

AMENDED

HISTORIC LANDMARKS COMMISSION

March 17, 2021

Action Minutes

WELCOME

Meeting called to order at 6:30 p.m.

ROLL CALL

Present: Commissioner Saum, Boehm, Polcyn and Raynsford

Absent: Commissioner Arnold and Royer

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 request to speak in the manner specified on p. 2 of this agenda.

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

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

No Items

3. PUBLIC HEARINGS

- a. **HL20-005 & HP20-002:** Applications involving the San José Water Works City Landmark HS91-57 (Resolution 63381) located at 374 West Santa Clara Street in downtown San José. File No. HL20-005 proposes to modify the landmark boundary of the designated property from a 0.96-gross acre site to a 0.31-gross acre site. File No. HP20-002 proposes to amend an existing Historic Preservation Permit (File No. HP16-002) to revise the terms of the Permit to be consistent with the Downtown West Mixed-Use Plan Project (Google Project). Council District 3. **CEQA:** Environmental Impact Report (EIR) For the Downtown West Mixed-Use Plan (Google Project).

PROJECT MANAGER, DANA PEAK

Staff Recommendation: The Historic Landmarks Commission recommends that the City Council take all of the following actions:

1. Recommend the City Council adopt a resolution to modify the boundary of the San José Water Works City Landmark (File No. HS91-57) from a 0.96-gross acre site to a 0.31-gross acre site at 374 West Santa Clara Street in downtown San José; and
2. Recommend the City Council approve the Historic Preservation Permit Amendment (File No. HP20-002) to revise the terms of the Permit ([File No. HP16-002](#)) to be consistent with the Downtown West Mixed-Use Plan Project, which includes the San José Water Works City Landmark at 374 West Santa Clara Street in downtown San José.

Chair Saum introduced applications HL20-005 and HP20-002 and read the project descriptions and staff recommended actions. He noted that while the applications on the agenda are related to the greater Downtown West Mixed-Use Plan Project, the specific items before the Historic Landmarks Commission (HLC) are limited to the proposals related to the San Jose Water Works City Landmark. Chair Saum requested that questions and comments be focused on the specific applications and requested that more general comments on the Downtown West Mixed-Use Plan Project be raised under Item 7, Open Forum.

Dana Peak, Historic Preservation Review Planner, began with a clarification regarding the draft Historic Preservation Permit Amendment for HP20-002. To clarify the staff recommendation for the, she noted that the draft permit is in the form of City Council resolution, which was included in the HLC packet. Ms. Peak provided a summary of the key points in the staff report and noted that the applicant would be providing a brief update on the Downtown West Mixed-Use Plan Project following the applicant presentation on the proposed actions. She then handed over the presentation to Downtown West project team representative, Victoria Lehman, who shared her screen for a PowerPoint presentation.

Downtown West project team representative, Bavesh Parikh, greeted the commissioners and stated that the team would present information on the two applications on the agenda, and then provide a short project update based on feedback received from the HLC and discussion with the Preservation Action Council San Jose. Mr. Parikh began with HP20-002 and presented a timeline of the permit history and summarized the purpose of the proposal as administrative consistency updates to reset the effective date of HP16-002 to align with the Downtown West project; to relocate the transformer house and demolish the non-historic building additions consistent with the 2016 HP Permit; to carry over demolition and grading permits under the new HP Permit; and to remove already completed or no longer proposed activities. Mr. Parikh introduced Woody Hanson with SiteLab Urban Studio who addressed the HP Permit in relation to the Downtown West Design Standards and Guidelines (DWDSG) reissued on March 1, 2021. Mr. Hanson stated that the Downtown West Mixed Used Plan project retains a view corridor consistent with the previously entitled Trammel Crow project along the eastbound Santa Clara Street corridor and a minimum separation of 40 feet between the San Jose Water Works building and adjacent new construction. The view corridor is setback an additional 15 feet from the Trammel Crow project. The adjacent plaza is envisioned to host future civic events, while respecting and integrating the San Jose Water Company building as an active use. Landscape elements are permitted on the site consistent with the existing HP Permit and the DWDSG provides details on programmatic open space elements, materials, and a planting palette.

Mr. Hanson also reviewed proposed development controls on the adjacent block proposed for new development (office building). He stated the DWDSG would reduce the perceived scale of the adjacent new construction, while encouraging creative architectural responses that reflect the scale, rhythm and features of the San Jose Water Works building. Mr. Hanson stated that massing and architecture standards and guidelines applicable to the adjacent office building would include massing reduction requirements within the skyline level (above 70 feet in height), preferred materials, modulation, and architectural height references within the podium level, as well as articulation and active requirements on the ground level. In addition, portions of the City's Downtown Design Guidelines and Standards apply, including those in the Historic Adjacency section regarding façade, ground floor elements and general requirements. The documents are layer and applicable, except for when otherwise stated in the DWDSG.

