



**HISTORIC LANDMARKS COMMISSION
HEARING SYNOPSIS**

WEDNESDAY DECEMBER 5, 2007

Regular Session

6:00 P.M.

Council Wing, Rooms W-118 & 119
200 East Santa Clara Street
San José, CA

COMMISSION MEMBERS

EDWARD JANKE, AIA, CHAIR
PATRICIA COLOMBE, VICE CHAIR
HELENE LAVELLE SCOTT CUNNINGHAM
DANA PEAK JUDY STABILE
ERIC THACKER

JOSEPH HORWEDEL, DIRECTOR
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

NOTICE TO THE PUBLIC

Good evening, my name is **Ed Janke**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **December 5, 2007** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

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 one minute.*
- 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.

AGENDA
ORDER OF BUSINESS
6:00 PM SESSION

1. ROLL CALL

All present except Chair Janke.

2. 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.

HP07-006. Historic Preservation Permit to allow replacement of existing nonhistoric windows that were previously modified without permits. The project location, a multi-family residential building on a 0.15-acre site at 167 E. Julian Avenue, is a Contributing Structure to the Hensley Historic District.

DEFERRED TO 1-9-08

The matter of deferrals is now closed.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

- a. **APPROVAL OF THE NOVEMBER 7, 2007 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**
- b. **APPROVAL OF THE NOVEMBER 14, 2007 HISTORIC LANDMARKS COMMISSION SYNOPSIS.**

The Consent Calendar is now closed.

APPROVED (6-0-1, Janke absent)

4. PUBLIC HEARINGS

No Public Hearings.

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

a. **Proposed Deaccessions from City Collections.**

Staff Recommendation: Historic Landmarks Commission accept the History San Jose (HSJ) summary statement and recommend approval of the proposed deaccessions in accordance with the HSJ collections management policy.

Monica Tucker, Collections Manager for History San Jose, was present to answer questions. Judi Henderson of Preservation Action Council SJ raised question on Item No. 163, the 718 greeting cards of Marjorie Pierce, and requested clarification on why they were being deaccessioned. Ms. Tucker indicated the decision to remove items is based on whether the item conveys the story or history of San Jose. These cards are generic in nature and do not meet the criteria. Commissioner Lavelle requested clarification on Item 906, the Velda Payne Highland wedding portrait. Ms. Tucker indicated this was not the original portrait but a newspaper clipping which the Mercury News has archived.

STAFF RECOMMENDATION ADOPTED (6-0-1, Janke absent)

- b. **Finding of Effect** (No Adverse Effect) as required by the National Historic Preservation Act (NHPA), for history markers installation within the Public Right of Way along Fifth and Jackson Streets, within a documented National Register eligible Historic District. Applicant: San Jose Redevelopment Agency. Council District: 3. CEQA: Exempt.

Staff Recommendation: Historic Landmarks Commission provide comment on a Finding of Effect to be forwarded to the State Historic Preservation Officer.

Historic Preservation Officer Zarnowitz presented this item indicating the project was before the Commission under review of Section 106 of the National Historic Preservation Act. The input of the Commission was requested prior to submitting a Finding of No Effect to the State Historic Preservation Officer. The project is essentially art work, would be reversible, and the materials would be consistent with the neighborhood.

Peter Geraghty of the Redevelopment Agency addressed the Commission and described the project, which is the placement of historic markers in the form of benches within Japantown. He described the granite benches in depth which will include the etching of pictures, quotations, and game boards. The plan was to install 19 benches; however, funding will allow for the installation of 32 benches. As well, plans are underway to ship one of the benches to San Jose's Sister City, Okayama, Japan.

Leslie Magunaga, representing Japantown Community Congress, reported they have been working closely with the Redevelopment Agency on this project and are very supportive of adding the benches as historic markers.

