts ticking? Mr. Ortega noted the ordinance says 60 days from when the application was deemed complete. The clock would restart when a resubmittal is received. Chair Saum noted the [www.sjpermits.org](http://www.sjpermits.org) website indicates resubmittal occurred on December 17, 2020 which was the starting date for the HLC meeting preparation. Considering 60 days from that time, this item cannot be continued to the March meeting, but can be either recommended for approval with conditions or recommend for denial.*

*Rina Shah, project manager, provided additional comments on the project. She noted the stair tower should be viewed as differentiated from the Bank of Italy building and staff requested the balconies be aligned, but the current proposal was determined to be the most appropriate. Ms. Shah noted a 6-foot separation of the stair tower from the historic building and it would be necessary to move on with the permit so the whole building may be rehabilitated. She commented there have been previous HP Permits associated with the building, such as the Mills Act Contract and the repairs to the foundation need to be done. Ms. Shah suggested the stair tower should be looked at as an egress stair necessary to comply with fire and building code. She noted the proposed design is visually lightweight and hence terracotta baguettes are proposed which are also light weight in construction to be able to reach the height of the stair tower. Ms. Shah noted the pedestrian realm is important and hence the design is interesting and lively and creates an appeal in downtown. She addressed the solid nature of the entry door which accentuates the historic building and noted the solid brass provides richness in appearance similar to the ones in Palo Alto. The entry door is proposed to be motion sensitive and would open automatically. It would not cause any safety issues. The applicant has provided their assurance. Ms. Shah noted the windows at the attic level could be conditioned to provide shadow lines. Therefore, the overall recommendation of approval with conditions should be seriously considered. Mr. Ortega recommended the*



*commission choose a path forward and make a motion that can be seconded and conditions added.*

*Commissioner Royer made a motion to recommend approval with additional conditions as follows:*

- 1) Recess the attic windows to have a shadow line similar to windows below;*
- 2) Review at the staff level the replacement windows for proportion, sashes and profile against the existing historic windows; and*
- 3) Retain the cladding of the stair tower as a terracotta material and not aluminum tubing. If the same colors and materials are not used, the change should be brought back to HLC for review and approval.*

*Commissioner Polcyn remarked that a decision was being forced upon the commission because of 60-day timeframe and that was unfair to the commissioners. He noted that this was only the second time he had seen the project.*

*Commissioner Polcyn commented that the reflectance of the glass was an issue. He made an amendment to Commissioner Royer's motion to add that the degree of the reflectance of the new glass be compatible with the existing windows. Commissioner Polcyn further amended the motion to add that the project be brought back to the Historic Landmarks Commission for review if a material other than terracotta is used on the stair tower. Commissioner Royer accepted the amendment to her motion adding conditions to the recommended approval. Commissioner Polcyn seconded the motion with the added conditions.*

*Commissioner Raynsford agreed with Commissioner Polcyn's comment about being put in an awkward position rapidly without much discussion. He stated that this was a project that he admired, and, in many ways, it was a wonderful project, particularly the idea of reusing the building with energy efficient glass and agreed with the restoration of the building. He appreciated staff comments on compatibility, but he did not agree, and recommended denial of the HP Permit.*

*Vice Chairman Boehm shared the concerns raised by Commissioner Polcyn regarding timeframe. He questioned the added condition regarding the reflectance of the glass and inquired if it would be applicable just to first story or to the entire building. Commissioner Polcyn clarified that all the glass would need to be reviewed and approved. The reflectance of glass would depend on its use on the building. For example, at the first floor it would be more transparent than the rest of the building façade. He noted it was difficult to determine what would be used. Commissioner Polcyn stated the issue is the reflectance of the glass, not how much it is reflective. This will determine the color of the glazing for the building. Chair Saum inquired whether the glazing at different levels would be approved at staff-level? Polcyn replied "yes." Vice Chair Boehm stated he was satisfied with the motion as amended.*

*Chair Saum brought up the review process for the Tribute hotel and noted that project was deferred and heard again by the HLC, and the Bank of Italy is an even more prominent landmark. He expressed his dissatisfaction with the review process.*

