



HISTORIC LANDMARKS COMMISSION HEARING AGENDA

Study Session

Mid-Century Modernism (Part III)
4:45 p.m. – Room T-334

Wednesday, December 2, 2009

Regular Session

6:00 P.M.

Council Wing, Rooms W-118 & W-119

200 East Santa Clara Street
San José, CA

Commission Members

Patricia Colombe, Chair
Dana Peak, Vice Chair
Heather Jackson Steven Cohen
Tania Nunez Robert Abatecola

Joseph Horwedel, 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 Laura Ciccarello at 408-535-7813 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
6:00 P.M. Session

ROLL CALL

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.

- a. **Ordinance Revision:** Review and comment on two ordinances of the City of San Jose amending Title 13 and Title 20 of the San Jose Municipal Code to allow: planning review of proposals to demolish older single-family homes; a revised definition for the term “demolition”; a streamlined designation process for conservation areas; and a pre-designation protection for conservation areas. (Deferred from the 11/4/09 meeting) Council District: Citywide. SNI: All. CEQA: Exempt.
Project Manager, Hadasa Lev

STAFF RECOMMENDATION: DEFER TO THE 2/3/10 HLC MEETING.

2. 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.

No Items

The following items are considered individually:

3. PUBLIC HEARINGS

HISTORIC LANDMARK DESIGNATIONS/HISTORICAL PROPERTY CONTRACTS

- a. **MA09-007.** The application being considered is for a Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property for the Tommie Smith House (HL08-181) on a 0.19-acre site located at 55 N. 11th Street. The proposed contract, which is available to owners of designated City Landmark buildings, would facilitate a property tax reassessment and partial tax relief in return for a binding agreement to rehabilitate and maintain the historical and architectural character of the property for at least a ten-year period. (continued from 11/4/2009) James F. Cox, property owner. Council District 3. SNI: University. CEQA: Exempt. *Project Manager, Lori Moniz*

- b. [HL09-180](#). Historical Landmark Designation of the "Ken Ying Low Restaurant" located on a 0.09 acre site on the west side of N. Sixth Street, approximately 140 feet north of Jackson Street (625 N. Sixth Street) (Natalia T. Davidenko, Trustee, Owner). Council District 3. SNI: None. CEQA: Not a Project. *Project Manager, Lori Moniz*

HISTORIC PRESERVATION PERMITS

- c. [HP09-006](#). Historic Preservation Permit to allow the construction of additional pathways across the Peralta Adobe Plaza, new fencing around the Peralta Adobe site, and the use of kiosks and temporary seating on a 0.5 acre site in the DC Downtown Core Zoning District located on the southerly side of W. Saint John Street, approximately 150 feet west of San Pedro Street (180 W. Saint John Street) (City of San Jose, Owner/ San Pedro Square Urban Developers, Applicant). Council District 3. SNI: None. CEQA: Addendum to the Downtown Strategy Plan EIR. *Project Manager, John Davidson*.

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

DIRECTOR OF PLANNING

- a. [CP09-054, A Conditional Use Permit associated with HP09-006, item 3.c.](#): Review and comment on a Conditional Use Permit for the construction of an Urban Public Market on a 1.09 gross acre site containing a public facility (Peralta Adobe) in the DC Downtown Commercial zoning district. Council District: 3. SNI: N/A. CEQA: Addendum to the Downtown Strategy Plan. *Project Manager, Sally Zarnowitz*

5. OPEN FORUM

- a. Summary of communications received by the Historic Landmarks Commission
1. HLC Correspondence
- b. 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.

6. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council
1. Update on salvaged materials storage and cataloging from the Donner-Houghton house, File HP09-004.
- b. Commissioners' report from Committees:

1. Design Review Subcommittee (Colombe, Peak and Cohen)
Meets the 3rd Wednesday of the month as necessary

[Review minutes and report](#)

2. History San José Collections Committee (Jackson)
Meets the 2nd Thursday of every 3rd month at 12 noon

Report

3. GP Update Task Force Progress Report (Colombe and Cohen)

Report

- c. [Review of 10/6/09](#) and [11/4/09 HLC Meeting Reports](#).

- d. [Adoption of Fiscal Year 2009-2010 Work Plan](#).

- e. Discuss length of Historic Landmarks Commission Retreat and possible retreat topics.

Possible topics:

- Recently completed surveys
- Survey priorities
- The Secretary of the Interior's Standards
- How the Zoning Ordinance and the Historic Preservation Ordinance complement each other

- f. Status of Circulation of Environmental Review Documents

<http://www.sanjoseca.gov/planning/eir/>

- g. 2009-2010 Fiscal Year Study Session Dates and Topics

1. September 2, 2009 – Mid-Century Modernism (Part III) (cancelled)
2. October 7, 2009 – Distinctive Neighborhood Program Update
3. November 4, 2009 – Historic Landmarks Commission 2009-2010 Work Program
4. December 2, 2009 – Mid-Century Modernism (Part III)
5. January 29, 2010 – HLC Retreat

ADJOURNMENT

2009 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
February 4, 2009	6:00 p.m.	Regular Meeting (Cancelled)	Room W118-119
February 6, 2009	8:00 a.m.	Retreat	T-1446
February 18, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
<i>March 4, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part I)</i>	<i>Room T-332</i>
March 4, 2009	6:00 p.m.	Regular Meeting	Room W118-119
March 18, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
April 1, 2009	6:00 p.m.	Regular Meeting (Cancelled – lacked quorum)	Room W118-119
April 15, 2009	12:00 p.m.	Design Review Subcommittee (Cancelled)	Room T-644
<i>May 6, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part II)</i>	<i>Room T-332</i>
May 6, 2009	6:00 p.m.	Regular Meeting	Room W118-119
May 20, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
June 3, 2009	6:00 p.m.	Regular Meeting	Room W118-119
June 24, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
August 5, 2009	6:00 p.m.	Regular Meeting	Room W118-119
August 19, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
<i>September, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Mid-Century Modernism (Part III)</i>	<i>Room T-332</i>
September 2, 2009	6:00 p.m.	Regular Meeting	Room W118-119
September 16, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
<i>October 7, 2009</i>	<i>4:45 p.m.</i>	<i>Study Session</i> <i>Distinctive Neighborhood Program</i>	<i>Room T-332</i>
October 7, 2009	6:00 p.m.	Regular Meeting	Room W118-119
October 21, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
November 4, 2009	6:00 p.m.	Regular Meeting	Room W118-119
November 18, 2009	12:00 p.m.	Peralta Adobe Site Visit	At the site
December 2, 2009	6:00 p.m.	Regular Meeting	Room W118-119
December 16, 2009	12:00 p.m.	Design Review Subcommittee	Room T-644
January 29, 2010	TBD	Retreat	TBD

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.