

HISTORIC LANDMARKS COMMISSION

Meeting Report

December 2, 2009

ROLL CALL

PRESENT: Commissioners Colombe, Cohen, Jackson, Nunez, Abatecola

ABSENT: Peak

VACANCIES: One

STAFF: Environmental Principal Planner Darryl Boyd, Historic Preservation Senior Planner John Davidson, Historic Preservation Planner Lori Moniz, Deputy City Attorney Rosa Tsongtaarii.

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.

DEFERRED 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*

FOUND THE PROPOSED CONTRACT TO BE CONSISTENT WITH THE GENERAL PLAN, USING THE AMENDED PRESERVATION AGREEMENT PRESENTED AT THE MEETING; FOUND THAT THE PROPOSED CONTRACT WOULD PROVIDE GREATER PROTECTION FOR THE LANDMARK PROPERTY THAN IS OTHERWISE PROVIDED IN THE PROVISIONS OF MUNICIPAL CODE SECTION 13.48, AND FOUND THAT THE PROPOSED CONTRACT COMPLIES WITH THE REQUIRED PROVISIONS FOR HISTORICAL PROPERTY CONTRACTS, AND RECOMMENDED APPROVAL OF THE PROPOSED HISTORICAL PROPERTY CONTRACT TO THE CITY COUNCIL (5-0-1; PEAK ABSENT)

- 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*

FOUND THE PROPERTY TO BE A LANDMARK OF SPECIAL HISTORIC, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST, OR VALUE OF A HISTORIC NATURE AND RECOMMENDED APPROVAL OF THE PROPOSED LANDMARK DESIGNATION TO THE DIRECTOR OF PLANNING. (5-0-1; PEAK ABSENT)

HISTORIC PRESERVATION PERMITS

- a. [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*.

FOUND THAT THE PROPOSED WORK CONFORMS TO THE SECRETARY OF THE INTERIOR'S STANDARDS, AND RECOMMENDED APPROVAL OF HP09-006 TO THE DIRECTOR OF PLANNING, WITH THE FOLLOWING RECOMMENDATIONS:

1. **RETAIN INTERPRETIVE ELEMENTS ON-SITE IN AN APPROPRIATE LOCATION;**
2. **PROVIDE A GREEN WALL ON THE EAST FACE OF THE LUSARDI BUILDING;**
3. **EXPLORE WAYS TO BREAK UP THE SCALE OF THE EAST FACE OF THE LUSARDI BUILDING;**
4. **KEEP AREA B (AS SHOWN ON THE SITE PLAN) CLEAR OF FORMAL ACTIVITY AND OBJECTS;**
5. **RETAIN THE MAGNOLIA TREES WHERE POSSIBLE; AND**
6. **AN EFFORT BE MADE OF EVALUATING ALTERNATIVES THAT SOME GOOD BE MADE OF THE REMOVAL OF THE CORNER OF THE PERALTA ADOBE.**

(5-0-1; PEAK ABSENT)

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*

RECOMMENDED APPROVAL OF THE PROJECT.

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.

NO PROGRESS BY APPLICANT ON COMPLIANCE WITH CONDITION; STAFF TO PREPARE NOTICE OF NON-COMPLIANCE AND REPORT BACK AT THE 2/3/10 HLC MEETING.

- 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

ACCEPTED WITH TWO ADDITIONS TO THE REPORT (5-0-1, PEAK ABSENT)

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

DISTRIBUTED 11/23 GP UPDATE MEETING HISTORIC PRESERVATION GOALS AND POLICIES FOR LATER DISCUSSION (FEBRUARY 2010 HLC MEETING).

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

ACCEPTED.

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

ADDED TO THE HLC RETREAT.

- e. Discuss length of Historic Landmarks Commission Retreat and possible retreat 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
- Adoption of the FY 2009-2010 Work Plan
- Budget cuts, and how they affect preservation (surveys, façade grants) (Planning and RDA)
- Status of the General Plan

STAFF TO POLL HLC ON LENGTH AND DATE OF RETREAT.

- 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) (cancelled)
5. January 29, 2010 – HLC Retreat
6. February 3, 2010 – History San Jose
7. March 3, 2010 – Mid-Century Modernism (Part III)
8. April 1, 2010 – Japantown walking tour

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	Peralta Adobe
November 18, 2009	1:00 p.m.	Design Review Subcommittee	Room T-334
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

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