



HISTORIC LANDMARKS COMMISSION AGENDA

Action Minutes

Wednesday, March 5, 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 Baniwal

Lawrence Camuso

Steve Cohen

Sara Ghalandari

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

AGENDA
ORDER OF BUSINESS

WELCOME

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

ROLL CALL

PRESENT: Chairman Boehm, Vice Chairman Royer, Commissioners Arnold, Baniwal, Cohen

ABSENT: Commissioner Ghalandari

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

No Items

5. GENERAL BUSINESS

- a. [City of San José Certified Local Government Report for 2023-2024.](#)
PROJECT MANAGER, DANA PEAK EDWARDS

Recommendation: STAFF RECOMMENDS THE HISTORIC LANDMARKS COMMISSION REVIEW AND ACCEPT THE CERTIFIED LOCAL GOVERNMENT PROGRAM ANNUAL REPORT FOR THE OCTOBER 1, 2023 TO SEPTEMBER 30, 2024 REPORTING PERIOD.

Chairman Boehm introduced the item. Historic Preservation Officer, Dana Peak Edwards, provided an overview of the staff memorandum and the draft Certified Local Government (CLG) Annual Report.

Chairman Boehm called for commissioner questions.

Chairman Boehm referred to page 15 of the draft report and inquired whether the reported Historic Preservation (HP) Permits were reviewed by the Historic Landmarks Commission (HLC). Ms. Peak Edwards responded yes, that HLC review is required by ordinance. Chairman Boehm inquired about HP Permit Adjustments and Ms. Peak Edwards responded that HP Permit Adjustments and Single Family House Permits are processed by Planning's Permit Center on the first floor with the assistance of the Historic Preservation Officer. Chairman Boehm referred to page 10 of the draft report and inquired why the Eastside Alum Rock and Saratoga Urban Village Historic Resource Surveys are listed together on the same line. Ms. Peak Edwards responded that technically they are one project being completed under the same contract by one consultant. Chairman Boehm recommended separating out the projects to highlight the significant amount of work involved in each project. Chairman Boehm referred to page 12 of the draft report and inquired why the Eastside Alum Rock Urban Village historic resources survey was not listed under public outreach. Ms. Peak Edwards responded that the community meeting for that project was not held within the reporting period.

Chairman Boehm opened public comment.

*Mike Sodergren, Preservation Action Council San Jose (PAC*SJ), expressed appreciation for commission staff.*

Chairman Boehm closed public comment and asked for commissioner comments.

Chairman Boehm commended the City of San José and commission staff for the draft report, noting that it demonstrates major historic preservation accomplishments. He noted the importance of the four City Landmark designations and that one of them was a City Landmark District which does not often occur. Chairman Boehm also noted the accomplishment of three historic resources surveys. He highlighted the inclusion in the draft report of the Historic Preservation Awards Night which celebrated the HLC's efforts and the presentation of two preservation awards. Chairman Boehm noted the addition of 27 properties that were listed in the Historic Resources Inventory.

Vice Chairman Royer made a motion to accept the Certified Local Government Program annual report for the October 1, 2023 to September 30, 2024 reporting period. The motion was seconded by Commissioner Arnold and approved 6-0-1 (Ghalandari absent).

b. Adaptive Reuse Incentive Committee.

Recommendation: DISCUSS POTENTIAL AD HOC ADAPTIVE REUSE COMMITTEE AND ESTABLISH COMMITTEE AND MEMBERS IF THE HISTORIC LANDMARKS COMMISSION DETERMINES SUCH COMMITTEE IS NEEDED.

Chairman Boehm introduced the item. He summarized the purpose of the subcommittee. Chairman Boehm noted that adaptive reuse is a strategy that can help save historic buildings while making them more financially viable for the market. He stated that goals for the subcommittee include exploring what other cities have done, pursuing funding sources, and targeting historic buildings that are at risk. Chairman Boehm stated that

subcommittee could bring resources to the attention of the Planning, Building and Code Enforcement Department and developers.

Vice Chairman Royer made a motion to defer the item which was recommended by Commissioner Ghalandari to the April 2, 2025 HLC meeting. The motion was seconded by Commissioner Camuso and approved 6-0-1 (Ghalandari absent).

c. **Hardship Committee.**

Recommendation: DISCUSS POTENTIAL HARDSHIP COMMITTEE AND ESTABLISH COMMITTEE AND MEMBERS IF THE HISTORIC LANDMARKS COMMISSION DETERMINES SUCH COMMITTEE IS NEEDED.

