



## **HISTORIC LANDMARKS COMMISSION AGENDA**

### **Regular Meeting**

**Wednesday, December 7, 2022**

**Commencing at 6:30 p.m.**

Virtual Meeting: <https://sanjoseca.zoom.us/j/94434724194>

### **Commission Members**

**Paul Boehm, Chair**  
**Anthony Raynsford, Vice Chair**  
**Harriett Arnold**  
**Adriana Ayala**  
**Lawrence Camuso**  
**Edward Janke**  
**Rachel Royer**

**Christopher Burton, Director**  
**Department of Planning, Building & Code Enforcement**

**\* COVID-19 NOTICE \***

Consistent with AB 361 and City of San Jose Resolution Number 80628, 80659, 80685, 80724 and 80758, this meeting will not be physically open to the public and the Historic Landmarks Commission Members will be teleconferencing from remote locations.

**How to submit written Public Comment before the Historic Landmarks Commission meeting:**

Send email to [planningsupportstaff@sanjoseca.gov](mailto:planningsupportstaff@sanjoseca.gov) by 1:00 p.m. the day of the meeting. Those emails will be attached to the item on the Agenda. Please identify the Agenda Item Number in the subject line of your email. Public correspondence received after 1:00 p.m. may not be considered by the Commission due to time constraints. Public comments received after 1:00 p.m. should be presented during the hearing.

**How to provide spoken Public Comment during the Historic Landmarks Commission Teleconference Zoom Meeting:**

1. By Phone: (888) 475 4499. Webinar ID is **944 3472 4194**. Click \*9 to raise a hand to speak. Click \*6 to unmute when called. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
2. Online at: <https://sanjoseca.zoom.us/j/94434724194>
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Commission calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

Before or during the Historic Landmarks Commission teleconference meeting, if you have any questions or trouble logging into the Zoom meeting please email [PlanningSupportStaff@sanjoseca.gov](mailto:PlanningSupportStaff@sanjoseca.gov) or call Support Staff at 408-535-3505 for assistance.

### **NOTE**

To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call Support Staff at 408-535-3505 or 1-800-735-2992 (TTY), as soon as possible, but at least three business days before any meeting or event. Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430.

### **NOTICE TO THE PUBLIC**

#### **The procedure for public hearings is as follows:**

- After the staff report, **applicants may make a five-minute presentation.**
- The meeting technician will connect persons who desire to speak to the commission to the meeting, so they can be heard. **Each speaker will have two minutes.**
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- **The Historic Landmarks Commission will take action on the item.**

#### **The procedure for referrals is as follows:**

- After the staff report, **applicants may make a five-minute presentation.**
- The meeting technician will connect persons who desire to speak to the commission to the meeting, so they can be heard. ***Each speaker will have two minutes.***
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ***The Historic Landmarks Commission will comment on the referral item.***

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public view by clicking the link associated specifically to documents on this agenda at the same time that the public records are distributed or made available to the legislative body.

**AGENDA**  
**ORDER OF BUSINESS**

**WELCOME**

Welcome to the Historic Landmarks Commission Meeting. This meeting is being held via Zoom Conference Call due to the COVID-19 crisis. Members of the public may participate by following the instructions listed on the Agenda.

**ROLL CALL**

**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, please use the ‘raise hand’ feature in Zoom or click \*9 to raise a hand to speak.

**No Items**

**2. CONSENT CALENDAR**

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Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Commission requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair. Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please use the ‘raise hand’ feature in Zoom or click \*9 to raise a hand to speak.

**No Items**

### 3. PUBLIC HEARINGS

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Generally, the Public Hearing items are considered by the Historic Landmarks Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes. If you wish to speak on one of these items individually, please use the ‘raise hand’ feature in Zoom or click \*9 to raise a hand to speak.

