



HISTORIC LANDMARKS COMMISSION AGENDA

Action Minutes

Wednesday, May 7, 2025

Regular Meeting
Commencing at 6:30 p.m.

City Hall Wing
Wing Rooms 118, 119 & 120
First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Commission Members

Paul Boehm, Chair
Rachel Royer, Vice Chair
Harriett Arnold
Himat Bainiwal
Lawrence Camuso
Steve Cohen
Sara Ghalandari

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

AGENDA
ORDER OF BUSINESS

WELCOME

The meeting was called to order at 6:32 p.m.

ROLL CALL

PRESENT: *Chairman Boehm, Vice Chairman Royer, Commissioners Arnold, Baniwal, Camuso, Cohen and Ghalandari*

ABSENT: *None*

INTRODUCTION OF NEW PLANNING DEPUTY DIRECTOR, MANIRA SANDHIR

HISTORIC PRESERVATION MONTH 2025 PROCLAMATION

Councilmember Mike Mulcahy, City Council liaison to the Historic Landmarks Commission, presented to the commission a Historic Preservation Month proclamation on behalf of the Mayor and the San José City Council celebrating the “Power of Place” in May 2025.

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

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 anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

3. PUBLIC HEARINGS

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 anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

4. PLANNING REFERRALS

- a. **File Nos. H24-050 & ER24-220:** Site Development Permit to allow two development options: Option A to allow the construction of a 21-story mixed residential and commercial building as approved under H20-037; Option B to allow the construction of two 27~28-story mixed residential and commercial buildings with 10,697 square feet of ground floor retail space and 768 residential units, and five levels of underground parking and loading with extended construction hours on an approximately 1.25-gross acre site located at 35 South Second Street.

PROJECT MANAGERS, ANGELA WANG AND KARA HAWKINS

Recommendation: Provide comments on the compatibility of the design of the Fountain Alley Project (H24-050 & ER24-220) located at 35 South Second Street within the San José Downtown Commercial National Register Historic District under San José Municipal Code Section [20.70.110\(c\)](#) and the “Early Referral” City Council Policy on the Preservation of Historic Landmarks.

Chairman Boehm introduced the item.

Planning Project Manager Angela Wang introduced the project located on an approximately 1.25-gross-acre site (paved parking lot) at 35 South Second Street in the San José Downtown Commercial National Register Historic District. Ms. Wang stated the project includes two development options: Option A for the construction of a 21-story mixed residential and commercial building as approved under H20-037; and Option B for the construction of two towers (27-stories and 28-stories) with a combined total of 768 dwelling units and 10,697 square feet of ground floor retail space, and extended construction hours. She provided a summary of the staff report including project background and details. Following the staff presentation Westbank applicant representatives Andrew Jacobson and Brady Coggins provided an overview of the proposed design of the project.

Chairman Boehm called for commissioner questions.

Vice Chairman Royer inquired if all the proposed open space will be open for the public to walk through because currently the alleyway to Post Street is not open to the public. Mr. Jacobson responded that it will be open to the public and there would be access through Fountain Alley, the two buildings and the plaza, which fronts the retail space. He noted that Westbank does not have control whether the alley is open, but the project was designed in relation to the alley which flows directly into the project. Vice Chairman Royer inquired whether the retail would spill out into the plaza with tables etc. so people could interact with the plaza. Mr. Jacobson responded that there would be cafes, restaurants and contiguous outdoor space to encourage more vibrant activity downtown, particularly during the day. Vice Chairman Royer inquired why the height of the buildings had increased and Mr. Jacobson responded that while the buildings have more stories due to the conversion from office to residential they are the same height as the previously approved project.

Commissioner Ghalandari inquired about the height limitations for the site. Ms. Wang responded that there is no zoning code height limit for downtown, but that height is regulated by the Federal Aviation Administration in its oversight of the airport. Chairman Boehm noted that the site is located in the San José Downtown Commercial

Historic District and the infill section of the Downtown San José Historic District Design Guidelines addresses height, calling for a maximum of four stories above grade, not to exceed 60 feet. Ms. Peak Edwards noted that the document contains guidelines rather than objective design standards and housing projects in California cannot be denied for non-compliance with guidelines according to state housing law. Ms. Wang noted that the height of the Bank of Italy is more than four stories. Commissioner Ghalandari inquired if the project is a SB330 project and Mr. Jacobson responded it is not. Alec Atienza, Supervising Planner, clarified that only objective standards can be required for any housing project in the state of California in accordance with SB330. Commissioner Ghalandari inquired if the project includes affordable housing and Mr. Jacobson responded that the project must comply with the City's Inclusionary Housing ordinance. Ms. Peak Edwards noted that the City prepared an EIR for the previously approved project and disclosed a significant unavoidable impact to the district resulting from the design and height of the proposed buildings and the City is preparing an addendum to the approved EIR for the currently proposed project.