Ruth Todd, architect and planner and President of Page and Turnbull, presented application HL20-005. Page and Turnbull prepared an evaluation of the proposed boundary amendment of the San Jose Water Works City Landmark. Ms. Todd explained that the current landmark boundary was set in 1991. At that time, the property was larger and owned by the Water Company. The City Council decided to set the original boundary of the landmark around all the buildings owned by the Water Company. This boundary

included both contributing and non-contributing buildings on the property. Ms. Todd stated that there is now a HP Permit to demolish the non-contributing buildings on the property and to relocate the Transformer House closer to the Main Office building to tell a better story. Therefore, the proposal is to amend the landmark boundary to retain the approved concept of the Main Office building and Transformer House together which would reduce the boundary to the remaining contributing buildings on site, since the remainder of the site has lost historic integrity.

Bavesh Parikh then transitioned to a presentation on recent updates to the Downtown West Mixed-Use Plan Project. He introduced team member Anthony Fioravanti to talk about the key historic resources on the Downtown West project site that have been discussed over the past several months including Hellwig Iron Works, Kearney Pattern Works and Foundry, San Jose Water Works and Stephens Meat Product sign. Mr. Fioravanti noted that these anchor resources are spread throughout the site and serve a key role in the experience of the project overall - the history tied into the future of Downtown West. The project plan locates the historic resources near open space and the DWDSG guides how to respond to these resources. Mr. Parikh stated that the applicant had spent a lot of time reviewing the comments of the HLC, engaging and walking the site with the Preservation Action Council San Jose and talking through the priorities within the project boundary. He summarized that the HLC reviewed the project in November 2020 and at that time, the proposal was to retain four out of nine historic resources. Mr. Parikh stated he was happy to report that six historic resources are now proposed to be retained, including the three Victorian bungalows on Julian Street and two Structures of Merit, and funding support is proposed to relocate two other Structures of Merit. Mr. Fioravanti outlined the proposal to relocate the three bungalows to South Autumn Street near 35 South Autumn. The Sunlite Bakery façade is proposed to be salvaged and reused and the Kearney Foundry hopper is proposed to be integrated into the plan. Mr. Fioravanti stated that a new guideline was added to the DWDSG to further augment the incorporation of commemoration in the project. Mr. Parikh expressed his appreciation for the HLC comments provided in November 2020 and the patience and dialogue with the Preservation Action Council San Jose. He asserted that the input has resulted in a better project outcome.

Chair Saum opened public comment and asked those who comment to limit discussion to the San Jose Water Works applications and to save comment on the Downtown West Mixed-Use Plan Project until the Open Forum portion of the agenda. Roland Lebrun referred to the applicant presentation slide of the proposed San Jose Water Works boundary amendment. He noted that Block E1 relies on the Delmas Street vacation. Mr. Lebrun stated that there is a nexus with the Diridon Area Station Concept Plan (DISC). If the desire is to integrate the light rail with BART, they need to be near Santa Clara Street. The light rail needs to be reconnected back to where the tracks are located. He asserted the only practical way to do that is to have underground easement under Delmas Street.

Ben Leech, Executive Director, Preservation Action Council San Jose stated that the organization has reviewed the proposed changes to the Water Company boundary and agrees with the staff recommendation, and it is an appropriate and reasonable adjustment. He concurred that Preservation Action Council San Jose had a constructive dialogue with the applicant team about the overall historic preservation scope of the project and the organization is appreciative of the expanded scope of work.

Commissioner Polcyn stated that he did not have any issues with the proposed adjustment of the San Jose Water Works landmark boundary or the HP Permit. He thought the proposals made sense and appreciated better understanding the proposed construction on the adjacent block. Commissioner Polcyn also expressed appreciation to the applicant for updating the HLC on the changes to the project with respect to historic resources, particularly the relocation of the three bungalows and the Poor House bistro, and the façade of the Sunlite Bakery. He looked forward to hearing more about the commemorative history walk, which has a lot of elements that should be reviewed.

Commissioner Raynsford stated the HLC purview was fairly narrow (with regard to action and comment), and he recalled that he was present at the HLC when the commission recommended approval of the HP Permit in 2016 to demolish the non-contributing buildings. He noted that the proposal to amend the landmark boundary would just reflect that prior action. Commissioner Raynsford stated it makes sense to move the Transformer House closer to the Main Office building once the non-contributing buildings are removed, otherwise, the significance of the Transformer House would be lost due to the distance. He appreciated the applicant's efforts to preserve the additional buildings on site. Commissioner Raynsford expressed that it is a challenging project because of the differences in scale between the large-scale new construction and the small-scale historic resources. He recommended continued attention to that perspective and height levels going forward.

Vice Chair Boehm expressed that he viewed the project as a whole. While he realized there are various components to the project, he stated that he was unable to separate the proposals of the two applications involving the San Jose Water Works City Landmark from the greater project. He appreciated the project updates presented by the applicant and the proposed preservation of the Sunlite Bakery, moving the bungalows to South Autumn that is approximate to another historic resource. Vice Chair Boehm requested additional information regarding commemoration signage because the site is in an area that was an Ohlone village. He also recommended commemoration signage for Santa Clara Street and The Alameda. Vice Chair Boehm stated that no information was provided about 580 Lorraine Street and inquired whether the project designs adjacent to 396, 394, 436, 426, 420 and 416 West San Fernando would reflect the historic houses, as most of the buildings were built in the 1800s.