- a. [HP21-001](#). Historic Preservation Permit to allow the demolition of the majority of the roof and interior (except for stairway core) of a City Landmark and the construction of a 22-story, 240-foot-high new building within the walls of the City Landmark that would integrate and restore the historic street-facing façade and a portion of the existing roof, on an approximately 0.22-gross acre site located at 19 North 2nd Street (Wendy Warren, Owner). Council District: 3. **CEQA:** Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final EIR for the 19 North Second Street Mixed-Use Project (ER20-249).

*PROJECT MANAGER, DANA PEAK EDWARDS*

**Staff Recommendation:** Staff recommends that the Historic Landmarks Commission recommend to the City Council that:

1. The findings required under [Section 13.48.240](#) of the Historic Preservation Ordinance cannot be made for the proposed design of the 19 North 2<sup>nd</sup> Street Mixed-Use Project; and
2. The denial of the Historic Preservation Permit would cause immediate and substantial hardship on the applicant because the new construction in accordance with Chapter 13.48 would be structurally and economically infeasible and unreasonable in light of the feasible uses of such property.
3. The Historic Preservation Permit (File No. H21-001) be approved under Section 13.48.260 (Hardship) of the Historic Preservation Ordinance.

### 4. PLANNING REFERRALS

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**No Items**

## 5. GENERAL BUSINESS

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### a. Additions to the Historic Resource Inventory.

*PROJECT MANAGER, DANA PEAK EDWARDS*

**Staff Recommendation:** Staff recommends that the Historic Landmarks Commission add the following properties to the City of San José Historic Resources Inventory as Contributing Structures (CS) to an Eligible National Register District (ENRD):

1. 249 East Empire Street (APN 249-38-012)
2. 371 East Empire Street (APN 249-36-023)
3. 80-90 Jackson Street (APN 249-43-001)
4. 169-171 Jackson Street (APN 249-41-071)
5. 194-198 Jackson Street (APN 249-40-001)
6. 205 Jackson Street (APN 249-39-028)
7. 208-214 Jackson Street (APN 249-38-029)
8. 224 Jackson Street (APN 249-38-030)
9. 230 Jackson Street (APN 249-38-046)
10. 175 East Taylor Street (APN 249-03-019)
11. 181 East Taylor Street (APN 249-03-018)
12. 195 East Taylor Street (APN 249-03-017)
13. 231 East Taylor Street (APN 249-05-033)
14. 245 East Taylor Street (APN 249-05-032)
15. 698 North 1<sup>st</sup> Street (APN 249-42-070)
16. 608 North 2<sup>nd</sup> Street (APN 249-42-018)
17. 518 North 3<sup>rd</sup> Street (APN 249-43-012)
18. 526 North 3<sup>rd</sup> Street (APN 249-40-047)
19. 545 North 3<sup>rd</sup> Street (APN 249-43-010)
20. 607 North 3<sup>rd</sup> Street (APN 249-42-015)
21. 608 North 3<sup>rd</sup> Street (APN 249-41-052)

### b. 2022 Annual Workplan Goals.

**Staff Recommendations:**

1. Establish a Standing Committee for the Recognition of Culturally Diverse Properties to refine and implement a four-year community engagement work plan.
2. Review Commissioner memorandum regarding potential amendments to Chapter 13.48 (Historic Preservation Ordinance) of the San José Municipal

code to add demolition-by-neglect provisions and recommend consideration by the San José City Council.

3. Select Commissioners to serve on the Historic Preservation Month/Preservation Awards Night Standing Committee established on November 2, 2022 and discuss the criteria and the parameters for committee work.

## **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 use the 'raise hand' feature in Zoom or click \*9 to raise a hand to speak.

## **8. GOOD AND WELFARE**

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- a. **Report from Secretary, Planning Commission, and City Council**
  - i. Summary of communications received by the Historic Landmarks Commission.
- b. **Report from Committees**
  - i. Design Review Subcommittee: No meeting held on November 17, 2022. Next meeting on Thursday, December 15, 2022 at 11:00 a.m.
- c. **Approval of Action Minutes**
  - i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of November 2, 2022.](#)
- d. **Status of Circulating Environmental Documents**

No items

## **ADJOURNMENT**

# CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

## 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

## 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.