*Chair Saum stated there was a motion and a second to recommend approval of HP20-003 (Bank of Italy to the Director of Planning with the following added conditions:*

- a. *The attic windows be recessed to create shadow lines similar to historic windows;*
- b. *The terracotta material and color shall remain and any changes to that color and material be brought back to the Historic Landmarks Commission for review;*
- c. *The reflectance of glass and color be reviewed and approved at staff-level; and*
- d. *The historic window profiles be respected in the new window sashes.*

*Commissioner Royer made a motion to approve staff recommendation. Commissioner Polcyn seconded the motion. Motion passed (4-2; Raynsford and Saum opposed).*

- b. **PP21-001:** Adoption of an Ordinance amending Ch. 13.48 and Section 20.100.140 of Ch. 20.100 to allow for concurrent review for Historic Preservation Permits and Historic Preservation Permit Amendments, and to make other technical, non-substantive, or formatting changes within those sections of the San José Municipal Code.

**PROJECT MANAGER, VICRIM CHIMA**

**Staff Recommendation:** That the Historic Landmarks Commission recommends that the City Council adopt the amended Ordinance.

*Vicrim Chima, Historic Preservation Officer, made a brief presentation.*

*Ben Leech, Executive Director of PAC SJ, expressed his opposition to the additional level of review that was being removed. In concurrent review, projects that are represented as a whole, may relegate small preservation comments that may seem ‘minuscule’ to a higher decision bodies and may not be considered. How would a Bank of Italy project and the project to be heard after this be affected by these changes? He expressed “huge concerns” about the proposal. Mike Sodengren of PAC SJ stated that the revisions did not advance the cause of preservation in San Jose and referenced recent projects.*

*Chair Saum opened discussion to the Historic Landmarks Commission (HLC). Commissioner Royer had the same concerns as PAC SJ, concerns that the HLC’s review authority and ability to improve projects would be stripped away. Deputy Director Manford stepped in to clarify some statements for the HLC, starting with “streamlining.” He stated that streamlining here means efficiency. Dr. Manford stated that the city has a list of concurrent approvals and the proposal is to add HP Permits and HP Permit Amendments to the list. He stated that every project that would normally be subject to HLC review and recommendation would still be subject to that review. Dr. Manford also stated that the CEQA process would be consolidated by having one lead body make the decision in totality. He stated the HLC would retain all its current review authority.*

*Mr. Ortega made it clear that “the findings that need to be made under the ordinance are not changing, and those findings include the comments and recommendations from the HLC.” Commissioner Royer inquired whether the HLC comments would be presented alongside other concurrent review process advisory comments? Mr. Ortega responded “yes.” Mr. Chima added there is potential for the concurrent review of HP permits to be beneficial for preservation based on inter-departmental coordination and facilitation of developer/staff communication.*

*Commission Polcyn understood the pros as seeing projects and permits in context. He believed the negative is when these things happen concurrently, they can be easily dismissed by the Planning Commission and City Council. The HLC works in a more collaborative sense in improving processes and projects; it lends itself to the commission's expertise. Commissioner Polcyn expresses concern that the HLC's role would be diminished. Planning Director Hughey quoted from page two of the staff report that no power will be retracted, in an explicit statement. She reiterated the redundancy of the current process and queried why the Planning Director would have to consider something about which the City Council has already made a determination?*

*Commissioner Raynsford stated that part of the problem is that the HLC encounters things piecemeal and then never hears about them again. He understood that the Planning Commission and City Council should be able to make these kinds of decisions, but wondered whether there a better way to facilitate inter-commission communication. Generally, Commissioner Raynsford supported the revision.*

*Commissioner Arnold asked, "Why this ordinance now, what's the urgency? She did not want the HLC to lose sight of historic preservation. Commissioner Arnold understood the streamlining principle, but she did not want the HLC to be dismissed. She supported the ordinance amendments.*

*Vice Chairman Boehm expressed uncertainty. He wondered what would change in terms of the point at which the HLC sees a project? Mr. Ortega stated that whatever recommendation the HLC makes, it would be part of the decision-making process, whether the decision-maker be the Planning Director, the Planning Commission or City Council. Vice Chairman Boehm stated the HLC would sacrifice review when the large and complex projects warrant more design input than most projects.*

