



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**February 1, 2017**

**Regular Session**

**6:30 p.m.**

**City Council Chambers**

City Hall Wing

200 East Santa Clara Street

San José, CA 95113

### **Commission Members**

**Edward Saum, Chair**

**Joshua Marcotte, Vice Chair**

**Melissa Daniels**

**Eric Hirst**

**Anthony Raynsford**

**Harry Freitas, 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, 3<sup>rd</sup> 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, Daniels, Hirst, and Raynsford

ABSENT: Commissioner Marcotte

**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 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. **HP16-004.** Historic Preservation Permit to move the Smith House, a City Historic Landmark, about 80 feet from its original location (and associated tank house, pump house, and aviary) to allow for a 94-unit Residential Care Facility, on a 4.90 gross acre site, located at 3550 San Felipe Road in Council District: 8. CEQA: Mitigated Negative Declaration circulating for public review, for Oakmont Assisted Living Facility.

***PROJECT MANAGER, JUSTIN DANIELS***

**Recommendation:** Recommend that the Director approve the Historic Preservation Permit.

The applicant's representative made a presentation and showed a slide show on behalf of the applicant.

**Comments from Commissioners:**

**Commissioner Daniels** suggested that the applicant look at options for how the outbuildings can be utilized.

**Commissioner Raynsford** expressed concerns about the proposed material, height, and design of the fence suggesting that it might be a bit over powering. He recommended that the applicant should look at including openings in the fence, and possibly lowering it so that it integrates better with the design on the rest of the property. Additionally, he wanted to know why the applicant had not proposed a use for the house and associated out buildings.

In response, the applicant stated that they are currently focused on moving and exterior restoration of the buildings including restoring the landscape. They will focus on the interior and the use later.

**Commissioner Saum** added that the fence could be softened by use of appropriate material, height, and openings. He suggested an adaptive reuse for the structures so that the future occupants on the property as well as the public can use it.

He asked staff whether the project addressed the Commission's line items from the previous meetings.

**Staff** responded that the staff report included an update on those items, and clarified that the maintenance plan of the historic house would be included with the overall maintenance plan for the project.

**Commissioner Hirst** expressed that identifying the use for the structure now is critical as it might dictate the structural issues that needs to be addressed.

**Commissioner Daniels** agreed that the fence is an issue as proposed. She suggested a change to the height to have better visibility of the house.

**Commissioner Raynsford** mentioned that it is important to have the use of the house integrated with the use on the rest of the property.

There were no public comments on this project. The Commissioners voted 4-0 to recommend approval.

- b. **SP16-021**. Special Use Permit to allow the demolition the Greyhound Bus Station for the construction of a 781 residential units with 20,000 square feet of ground floor retail in two mixed-use towers on a 1.63 gross acre site located on the southwest corner of Post Street and South Almaden Avenue (70 S. Almaden Avenue) (Greyhound Lines, Inc., Owner). Council District: 3. CEQA: Greyhound Residential Project Environmental Impact Report to be reviewed by Council. **PROJECT MANAGER, LEA SIMVOULAKIS**

**Recommendation:** Receive public comments and provide comments regarding the scope of the analysis of the proposed project, as required by the City Council Policy on the Preservation of Historic Landmarks. Provide comments on the Environmental Impact Report, which is circulating for public review.

**Staff provided some background:** This building was not on the Historic Resources Inventory so the historic report was only done because of age of the structure, and as a part of the EIR. By the time the historic report was done the EIR was almost ready to circulate. Staff was able to send the historic report and the plans to you before the holiday break so you have had some extra time to review them. The Commission's comments will be sent to the Environmental staff and become part of the EIR record.

**Public Comments:**

**Kevin Sauser**, the applicant's architect, presented a slide show describing the proposed project.

**Andre Luthard**, with PAC SJ, stated that the lack of maintenance due to neglect is not a good reason for proposing demolition of the building. There may be cumulative impacts due to loss of historic buildings in this area if the building is demolished. The building is historic and should be adaptively reused. If Greyhound Bus Station is demolished there will be no Skidmore, Owings and Merrill buildings in San Jose. There are several buildings in San Jose that have incorporated adaptive reuse. He reminded the Commission that the existing Greyhound building was the outcome of a 5 million dollar project in the mid-1950s to develop a regional bus depot, and hence it has a lot of significance.

**David Cruz** with UA Local was concerned that the Caravan lounge was not adequately discussed in the report.

**Staff** clarified that the historic report discusses the Caravan lounge on page 4 of the historic report

**Mo Salberg** with UA Local 393, said that as a third generation construction worker, he is concerned about the actual construction of the proposed building. There should be more emphasis on proper excavation procedure.

**Kark Baumheckl**, said that the Caravan lounge is the first of its kind and hence has historic significance.

**Jeff Dreyer** expressed concern about the developer's work ethics especially at the excavation stage.

**Thomas Wohlmüt** (38 North Almaden Avenue) said that he is a San Jose resident, filmmaker, and historian. His research of the Greyhound site shows that it was originally used as a Mill Place to generate electricity, and there is a strong relation to the site in question to the area buildings. He suggested that the project incorporate some plaque that shows this history and link.

**Public Hearing closed.**

#### **Comments from Commissioners:**

**Commissioner Daniels** wanted confirmation on the number of stories proposed. Staff indicated there are 24 stories proposed.

**Commissioner Raynsford** had a few questions for the applicant and developer. He wanted to know if project design considered some form of reuse instead of demolition, and if cost analysis was done to determine the course of action. He would like to have the economic analysis and some graphics if possible included in the alternatives.

**Applicant's Representative** stated that multiple options were looked at but there were not feasible, Commissioner Daniels asked for further clarification on how they concluded that it was not feasible.

