



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

December 06, 2017

Regular Session

6:30 p.m.

Wing Room 120

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Harriett Arnold

Melissa Daniels

Eric Hirst

Steve Polcyn

Anthony Raynsford

**Rosalynn Hughey, Interim Director
Department of Planning, Building & Code Enforcement**

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *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:

- Anyone wishing to speak on a referral should prepare to come forward. *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.

An agenda and a copy of all staff reports have been placed on the table for your convenience. 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 inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

ROLL CALL

PRESENT: Commissioners Saum, Marcotte, Daniels, Raynsford, Polcyn and Hirst
ABSENT: Commissioner Arnold

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

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

No Items

3. PUBLIC HEARINGS

a. **[Nomination of the North Willow Glen portion of the Greater Gardner Area as a Conservation Area.](#)**

Recommendation:

1. Nominate the North Willow Glen portion of the Greater Gardner Area as a Conservation Area; and
2. Forward the nomination to the City Council to adopt a resolution to initiate the designation of the North Willow Glen portion of the Greater Gardner Area

Staff clarified that the City Attorney had advised that the Commission can take action only on what was publicly advertised for today. If the Commission wants to include any other portion of the Gardner area or other action should be agendized for a future meeting.

Staff made a presentation explaining the history of the Greater Gardner area, the background of this item.

The City's consultant, Archives & Architecture, briefly discussed the methodology used to define the area under consideration for a Conservation Area. The criteria used was the

City's ordinance and the National Park Service guidelines. Factors considered were setting and landscape features, integrity, and use. The proposed area was the only area that had a consistent cohesiveness of historic residences and setting that met the general practice goal of 75% or more of contributing properties. The City's ordinance does not have any minimum percentages. Archives & Architecture suggested that the area to the north of the proposed area could be considered a separate conservation area because it meets the City's criteria of important history related to the Gardner neighborhood, if the Commission wished to make that recommendation.

Following the presentations Chair Saum opened the meeting for public comments.

Public Comments

Harvey Darnell: The intent when the Strong Neighborhood Initiative was approved was to preserve the entire area with no intention of parceling it out.

Jeremy Taylor: It is interesting that the Greater Gardner Conservation Area as proposed has no tie into the Gardner neighborhood in any way. The Gardner area has active neighbors who want to be included in the process.

Patricia Palomares-Mason: There is a strong sense of community in the area, and each home has character in its own way. The area has gone through many changes over the years, but there are long-time residents still living in the neighborhood, one of whom is 108 years old. The original neighborhood was home to cannery workers and all the families helped and supported each other. The community feels left out and pushed away from the more affluent neighborhoods such as North Willow Glen, and is not receiving any assistance from the City.

Dan Erceg: He agreed with the previous speaker and recommended that the Commission move forward with the proposed area and recommend that the North Willow Glen area be designated as a separate conservation area. The community has wanted this for 15 years and hopes they can finally move forward. He urges the Commission to start the process for the rest of the community to the north and the east with maybe a different layer of conservation.

Bill Rankin: An 18-year resident of North Willow Glen, he votes to nominate the North Willow Glen area as a Conservation Area. He asked the Commission to hire a historic consultant to start the designation process.

Pat Gormley: Developers are a threat to the community and change the neighborhood. New homes don't facilitate over-the-fence conversations that is now prevalent in the neighborhood. Google will ruin the neighborhood. The area north of Delmas Avenue contributes to the history of the neighborhood.

Nancy Mirabella: She supports the designation of the Conservation Area, and is curious why the west side of Bird Avenue was not included.

Richard Zabelli: His family has been in the area for decades. His grandfather emigrated from Italy in 1912 and generations of the family have lived in the area. Family members have lost homes to the 280 freeway, 87 freeway, and rerouting of the Guadalupe River. He wants the Commission to raise the \$4,000 and set a date today to study and move forward with the areas outside the proposed Greater Gardner Conservation Area.

David Zabelli: The neighborhood continues to be divided. It used to be called Goosetown and was an Italian neighborhood. They have a community center, church and school. Before the freeways the streets extended to Goosetown from Downtown. Now the freeway overpass contributes to blight in the neighborhood, with the homeless who live under the

freeway overpass. He urges the Commission to move forward with the proposed Conservation Area.

Mary Lee Balesley: She's lived in the area for 45 years and is involved in the Gardner Association. There are good bonds throughout the neighborhood. She asked the Commission to have another look at the progress in the neighborhood and the cohesive and rich community that is there. Recently there have been aggressive realtors in the neighborhood. She would like to see homes passed down through families as has been done in the past.