*Chair Saum appreciated the technical understanding of the process, including a discussion of the Bank of California and J Paul demolition, which were described as negative examples. He stated that the Planning Director may have something to offer that the City Council might not be able to offer from technical process or technical knowledge. Mr. Ortega stated that HP Permits end at the Planning Director, unless there is an appeal or if there is unavoidable impact in the environmental analysis.*

*Ben Leech of PAC SJ was primarily concerned about unintended consequences. He stated the level of detail that a project is being represented at is preliminary, without enough data to comment on smaller preservation concerns. Mr. Leech stated that PAC SJ was concerned that early input would not get integrated into project.*

*Commission Polcyn asked "How do we resolve antagonistic findings during concurrent process? If three pieces of a project are approved, and one is not, what happens in that case?" Dr. Manford responded that the early referral process would still be in place and a recommendation with conditions from the HLC would be the same in any case, and the decision would be made based on those HLC recommendations.*

*Vice Chair Boehm inquired whether the amendment considers the 60-day timeline for concurrent permits? Mr. Ortega responded "no."*

*Ben Leech of PAC SJ requested a flow chart, like one for the EIR process, be done for this concurrent process, and examples of previous projects and how the proposed change would affect future projects. Chair Saum requested examples, and Planning Director Hughey responded that staff would provide them.*

*Commissioner Arnold moved to close the public hearing. Commission Raynsford seconded the motion.*

*Commissioner Raynsford stated that overall, the proposal was a beneficial one. There would be fewer opportunities for PAC SJ to present concerns, but the HLC could have its motions considered by the highest body.*

*Commissioner Polcyn made a motion to defer PP21-001. Commissioner Royer seconded the motion. Motion to defer passed unanimously (6-0).*

#### **4. EARLY REFERRALS UNDER CITY COUNCIL POLICY**

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- a. **H20-037:** Site Development Permit to allow the construction of the Fountain Alley project, a 21-story high rise building consisting of 194 residential units and 314,000 square feet of office space with four levels of underground parking on a 1.25-acre site located at 35 South Second Street in the San José Downtown Commercial Historic District.

**PROJECT MANAGER, ANGELA WANG**

**Staff Recommendation:** Provide comments on the Fountain Alley project (H20-037) located at 35 S. Second Street under the “Early Referral” City Council Policy on the Preservation of Historic Landmarks and Municipal Code Section [20.70.110\(c\)](#).

*Angela Wang, Planning project manager, provided a brief summary the Fountain Alley project and introduced the project architects Casey Tucker and Thomas Christoffersen from BIG.*

*Mr. Tucker presented the project to the HLC by narrating a PowerPoint presentation shared on the Zoom screen.*

*Chair Saum received public comment. Ben Leech of PAC\*SJ commented that the attention to the pedestrian experience on the ground level was greatly appreciated. He asserted that the strongest part of the project is the integration of the basic vocabulary and rhythm of a traditional historic storefront and extrapolation of these elements into a new design vocabulary. Mr. Leech commented that the proposal involves an enormous building in the center of the historic district. He expressed concern about the building height and referenced the historic district design guidelines. Mr. Leech was concerned about the width and girth of the building and how it visually looms over the First Street streetwall. He asserted the design is monolithic and breaks the scale and spirit of the historic district design guidelines Mr. Leech commented that more attention should be given to how to mediate the monolithic aspect of the horizontality. He expressed interest in the new integration of vegetation into the architecture and how it would translate from drawings into reality. Mr. Leech wondered if there was a way to use the greenery to break up the horizontality in a more intentional way. He commented that the checkerboard aspect of the vegetation placement could be further developed.*

*Mike Sodergren of PAC\* SJ apologized for not attending the Design Review Committee (DRC) meeting where the project was previously presented. He suggested that Planning staff provide additional information to the applicant about pending and approved development projects across First Street to the west that could impact the historic fabric. Mr. Sodergren wondered where the important functions would occur that normally happen at the rear of a building. He made a reference to the Star Trek Into Darkness movie where the futuristic buildings of San Francisco still maintained a relationship with the icon and historic buildings of our time and he did not see that as being the case for the proposal.*