Chair Saum stated that he understood the reasoning for the proposed landmark boundary adjustment, and that it was a respectful and logical evolution of the Trammel Crow project, with entitlements extending back to 2005. He stated that the reality of the ground of the City Landmark has changed since the property was first designated and bring the boundary into alignment with the approvals is as much procedure as anything else. Chair Saum appreciated the project updates from the applicant and the efforts of the Preservation Action Council San Jose. He inquired about the proposed process for future development and whether there would be review of individual projects with HP Permits. Ms. Peak responded that there will be no HP Permit requirements because there are no designated landmarks on the project site, except for the San Jose Water Works (which would continue to be subject to HP Permit requirements). She stated that all the historic resources evaluated under CEQA are Candidate City Landmarks, which do not require an HP Permit. Chair Saum inquired whether there would be additional review for new construction adjacent to the identified historic resources. Ms. Peak responded that HLC review would not be required, but the applicant could elect to do that. She stated that the project is proposed to be phased over 30 years and going forward, a path can be established that is comfortable for everyone. Ms. Peak noted that the point of the Planned

Development Permit is that overarching guidelines are put in place to determine whether a future project is compliant and there would be no need to have individual hearings. Chair Saum suggested that the Design Review Committee of the HLC could be a vehicle to provide informal comments on future projects, as well as Early Referral. He noted that HLC is always willing to provide project feedback. Mr. Parikh mentioned that as part of each project the applicant will bring forward in the future, there would be an informational meeting for each proposal, so there will be time to provide additional input.

Vice Chair Boehm inquired about the Lake House Historic District and whether a HP Permit would be required for adjacent new construction. Ms. Peak stated that historic adjacency analysis was part of the environmental document produced for the project that went out for comment last year. Potential impacts to the Lake House Historic District were analyzed in the draft Environmental Impact Report (EIR) and it was concluded that there would be a less than significant impact to historic resources based on the DWDSG that are an appendix to the Draft EIR.

Commissioner Polcyn motioned to close the public hearing. The motion was seconded by Commissioner Raynsford. Vice Chair Boehm made an alternate motion to extend the public hearing to discuss ways the amended San Jose Water Works City Landmark could be affected by adjacent new construction. The motion was not seconded. Vice Chair Boehm stated that he raised several questions and concerns earlier (signage and adjacency) to which he requested a response from the applicant. Ms. Peak responded that commemoration would be a mitigation measure of the project. Staff will review detailed plans for proposed interpretation and commemoration when new construction is proposed. She stated that commemoration is very important and an integral part of a project because it brings to life the history of a site. Ms. Peak reiterated that potential historic adjacency impacts have been analyzed in the EIR in relation to the proposed DWDSG. Mr. Parikh pointed out that commemoration is very important to the applicant and the community, and all the feedback and input will be taken into future consideration during design development. He also reiterated that commemoration is included in the EIR as a mitigation measure. Mr. Parikh addressed the historic adjacency question with respect to the San Fernando Street houses, and shared PowerPoint presentation slides on how the DWDSG respect the Lake House Historic District. Vice Chair Boehm inquired about the status of 580 Lorraine Street. Mr. Parikh stated that the applicant has been in conversation with the City's Housing Department with respect to affordable housing and noted affordable housing is an important component to the project, community and region and is a major component of the Memorandum of Understanding with the City of San Jose. The 580 Lorraine Street site has been designated as an affordable housing site and retaining the historic resource would result in a significant loss in affordable housing units. Vice Chair Boehm inquired about the Kearney hopper. Mr. Parikh responded the hopper is located in the northwest corner of the foundry complex and the hopper is proposed to be moved to the location of the contributing parts of the building that will be retained and incorporated into the historic foundry. Anthony Fioravanti reviewed the DWDSG in relation to the Lake House Historic District. He noted there are several controls on the bulk and mass of development at this adjacent location. One is height, which has been limited to 180 feet. There is also a setback requirement from Los Gatos Creek and the Guadalupe River. Mr. Fioravanti talked about tower separation which would allow light and air into the street, and the perception of smaller masses. He also noted a requirement for a 200-foot setback where the development is over 150 feet. On a finer grain level, there is also a requirement for a 20-foot setback for 50% of the

linear façade adjacent to the historic district. Finally, the form and materials of the buildings would respond to the historic context. Vice Chair Boehm asserted there should be compatibility in the new construction with the historic district and he commented that the development would be tall and a distinct contrast from the small houses. He was unsure about the proposed materiality and extensive use of glass for compatibility.

Commissioner Polcyn appreciated the presentation on the conceptual development for San Fernando Street and also appreciated the concerns expressed by Vice Chair Boehm. He recommended a continued dialogue as development moves forward in the future.