Raymundo: He doesn't want the community to change and doesn't want to see historical houses torn down. Businesses that have been there for 20 and 30 years have had to move out. He is concerned that high-rises will come in and ruin the neighborhood. The neighborhood needs the Commission's help to preserve the neighborhood.

Paul Bridgenell: He lives and works in the Gardner neighborhood. Many of these older homes can't economically be upgraded to new standards so they are torn down and replaced with new houses. The quaintness of the neighborhood and the smaller homes are being lost. He is concerned that when Google comes in people will be offered huge sums for their small homes and people will be pushed out and gentrification will occur. We need to keep the smaller homes. He asked the Commission to include the Gardner area in the Conservation Area.

Brian Grayson: He asked the Commission to preserve the neighborhood, buildings, homes, and signs, and not delay the process because no one has any protection during this time. He asked the Commission to start designating the other areas soon.

Margaret: Asked the Commission to look at the map, to see that the entire area is a cohesive section. She urged the Commission to keep the entire area together and not divide it.

Patricial Palomares-Mason: Recommended that the Commission preserve the neighborhood, and indicated that real estate agents are already talking to neighbors about selling their homes.

David Zabelli: Asked if individual property owners were notified about the hearings and the HLC meetings.

Staff responded that the notices and agendas for the HLC meetings were posted on the website, and neighborhood organizations were notified.

Paul Bridgenell: Stated that the Gardner area was one of the first suburbs in San Jose.

Fuller Park used to be called Theodore Roosevelt Park, why was it changed? Gardner is a multi-cultural neighborhood, noticing should be done in different languages.

The Commission directed staff to find out why the park name was changed.

Chair Saum asked if the Commissioners had any comments for the speakers:

Commissioner Daniels Stated that she is a Google employee, and grew up in San Jose and loves her neighborhood.

The Commission said they were inspired by the community spirit and the social life in the neighborhood. They heard the community's concerns regarding the boundaries, their strong sentiments about area and that they would like to see reinvestment in their areas. The Commission also understood that the community felt left out and they were concerned about displacement and gentrification. In addition, they understand that the community

thinks their area has a lot of community history, and it has been unfair that their area has been continually divided by freeways, etc.

The Commission referred to page 6 of the staff memo, which states that designating a Conservation Area Designation is a process, and they reiterated that the community can continue to make their message heard at Planning Commission and City Council.

The Commission stated that the process works best when people participate. The Commission recognizes the need for protection for their neighborhood and protection from further division. They explained that this is not the end of the process, and they encouraged the community to make their voice heard at the next couple of hearings.

The Commission had a question for Archives & Architecture, and asked whether the north area could be added to this conservation area in the future or would it need to be another Conservation Area.

Franklin Maggi with Archives & Architecture responded that the consultant will need to make that professional recommendation, however, the HLC makes a decision looking out for the goals of the City, which don't necessarily have the same end.

A member of the neighborhood suggested that HLC should recommend that the City Council direct staff to study the areas on both sides of the railroad tracks.

The Commission asked one resident what the "walks in the neighborhood" were and the resident explained that in their neighborhood families helped each other out with child care, errands, and knew everybody because they walked the neighborhood. She said this has built a strong sense of community.

The Commission asked for clarification on the 60th percentile and how combining the neighborhoods would drop the percentage, and Franklin Maggi responded that percentages are something they look for after they conduct their survey to decide what meets the ordinance and then test them. The 75 percent is general practice and is not codified.

Chair Saum asked for a motion to vote in favor of moving forward with the Conservation Area as proposed, and a recommendation to considering the adjacent areas for conservation designation. It was moved and seconded, and the Chair Saum asked for discussion on the motion.

The Commission stated they wanted to get the ball rolling rather than delay this any longer so they would like to move forward with the motion for nomination and recommend that the area north of the tracks be a priority discussion. The areas east of Delmas and west of Bird Avenue should be looked at and different options should be proposed.

The Commission thanked the public for their dedication to this issue. They wanted to move forward with designating the Conservation Area and use the momentum to look further at the Gardner and other areas that are not included in the proposed conservation area. They indicated they would like to look into keeping the neighborhood whole and avoid division.

Chair Saum clarified that there are three distinct actions:

- a. Motion to nominate the Greater Gardner Conservation Area as proposed (including designating the properties shown with the black squares, as recommended by the consultant)
- b. Forward the nomination to the City Council
- c. Recommend that further study be conducted for the areas not included in the Conservation Area including the history that encapsulates the larger area

Staff clarified that the Commission could only vote on the motion to nominate the Greater Gardner Conservation Area.

The motion passed with six votes and one absent.

