

HISTORIC LANDMARKS COMMISSION

December 7, 2022

Action Minutes

*** 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.

WELCOME

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

ROLL CALL

Present: Commissioners Boehm, Raynsford, Camuso, and Royer

Absent: Commissioners Arnold, Ayala, and Janke

1. DEFERRALS

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

No Items

3. PUBLIC HEARINGS

- 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 2nd 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. HP21-001) be approved under Section 13.48.260 (Hardship) of the Historic Preservation Ordinance.

Chair Boehm introduced the item and Dana Peak Edwards, Historic Preservation Permit Project Manager and Historic Preservation Officer, provided an overview of the staff report.

*Ms. Peak Edwards introduced the project architect, Kurt Anderson, and City staff associated with the project including Supervisor Laura Meiners, Development Review Project Manager Alec Atienza, and Environmental Review Project Manager Maira Blanco. Mr. Anderson made a brief presentation of the project. He commented that the proposal is to save the majority of the building including the front façade, entrance, lower floor spaces, and to add supportive space above. Mr. Anderson noted that the site is right around the corner from the future B.A.R.T station and the project would provide 100% affordable senior housing. Ms. Peak Edwards stated that a comment letter on the project was received from Preservation Action Council San José (PAC*SJ) that afternoon.*

Chair Boehm stated the staff recommendation and called for Commissioner questions.

Commissioner Royer stated that it is clear the project would have a significant impact on the historic resource and she did not believe that she had enough information to make a decision on the hardship application. She stated that there was no evidence that a baseline pro forma was run to see if the building could be renovated and used as the existing historic resource. Commissioner Royer stated that the only options presented were to demolish the majority of the building while retaining portions of it, and to construct a large over-build. She stated that the Historic Landmarks Commission (HLC) did not have enough information to make a call on what that hardship really looks like. Commissioner Royer commented that the HLC has not had time to process the hardship application and have a conversation with the applicant to get additional information. She added that consideration of the hardship application was premature.

Commissioner Camuso did not have any questions and stated that he had been aware of the proposed project for quite some time. He noted he was not familiar with the complete history of the building, but that he was aware it contained a printing shop in the 1970s. Commissioner Camuso wanted to know more about the history of the building and stated that had not seen the proposed project design. He agreed that he did not have enough information. Ms. Peak Edwards clarified that the project plans are included as an attachment in the staff report and there should be ample information available about the project design.

Vice Chair Raynsford understood that there would be substantial demolition involved and that what would primarily be retained would be the façade and part of the roof. He asked for clarification on what exactly would be demolished and the historic value of what is proposed to be demolished. Mr. Anderson stated that the intent is to retain the exterior of the building on all four sides and to retain the front 50% of the building from the first two floors. He stated that a new building would be constructed on top and estimated that 60-65% of the building would be retained. Mr. Anderson noted that new walls would be constructed inside the existing walls to eliminate structural transfer share concerns. Vice Chair Raynsford inquired about the skylight and Mr. Anderson responded that the skylight is at the back of the building and it would be covered up by the new building. Vice Chair Raynsford inquired if there would be another way to bring light in that would replace the skylight that would be lost. Mr. Anderson noted there are some skylights at the front of the building that would be retained and commented that it may be possible to provide artificial lighting in that area that would maintain the feeling of the skylights on the first two levels.

Chair Boehm inquired whether there is a hardship application form. Ms. Peak Edwards responded that there is no application form and there is very little information in the Hardship section of the Historic Preservation Ordinance. Chair Boehm stated that he found it difficult to understand why the hardship application was recommended for approval when the findings indicate that the project would cause a significant impact to the building. Ms. Peak Edwards responded that there was quite a bit of analysis done as part of the alternatives analysis included in the Supplemental Environmental Impact Report (SEIR) prepared for the project, information was provided by the applicant that can be further detailed by the applicant and the hardship section of the Historic Preservation Ordinance is fairly broad. She stated there are no clear standards, required findings or application criteria for this provision and the parameters are very broad. Chair Boehm inquired about the statement made by DCI Engineers that it would be