Commissioner Raysford understood the concerns of Vice Chair Boehm and requested clarification regarding the scope of HLC comments and recommendations in relation to the project as a whole. Rene Ortega, San Jose Senior Deputy City Attorney, stated that there is a fairness issue regarding what has been noticed and agendized and the focus of the comments should be limited to what is on the agenda. Mr. Ortega noted that additional information was provided by the applicant to be transparent about the project, but the authority of the HLC and task before the HLC was to make a recommendation on the agendized items. Commissioner Raysford then made a motion to close the public hearing. Commissioner Polcyn seconded the motion. The motion was approved 4-0.

Commissioner Polcyn made a recommendation to approve applications HL20-005 and HP20-002. Commissioner Raysford reiterated his concerns that the process has been piecemealed, but recommended approval based on the narrow scope within the purview of the HLC. Vice Chair Boehm inquired whether there would be a HLC vote on the entire Downtown West project. Ms. Peak noted that the expertise of the HLC is focused on candidate and designated landmarks. The Downtown West project review process started with an Early Referral to the HLC and then comments on the Draft EIR and before the HLC is the HP Permit and the landmark boundary amendments. Ms. Peak stated that the City Council Early Referral Policy laid out this process for HLC review. The applications are the only ones in the Downtown West project that involve Title 13 (Historic Preservation Ordinance), which is the specific purview of the HLC. She stated that the Downtown West project will go to the Planning Commission for the general plan amendment, rezoning and planned development permit (among other aspects of the project) and then the City Council over the next couple of months. Vice Chair Boehm inquired who would approve those other permits and Ms. Peak responded that it would be approved by the Planning Commission and the City Council, but that the amended Draft EIR would be available in April for comment. Vice Chair Boehm expressed an interest in deferring the items to April to allow the applicant time to provide additional specifics for the project regarding commemorative signage and new construction adjacent to the San Fernando Street houses. Ms. Peak recommended that the HLC keep in mind the Downtown West project programmatic in nature and there will be no additional information in April or May because the specifics of the project have not yet been designed. She stated that the project would set up a framework for future approvals where specific building projects would follow the DWDSG, checklists, mitigation measures and other established parameters. Vice Chair Boehm asserted that compatibility was important and he did not want to see tall, glass buildings fronting the Queen Anne houses.

Vice Chair Boehm made a motion to defer the applications to April or May, depending on the needs of staff and the applicant. Chair Saum inquired whether there were any hard deadlines for the project. Rene Ortega reiterated Ms. Peaks comment that what will be presented to the City Council in May will be the same information presented to the HLC.

He stated that there will not be a more detailed scope of work or jurisdiction of the HLC if action is deferred. Chair Saum commented that it is difficult to make recommendations on programmatic projects without the level of detail the HLC typically sees. Ms. Peak reiterated that as specific projects come forward in the future (which are not yet designed), there will be additional public comment and input with a community meeting. Dr. Robert Manford, Deputy Director for Planning, stated that deferring HLC action would significantly impact the Downtown West project schedule. He noted that HLC discussion will be included in the staff report and recommendations to City Council and the HLC may recommend conditions of approval on the project. Vice Chair Boehm inquired whether a historical permit would be required for the adjacent historic resources identified in the environmental analysis. Ms. Peak clarified that HP Permits are only required for area directly within the boundaries of designated City Landmarks and City Landmark Districts. She commented that outside the landmark and district boundaries, projects are subject to the California Environmental Quality Act (CEQA). Ms. Peak stated the threshold for an impact to a historical resource is relatively high and it is difficult to have a substantial adverse change when a project is located across the street from a historical resource because it will likely not diminish the significance and integrity of the resource. Commissioner Raynsford wondered whether there could be additional impacts to the designated City Landmarks and City Landmark Districts and would the HLC be able to review those impacts should they arise. Ms. Peak stated that the DWDSG and associated checklist establish the parameters for the buildings to be designed and the impact to historical resources would need to be substantial for it to be classified as a significant unavoidable impact. She noted that the analysis is similar to other projects downtown where high rises are proposed adjacent to historical resources that are two to four stories high and it becomes challenging when trying to increase density and implement the General Plan. Ms. Peak commented that just because an adjacent building is tall and clad with glass does not necessarily create a significant unavoidable impact. Rene Ortega responded that if there was a potential significant impact to a designated landmark or historic district, then the project would be brought back to the HLC. Ms. Peak clarified that the Downtown West project includes one designated City Landmark - San Jose Water Works which will remain a City Landmark and will require a HP Permit, Amendment or Adjustment when alterations are proposed. Commissioner Raynsford inquired whether that would also be true for the Southern Pacific Depot. Ms. Peak stated that the Southern Pacific Depot City Landmark is not part of the Downtown West project. Commissioner Raynsford inquired whether adjacent new construction that is part of the Downtown West project could impact the landmark. Ms. Peak stated that the analysis in the Draft EIR concluded there would not be a significant unavoidable impact based on the DWDSG. Dr. Manford added that the City conducted program-level analysis and processes are spelled out in the project that outline the individual analysis required as projects are submitted. Impacts will be evaluated as individual projects come in.