*Chairman Boehm introduced the item and provided background to new commissioners. He stated the HLC is sometimes asked to make recommendations on hardship requests as they pertain to the issuance of a HP Permit. Chairman Boehm noted the HLC was recently asked to make a recommendation on the Herrold building but there are no clear guidelines to evaluate hardship. He stated that the subcommittee could explore guidelines that are appropriate for San José. Chairman Boehm referred to a memo in the HLC agenda from PAC*SJ dated December 7, 2022 that contains pertinent questions and other cities' procedures that could be considered.*

Chairman Boehm opened public comment.

*Ben Leech, PAC*SJ, expressed appreciation for the inclusion of the PAC*SJ letter in the agenda material. He commented that the HLC considered three hardship applications when the letter was written and PAC*SJ was concerned that hardship was a new concept that was being treated as a free pass and there was a broad range of information that was being included in hardship applications. Mr. Leech noted there was no standard or expectation of what a hardship application was and what information it should contain. He noted the concept of hardship is based in constitutional law and addresses regulatory takings challenges. Mr. Leech supported the idea of a hardship committee that could concentrate on this specific issue independent of other factors the HLC considers when making a recommendation on a HP Permit. He commented that PAC*SJ hopes that any hardship application would entail a two-step process where a committee would examine the hardship application prior to consideration by the whole HLC. Mr. Leech inquired if the committee would be limited to HLC members and whether hardship provisions would require an ordinance change or whether they could be adopted separately.*

*Mike Sodergren, PAC*SJ, commented that a project's design objectives are important. He suggested that a financial hardship needs to be anticipated, and developers would need to be asked if their design objective includes the preservation of the landmark in order to help shape the project. Mr. Sodergren commented that the process needs to be done on the front end to inform the project and not hold up the project.*

Commissioner Cohen made a motion to establish an Advisory Committee to develop hardship criteria and the motion was seconded by Vice Chairman Royer. Vice Chairman Royer and Commissioners Bainiwal and Cohen volunteered to serve on the Hardship Advisory Committee which was approved 6-0-1 (Ghalandari absent).

d. **Historic District and Conservation Area Signage.**

Recommendation: DISCUSS THE POTENTIAL TO INSTALL SIGNAGE FOR HISTORIC DISTRICTS AND CONSERVATION AREAS.

Chairman Boehm introduced the item and Kay Gutknecht reviewed a Powerpoint presentation on the background and request for historic district and conservation area signage. Ms. Gutknecht stated that she lives in the Schiele Subdivision and Alameda Park historic district which is the newest City Landmark District in San José. She stated that

the neighborhood would like to have signs at the district's primary entrance to tell people that they have arrived in a historic district, and they would like to have signage that indicates the boundaries of the district. Ms. Gutknecht commented that in her research she concluded that there are no standards for historic district signage or any public process for requesting signage. She stated they would like to have street signs that indicate the historic district at the seven intersections in the district and also have signage at the main entrance to the historic district on Schiele Avenue. Ms. Gutknecht stated the Department of Transportation (DOT) reported that the neighborhood would need to work with the City Council member and the neighborhood would need to set up a fund for future maintenance of the signs. She commented that there is existing signage in other historic districts, but it is not known how the signs were established. Ms. Gutknecht inquired if the HLC might know or could provide assistance to the neighborhood.

Chairman Boehm called for commissioner questions and comments.

Vice Chairman Royer inquired if there is a special sign district mechanism. Commission Cohen noted there is City banner criteria within the Office of Economic Development and Cultural Affairs (OEDCA) and inquired if there are any existing street signs like those proposed by the Schiele Subdivision and Alameda Park neighborhood. Ms. Peak Edwards noted she followed up with DOT and was informed that sign installation needed to be coordinated with and approved by OEDCA with the community to pay for any gateway signage and a maintenance agreement potentially required. Vice Chairman Royer believed the special district signage program was part of OEDCA and Commissioner Arnold confirmed that connection with OEDCA. Commissioner Arnold stated there use to be a process on the City's website that was removed following COVID. Commissioner Camuso commented that the Hanchett Park neighborhood was working on the installation a monument marker/sign on Park Avenue, but no one at the City knew what to do with the request. He commented that the City's process and criteria turned out to be extremely complicated and expensive. Commissioner Arnold stated that she would like to see the reappearance of historical signage with a link somewhere on the City's website with a contact department or person or office to process requests.

Chairman Boehm opened public comment.

*Ben Leech, PAC*SJ, commented that PAC*SJ supports the neighborhood's recommendation and whatever solution is put forward should be reproducible for all historic districts with a clear process and procedure. He commented that there is a huge benefit in delineating historic districts and simple street marking is a low cost opportunity for public education. Mr. Leech commented that he noticed in the last week a whole new program of downtown way-finding signs for pedestrians on the sidewalk was established. Commissioner Cohen commented that the signs were spearheaded by OEDCA.*

Commissioner Cohen made a motion to support the existing process or to streamline the existing process or to establish a new, clear process for the public to work with DOT to add historic signage to existing street signs to delineate neighborhood historic designations, and to publicize the process on the City's website. The motion was seconded by Commissioner Arnold and the motion was approved 6-0-1 (Ghalandari absent).