Commissioner Bainiwal commented that he appreciates the history of the Bank of Italy in relation to its Italian founder A.P. Giannini and the positive financial impact the bank had on the lives of Italian families. He inquired if there has been any outreach to the Bank of America (formerly Bank of Italy) on the project because public art is proposed and there is the potential to highlight that history. Mr. Jacobson responded that there has been outreach to the Bank of America. Commissioner Bainiwal inquired how much commercial space is proposed in the new project as compared to the approved project because there is currently vacant commercial space downtown and it would be helpful to have more residential units downtown. Mr. Jacobson responded that 400,000 square feet of office space is being converted to residential units.

Chairman Boehm inquired about the special requirements for civic icons in Section 4.2.3 Civic Icon Adjacency of the San José Downtown Design Guidelines and Standards. Ms. Wang noted that section does not include any design standards, only guidelines. Chairman Boehm inquired if there are any historic buildings in San José constructed with glass from floor to ceiling. He noted that the plans show a faded Bank of Italy in the background and commented that the design of the proposed buildings takes all the attention and overshadows the Bank of Italy. Chairman Boehm requested confirmation of the location of the proposed project within the historic district.

Commissioner Cohen referred to the Fight for Beauty book of Westbank projects and noted some of the designs in the book are fantastic, but he wondered why that caliber of design is not being proposed in San José. He commented that the massing of Option A overwhelms the Bank of America building. Commissioner Cohen commented that the required focus of the commission is on historic compatibility and not downtown vibrancy. He inquired about the reason for the trees incorporated into the design of Westbank projects and Mr. Jacobson responded that the trees are intended to soften the visual environment because there is quite a bit of concrete downtown. Commissioner Cohen noted that the Option B project is a big concrete mass with aluminum and glass that does not relate to the adjacent historic properties or district and does not include any elements to soften these materials. He commented that the massing obscures the Bank of Italy building and surrounding buildings in the historic district. Commissioner Cohen expressed concern about the pedestrian experience of the building and commented that the urban room is all hardscape. Ms. Peak Edwards reminded the commission that comments should be focused on the project's conformance with the applicable design standards and guidelines. Commissioner Cohen inquired how the proposed materials conform with the standards. Mr. Jacobson stated that the focus is on terracotta which is a nod to the exterior materials on the Bank of Italy and the buildings are proposed to be

clad with a tinted GFRC to look and feel like terracotta. Commission Cohen inquired about the public art proposed and whether it would detract from the Bank of Italy and other historic buildings. Mr. Jacobson responded that the public art would enhance the spaces between the buildings. Ms. Peak Edwards added that public art is not within the purview of the commission. Commissioner Cohen inquired if there is an Option C and Ms. Wang responded the proposal is for Options A and B. Ms. Peak Edwards reminded the commission that the purpose of commission review is to record comments on the project's conformance with the design guidelines and standards so they can be included in the draft permit for consideration by the decision-making body.

Chairman Boehm opened public comment.

*Mike Sodergren, Preservation Action Council San Jose (PAC*SJ), commented that housing is important. He thanked the applicant for breaking up the massing of the proposed project, proposing a rectilinear design and using deferential materials that reference the terracotta. Mr. Sodergren commented that the project design did not fully respond to the Bank of Italy. He suggested that it should be reviewed by the Design Review Committee of the Historic Landmarks Commission to achieve a better project. Mr. Sodergren commented that the massing of the building at the street level could be more consistent with the historic district. He suggested turning the siting of the building "L" around to have the urban room face the other side to create a perceived setback from the Bank of Italy. Mr. Sodergren expressed concern about the health of the businesses in the alleyway and their access to garbage removal and deliveries.*

*Gayle Frank, PAC*SJ, commented that the project is massive and it engulfs the historic buildings on South 1st Street and South 2nd Street. She noted that she does historic walking tours in downtown San José and people enjoy the smaller historic buildings. Ms. Frank commented that the project is not compatible because it is too massive and would deteriorate the historic district.*

Chairman Boehm closed public comment and called for commissioner comments.