*Commissioner Raynsford inquired whether changes have been made since the project was reviewed by the DRC. Dana Peak, Historic Preservation Review Planner, stated that it was the same proposal. Commissioner Raynsford further inquired whether any of the comments made were taken into consideration or did the applicant reject the comments. Ms. Peak provided background on the process and stated the project is in the early stages. The intent of the HLC referral was to provide as many opportunities as possible for public comment, as early in the process as possible. Ms. Peak stated that the full set of comments from the DRC and the HLC will be collated and provided to the applicant following the meeting. No formal design comments had been provided to the applicant thus far. Commissioner Raynsford appreciated the project's consideration of the ground plane, the opening-up of public space and connecting the blocks. He supported the basic concept of the building and commented that the articulation of the retail spaces was well considered. He expressed concern about the massing of the building and the introduction of new shapes into the historic district. Commissioner Raynsford commented that the louvres on the buildings introduced a new design vocabulary into the downtown and these elements become more prominent (striations) as one approaches the building. He commented that the proposed vegetation on the building is too casual and does not seem appropriate for the context of the historic district. Commissioner Raynsford recommended more attention on the fenestration which is hidden by the louvers so the fenestration becomes more prominent and has a connection to the fenestration of the surrounding historic buildings. He wondered how the existing small-scale paseo connects to the large-scale spaces in the project.*

*Thomas Christoffersen expressed that the intent of the project to have full connection. He commented that functional aspects (such a loading, rubbish removal, etc.) will still occur as typically done "at back of house" with the connection access proposed. Mr. Christoffersen recognized the massing comments and discussed the architectural challenges regarding where to locate the porosity of the building. The upper part of the building becomes bigger with the lower portion massing broken down. He explained the thought was that it was so important in the historic district to provide more open space on the ground, rather designing a large podium with the private space at the top, which is why the building program is stacked in a less conventional way with the residences at the bottom. This brings a more appropriate scale to the neighborhood than the commercial program on the ground level. Mr. Christoffersen acknowledged that the top of the building becomes more opaque and abstract when as one comes closer and has a different scale than the building does at the bottom with the scale of the storefronts, residential program with balconies, varied façade and green rooms. The building gets more detailed as it approaches the public realm.*

*Commissioner Raynsford questioned the contrasting element of the building in the historic district. He wondered how the large scale of the proposed building and its arched open spaces can be mediated with the small-scale 1920s paseo. Mr.*

*Christoffersen commented that he thought the small existing access is meant to be a more dead-end experience to get out to First Street. He noted that the team is working with the owner to make sure the connection is considered carefully. Patrick Kelly, Supervising Planner, commented that the area behind the building is currently an access easement for trash collection and possibly emergency vehicle access. He noted that the program currently proposed may be difficult to achieve under current circumstances and the applicant is working with the adjacent property owners to address this situation.*

*Commissioner Polcyn requested to see the 3-dimensional rendering of the building from Second Street looking south as certain views of the project were not included in the packet. He commented that the design is the same as that reviewed in the DRC meeting. Commissioner Polcyn believed that the intent of the meeting was to assist the applicant in making adjustment to their design before going to the full HLC. He inquired about the role of the DRC and the expected outcomes. Commissioner Polcyn commented that overall, he supported the approach of the design and noted that the street level and storefronts were successful. He supported the landscaping and urban design and connection to the alley ways. Commissioner Polcyn commented on the massing of the building in relation to the historic district. He commented on the horizontal plane and thought that the sky level should be set back. Commissioner Polcyn commented that the scale of the historic district is lost in the size of the building. He thought the services functionality of the building would be an issue as there is no “back” to the building. Commissioner Polcyn supported the greenery, but questioned its practicality and functionality when implemented, and appreciated the rooftop terrace. Mr. Christoffersen noted that services like trash collection would happen in the basement of the building. He noted that the team was aware of the complexity of the greenery and stated that there is a datum between the residential and commercial programs (shift in depth of louvers and scale of greenrooms). Mr. Christoffersen stated that without a podium, a setback becomes more of an issue and suggested the degree of the transition should be discussed. He noted that parts of the historic district design guidelines expressed a desire for the taller parts of buildings to meet the ground. Ms. Peak stated in response to Commissioner Polcyn’s requesting regarding process and the function of the DRC that the intent was obtain comment as early as possible in the process and provide ample opportunity for comment. She stated that the design will evolve and will come back to the HLC during the environmental review process. Ms. Peak noted that the site is located in a National Register Historic District and no Historic Preservation Permit is required, so design review occurs in the context of the environmental review process.*