MOTION TO PROVIDE COMMISSION'S COMMENT OF FINDING OF NO EFFECT TO THE STATE HISTORIC PRESERVATION OFFICER ADOPTED (6-0-1, Janke absent)

- c. **DEIR for Park View Towers Project** located on north side of East St. James Street between North First and North Second Streets, within Downtown San Jose (H05-029, HP05-002, HP05-003). The project includes the demolition of two attached commercial structures (including Letcher's Garage), rehabilitation of an existing building (the First Church of Christ Scientist), and the construction of two new tower structures.

Staff Recommendation: Historic Landmarks Commission consider appointing a representative to speak at the Planning Commission hearing considering certification of the DEIR.

Principal Environmental Planner Akoni Danielsen indicated the Commission's letter has been received. The Director of Planning is in the process of preparing a First Amendment that responds to the revisions that would be in the final EIR. The item is anticipated to be heard before the Planning Commission on 1/16/08. The First Amendment to the final EIR should be available by 1/4/08.

Commission discussion addressed the timeline and the ability of the Commission to review and comment on the First Amendment prior to the 1/16/08 Planning Commission meeting. The Commission concluded a Special Meeting combined with the DRC on 1/9/08 at noon would provide the best venue for considering the item, and consensus was that Commissioner Stabile would represent the HLC before the Planning Commission on 1/16/08.

MOTION THAT A SPECIAL MEETING OF THE HLC BE SCHEDULED ON 1/9/08 AT 12:00 NOON TO CONSIDER THE RESPONSE OF THE DIRECTOR OF PLANNING TO THE HLC'S 11/14/07 LETTER; AND THAT COMMISSIONER STABILE REPRESENT THE HLC AT THE EIR PLANNING COMMISSION HEARING ADOPTED. (6-0-1, Janke absent)

- d. **DEIR for Coleman Avenue/Autumn Street Improvements (PP06-166)**. The project for which the EIR is being prepared will widen Coleman Avenue to six lanes between Hedding Street and Autumn Street, a distance of approximately 0.8 mile. The segment of Coleman Avenue is currently four lanes. North of Hedding Street, Coleman Avenue has recently been widened to six lanes as part of the I-880/Coleman Avenue Interchange Improvement Project. The project will widen, partially realign, and extend Autumn Street between Coleman Avenue and Park Avenue, a distance of approximately 1.1 miles. Autumn Street currently varies from two to three lanes and terminates north of Julian Street.

Staff Recommendation: Historic Landmarks Commission to provide comment and authorize the HLC Chair to sign a DEIR comment letter on behalf of the commission, to the Director of Planning, Building and Code Enforcement.

Continued from 11-14-07

Commissioner Colombe inquired about moving Master Metal Works on the current site and the alternative of realigning Autumn Street to save Foreman's Arena Building. Staff indicated this was included in the mitigation measures discussed on page 40-44 of the EIR. Commissioner Colombe also questioned if the evaluation the Commission had requested on the houses that would be impacted by the realignment had been addressed. Staff indicated the information would be

included in the technical reports and would be added to the text of the final EIR. Commissioner Stabile requested that in the future a presentation of projects of this size be made to the Commissioners prior to reading the EIR. She also indicated the red dot designation contained within the EIR was confusing and it was unclear what buildings would be impacted. Staff noted for the record that the EIR was presented and discussed at the 11-14-07 HLC Special meeting. Commissioners recommended changes to sentence structure and letter format.

MOTION THAT COMMISSIONER PEAK WORK WITH STAFF TO FINALIZE A LETTER TO THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT REFLECTING THE COMMISSION'S COMMENTS; AND THAT COMMISSIONER PEAK BE AUTHORIZED TO SIGN THE LETTER ON BEHALF OF THE CHAIR. (6-0-1, Janke absent)

6. PETITIONS AND COMMUNICATIONS

Public comments to the Historic Landmarks Commission on non-agendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda
- a. Public Comment
 - b. Commission to consider cancellation of the Special January 9, 2008 HLC hearing
The Commission elected to convene a Special Meeting of the HLC on January 9, 2008.

