



**HISTORIC LANDMARKS COMMISSION
HEARING AGENDA**

Wednesday, August 5, 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, Vice Chair
Dana Peak 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 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, 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

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. **HP09-002:** Historic Preservation Permit to convert an existing single-family residence to a two-family residence, allow an addition to the rear of the building, additional windows and door to the side elevations, site improvements and demolition of an existing garage on a 0.145 gross acre site within the Hensley City Landmark Historic District, in the R-M Zoning District, located on the east side of N. Third Street, approximately 120 feet southerly of E. Empire Street (474 N. Third Street) (Constancia L. Marcos Trustee, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. *Project Manager, Hadasa Lev. Continued from 6/3/09.*

STAFF RECOMMENDATION: Defer to September 2, 2009 per applicant's request.

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.

None

The following items are considered individually:

3. PUBLIC HEARINGS

- a. **HP09-003** – Historic Preservation Permit to allow a rehabilitation of an existing non-contributing single-family residence in the Hensley Historic Landmark District including an addition to the front and rear of the structure, replacement of all non-original windows, doors and wood siding and the removal of an unpermitted accessory structure at the rear of a 0.06 gross acre site, in the R-M Zoning District, located at 235 Washington Street (Saeid Assadi, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. *Project Manager, Hadasa Lev.* **PLANS**

STAFF RECOMMENDATION: Historic Landmarks Commission find that the proposed work conforms to Your Old House Design Guidelines and recommend approval to the Director of Planning.

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

DIRECTOR OF PLANNING

- a. **Ordinance Revision:** Review and comment on a proposed ordinance amending Part 2 of Chapter 13.48 of title 13 (The Historic Preservation Ordinance) of the San José Municipal code, entitled “Designation,” to revise Section 13.48.110.C to allow the City Council greater discretion on whether to initiate the procedure for the designation of a landmark so nominated. CEQA: Not a Project. *Project Manager, Lori Moniz.*
Continued from 6/3/09.

STAFF RECOMMENDATION: Historic Landmarks Commission recommend approval of the ordinance revision as recommended by staff.

REDEVELOPMENT AGENCY

None.

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. [Distribution of By-laws.](#)
 2. Selection of Election Subcommittee
 3. [Distribution of Work Plan and selection of subcommittee members.](#)
 5. Excused absence for Commissioner Nunez for the October 7, 2009 meeting.
 6. Update to Commission regarding the Palomar Ballroom.
 7. Report on stakeholder meetings regarding historic preservation ordinance and procedures.
- b. Commissioners' report from Committees:
 1. Design Review Subcommittee (Colombe, Cohen and Peak)
Meets the 3rd Wednesday of the month as necessary
[Review of DRC 6/24/09 Synopsis](#)
 2. History San José Collections Committee (Jackson)
Meets the 2nd Thursday of every 3rd month at 12 noon
Report
 3. Japantown Survey Committee (Inactive)
 4. GP Update Task Force Progress Report (Colombe and Cohen)
[Discussion of General Plan 2040 Passages that address Historic Resources or might appropriately address Historic Resources.](#)
Continued from 6/3/09.
- c. [Review of 6/3/09 HLC Meeting Report.](#)
- d. Status of Circulation of Environmental Review Documents
<http://www.sanjoseca.gov/planning/eir/>
- e. 2008 – 2009 Fiscal Year Study Session Dates and Topics
 - 1) November 5, 2008 – Distinctive Neighborhood Program
 - 2) February 6, 2009 – HLC Retreat
 - 3) March 4, 2009 – Mid-Century Modernism (Part I)
 - 4) May 6, 2009 – Mid-Century Modernism (Part II)
 - 5) September 2, 2009 – Mid-Century Modernism (Part III)
 - 6) October 7, 2009 – Distinctive Neighborhood Program Update

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 17, 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.	Design Review Subcommittee	Room T-644
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>

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.