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.

*Mike Sodergren, PAC*SJ, commented on the digital sign ordinance approved by City Council and noted that one of the locations is the Center for the Performing Arts, an eligible City Landmark. He commented that PAC*SJ believes the sign project would have an impact on the building's historic eligibility and recommended the initiation of the City Landmark designation of the Center for the Performing Arts. Mr. Sodergren commented that the California State University Regents are evaluating the San Jose State University development initiative which proposes the demolition of mid-century modern buildings like the music and science buildings that could be eligible for listing. He commented that he is researching surety bonds and has found that they are standard in the construction industry. Mr. Sodergren suggested that they are a tool that should be added to the historic preservation toolbelt. Commissioner Cohen noted that the HLC has no jurisdiction over State lands. Commissioner Arnold noted the Scheller House has been the subject of advocacy efforts and it is still there.*

*Chairman Boehm commented that the PAC*SJ website has an incredible tool that is available to the public - a database featuring San Jose City Landmarks that can be sorted by architectural style, location, etc. He recommended that PAC*SJ demonstrate the website at the April 2, 2025 HLC meeting.*

Commissioner Cohen commented on 277 North 5th Street which was recently purchased. He inquired if the property could be flagged if the new owner applies for changes to the exterior like new windows. Ms. Peak Edwards responded that all properties listed in the Historic Resources Inventory are flagged for the purposes of permitting and its classification would not change that process. Commissioner Cohen inquired how the classification of the property in the Historic Resources Inventory could be changed from Contributing Structure to Structure of Merit or Candidate City Landmark. Ms. Peak Edwards responded that the property would need to be documented and evaluated by a qualified historic resources consultant using DPR 523 forms and determined eligible by the HLC at a public meeting before the classification could be changed. Commissioner Cohen suggested a study session on the Mills Act with a presentation by Bonnie Bamberg. Ms. Peak Edwards responded that this has already been a topic of prior HLC Annual Retreats. Commissioner Cohen commented that information should be provided on the criteria, which properties are eligible, and what can and cannot be done to Mills Act properties. Ms. Peak Edwards noted that staff's work plan includes the development of a Mills Act monitoring program and the establishment of a monitoring fee, and staff resources are limited. She noted that there is a City website where code violations can be reported online.

8. GOOD AND WELFARE

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

- i. Verbal update on the status of Planning approvals by the City Council, Planning Commission and Planning Director of projects with a historic resource component.

Ms. Peak Edwards reported that the Gateway Tower project (HP24-001) was approved by the Planning Director on February 26, 2025 and the 380 North 1st Street

Project (H23-007 & ER23-075) involving a Candidate City Landmark will be considered by the San José City Council on March 11, 2025.

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

No correspondence received.

- iii. Verbal update on Historic Preservation Ordinance Updates

*Ms. Peak Edwards reported that the Planning Division is working on amendments to the Historic Preservation Ordinance and the scope of those amendments is being determined. She reported that they have been meeting with PAC**SJ* for input and have committed to completing the amendments by the end of the calendar year. Ms. Peak Edwards noted that the proposed ordinance amendments will go to the HLC for a recommendation prior to consideration by the City Council.*

- iv. Verbal update on status of Eastside Alum Rock and Saratoga Urban Villages Historic Resources Surveys

Ms. Peak Edwards reported that the draft survey report and DPR 523 forms for the Saratoga Urban Village Historic Resources Survey were received and have been distributed for comment to the HLC ad hoc review committee and the Planning Division's Urban Village team. She noted a review deadline of March 17, 2025 was set. Chairman Boehm commented that he did not receive the draft documents for the Eastside Alum Rock Urban Village Historic Resources Survey. Ms. Peak Edwards reported that the documents have not been submitted by the consultant and will be distributed when received.

- v. Next Meeting is April 2, 2025 in San Jose City Hall, Wing Rooms 118-120.

b. Report from Committees

- i. Design Review Subcommittee: No meeting was held on February 20, 2025. The next meeting is scheduled for Thursday, March 20, 2025 at 11:00 a.m.

c. Approval of Action Minutes

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of February 5, 2025.](#)

Commissioner Bainiwal made a motion to approve the Action Minutes for the February 5, 2025 Historic Landmarks Commission meeting. The motion was seconded by Vice Chairman Royer and the motion was approved 6-0-1 (Ghalandari absent).

d. Status of Circulating Environmental Documents

No Items

ADJOURNMENT

The Historic Landmarks Commission meeting was adjourned at 8:19 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.