possible to seismically upgrade the building, but the work would be cost prohibitive. He inquired whether there was a cost estimate for a seismic upgrade. Mr. Anderson stated that it was a difficult question to answer, and a comprehensive study and engineering analysis and price from a builder would need to be prepared to determine the cost. He offered to continue the hearing 30 days to meet with the HLC in person to walk through the project with Commissioners. Chair Boehm inquired if it would be possible to continue the item. Ms. Peak Edwards responded that the Planning Commission and City Council hearing dates had already been noticed and that there is no HLC meeting in January. Project Manager Alec Atienza stated that the Planning Commission hearing is scheduled for January 25, 2023 and the City Council hearing is scheduled for February 21, 2023. Daniel Zazueta, Senior Deputy City Attorney, stated that a meeting to discuss any item on the agenda would need to be held in public and he noted that there was the opportunity for the HLC to ask questions and obtain additional information from the applicant during the present meeting. Mr. Anderson was unaware that there was no January HLC meeting. Chair Boehm inquired what kind of seismic event would the building be able to withstand if it were seismically upgraded. Mr. Anderson stated that a steel cage would need to be constructed within the building and that structure would need to meet current building code.

Public comment was received as follows:

*Ben Leech, PAC*SJ, noted that PAC*SJ submitted a letter to the HLC earlier that afternoon that outlined some of PAC*SJ's strong objections to the project and the application of the hardship exemption. He commented that the economic feasibility of a potential overbuild is irrelevant to the basic question which is does the existing building constitute a hardship. Mr. Leech stated that a hardship is something that can be defined, but the Historic Preservation Ordinance does not define it. He asserted that this is a warning sign and there needs to be a better sense of what a complete hardship application looks like. Mr. Leech asserted that the application is not even close to being a coherent and complete application for hardship. He stated that PAC*SJ is extremely concerned that a precedent is being set by diluting the hardship requirements in saying that something is a hardship when landmark designation prevents the absolute maximum development potential of a site. Mr. Leech stated that if the case can be made that the building cannot be used for any financially feasible return, then the data can be debated; however, the needed information is not available to evaluate a hardship. He commented that the process is nebulous and claims have been made that do not match the project as proposed. Mr. Leech commented that the process would benefit from a complete application so a complete decision could be made.*

*Lynn Stephenson, PAC*SJ President, commented that the site contains one of the most beautiful buildings in Downtown and expressed disappointment that the owner purchased the building to construct the tower. She asserted the building could accommodate a restaurant, brew pub or many other uses that could preserve the building and allow it to contribute to the Downtown and bring something to the people of San José. Ms. Stephenson commented that the fact that the proposal is for senior affordable housing is irrelevant to the law and the test to whether there really is a hardship. She commented that the applicant material is bereft of any evidence of hardship and Ms. Peak Edwards' comment that the provision in the Historic Preservation Ordinance is broad and does not define what is needed to determine a hardship is inexcusable. Ms. Stephenson noted that the building is eligible for listing in the National Register of Historic Places and*

commented that if the test is that not as much money would be made unless a tower could be built, then no historic resources would be preserved.

Paul Soto from the Horsehoe commented that as a sixth generation Chicano from San José, many people created their identity in relation to these spaces and places. He commented that the nonchalant attitude towards the destruction of these historic places says that the identity people formed in relation to the spaces is not relevant and the human association gets demolished as well. Mr. Soto commented that he depends on the City's commissioners that value integrity, responsibility and duty as a commissioner and citizen of San José and that these meetings are important. He asserted that the applicant did not meet the threshold for hardship and inquired what the HLC would do about that.

Sally Zarnowitz agreed with the comments about the hardship findings and noted that they would typically have to do with the ability to rehabilitate the building itself, rather than the alternatives analysis required for an EIR. She commented that if the City Council decides to approve the project, some of the language in the Statement of Overriding Considerations (Statement) is worth thinking about. Ms. Zarnowitz noted the SuZaCo project Statement said that the project had undergone extensive design review so its scale, quality and character strengthen the Downtown's status as a urban center. She commented that it is important to note that historic buildings are the center and the character of the Downtown and suggested changing the Statement language to say that the project has undergone extensive design review to reduce the impacts, which may be more accurate because it's the rehabilitation of historic buildings, not their demolition, that strengthen the status of Downtown as an urban center.