**Mark Tersini** explained that the Greyhound's cinder block building material and the design of the existing building didn't lend itself for an adaptive reuse. They had looked at different ways as to how they could incorporate the building into the project's ground level and upper floors and found that it was not economically feasible. Additionally, the developer stated that they have reached out to PAC SJ to see what could be done to re-purpose the building. Today he said he reached out to Brian Grayson with PAC SJ. He also stated that they are open to making a presentation to PAC SJ on the project, and to listen to any options they may have on re-purposing design the building. In response, to the archaeological excavation concerns from the public, the developer stated that the project would follow San Jose's protocol and procedures as they have done on other sites.

**Commissioner Raynsford** wanted further clarification on what approach the developer took while designing the project. Whether the integrity of the Greyhound building was came first and then the design of the project. The developer confirmed that was the approach.

**Commissioner Daniels** said that the EIR should include a broader range of design alternatives. She said that the lobby area of the project should pay homage to the Greyhound Bus Station. Additionally, she is concerned about the impact to surrounding buildings, and the structures on the site itself.

**Commissioner Raynsford** suggested additional analysis, so that different gradations of design alternatives can be incorporated in the EIR, including saving the façade among other alternatives. Currently, the building still exhibits a 50s atmosphere, and it would be nice to incorporate some level of alternate design that includes this feeling. He also requested that the project should address the Caravan lounge.

**Staff** stated that the Caravan lounge is discussed in the historic report, and that it is located further away from the project site.

**Staff** also stated that the Historic report reviewed the Caravan Lounge and it was determined to be ineligible for the Historic Resources Inventory.

**Commissioner Raynsford** added that some elements of the façade and material of the Greyhound building should be included in design. He also suggested that the project look at history of the site, specifically prior to when the Greyhound was constructed, citing the comment on the generation of the first electricity on the site.

**Commissioner Saum** agreed that there are different layers to the history of this site, and suggested the project look at how it can incorporate this history. He encouraged the applicant to continue their efforts to reach out to PAC SJ for alternate designs for reuse, and to encouraged them to incorporate San Jose's excavation protocols. He stated that the design alternative is too limited and there should be other design alternatives as mentioned earlier.

**Commissioner Daniel** said that the document should look at overall traffic and pedestrian movement and activity as it relates to surrounding buildings as well.

The Commission voted 4-0 to recommend sending the above comments regarding the Draft EIR.

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

---

#### **5. OPEN FORUM**

---

- a. 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.

**Larry Ames** provided an updated on the National Heritage Area meeting scheduled for next week, The Trestle project, and the status of the rivers and creeks with the recent rains. He mentioned that the City's ban on plastic bags has been effective.

**Staff Update:** I asked our City Attorney for advice on the Commissioner's involvement with this issue, and she said Commission's purview under the Code is limited to advising the Council regarding historic landmark designations, historic permits, and development projects that involve historic issues pursuant to Council Policy. The issue of whether the Willow Glen Trestle should be designated as a City Landmark was already before the Commission at various points, and the City Council has already received their input from the Commission on this. The Commission is free to discuss this under Public Comment, but they can't take any formal action as a body. The commissioners of course have the right as individuals to submit their comments, but not as a Commission.

## 6. GOOD AND WELFARE

---

- a. Report from Secretary, Planning Commission, and City Council
  1. Past Agenda Items
  2. Future Agenda Items:
  3. Summary of Communications received by the Commission:

**Staff update on VTA Draft SEIR BART Extension:** The Commissioners received copies of the SEIR for review. The City will be providing written comments on the SEIR in the next 2 weeks. The main comments we have regarding protection to Historic Resources is a recommendation to add some additional mitigation to require VTA that prepare pre-construction surveys identifying the baseline building conditions for all historic buildings in the area of construction and post construction surveys showing whether there has been any negative effects from the construction. The mitigation measure would require VTA to repair any additional damage to historic building from the BART construction work. VTA has offered to provide a presentation of their proposal to the HLC, and the Commission decided they would like such a presentation. Staff indicated they will try to set it up for the March HLC meeting.

**Staff Update on the Pacific Car Wash Site (across from City Hall):** The City has received a development application for this building, which is listed on as an Identified Structure on the Historic Resources Inventory. Staff has done extensive research on it to see why it was listed on the Inventory and have reviewed the former Civic Center EIR and the DPR that was prepared as a part of a review of the overall neighborhood. It concluded that the site does not meet the threshold for listing on the City Historic Resources Inventory (with a tally of 26) so it is unclear why it was put on the HRI. The DPR mentioned that there had been an old pole sign in front of the car wash on 5<sup>th</sup> St. but it has been removed. We feel this was put on the Inventory by mistake staff will bring it to the HLC as a clean-up item along with a few other items in the next few months. Staff will also. The proposed development for this site may be going to hearing as early as sometime in March.

- b. Update on Levitt Pavilion and St. James Park Design Competition activities.

*The Parks Director has recently determined that the Protest received by the firm of !Melk/Free to the selection of the CMG Landscape Architecture firm was without merit. The protesting firm has now filed an appeal to the City Council, which is anticipated to be heard by the Council in February.*

- c. Report from Committees
  1. Design Review Subcommittee (Saum)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary.

- d. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [December 7, 2016](#)

**The Commission approved the Action Minutes with a 4-0 vote (Marcotte Absent).**

- e. Status of Circulating Environmental Documents: Negative Declarations  
<http://www.sanjoseca.gov/index.aspx?NID=5317> (Smith Residence) and Draft Environmental Impact Reports <http://www.sanjoseca.gov/index.aspx?NID=5204> (Greyhound Bus Station)

## 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.