7. GOOD AND WELFARE

- a. **Report from the Redevelopment Agency.**
- b. **Report from the Secretary.**
 1. Status of Circulation of Environmental Review Documents
<http://www.sanjoseca.gov/planning/eir/>
 - Demolition of the San José Medical Center DEIR
NOP distributed July 7, 2007
 - PDC06-094 Morrisson Park Planned Development Rezoning
 - Japantown Corporation Yard
September 2007 NOP Distribution
 2. Status of previous HLC Recommendations on Referrals to City Council, Boards, Commissions, and Other Agencies.
 - PDC06-100. 744 Morse Street Planned Development Rezoning
PD Rezoning and PD Permit for relocation approved.
PD Permit for new construction to be referred to DRC.
 - Stephen's Meat Products Building Construction Contract for Demolition
September 11, 2007 Redevelopment Agency Board

HLC to consider addition of sign to HRI in 2008

c. Report from Committees.

1. History San José Collections Committee
Commissioner Stabile, Liaison – *No report.*
2. Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee.
Commissioner Cunningham, Liaison – *No report. The Task Force did not meet in November.*
3. Japantown Survey Committee.
Commissioner Lavelle, Liaison – *No report.*
4. Pellier Park Committee.
Vice Chair Colombe, Liaison – *Item to be agendized once construction drawings are received.*
5. City of San José BART extension, Design, Art & Architecture Review.
Chair Janke, Liaison – *No report.*

d. Report from Historic Landmarks Commission Subcommittees.

1. Design Review Committee (DRC).
Commissioners Janke, Colombe and Cunningham, members
11-14-07 Report
The Ryland Pool remodel and rehabilitation was addressed at the 11/14/07 meeting, with specific discussion on the materials, ramp and platform. See 11-14-07 DRC Synopsis
2. GP Update Taskforce Progress Report
Vice Chair Colombe and Commissioner Thacker – *Next scheduled meeting 12/17/07.*

8. ADJOURNMENT

Akoni Danielsen noted the meeting was the last of the year 2007. He thanked the Commissioners for their dedication and commitment toward preservation in San Jose and for their preparation for and participation in the HLC meetings.

2007 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
No Meeting in January		Regular Meeting	
January 9, 2007	12:00 p.m.	DRC/HLC Special Meeting	Room T-550
January 26, 2007	12:00 p.m. – 4:30 p.m.	HLC Retreat	Room T-1654
February 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
February 21, 2007	12:00 p.m.	Special Meeting/DRC Subcommittee	Room T-550
March 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
March 21, 2007	12:00 p.m.	Special Meeting	Room T-550
April 4, 2007	5:00 p.m.	Special Session	Room T-332
April 4, 2007	6:00 p.m.	Regular Meeting	Room W118/119
April 18, 2007	12:00 p.m.	Design Review Subcommittee	No Meeting
May 2, 2007	5:30 p.m.	Regular Meeting (Early Start Time)	Room W118/119
May 16, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
June 6, 2007	6:00 p.m.	Regular Meeting	Room W118/119
June 20, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
July 11, 2007	6:00 p.m.	Regular Meeting	Room W120
July 18, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
August 1, 2007	6:00 p.m.	Regular Meeting	Room W118/119
August 15, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
September 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
September 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
October 3, 2007	6:00 p.m.	Regular Meeting	Room W118/119
October 17, 2007	12:00 p.m.	Cancelled	Room T-550
November 2, 2007	11:30 a.m.	Retreat	15480 Union Ave.
November 7, 2007	6:00 p.m.	Regular Meeting	Room W118/119
November 14, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
December 1, 2007	10:00 a.m.	Tour	1650 Senter Rd./201 N. Market St.
December 5, 2007	6:00 p.m.	Regular Meeting	Room W118/119
December 19, 2007	12:00 p.m.	Design Review Subcommittee	Room T-550
January 9, 2008	12:00 p.m.	Special Meeting and Design Review Subcommittee	Room T-550

HISTORIC LANDMARKS AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/historic.asp>

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.