Vice Chair Boehm inquired about the possibility of imposing a condition that the HLC consider the compatibility of the future development adjacent to the Lake House Historic District. Rene Ortega responded that a condition would not necessarily be appropriate, but a recommendation could be provided to the Planning Commission and City Council. He also suggested that comments could be submitted as individual members of the community in the public meeting process for new projects. Chair Saum suggested that as projects come forward, the HLC might be able to request an informational update from staff. Ms. Peak commented that staff would be able to notify the HLC of future community meetings on individual projects. Commissioner Polcyn inquired whether individual

projects would come to the HLC in the future for comment. Ms. Peak stated that would not necessarily be the case, but staff could inform the HLC of upcoming community meetings and discussion with the HLC may be appropriate regarding commemoration. Dr. Manford clarified that projects would not come to the HLC as we currently understand the project, but if unforeseeable circumstances arise, it is possible the project could come back to the HLC. Rosalynn Hughey, Director of Planning, Building and Code Enforcement, reiterated there is a community meeting and building conformance review process that is part of the planned development permit for the project where staff would review proposals to ensure they conform with the DWDSG. Commissioner Polcyn commented that he was concerned about how the projects would progress because they are interrelated, but thought reviewing the applications as separate components made sense because the Downtown West project would be moving forward in parts as well. He wanted to ensure that everyone would be aware of the big picture. Vice Chair Boehm commented that the West San Fernando houses were once a part of the core of the city in the late 19th century and inquired if the new development could be lower in height and/or utilize other building materials than glass. Chair Saum noted that the public hearing was closed, but it is important to record the concerns in a public forum for the record. Vice Chair Boehm stated that he would like to re-open the public hearing. Vicrim Chima, Historic Preservation Officer, noted that there may be motions on the table that were partially completed and the record should be clear. Vice Chair Boehm motioned to re-open the public hearing. The motion was seconded by Commissioner Polcyn. The motion failed 2 (Vice Chair Boehm and Commission Polcyn - Yes) to 2 (Chair Saum and Commissioner Raynsford- No).

Commissioner Polcyn made a motion to approve the agenda items with the condition that open dialogue be continued with the HLC on the future development of the Downtown West project site, particularly as the individual projects relate to historic properties. Chair Saum inquired if the motion could include a condition or if the motion needed to be worded as a recommendation/ request. Rene Ortega stated that any condition would need to be within the scope of the specific applications before the HLC and the proposed condition falls outside that scope. He suggested the wording be in the form of a request to the applicant. Ms. Peak noted that the HLC recommendation would go directly to Council and could include specific HLC comments. Commissioner Polcyn clarified that continued dialogue and review would be a request, not a condition, with respect to new development adjacent on Blocks E1, E2 and E3 and the San Jose Water Company City Landmark and the Lake House Historic District. Commissioner Raynsford recommended that the motion be modified to request the applicant and the City bring individual projects adjacent to identified historic resources to the HLC for review and comment as they are proposed. Director Hughey suggested the HLC make a motion to approve the staff recommendation with comments that staff provide updates to the HLC on the progress of implementation of the project. Rene Ortega stated such a motion would be satisfactory. Commissioner Polcyn commented that dialogue is more meaningful than a staff update and would have more impact. Rene Ortega clarified that the request can be made, but such review would not be required of the applicant. Chair Saum suggested that it would be important for the HLC to be proactive in requesting information in the future. He summarized the motion again – to approve the staff recommendation and to request that the applicant engage in further dialogue with the HLC with respect impacts of new development on adjacent historic resources such as the San Jose Water Company City Landmark and the Lake House Historic District. Commissioner Polcyn confirmed the motion, and the motion was seconded by Commissioner Raynsford. Vice Chair Boehm

inquired whether the motion was appropriate and Rene Ortega replied that the recommendation would be a request, rather than a condition.

Commissioner Polcyn made a motion to approve the staff recommendations.

Commissioner Raynsford seconded the motion. Motion passed (4-0-2; Royer and Arnold absent).

- b. **HL20-004:** Application for a City Landmark Designation Amendment to modify the landmark boundary of the Southern Pacific Depot City Landmark HL94-100 (Resolution 65705) from a 12.5-gross acre site to a 11.54-gross acre site. Council District 6. **CEQA:** Environmental Impact Report (EIR) For the Downtown West Mixed-Use Plan (Google Project).

PROJECT MANAGER, DANA PEAK

Staff Recommendation: The Historic Landmarks Commission recommends that the City Council to adopt a resolution for a City Landmark Designation Amendment to modify the boundary of the Southern Pacific Depot City Landmark HL94-100 from a 12.5-gross acre site to an 11.54-gross acre site located at 65 Cahill Street.

Chair Saum introduced application HL20-004 and read the project description and staff recommended actions. Dana Peak, Historic Preservation Review Planner, provided a summary of the key points in the staff report. She then handed over the presentation to Downtown West project team representative, Ruth Todd of Page and Turnbull. Ms. Todd shared a PowerPoint slide illustrating the existing and proposed Southern Pacific Depot City Landmark boundary. She stated that the landmark boundary was originally drawn in 1993 to include all the contributing structures on site, which is why the boundary is asymmetrical. Since the boundary was drawn, parcels have been adjusted and contributing resources demolished or relocated and no longer makes sense. Ms. Todd stated the amendment relates the boundary to the current parcels and would eliminate portions of the land that no longer have relevance to the Southern Pacific Depot City Landmark. Chair Saum opened public comment and requested that comments be limited to the agenized item.

