



HISTORIC LANDMARKS COMMISSION

SYNOPSIS

Wednesday, November 6, 2013

Regular Session

6:00 p.m.

San Jose City Hall, Wing Room 120

200 East Santa Clara Street

San José, CA

Commission Members

Steven Cohen, Chair

Tania Nunez, Vice Chair

Robert Abatecola

Marilyn Messina

Edward Saum

Max Schultz

Ramiro Torres

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

All Commissioners present except Commissioner Schultz

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.

No Items

2. CONSENT CALENDAR

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

3. PUBLIC HEARINGS

The following items are considered individually:

- a. The projects being considered are located at **197 South 13th Street** for the “Dr. Kapp House” (Kim Aldridge, owner):
1. **HL13-211**. Historical Landmark Nomination to designate the "Dr. Kapp House" as a landmark of special historic, architectural, cultural, aesthetic or engineering interest, or value of a historic nature; and
 2. **MA13-003**. Historical Property Contract (California Mills Act contract) between the City of San Jose and the owners of the subject property. Council District 3. CEQA: Exempt.

Recommendation: Recommend that the City Council approve both HL13-211 and MA13-003.

Staff recommendations approved with two separate motions, 6-0-1, Schultz absent

- b. [HP13-002](#). Historic Preservation Permit to demolish an existing 1-story classroom and administrative building adjacent to Five Wounds Catholic Church and construct a 19,450 square foot 2-story high school building, and adjust existing walkways and landscaping on a 3.65 gross acre site, in the LI Light Industrial and CG Commercial General Zoning Districts, located at the northeasterly corner of E. Santa Clara Street and N. 28th Street (1375 E. Santa Clara St.) (Roman Catholic Bishop Of San Jose). Council District 3. CEQA: Exempt: Class 32, In-fill Development Projects.

Recommendation: Recommend that the Planning Director approve HP13-002.

Staff recommendation approved, 6-0-1, Schultz absent

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

No Items

5. OPEN FORUM

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

None

- 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.

Sue Cuccuza spoke about her progress in the renovation of the Remillard House and she invited the Commissioners to tour the property.

Brian Grayson (PAC*SJ) asked the Commission to consider nominating the Century 21 Theatre as a City Landmark.

6. GOOD AND WELFARE

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

1. Verbal Report on Historic Mitigation for Feed and Fuel and Nola.

Public comment on the need for the Feed and Fuel plaque to acknowledge that the oldest part of the building dates back prior to 1890, its role as a place for food and drink for over one century, its use as a “mile” house between San Jose and New Almaden, and the portico design relates to the Quicksilver Mining Company and the mine era.

2. Future Agenda Items

Staff reviewed the criteria for Commission agenda items. The Commission requested an update on the Kelley House and clarification if the Symphony student housing project should have been referred to the Commission.

- b. Continue discussion regarding the Willow Glen Trestle.

After a community presentation and comments, the Commission commented that if the Trestle had been brought to them earlier in the process, they would have considered it “landmark worthy.”

- c. Continue discussion regarding Mills Act issues and possible follow up with the County Assessor’s Office.

The Commission was pleased to learn that the County Assessor is visiting Mills Act properties.

- d. Continue discussion regarding the Rucker Mansion.

The Commission complimented Code Enforcement for encouraging the property owner to clean up the site.

- e. Continue discussion of 2014 Photo Contest.

No chair has been identified for the Contest.

- f. Report from Committees

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

No report

- g. Approval of the [9/4/13 Synopsis](#)

Approved, 6-0-1, Schultz absent

- h. Status of Circulation of Environmental Review Documents
<http://www.sanjoseca.gov/index.aspx?NID=2165>

- i. Approval of 2014 Calendar: February 5, May 7, September 3, and November 5, 2014.

Approved, 6-0-1, Schultz absent

- j. Add a Historic Landmark Commission meeting for November 25, 2013.

Approved, 6-0-1, Schultz absent

ADJOURNMENT

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.