Vice Chairman Royer commented that Option B does a nice job of breaking up the massing of the project. She commented that the viewshed continues the visibility through to Post Street and the project provides greater access for the public to feel more welcome walking through. Vice Chairman Royer commented that she recognized the nod to midcentury modern architecture in the design of the building which is more compatible with San José architecture than the Option A design. She commented that there is an improvement in the design between Option A and Option B.

Commissioner Ghalandari commented that Option B is an improvement in design in relation to the historic district and she appreciates that there are fewer inconsistencies with the design guidelines. She noted that staff requested clarification on some inconsistencies like the open space and setback for the open space. Commissioner Ghalandari commented that the city needs more open spaces, and she is supportive of an exception to the design standard to facilitate the open space which is valuable to the community and would provide a connection to the rest of the historic district via the alleyways. She commented on the ground level experience and building storefronts and recommended that the commercial spaces be broken up to create a smaller retail experience that would be more complementary to the district. Commissioner Ghalandari expressed appreciation to the applicant for the project revisions and investment in San José. She commented that overall, the project would be good for the neighborhood and the city and balances the interests of historic preservation and housing production. Commissioner Ghalandari noted the EIR for the project analyzed the impacts to historical resources and the addendum would remain within the limits of that analysis.

Commissioner Cohen commented that both buildings are designed to make their own statement which buries the surrounding historic properties. He commented if the project were designed to be less overwhelming to its surroundings it would be more suitable for the historic district. Commissioner Cohen commented that the projection of the balconies is too much, and he believes that design is being sacrificed in the name of housing production, particularly in prime downtown locations. He commented that historically design was more important, and he hoped that there would be an “Option C” that would do the site justice.

Commissioner Camuso echoed the comments of Commissioner Cohen and noted these projects would impact downtown for the rest of our lives. He commented that the proposed building design is huge, over-scaled and the ground floor experience is not compatible with the historic surroundings or Bank of Italy building. Commissioner Camuso commented that he would like to see design revisions.

Commissioner Arnold commented that Option B is an improvement on the previously approved project but concurred with Commissioners Cohen and Camuso that there should be design revisions or another design option. She commented that the Bank of Italy building would be obscured.

Chairman Boehm noted the height limit in the infill section of the Downtown San José Historic District Design Guidelines and the extensive use of glass which presents a modern appearance. He commented that the intent is not to replicate a historic building but to design a compatible project. Chairman Boehm commented that another option should be considered that would integrate materials like masonry, terracotta, limestone, stucco, mosaic, cast stone or concrete, more than just being used on the edges, to achieve compatibility with the surrounding historic buildings. He commented on the design restrictions presented by SB330 and noted that adopted City documents state that design should be respectful of the historic district. Chairman Boehm cited Historic Preservation Ordinance Section 13.48.010 (Purpose and Declaration of Policy) and commented that the project does not meet the stated purpose.

Chairman Boehm summarized the comments of the commission. No action was taken.

5. GENERAL BUSINESS

- a. **Adaptive Reuse Incentive Committee:** Discuss potential Ad Hoc Adaptive Reuse Committee and establish committee and members if the Historic Landmarks Commission determines such committee is needed. *Deferred from 3/5/25 and 4/2/25.*

PROJECT MANAGER: DANA PEAK EDWARDS

Recommendation: Discuss potential Ad Hoc Adaptive Reuse Committee and establish committee and members if the Historic Landmarks Commission determines such committee is needed.

The Commission took no action on this item due to limited staff resources and budgetary constraints.

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. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Chairman Boehm inquired about the Hardship Advisory Committee and when there would be a meeting scheduled. Vice Chairman Royer reported that a communication loop needed to be established and that has been done, so a meeting date will be set soon.

8. GOOD AND WELFARE

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

No items

b. Report from Committees

i. [Design Review Subcommittee: Report on April 17, 2025 meeting. The next meeting is scheduled for Thursday, May 15, 2025 at 11:00 a.m.](#)

Chairman Boehm provided a summary of the review of a project at 445 North 6th Street, a two-story six-unit multifamily building proposed to be constructed on a vacant lot in the Hensley City Landmark District. He reported that overall, the project appeared to be compatible with the district and minor comments were provided. Ms. Peak Edwards noted that the project requires a Historic Preservation Permit which will be brought to the full commission for a recommendation when City comments have been addressed and the project is considered complete.

c. Approval of Action Minutes

i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of March 5, 2025.](#) *Deferred from 4/2/25.*

Vice Chairman Royer made a motion to approve the Action Minutes for the March 5, 2025 Historic Landmarks Commission meeting. The motion was seconded by Commissioner Arnold and approved 7-0.

d. Status of Circulating Environmental Documents

No items

ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

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.

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.