Ben Leech, Executive Director, Preservation Action Council San Jose, commented that Preservation Action Council San Jose reviewed the proposal and understood the logic behind the amendment. He reminded the HLC that the existing boundary of the National Register Historic District is subject to a preservation covenant held by the South Bay Historical Railway Society. Preservation Action Council San Jose forwarded the proposed amendment to the South Bay Historical Railway Society and received no comment. Mr. Leech commented that the future of the train station on site is in question. He urged the City to make a statement that the preservation of the train station is a priority. Preservation Action Council San Jose had no objection to the proposed Southern Pacific Depot City Landmark boundary amendment.

Roland Lebrun echoed the comments of the previous speaker. He also inquired about Figure 4 of the staff report and what a line that cuts through the C2 Downtown West block represents.

Commissioner Raynsford commented that the proposed boundary change made sense. He inquired about the relationship between the proposed boundary amendment and the Diridon Station Plan process. Ms. Peak responded that the Draft Initial Study/Addendum to the Downtown Strategy 2040 EIR for the Diridon Station Area Plan (DSAP) Amendment is available for public review and comment. Comments are due by April 1, 2021 at 5:00 p.m. She highlighted that the DSAP is a programmatic document and provides a framework for future development within the DSAP, and the Downtown West project does not involve Diridon Station. Ms. Peak also mentioned the Diridon Integrated Station Concept Plan (DISC) which is currently being developed by the California High-Speed Rail Authority, Caltrain, Santa Clara Valley Transportation Authority, City of San José. She noted there is a website for the DISC and the community engagement contact is Lori Severino. Ms. Peak stated that interested parties can join a mailing list, ask questions and submit comments. Commissioner Polcyn how the proposed boundary amendment would affect who owns the land and are those property owners aware and in agreement with the proposal. Ms. Peak responded that the land where the historic resources are located is owned by the Joint Powers Board, the same entity with jurisdiction over Diridon Station. The parcels changed over time and the other two parcels are owned by Google. Ms. Peak noted that since Diridon Station is not part of the Downtown West project, it makes sense to remove the Google land from the boundary of the historic resource. She explained that the Joint Powers Board would not need to authorize the boundary change because no change is being proposed to their property or the historic resource. Commissioner Polcyn commented that the proposal appears to be house cleaning and that the small appendages are no longer a necessary part of the City Landmark.

Vice Chair Boehm inquired whether it was possible to comment whether Diridon station is proposed to be preserved. Ms. Peak responded that the DSAP is a programmatic document that does not make specific development decisions and that decision making with regard to the DISC is some time away. Chair Saum clarified the DISC and partners involved. Vice Chair Boehm inquired whether relocating or demolishing Diridon Station would come before the HLC. Chair Saum stated that the Southern Pacific Depot is a City Landmark and the proposal would need to come before the HLC. He indicated there was graphic (2019) shown in the DISC process with a new building on the site. Ms. Peak reminder that the South Bay Historical Railway Society would also be involved via the preservation covenant. Vice Chair Boehm inquired about a transfer of ownership with the boundary amendment. Ms. Peak clarified there is no transfer of ownership involved. There are four parcels that are part of the City Landmark and the two parcels owned by Google are proposed to be removed.

Chair Saum commented that the removal of the land not owned by the Joint Powers Board to align the boundary with the property lines makes sense. He noted that the Downtown West project involves the extension of Cahill Street, which is related to the boundary amendment. Chair Saum referred to the lines on the figure in the staff report mentioned by Roland Lebrun and commented that the DISC station correspondences to the grey lines on the figure. He presumed the lines were related to a right-of-way or an envisioned need of the DISC concept. Chair Saum expressed concern that if the Google parcels were not removed from the boundary, focus on the future of the Diridon Station would be diluted.

Commissioner Raynsford agreed that the proposed boundary change was not problematic, but commented that it would be problematic if Diridon Station were moved to that boundary. He commented that the boundary amendment is contingent on the

assumption that the station would remain in its existing location. Chair Saum commented that the DISC, DSAP and Downtown West projects are happening independent of each other and assume different conclusions regarding Diridon Station.

Vice Chair Boehm commented that Southern Pacific Depot is a very important building and expressed concern that future development could affect its status as a significant historic resource. He commented that without a plan for the Southern Pacific Depot site, he was interested in maintaining the boundary as it currently exists. Vice Chair Boehm asserted that the building would likely not remain and would need a new site, such as within the Downtown West project site. Chair Saum stated that a DISC plan is not anticipated for another 5 to 6 years.

