



**HISTORIC LANDMARKS COMMISSION  
HEARING**

**SYNOPSIS**

**Wednesday, November 7, 2012**

**Regular Session**

**6:00 p.m.**

**San Jose City Hall, Wing Room 120**

**200 East Santa Clara Street**

**San José, CA**

**Commission Members**

**Patricia Colombe, Chair**

**Steven Cohen, Vice Chair**

**Ramiro Torres**

**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 Carmen Stanley at 408-535-7856 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

All Commissioners Present (Abatecola arrived at 6:15 p.m.)

### 1. DEFERRALS

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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

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#### 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

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a. The projects being considered are located at 255 N. 5<sup>th</sup> Street for the “Burns House” (Steve Cohen, dba Mojmir Properties, LLC, owner). Council District 3. SNI: 13<sup>th</sup> Street. CEQA: Exempt.

1. [HL12-204](#). Historical Landmark Nomination to designate the “Burns House” as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and

The Commission recommended approval (3-0-1-1, Cohen recused and Abatecola absent)

2. [MA12-004](#). Historic Property contract (California Mills Act) between the City of San Jose and the property owners for the subject property.

The Commission recommended approval with the changes to Exhibit C identified by the property owner (3-0-1-1, Cohen recused and Abatecola absent)

b. The projects being considered are located at 494 S. Cypress Avenue for the “Caputo House” (Krista Van Laan, owner). Council District 1. SNI: n/a. CEQA: Exempt.

1. [HL12-205](#). Historical Landmark Nomination to designate the “Caputo House” as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and

The Commission recommended approval (5-0)

2. [MA12-005](#). **Historic Property contract (California Mills Act) between the City of San Jose and the property owners for the subject property.**

The Commission recommended approval (5-0)

- c. **The projects being considered are located at 1305 Martin Avenue for the “Croft House” (Michael Brandeberry, owner). Council District 6. SNI: n/a. CEQA: Exempt.**

1. [HL12-206](#). **Historical Landmark Nomination to designate the “Croft House” as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and**

The Commission recommended approval (5-0)

2. [MA12-006](#). **Historic Property contract (California Mills Act) between the City of San Jose and the property owners for the subject property.**

The Commission recommended approval with changes to Exhibit C (5-0)

- d. **The projects being considered are located at 499 E. Reed Street for the “Ruddick Triplex” (Carol Cobb, owner). Council District 3. SNI: University. CEQA: Exempt.**

1. [HL12-207](#). **Historical Landmark Nomination to designate the “Ruddick Triplex” as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and**

The Commission recommended approval (5-0)

2. [MA12-007](#). **Historic Property contract (California Mills Act) between the City of San Jose and the property owners for the subject property.**

The Commission recommended approval (5-0)

- e. **The projects being considered are located at 225 Sequoia Avenue for the “Pomeroy House” (Deborah Arant and Richard Nieset, owners). Council District 6. SNI: n/a. CEQA: Exempt.**

1. [HL12-208](#). **Historical Landmark Nomination to designate the “Pomeroy House” as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature, and**

The Commission recommended approval (5-0)

2. [MA12-008](#). **Historic Property contract (California Mills Act) between the City of San Jose and the property owners for the subject property.**

The Commission recommended approval (5-0)

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

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No Items

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

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- a. Summary of communications received by the Historic Landmarks Commission

1. **Potential Rescission of Historic Landmark Designation for the Wehner Mansion (HS87-44)**

The Commission expressed opposition to the possible rescission of the designation and suggested that the property should obtain a Mills Act contract. The Commission expressed interest in visiting the Landmark at the invitation of The Villages.

- 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**

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

- 1. Future Agenda Items
- 2. Verbal Report on Historic Mitigation for Axis Condominiums.

**Confirmation from the Axis design team that the required location is feasible on the curtain wall.**

- 3. Preliminary Development Applications of Potential Interest to the Historic Landmarks Commission

**One South Market and Orchard Supply off of San Carlos are pending preliminary applications.**

- b. Continue discussion regarding the Remillard/Dandini House and the Smith House (Colombe).

**No new information. A historic consultant offered to do a report pro bono to assist with the Historic Landmark application.**

- c. Continue discussion of the Tommie Smith House and its compliance with its Mills Act Contract.  
**Staff provided an update.**

- d. Continue discussion of 2013 Photo Contest.

**PAC\*SJ will handle fundraising for this event.**

- e. Discuss History San José Collections

**Tour needs to be scheduled for the Commission.**

- f. Report from Committees

- 1. Design Review Subcommittee (Colombe and Cohen)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary

**The Subcommittee will be invited to the design meetings with the Architectural Review Committee, applicant, and other stakeholders.**

- g. Approval of 2013 Meeting Schedule: All Commission meetings to start at 6 p.m. in City Hall Wing Room 118: February 6, May 1, September 4 and November 6, 2013.

**Approved (5-0).**

- h. Review of the [7/18/12 Meeting Report](#) and [9/05/12 Meeting Report](#)

**Approved (5-0).**

- i. Status of Circulation of Environmental Review Documents

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

j. Next Meeting: February 6, 2013 at 6 p.m. at San Jose City Hall, Wing Room 118.

**ADJOURNMENT in honor of Judi Henderson**

# 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.