The Commission then voted to direct staff to formally agendaize a discussion of how they could go about considering the rest of the area which would include further study on the east and west of the proposed Conservation Area and get similar protections for those areas.

The motion passed with six votes and one absent.

b. [Accept the Annual Certified Local Government Report for 2016-2017.](#)

Staff explained that the Annual Report is an administrative report required by the State Historic Preservation Office that explains the actions taken by the Commission over the last year.

Chair Saum asked if the Commissioners had any questions.

The Commission asked about item g on page 16, that states that the City is not available to host a training and asked why.

Staff explained that it would take a lot of staff time, and currently staff does not have time to do a training; however, the City could offer the City Hall facilities for the event.

The Commissioners suggested that we could also pass on the report to the City Council. There was a motion and a second to accept the Annual Certified Local Government Report for 2016-2017, and pass it on to the City Council, and the motion passed with six votes and one absent.

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. 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.

Andre Luthard representing PAC SJ: Informed the Commission about a fundraiser, "Save Our Dancing Pig," for the Stephen's Meat Product sign.

An open discussion ensued regarding the feasibility of having the sign repaired and the lack of a funding mechanism for saving historic signs. PAC SJ asked if we could include a discussion about land marking the sign on the February agenda.

Commissioner Daniels asked how many signs are there in a similar situation to the Dancing Fig. No one knew the definitive number, but Babes' Muffler, Greyhound, and Firato's sign were some of the signs that came up.

The Commission directed staff to prepare an analysis regarding how best to proceed to get protection for signs that are not attached to a building anymore.

The Commission also wanted to know if there was a separate category for signs, or do we need to come up with criteria for signs without an associated building. Most of these signs that are saved end up in storage.

Dan Erceg informed the Commission that the iconic "E" from the Emporium Capwell store that used to be in Almaden was discovered in Morgan Hill. The owner was willing to donate it, but there are no funds to transport this 10 feet by 3 feet sign from Morgan Hill to San Jose, and there was a question as to what to do with it once it is brought here.

6. GOOD AND WELFARE

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

1. Past Agenda Items: No items.

2. Future Agenda Items:

At the HLC meeting scheduled for February 2018, the Commission may review the HP Permit for the proposed addition to the Montgomery Hotel and possibly the HP Permit for the proposed replacement of windows and installation of solar panels for the Bank of Italy Building.

Staff stated that the City has a demolition permit for the historic Willow Glen Trestle, but the resource permits have expired, and PRNS Department has not yet decided what action they will take.

3. Summary of communications received by the Historic Landmarks Commission: No items.

4. State Historic Resources Commission Actions: At the October 27, 2017 State Historic Preservation Meeting, the Commission denied the City of San Jose's Request for Reconsideration regarding the Willow Glen Trestle State Historic Register Listing so the Trestle remains listed on the State Historic Register. The Commission also approved the nomination for the Messina Orchard to be listed on the State Historic Register. The staff report and photos are located at the attached link:

http://www.ohp.parks.ca.gov/pages/1067/files/CA_%20Santa%20Clara%20County_Messina%20Orchard_OHP%20October%202017.pdf

b. Report from Committees

Design Review Subcommittee: Meets the 3rd Wednesday of the month as necessary.

The Design Review Subcommittee reported that they reviewed two projects:

The tower proposed for 600 S. First Street: The Design subcommittee reviewed the plans early in the process which was a good move on the part of the applicant. The project site backs up to Hwy 280. The design iterations the applicant provided did not seem site specific, it and could be located anywhere. Commissioner Raynsford mentioned that the design was both vague and specific, and it may include some adaptive re-use of the existing building. The subcommittee was interested in seeing interiors of the existing building.

Bank of Italy—the applicant's goal is to use new technology to return it to net zero energy use. When the building was originally constructed and it was the tallest building around, the windows were designed to provide natural cross breezes that kept the building cool. Some of

the new technology the applicant is proposing are solar, specially designed windows that are computer-monitored to maximize energy efficiency among other features.

Approval of Action Minutes

Recommendation: Approval of Action Minutes for the Historic Landmarks Commission Meeting of [October 4, 2017](#).

Chair Saum had one comment on page 4, last paragraph, first sentence, change the comma after “received” to a period.

Chair Saum asked for a motion to approve the minutes. It was moved and seconded. The motion passed with 5 votes, 1 abstention and 1 absent.

c. Status of Circulating Environmental Documents:

SP16-053/C15-054 Industrial Center (1697 Alviso-Milpitas Road) Construction of an up to a 437,000 square-foot data center and PG&E Substation (EIR Reconsideration by the City Council). The issues of concern are unrelated to historic preservation).

This project is being reconsidered by the City Council for issues unrelated to historic preservation.

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.