*Mike Sodergren, PAC*SJ, commented that there is no pro forma for the project or financial analysis that shows why there is a hardship. He commented that even with a sophisticated pro forma there is no peer review and inquired who evaluates the validity of the figures and are the financial assertions being accepted as fact. Mr. Sodergren commented that the building will likely be wrecked as part of the construction process and if the project is approved and flipped then the demolition of the building would be entitled. He inquired about the meaning of a City Landmark if it provides no protection when someone declares self-inflicted hardship because the applicant knew that the building is a designated landmark when it was purchased. Mr. Sodergren encouraged the HLC to defer a recommendation on the item.*

Commissioner Royer made a motion to close the public hearing and the motion was seconded by Vice Chair Raynsford. The motion was approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent).

Chair Boehm called for Commissioner comments.

Vice Chair Raynsford agreed with the public comments about the hardship and stated that the hardship is not plausible. He expressed concern that the provision is being used over and over again. Vice Chair Raynsford expressed confusion about the extent of the proposed demolition and disagreed with staff that the findings for a Historic Preservation Permit cannot be made. He recommended deferral of the HLC recommendation until additional information is provided. Chair Boehm commented that the staff report did not say that the new building would be built above the existing building and commented that the project description was confusing; however, he asserted that the statement that a majority of the building would be demolished is factual.

Chair Boehm stated that a cost estimate to seismically upgrade the existing building should be provided since it was asserted that the upgrade would be too expensive.

Commissioner Royer stated that there is no analysis of what it would cost to renovate the existing building and have that be the project, which is what the Historic Preservation Ordinance provision is meant to assess. She requested more financial analysis to support the hardship claim – that the existing building is not financially feasible. Commissioner Royer requested information on the costs, constraints, and requirements to renovate the building and bring it up to code. She also requested additional financial analysis on the three alternatives presented.

Vice Chair Raynsford inquired what is original and significant in the interior of the building, what needs to be removed to construct the tower and which of those elements could be put back into the new building. Vice Chair Raynsford asserted there could be a way to have the tall tower and most of the building conserved, but there is not enough information to determine whether that is feasible. He commented that he would like more information so the HLC can work with the applicant to provide more input on the project and come to a compromise.

Commissioner Royer made a motion to defer the HLC recommendation to February 1, 2023 so the applicant can provide the additional information requested. The motion was seconded by Commissioner Camuso and approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent).

Mr. Anderson offered to have a study session for the HLC and to take Commissioners through the building so they can see the interior features. Chair Boehm commented that a date could be worked out with staff depending on how many Commissioners would like to attend. Ms. Peak Edwards noted that if there were more than three Commissioners, then the site visit and/or study session would need to be publicly noticed.

4. PLANNING REFERRALS

No Items

5. GENERAL BUSINESS

- 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 1st Street (APN 249-42-070)
16. 608 North 2nd Street (APN 249-42-018)
17. 518 North 3rd Street (APN 249-43-012)
18. 526 North 3rd Street (APN 249-40-047)
19. 545 North 3rd Street (APN 249-43-010)
20. 607 North 3rd Street (APN 249-42-015)
21. 608 North 3rd Street (APN 249-41-052)

Chair Boehm introduced the item and Dana Peak Edwards stated that in 2017, the San José City Council adopted the Historic Survey Strategy and directed staff to proactively identify historic resources and to update the Historic Resources Inventory (HRI) to allow the City to preserve more historic structures. She stated that the properties proposed to be added to the HRI to implement San José City Council direction were identified in the San José Japantown Historic Context Statement and Intensive Survey prepared by Carey and Company (now TreanorHL) in October 2006. Ms. Peak Edwards reported that in Phase I Carey and Company conducted a reconnaissance-level survey that focused on the identification of potential historic resources in the Japantown neighborhood. She noted the survey documented the physical characteristics of a number of properties in the area and resulted in the preparation of a historic context statement and recommendations for further research and documentation. Ms. Peak Edwards reported that it also proposed the consideration of Japantown as a historic district, both at the local and national level and potentially as a Traditional Cultural Property under the National Register of Historic Places. She stated that in Phase II, Carey and Company addressed Phase I recommendations by refining and elaborating the historic context statement, documenting the historic significance of individual properties in the Japantown

