



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

May 3, 2017

Regular Session

6:30 p.m.

City Council Chambers

First Floor, 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, 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, Hirst and Raynsford

ABSENT: Commissioner Daniels

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. [HP17-001](#). Historic Preservation Permit to convert 889 square feet of attic space to a family room, including a new dormer on the roof of a City Landmark residence (the Jennyson Residence), located on a 0.16 gross acre site, at 54 South 14th Street. (Barry Del Buono, Owner) located in the Naglee Park Conservation Area. Council District 3. CEQA: Exemption.

PROJECT MANAGER, DIPA CHUNDUR

Recommendation: Recommend Planning Director approval of the Historic Preservation Permit.

Susan Walsh, Historic Preservation Officer, presented the staff report. The Commission asked for a clearer description of the new window design. Maia Gendreau, the applicant's architect explained the design and mentioned that it was patterned after the basement window design. The Commission recommended that the new dormer window be patterned after the design of the other original windows with the same white trim and detailing. Maia agreed that they would be able to revise the window trim to match the original window trim.

The Commissioners also asked whether the windows will be required for egress and Ms. Gendreau stated that the new window would not be used for egress.

There was a motion and second to close the hearing and a motion to recommend that the Planning Director approve the project with the condition that the new dormer window be revised to match the trim and detailing of the original windows on the house. The motion passed with a vote of 4-0.

- b. [HPA14-002-01](#). Historic Preservation Permit Amendment to extend the expiration date of a previously approved Historic Preservation Permit (File No. HP14-002) for two years, to allow the permanent relocation of the First Church of Christ Scientist building (a Contributing Structure to a City Landmark District and a Structure of Merit) to a location 15 feet west of its current location as well as the demolition of the existing church basement and the reconstruction of an underground garage for an associated high-rise building. The Historic Preservation Permit also allowed the rehabilitation and structural upgrades to the First Church of Christ Scientist, and allowed construction within the St. James Historic District consistent with the associated Site Development Permit Amendment (File No. HA14-009-01), located at the northeast corner of North 1st Street and Saint James Street (214 North 1st Street). Council District 3. CEQA: Addendum to the Final Supplemental Environmental Impact Report (EIR) for the Park View Towers Project.

PROJECT MANAGER, EMILY LIPOMA

Recommendation: Recommend Planning Director approval the Historic Preservation Permit.

Emily Lipoma, Supervising Planner, presented the staff report. Tim Willosheen, representing the new owners of the Park View Towers project, introduced Dan Sell with Barry Swenson, the project architect. Dan Sell indicated that they now have a partner on the project, and have made a lot of progress on the plans. They are very close to getting their foundation-only permit, and will be completing the working plans, and expect to get a full building permit soon. They must get their foundation-only permit by December 22, 2017, or they will be required to meet the new building codes.

The Commission was supportive of the project and the time extension, and would just like to get the project started. There was a motion and a second to recommend that the Planning Director approve the project, which passed on a 4-0 vote.

- c. [Approval of the removal of 320 Race Street \(the Mel Cotton's Building\) from the Historic Resources Inventory as an Identified Structure.](#)

Recommendation: Recommend removal of the Mel Cotton's Building from the Historic Resources Inventory pursuant to the recent historic evaluation, which concluded that it does not meet the criteria for listing.

Susan Walsh, presented the staff report and stated that PacSJ has expressed interest in having the Mel Cotton's neon sign donated to History San Jose, and staff said the applicant is willing to donate the sign. Staff revised their recommendation to recommend that the Mel Cotton's site remain on the Historic Resources Inventory.

The Commission indicated that they felt the existing buildings have merit, and would rather have them stay than to have a new Smart and Final built right across from an existing Safeway. They urged the City to think very carefully about the replacement uses.

The Commission has questions about what criteria is used for criteria 6 on the Historic Evaluation tally sheet. Staff indicated the criteria 6 (association with a person or an organization) is detailed and staff said they will send out all of the criteria used for the historic evaluation tally sheet to the commissioners soon.

The Commission asked staff whether they could approve a revised staff recommendation without re-noticing, and staff indicated they should take that action, and if staff finds there are any concerns from the Attorney's Office corrections may be made at the next meeting. (Staff consulted with the City Attorney's Office and Commission's action to approves staff's revised recommendation was appropriate. The Commission may also decide to approve something different than the staff recommendation.)

There was a motion and a second to approve the revised staff recommendation, and a recommendation that the applicant be required to donate the neon Mel Cotton's sign to History San Jose. The motion was approved with a 4-0 vote.

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.

Brian Grayson with PacSJ announced that there will be a San Jose Sign Project Documentary Film, entitled NEON, showing on Sunday, May 21st, at the Improv Theater, at 1:00pm. The sign Guide will also be available for \$10.00. The entry is free with foods and beverages for purchase.

6. GOOD AND WELFARE

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

1. Past Agenda Items: Update on St. James Park Capital Vision and Levitt Pavilion

Staff explained that that on March 7th, the City Council voted unanimously to uphold staff's recommendation to reject the protest, and declared the CMG Landscape Architecture the winning firm in the design competition.

The Council also directed staff to: 1) Reduce the cost for the Master Agreement with CMP for an amount not to exceed \$1,000,000 for the first phase; 2) Prioritize the Levitt Pavilion and the Second Street re-route of vehicles in the first phase; 3) Assist in completing the EIR and bring forward a funding and phasing plan for the design and construction of the entire project.

The contract should be executed soon, after which CMG will work with staff to support the EIR process and the community outreach meetings, and provide design drawings for the Park improvements. Susan will return to update the Commission on the schedule to move the project forward and the EIR. Staff will send out the link to the new newsletter soon.

2. Future Agenda Items: Discussion of HLC Retreat Dates/Times

There will be an HP Permit for a commercial building in the Reed Historic Landmark District on the June HLC agenda and possibly an HP permits for the Bank of America Building and an HP permit for the Municipal Rose Garden. There will be no HLC meeting in July.

Staff said there may 2 new Commissioners joining the HLC in August, after which staff will be planning an HLC retreat. The Commission discussed the possible times for the retreat and decided that Friday afternoon would be the best time. The Commission discussed several ideas for retreat topics.

- b. Summary of communications received by the Historic Landmarks Commission:
- c. Report from Committees
 - 1. Design Review Subcommittee (Saum)
 - Meets the 3rd Wednesday of the month as necessary.
 - No Subcommittee meeting was held in April.*
- d. Approval of Action Minutes

Recommendation: Approval of Action Minutes for the Historic Landmarks Commission Meeting of March 1, 2017.

The Commission approved the Action Minutes with a 4-0 vote (Daniels Absent).
- e. Status of Circulating Environmental Documents:
 - <http://www.sanjoseca.gov/index.aspx?NID=5204> (Greyhound DEIR Responses First Amendment circulating)
 - <http://www.sanjoseca.gov/index.aspx?NID=5295> (Museum Place First Amendment under preparation)

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.