Chair Saum inquired about the impact if the proposed boundary amendment is not made and would an HP Permit then be required. Ms. Peak responded that projects within the boundary of a City Landmark would require an HP Permit. Dr. Manford commented that the applicant would be able to provide the project objective with regard to the portion of land proposed for removal from the City Landmark. Bavesh Parikh stated that an office building is planned for the C2 site and residential and amenities, as well as a possible hotel, is planned for the other site. Chair Saum added that these parcels would not have an impact on the future outcome for Diridon Station. Ms. Peak added that the parcels proposed to be removed from the City Landmark boundary do not contain any historic resources or historic integrity. Rene Ortega reiterated that the boundary amendment is what is before the HLC and any proposed changes to Diridon Station would come back to the HLC. Vice Chair Boehm inquired if the Downtown West project considered including Diridon Station. Ms. Peak responded that Google does not own the Southern Pacific Depot property and Mr. Ortega noted changes to Diridon Station would come back to the HLC.

Roland Lebrun commented that the Downtown West project boundary should be extended to the west to include the area immediately west of Diridon Station. He conjectured that the depot would be retained, but the baggage depot would need to be removed. Vice Chair Boehm inquired about Roland Lebrun's background. Chair Saum responded he is a private citizen knowledge about transportation and European precedents that have dealt with similar challenges.

Commissioner Raynsford commented that he did not see a purpose in holding up the boundary amendment and Diridon Station should be a separate conversation. He suggested that the Joint Powers Board be advised that the HLC is interested in the future of Diridon Station, so any changes to the station could come to the HLC early in the process.

Vice Chair Boehm wondered whether absent Commissioners Arnold and Royer would have comments that would help inform the HLC's discussion. He suggested that the item be deferred to April to include these commissioners. Rene Ortega reiterated the items before the HLC are limited in scope and the larger issue regarding the future of Diridon Station would come back to the HLC when a project is proposed. Ms. Peak directed the attention of the HLC to the staff report and the findings required to be made for the proposed boundary amendment under the Historic Preservation Ordinance. Chair Saum stated that any deferral of the item would need to be on the basis that there was not enough information to make the required findings, not that there was not enough information on the future of Diridon Station. Vice Chair Boehm suggested that Google could reserve a vacant lot for relocation of Diridon Station. Commissioner Raynsford disagreed that the proposal would be chipping away at the historic resource because

there are no historic resources that will be affected by the boundary amendment. He suggested that assuming Diridon Station would need to be relocated now would not support reusing the station in its historic location. Commissioner Raynsford asserted that the station should be preserved intact on its existing prominent location and remain a major entrance to the city. Chair Saum stated that the robust conversation regarding the preservation of Diridon Station is important, but it cannot be resolved now. Rene Ortega noted that there is nothing to resolve. Chair Saum noted that a request could be made to Google to acknowledge the HLC's concern about the station. Vice Chair Boehm suggested a request for a contingency site for Diridon Station. Ms. Peak reminded that HLC that the findings for the boundary amendment are in Section 13.48.110 in the Historic Preservation Ordinance which are about the significance of the City Landmark. Rene Ortega clarified that a request regarding Diridon Station would be to the Joint Powers Board and not Google. Ms. Peak stated that there are eight criteria for landmark designation. In 1994, the HLC found that the Southern Pacific Depot met seven of the landmark criteria. Ms. Peak stated the question before the HLC is will the City Landmark maintain its historic significance under the seven criteria if the boundary is amended. Chair Saum summarized, would the significance of the landmark be weakened or lessened by the removal of the two parcels. Dr. Manford answered no. He also highlighted Page 8 of the staff report that notes the appropriateness of the City Landmark boundary is not assessed in terms of any future development plans for Diridon Station, but whether the proposed boundary maintains the historic significance and integrity of the Southern Pacific Depot City Landmark. Chair Saum also referred to the staff report that stated the boundary should encompass, but not exceed the extent of the significant resources and land areas comprising the property and include all historic features of the property. Ms. Peak comment that the verbiage read from the staff report comes from a National Register bulletin that addresses the establishment and amendment of historic resource boundaries.

Commissioner Raynsford made a motion to close the public hearing. The motion was seconded by Commissioner Polcyn. The motion was approved 4-0.

Commissioner Polcyn commented that there has been no proposal before the HLC for Diridon Station, and the station would remain until there is a proposal. He agreed with Commissioner Raynsford and Vice Chair Boehm that he would like to see Diridon Station remain. Commissioner Polcyn commented that without a proposal for the station, the items at hand is the amendment of the Southern Pacific Depot City Landmark boundary. He noted the boundary was created to accommodate the contributing structures that have since been removed. Commissioner Polcyn asserted the appendages to the boundary creates problems in trying to work around ways to design the Diridon Station property and retain the landmark. Commissioner Polcyn stated that he would support the staff recommendation for approval. Commissioner Raynsford suggested that the HLC add a comment to request reassurance that the preservation of Diridon Station be part of the design process and the HLC be part of the development from the early stages. Vice Chair Boehm recommended the station remain where it is currently located and the HLC be advised of future plans for the station.