*Commissioner Royer appreciated the sculptural aspect, interest of the design, and inverted program so the massing of the building is not placed at the pedestrian level. She commented that activity at the ground plane, rather than a parking lot, will be a great improvement and activating the plazas and alleyways to increase activity in and around the building is beneficial. Commission Royer shared the concerns of other commissioners in the mass and scale of the proposed building in relation to the context of the historic district. She suggested stepping back some of the upper levels to provide relief from the massing at the top of the building. Commissioner Royer commented that there is little relationship to the fenestration of surrounding buildings because the louvers seem to cause the windows to visually disappear. She commented that the materiality of the building relates to the historic district, but the massing on the upper levels does not. She appreciated the additional rendering shown by the design team at the meeting.*

*Commissioner Arnold concurred with other commissioners regarding concern with the scale, height and massing of the building. She wondered how the building responded to*

*the scale of the surrounding buildings in the historic district. Commissioner Arnold inquired about the adequacy of the proposed parking. Vicrim Chima responded that Planning could look further into the issue as part of the zoning analysis.*

*Vice Chairman Boehm requested the presentation of a slide of the proposed building in relation to the Bank of America building. He commented that the characteristics of the building stand out from the buildings in the historic district and inquired whether the project should be so different than its context. Vice Chairman Boehm thought the building was higher than the Bank of Italy. Casey Tucker responded that the roofline of the building is approximately the same height as the spire of the Bank of Italy building. Vice Chairman Boehm commented that the massing is notable. He also discussed the rounded corners, arch, non-conformity of the façade, and proposed vegetation integrated into the building. Vice Chairman Boehm suggested that those aspects of the building were so different that one's eye would be directed away from the historic buildings. He suggested that the buildings' design should be less distinctive so as to blend in better. Vice Chairman Boehm appreciated the use of materials like terra cotta which he noted was compatible with neighboring buildings. He inquired about the brick pedestrian walkways shown in the renderings and supported the use of brick. Mr. Christoffersen noted that brick is the existing material of the alleyways of San Jose and suggested that should be retained. He also noted that granite is used which reflects the pavement on South Second Street. Mr. Christoffersen noted how the brick material in the public realm is extended up in the bulkhead of the storefronts. Vice Chairman Boehm reiterated that the building needed to blend in more and be compatible with the surrounding historic buildings. He requested the additional renderings that were shown as part of the applicant presentation.*

*Chair Saum reiterated the DRC comments. He noted that the DRC recommended examination of the second, third and fourth floors of the building which directly relate to the cornice height of adjacent buildings. Chair Saum acknowledged the curvilinear shape of the building was unusual, but that the different form should not be dismissed. He commented that buildings are experienced at the pedestrian level and this site particularly emphasizes this point with its connections to South Second Street, Fountain Alley and South First Street. Chair Saum appreciated the level of contextual and 3-dimensional analysis that was provided at the DRC meeting. He recommended a differentiating element acknowledging the cornice height of the adjacent buildings, and potentially also at the top of the building. Chair Saum acknowledged the challenging nature of the site and suggested embracing the largest context of surrounding buildings and further relating them with datum cues.*

*Commissioner Polcyn pointed out the San Jose Downtown Historic District Design Guidelines, Chapter 5, Infill Construction (p. 73) which discusses massing. He commented that building masses should not dwarf immediately adjacent historic buildings and new construction should respect the massing and details of historic buildings on the street. Commissioner Polcyn commented that buildings adjacent to lower historic resources should step down in height. He asserted that this area of the design guidelines has not been addressed in the proposal and the guidelines should be followed. Commissioner Polcyn concluded that the building is too large. Dana Peak added that there will be forthcoming consultant analysis that assesses that project's compliance with the guidelines.*

*Vice Chairman Boehm appreciated the materials and the ground level design, but was concerned about the scale of the building and the extreme differentiation from buildings in the historic district. He recommended further review of the historic context.*

## **5. GENERAL BUSINESS**

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**No Items**

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

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**No Items**

## **7. OPEN FORUM**

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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.