neighborhood and more definitively examining the possibilities of historic district designation. Ms. Peak Edwards stated that the survey report, historic context statement, district record and potential district boundaries that resulted from the San José Japantown Historic Context Statement and Intensive Survey are included as Attachments 3, 4, 5 and 6 of the staff report. She reported that many properties identified by Carey and Company in the San José Japantown Historic Context Statement and Intensive Survey have already been listed in the HRI. Ms. Peak Edwards stated that staff identified 41 properties that had not been listed in the HRI that were classified in the survey as Contributing Structures to the potential National Register Historic District and City Landmark Historic District. She stated that for ease of administration, staff is currently proposing the consideration of the 21 properties identified in this report and the consideration of 20 other properties at the next HLC meeting on February 1, 2023. Ms. Peak Edwards noted that the table in the staff report summarizes the properties proposed for inclusion in the HRI by the Historic Preservation Officer and the DPR forms for these properties are included as Attachment 7 of the staff report. She reported that Planning staff mailed written notice on November 18, 2022 to the property owners and occupants of the buildings recommended for listing in the HRI. Ms. Peak Edwards stated that she was contacted by the owner of 224 Jackson Street (Steve Pietkiewicz) who wanted to know how the proposed listing would affect a building permit for the property that is currently in process. She corresponded with the property owner and informed him the listing would not affect the building permit application because it was submitted prior to the proposed HRI listing. Ms. Peak Edwards stated that the property owner had no further questions. She reported that she was also contacted by the owner of 608 North 3rd Street (Stephen Wong), who left a voicemail stating that he does not want his property to be listed in the HRI. She telephoned him back, but there was no answer and the voicemail box was full.

Chair Boehm inquired about the definition of a Contributing Structure. Ms. Peak Edwards responded that a Contributing Structure contributes to the significance of an eligible or designated historic district on the local, state and/or federal level. He inquired why the properties were not previously added to the HRI and Ms. Peak Edwards responded that many historic context statements and surveys have identified properties and staff is catching up on ensuring that all these properties are listed.

Public comment was received as follows:

Paul Soto from the Horsehoe noted that today is December 7, the day that the United States declared war on the Japanese community following the attack on Pearl Harbor. He commented that he felt like something spiritual was happening - like saying "I'm sorry" and amending the tragedies in certain communities. Mr. Soto noted that the San José State University reception center served as a location to process the relocation of Japanese San José residents who lost their homes. He commented that it is important for the city to be doing this kind of work and it sends a message to the spiritual world that we acknowledge and understand, which is the first step in the process of forgiveness, regeneration and amending human beings as a society.

*Mike Sodergren, PAC*SJ, commented that PAC*SJ stands for the preservation of the city's buildings and culture and noted that sometimes the stories to be told are messy, but very important in showing how we have been shaped as people. He appreciated the comments of Mr. Soto and the efforts of the Historic Preservation Officer to update the HRI. Mr. Sodergren commented that the Historic Preservation program could use*

additional support. He shared a personal experience about 609 North 4th Street (Kamimoto String Instruments) where he went with his daughter who was in middle school at the time to purchase a violin. Mr. Sodergren commented that they were treated graciously at Kamimotos and purchased a quality 100 year-old violin that is still being used.

Chair Boehm also expressed appreciation for Robert Manford, Planning Deputy Director.

Lilian Koenig commented that she goes up and down Taylor Street all the time and will look at these buildings. She inquired how new construction is reconciled with the preservation of buildings or small towns like Japantown. Ms. Koenig commented that you can hardly find Japantown anymore because it is dwarfed by huge new buildings and the juxtaposition seems odd. She also commented that buying a historic building to convert or demolish it for new construction defeats the purpose of buying or investing in one. Ms. Koenig commented that her sister asked for a violin bow for Christmas and Kamimoto String Instruments would probably be a good place to buy a quality bow.

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.

Standing Committee for the Recognition of Culturally Diverse Properties

Commissioner Royer made a motion to establish a Standing Committee for the Recognition of Culturally Diverse Properties to refine and implement a four-year community engagement work plan. The motion was seconded by Commissioner Camuso and approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent).

Demolition-By-Neglect Provisions

Vice Chair Raynsford introduced the potential amendments to Chapter 13.48 (Historic Preservation Ordinance) of the San José Municipal code to add demolition-by-neglect provisions and called for questions, comments and discussion.

