



HISTORIC LANDMARKS COMMISSION AGENDA

Regular Meeting

Wednesday, October 6, 2021

Commencing at 6:30 p.m.

Teleconferenced Meeting

*** COVID 19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution No. 79485 and Resolution No. 80237, this meeting will not be physically open to the public and the Historic Landmarks Commission members will be teleconferencing from remote locations. The Historic Landmarks Commission is meeting via teleconference from remote locations in accordance with state and local orders and measures taken as a result of the Covid-19 pandemic.

Members of the public may view and listen to the meeting by following the instructions listed on page 2. Additional instructions are provided on page 2 to those members of the Public who would like to comment on agendized items.

Commission Members

**Paul Boehm, Chair
Anthony Raynsford, Vice Chair
Harriett Arnold
Steve Nestle
Rachel Royer**

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

Note

Electronic device instructions:

For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL: <https://sanjoseca.zoom.us/j/96825587477>. Please ensure your device has audio input and output capabilities.

1. 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.
2. Enter an email address and name. The name will be visible online.

Telephone device instructions:

For participants who would like to join telephonically please dial US: +1 408-638-0968 or +1 213-338-8477 or 888-475-4499 (Toll Free) or 877-853-5257 (Toll Free) and when prompted, enter meeting ID: 968 2558 7477.

Before or during the Commission meeting, if you have any agenda questions or trouble logging into the Zoom meeting please email PlanningSupportStaff@sanjoseca.gov or call 408-535-3505 for assistance.

Public Comments prior to meeting:

Send email to 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.

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for 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.

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:

- 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

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 or contact 408-535-3505 to request to speak.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone wishes to speak on one of these items, please use the 'raise hand' feature in Zoom, click *9 to raise a hand to speak, or contact 408-535-3505 to request to speak.

No Items

3. PUBLIC HEARINGS

- a. [HP21-004](#) : Application for a Historic Preservation Permit to allow the relocation of an Identified Structure and Candidate Structure of Merit located at 91 Barack Obama Boulevard to 317-323 West St. John Street on a 0.21-gross acre site in the River Street City Landmark District and to allow minor alterations to the relocated building, and associated receiver site improvements.

PROJECT MANAGERS, RINA SHAH AND CASSANDRA VAN DER ZWEEP

Staff Recommendation: Staff recommends that the Historic Landmarks Commission::

1. Consider an exemption in accordance with CEQA Guidelines Sections 15303 for New Construction or Conversion of Small Structures and 15331 for Historical Resource Restoration/Rehabilitation; and
2. Find the proposed project will not be detrimental to the City Landmark and will be consistent with the spirit and purposes of the Historic Preservation Ordinance; and
3. Recommend to the Director Hearing Officer approval of the Historic Preservation Permit for File No. HP21-004.

- b. [HL21-002 and MA21-002](#): Applications for 1169 Magnolia Avenue to designate the property a City Landmark (Neifing House) and to execute a Historical Property (Mills Act) Contract between the City of San José and the property owners (Kao Arthur and Sussman Rachel).

PROJECT MANAGER, RINA SHAH

Staff Recommendation: Staff recommends the Historic Landmarks Commission recommend to the City Council the following actions:

1. Adopt a resolution to designate 1169 Magnolia Avenue (Neifing House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and
2. Adopt a resolution to approve the Historical Property (Mills Act) Contract between the City of San Jose and property owners Arthur Kao and Rachel Sussman for the property located at 1169 Magnolia Avenue.

4. PLANNING REFERRALS

- a. **SP21-019 and SP21-020**: Applications for a Special Use Permit on a 1.55-gross acre site located at 420 South 2nd and 420 South 3rd Street to allow the:

- demolition of the existing commercial buildings;
- demolition of the existing apartment building;
- construction of a 22-story and 12-story mixed-use connected tower consisting of a total of 254 residential units and 8,000 square feet of retail space with up to 6 commercial condominiums with a maximum building height of 291 feet;
- construction of a 20-story 194,102 square foot tower consisting of 152 residential units and 3,000 square feet of ground-floor retail space with up to 3 commercial condominiums with a maximum building height of 274 feet; and
- construction of below-grade parking at both sites accessed from South 3rd Street.

PROJECT MANAGERS, ALEC ATIENZA AND SHANNON HILL

Staff Recommendation: Provide comments on the 420 South 2nd and 420 South 3rd Street Project (SP21-019 and SP21-020) under Municipal Code Section 20.70.110(c).

- b. **SP21-031, HP21-007 and T21-033**: Applications for a Special Use Permit, Historic Preservation Permit and Vesting Tentative Map on an approximately 2.19-gross acre site encompassing multiple parcels bounded by East Santa Clara Street to the south, North 4th Street to the east, and East St. John Street to the north to allow the:

- demolition of all existing buildings on site totaling approximately 15,748 square feet;
- removal of 42 trees (16 ordinance-size, 26 non-ordinance size);
- construction a mixed-use project consisting of one residential tower with a maximum height of 267 feet and up to 415 residential units;
- construction of one commercial office tower with a maximum height of 282 feet, 525,000 square feet of office space, and 8,500 square feet of retail space;
- reconfiguration of four lots into two lots to allow up to 10 commercial condominiums and 415 residential condominiums.

PROJECT MANAGERS, ALEC ATIENZA AND SHANNON HILL

Staff Recommendation: Provide comments on the proposed project (File Nos. SP21-031, HP21-007 and T21-033 “Project”) located on an approximately 2.19-gross acre site at 147 East Santa Clara Street under the “Early Referral” City Council Policy on the Preservation of Historic Landmarks and Municipal Code Section 20.70.110(c).

5. GENERAL BUSINESS

No Items

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 use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak

8. GOOD AND WELFARE

- a. **Report from Secretary, Planning Commission, and City Council**
 - i. Future Agenda Items: No items
 - ii. Summary of communications received by the Historic Landmarks Commission.
- b. **Verbal report on Christ Scientist Church and Abandoned Buildings Program**
- c. **[Verbal report on the Completion of Downtown Historic Context project](#)**
- d. **Report from Committees**
 - i. Design Review Subcommittee: No meeting held on September 16, 2021. Next meeting on Thursday, October 21, 2021 at 11:00 a.m.
- e. **Approval of Action Minutes**
 - i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [September 1, 2021](#).
- f. **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.