Commissioner Polcyn made a motion that the HLC approve the staff recommendation to City Council to adopt a resolution for a City Landmark Designation Amendment to modify the boundary of the Southern Pacific Depot City Landmark, with the recommendation that the HLC comment on site planning for the City Landmark property and the future of Diridon Station. Rene Ortega reminded the HLC that the second part of the recommendation should be limited to forwarding comments to City Council which

were not related to the proposed boundary amendment. Commissioner Raynsford made a motion to recommend approval of the City Landmark Designation Amendment and to forward comments to City Council emphasizing the HLC's interest in Diridon Station and encouraging the early involvement of the HLC and other historic preservation experts in the design process for future of Diridon Station. Commissioner Polcyn accepted the amendment to his motion by Commissioner Raynsford. The motion was seconded by Commissioner Raynsford. The motion was approved 4-0.

Commissioner Polcyn made a motion to approve the staff recommendation. Commissioner Raynsford seconded the motion. Motion passed (4-0-2; Royer and Arnold absent).

4. EARLY REFERRALS UNDER CITY COUNCIL POLICY

No Items

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 connect to the meeting either by Zoom or by telephone using the instructions on page 2 of this agenda.

Chair Saum indicated approval of the last public hearing item 3. B. and then moved to see if there were any items under Early Referrals, or under General Business, or Referrals from City Council Boards, Commissions, or other agencies. As there were none, Chair Saum then returned and explained the purpose of the open forum section. Two speakers were recognized. The first was Meredith Muller, who wanted to thank the Google for relocated the three Victorians, removing the Poor Boy House Bistro from the project area, and incorporating the Sunshine Bakery façade. Her question was if there was an intended use for the three Victorians. She had an additional question concerning why separate guidelines were being applied to separate projects because she was at a Design Review Subcommittee meeting earlier in the day and it appeared different guidelines were applied to that project than the one before the HLC that evening. Chair Saum responded that the new Downtown West Design Standards applied to project specifically as a specialized document between the developer and the City. She also voiced two concerns, the non-diversity of the Commission and the length of the meeting as not being generally accessible to the public. The second speaker, known as Ronald, responded to questions and comments that would help preserve Diridon Station in place. Mike Sodergren from PAC SJ, mentioned that the Palleson Apartments will be moving up the street and he wanted to bring it up as an example of the positive results collaboration and activism can have when many different entities, public and private, work in partnership. Vice Chair Boehm asked a question concerning all properties within the Downtown West Project. They were listed by APN Number, there were no street addresses listed. Would it possible in the future to have historic resources within the area listed by street or site address? Chair Saum then moved to Agenda item 8 Good and Welfare.

8. GOOD AND WELFARE

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

- i. Future Agenda Items: Next meeting on April 7, 2021. HP20-004 (236 East Empire Street), HP21-002 (1651 Hanchett Avenue), HP21-001 (19 N. Second Street)

Chair Saum stated he'd be recusing himself from one of the items listed under 8. i., 1651 Hanchett and then requested a status on when the items under 8. i. would be heard. Vicrim Chima, HPO, stated that tentatively we'd be hearing 236 East Empire Street and 1651 Hanchett Street at the next regularly scheduled hearing of the Historic Landmark Commission on April 7th, 2021. The final project, 19 N. Second Street, would be an Early Referral and as no new submission had been received would not be on the upcoming HLC agenda.

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

b. Report from Committees

- i. Design Review Subcommittee: March 17, 2021. Next meeting on April 21, 2021.

The Chair than gave a report on what occurred at Design Review Committee earlier that day. He gave a brief history of the project and its site, 615 Stockton. The pervious iteration of project included a General Plan Amendment and a Special Use Permit and at that time, there was no potential historic district being nominated. The Chair stated now there is now no General Plan Amendment, no Special Use Permit, and now we have a significant potential historic district. He also stated that the applicant should submit drawing for context and streetscape. Vice Chair Boehm stated his comments and that he was looking for compatibility with the potentially historic neighborhood, and there were several architectural elements that paid homage to the historic district adjacent to the proposed new hotel. He thought it was an excellent transition between residential and commercial/industrial. Commissioner Polycn had no additional comments. Chair Saum ended by stating it's a challenging site combining a landmark district adjacency, the border of Downtown, and an industrial/commercial strip.

c. **Approval of Action Minutes**

- i. **Recommendation:** [Approval of Action Minutes for the Historic Landmarks Commission Meeting of March 3, 2021.](#)

Chair Saum moved from Report from Committees to approval of minutes for March 3rd. The action minutes had not been available for review by some of the Commissioners. Therefore, there was a motion to defer approval. Vice Chair Boehm motioned to defer approval of the minutes until next Historic Landmark Commissions hearing. The vote for deferral was unanimous.

Commissioner Boehm motioned to defer the action minutes for the Historic Landmarks Meeting of March 3, 2021 until April 7, 2021. Commissioner Saum seconded the motion (4-0-2; Royer and Arnold absent).

d. **Status of Circulating Environmental Documents**

- i. [Notice of Availability of a Draft Supplemental Environmental Impact Report for the Woz Way Office Project and Public Comment Period \(March 1, 2021 to April 15, 2021\)](#)

ADJOURNMENT

The commission voted unanimously (4-0-2; Royer and Arnold absent) in favor of a motion to adjourn the meeting.

The meeting was adjourned at 10:31 p.m.