Chair Boehm inquired if San José's trespassing ordinance could be useful in connection with the proposed amendments and whether it could be related to historic properties. Vice Chair Raynsford inquired about the language of that ordinance and commented that his idea was to propose succinct language that would address the actions or inactions of owners of historic properties. He commented that trespassing could be another issue. Daniel Zazueta, Senior Deputy City Attorney, noted that Municipal Code Part 5, Section

10.20.140 addresses trespassing on private property and there is also a section about public property. He inquired what would be proposed that would be different from trespassing on city property vs. private property. Ms. Peak Edwards noted that the City Council would need to direct staff to work on the ordinance changes and the language could be refined after the City Council authorizes the work. Chair Boehm suggested that language about trespassing on historic properties and requiring the posting of signage be added to the memorandum to City Council. He suggested that the trespassing provisions be extended to historic resources, not just City Landmarks. Vice Chair Raynsford commented that does not align with his research on demolition-by-neglect ordinances and recommended that the demolition-by-neglect provisions be limited to City Landmarks. Chair Boehm stated that he would like to move forward with a request to City Council to amend the trespassing provisions, but that it could be separate from the demolition-by-neglect provisions.

Public comment was received as follows:

Paul Soto from the Horseshoe commented on the Graves House and appreciated the discussion and the necessity to provide the proposed protections. He commented that he is part of the class of people that occupy vacant dwellings and he noted that there is a certain type of cultural respect when you see that something is identified as historic. Mr. Soto commented that is why you would not see murals defaced by graffiti next to an encampment. He asserted that there is an arsonist in the city and that the fires are intentional, and he appreciates the efforts to protect historic buildings.

Mike Sodergren, PAC*SJ, commented that PAC*SJ supports the proposed demolition-by-neglect provisions. He requested that the provisions include both City Landmarks and Candidate City Landmarks. Mr. Sodergren also requested that the proposal be presented to City Council as soon as possible, that Code Enforcement develop a fine schedule and that a cure period requirement be added to encourage absentee property owners to take the code enforcement requirements seriously. He added that no development application should be taken to public hearing for entitlement when the property is in violation of city code. Mr. Sodergren mentioned the Graves House on Mitzi Drive and the First Church of Christ Scientist and suggested that the City consider requiring surety bonds payable to the City of San José as a condition of approval for entitlement when a property contains a historic building until the building is restored, moved or demolished as approved in the entitlement. He reported that he went to the Graves House that morning and there was a posting from December 1 with a schedule of violations and fees and it is the owner of the property that needs to take the responsibility.

Lynne Stephenson, PAC*SJ, suggested that adding higher penalties for trespassing on historic properties would be difficult due to notice and equal protection issues. She commented that the proposed provisions are focused on the property owner and suggested the addition of language to require the owner to register the property within a certain amount of time with the San José Police Department's S.T.O.P Program. Ms. Stephenson said the program requires owners to sign paperwork that allows the Police Department to patrol and enter the property if trespass is observed and to remove any trespassers.

John Frolli, PAC*SJ, commented that he is familiar with the Graves House with his role as a consultant and with PAC*SJ involvement. He recommended that the demolition-by-neglect provisions include eligible historic resources and contributing structures because there is an evaluation of the property when projects are proposed and it may be

determined eligible during that process, which is the case for the Graves House. Mr. Frolli commented that if eligible resources are not included, then loopholes are left in the process and there are no consequences when eligible resources are lost.

Ben Leech, PAC SJ Executive Director, commented that PAC* SJ has been assembling a list of properties that have been lost to demolition-by-neglect (fire) over the last 10-20 years and noted there is a pattern and the events are not isolated instances. He commented that if a strategy is not implemented to de-incentivize demolition-by-neglect, then destructive events will continue to happen.*

Chair Boehm closed the public comment and stated that he would support the inclusion of Candidate City Landmarks and the requirement to enroll in the San José Police Department S.T.O.P Program.

Ms. Peak Edwards shared the draft memorandum which was edited on screen during the meeting to include properties listed in the HRI as Candidate City Landmarks, to require registration of unoccupied properties with the San José Police Department S.T.O.P Program, and to amend the code reference to enforcement.

Chair Boehm made a motion forward the memorandum regarding potential amendments to Chapter 13.48 (Historic Preservation Ordinance) of the San José Municipal code to add demolition-by-neglect provisions, as amended, for consideration by the San José City Council. The motion was seconded by Commissioner Camuso and approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent).