*Refer to previous comments from Tessa Woodmansee regarding Downtown West project.*

*Commissioner Raynsford noted that the building at 81 East San Fernando Street (Lawrence Hotel) severely burned in January. He expressed concern of the condition of existing historic buildings in downtown and what might be become of the burned building. Chair Saum added that PAC\*SJ wrote a letter to the City and Council members and Chair Saum. Vicrim Chima commented that he inspected the damage with the property owner and prepared a written summary of his findings that was shared with the Building Official, Planning staff and the property owner. The first floor is fairly intact. The property owner is willing to brace the second floor of the façade. Mr. Chima has not received a demolition plan at this point.*



*Commissioner Polcyn discussed the possibility of fund that could be established when buildings are demolished that might serve as a deterrent and partially ameliorate the loss.*

*Commissioner Polcyn inquired about the status of the Downtown West project. Ms. Peak stated that the project will be brought to the HLC at a special meeting for recommendations on the HP Permit application and amendments to landmark boundaries.*

*Mike Sodergren of PAC\*SJ commented on mitigation to further Commissioner Polcyn's comments. He suggested that the City needs to be serious about the mitigation measures that are adopted when land use entitlements are granted. Mr. Sodergren used the Century 21 Theater as an example and recommended that adopted mitigation measures be monitored. He noted that monitoring can be delegated to other parties.*

## **8. GOOD AND WELFARE**

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

#### **i. Future Agenda Items:**

*Chair Saum inquired whether there would be a March meeting. Mr. Chima noted that the Downtown West project would require a special meeting of the HLC and email communication will be sent out to in order to establish a quorum for a special evening meeting on March 17, 2020. Ms. Peak clarified that there will also be a March 3, 2020 meeting. Chair Saum suggested that elections be considered and a new commissioner needs to be appointed to replace commissioner Hirst and he will be terming out as well. Dr. Manford reported that Planning is working with the City Clerk's Office on the appointment of new commissioners and will keep the commission updated on the progress.*

#### **ii. Summary of communications received by the Historic Landmarks Commission.**

*No items*

### **b. Report from Committees**

#### **i. Design Review Subcommittee: January 20, 2021. Next meeting on February 17, 2021.**

*Chair Saum reported on the January 20, 2021 Design Review Committee (DRC) meeting which included review of 19 N Second Street, a City Landmark. He summarized the proposal to demolish the building, retain the two-story façade of the landmark building, and construct a 25-story building on top. Chair Saum noted that remodel and reuse in its current condition would be challenging. He suggested the less successful aspect of the proposed design was a two-story extension of the façade, which was recommended to be set back from the original building. Chair Saum noted that illustrating the site context is important for project presentations and plans. Commissioner Polcyn noted there were community members that may be upset by the building's removal (partial demolition) and construction of another highrise. Commissioner Polcyn was familiar with the physical condition of the building. Mr. Chima noted that members of PAC\*SJ were present at the DRC meeting and raised*

*issues about the impact of downtown development on the city's historic landmarks and historic resources.*

**c. Approval of Action Minutes**

**i. Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of November 4, 2020.](#)

*Prior to the meeting, Vice Chairman Boehm proposed amendments to the November 4, 2020 HLC minutes and the amended document was included in the HLC packet. No commissioners had any comments or questions on the amended meeting minutes. Chair Saum requested that Mike Sodergren's name be corrected in the adopted minutes.*

*Commissioner Arnold motioned to approve the amended action minutes for the Historic Landmarks Meeting of November 4, 2020. Commissioner Royer seconded the motion. The Commission voted unanimously (6-0).*

**d. Status of Circulating Environmental Documents**

*No items*

## **ADJOURNMENT**

*The commission voted unanimously (6-0) in favor of a motion to adjourn the meeting.*

*The meeting was adjourned at 11:25 p.m.*