Historic Preservation Month/Preservation Awards Night Standing Committee

Commissioner Royer suggested that the nominated projects be as current as possible - completed and put in service in 2022 or 2023 and if there are no eligible current projects the Standing Committee should consider extending backwards. She suggested that the projects be publicly nominated rather than identified. Vice Chair Raynsford suggested that a list be created for the HLC to review. Chair Boehm suggested that projects that have been reviewed by the HLC would be a good source for candidates. Commissioner Camuso offered to begin drafting a list and suggested that projects completed in the last 5 or 10 years could be considered.

Chair Boehm suggested that the parallel Advisory Committee could include five members: a member from PAC SJ, the California Pioneers of Santa Clara County, an HLC emeritus member and the Historic Preservation Month/Preservation Awards Night Standing Committee. Vice Chair Raynsford suggested an architect from the professional community be included. Daniel Zazueta reminded the HLC that the Standing Committee must be composed of HLC members and consist of no more than three Commissioners.*

Commissioner Camuso volunteered to serve on the Historic Preservation Month/Preservation Awards Night Standing Committee established on November 6, 2022. Commissioner Royer made a motion to approve Chair Boehm and Commissioner Camuso to serve on the Standing Committee. The motion was seconded by Commissioner Camuso and approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent). Chair Boehm noted that an additional HLC member may be added to the Standing Committee in February since there were three Commissioners absent at the meeting.

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.

Sally Zarnowitz commented that review of the SuZaCo project by the Planning Commission and the City Council was a missed opportunity to make historic buildings part of the solution for affordable housing. She noted that comment was made by a couple of members of the public throughout the process, but that some of the project specifics were not noted such as 11 Ellis Act residential units would be removed. Ms. Zarnowitz commented that while those residential units were not deed restricted, they were likely accessible to lower income tenants. She commented that the March 2022 Annual Housing Report noted that during this RHNA (Regional Housing Needs Allocation) period, the City reached only 24% of its affordable housing goal. Ms. Zarnowitz commented that if the residential units in building had been rehabilitated and deed restricted, they could have been counted towards closing the affordable housing gap and other statewide housing goals related to cost, sustainability and transit.

*Mike Sodergren, PAC*SJ, commented that there will be a new City Council on January 3, 2023 and suggested that the HLC consider a study session for the City Council to inform members of the importance of preserving the city's historic fabric. He commented on the 1065 South Winchester Boulevard Mixed-Use Project with regard to inadequacies of the city's urban village plans which makes statements about open space and preservation historic resources. Mr. Sodergren commented that the project did not provide any of those things because the plan has no teeth for enforcement. He commented that the city needs a receiver site database where historic resources could be relocated. Mr. Sodergren suggested that similar to an in-lieu fee for affordable housing, there should be a fee for the demolition of historic resources.*

Paul Soto from the Horseshoe commented that he appreciated the HLC meeting and noted that he was impressed with Commissioner Royer's sense of duty and responsibility because he believes that Commissioners have a responsibility as a gate keeper to flex the power of the HLC. He commented that developers only care about the monetization of land. Mr. Soto commented that a study session with the City Council would be important to outline what the HLC expects in relation to the City's historic preservation

requirements. He noted that the Planning Commission counts on the HLC's analysis. Mr. Soto reported that the Smithsonian National Museum of American History has an exhibit on the New Mexico lowrider culture.

John Frolli thanked Vice Chair Raynsford for the work on the demolition-by-neglect research and draft provisions. He commented with regard to that agenda item that the definition of a qualifying historic building under the California Uniform Building Code (Title 24, Part 8, Section 18955) could be used to define a historic resource because it is already codified and would not be subjective.

Chair Boehm commented on the Graves house and fires that occurred over a 24-hour period. He noted that PAC*SJ has made a public records request to the Fire Department about this and he would like to see a copy of that provided to the HLC. Chair Boehm expressed disappointment that the City Council voted to approve the Historic Preservation Permits for the Suzaco Mixed-Use Project and the Icon-Echo Mixed-Use Project. He noted that comments on the BoTown Mixed-Use Project were attended to and that project was approved.

8. GOOD AND WELFARE

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

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

No items

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.

No reports

c. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of November 2, 2022.](#)

Commissioner Royer made a motion to approve the Action Minutes for the November 2, 2022 HLC meeting. The motion was seconded by Vice Chair Raynsford and approved 4-0-3 (Commissioners Arnold, Ayala, and Janke absent).

d. Status of Circulating Environmental Documents

No items

ADJOURNMENT

Chairman Boehm adjourned the HLC meeting at 9:38p.m.