



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**June 7, 2017**

**Regular Session**

**6:30 p.m.**

**Council Chambers**

First Floor, City Hall Wing  
200 East Santa Clara Street  
San José, CA 95113

### **Commission Members**

**Edward Saum, Chair**

**Joshua Marcotte, Vice Chair**

**Melissa Daniels**

**Eric Hirst**

**Anthony Raynsford**

**Harriett Arnold**

**Rosalynn Hughey, Interim 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 Jennifer Provedor at 408-535-3505 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:**

PRESENT: Commissioners Saum, Marcotte, Daniels, Hirst and Arnold

ABSENT: Commissioner Raynsford

Susan Walsh, the Historic Preservation Officer, welcomed two new Commissioners, Steve Polcyn and Harriett Arnold, who were just appointed by the City Council. She stated that Harriet has been sworn in already and will sit on the Commission tonight. Steve's term will begin on July 1, 2017, and after he is sworn in he will sit on the Commission at the next meeting in August. She congratulated Chairperson Edward Saum, who was also appointed by the City Council for another term from 7/1/17 to 6/30/21.

**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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The consent calendar items are considered 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.

- a. **HP16-005 and CP15-083.** Historic Preservation Permit and Conditional Use Permit to construct a 360-square foot addition to an existing mixed-use building (the "Neighbors Building"), that is a non-contributing structure located in the Reed Historic Landmark District, on a .15 gross-acre site, at 265 East William Street (Lu Tan S and Du Anh K Trustee). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(e)(1) for Existing Facilities.

*PROJECT MANAGER, EDWARD SCHREINER*

**Recommendation:** Recommend that the Planning Director approve the Historic Preservation Permit.

**The Commission approved this item with a unanimous vote.**

**3. PUBLIC HEARINGS**

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No Items

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

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No Items

#### 5. OPEN FORUM

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- a. 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.

**Larry Ames, with the Friends of the Willow Glen Trestle, stated that on May 10, 2017, the State Historic Resources Commission voted to approve the listing of the Willow Glen Trestle on the State Historic Register.**

#### 6. GOOD AND WELFARE

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

**Since there will be no HLC meeting in July, the next meeting will be on August 2, 2017. Chair Saum asked when the Commission will hold elections for the new chairperson and vice chairperson, and staff indicated that the Commission will discuss elections in August.**

- b. Discussion Regarding Brown Act and General Meeting Procedures, guidelines for quorums, recusals, and off-site meetings. Commissioners Q & A (Rosa Tsongtaatarii, City Attorney's Office)

**Senior Deputy City Attorney Tsongtaatari provided an overview of the Brown Act requirements and stated that under the Brown Act commissioners should not talk to property owners or their agents about projects or have discussions with other commissioners. All the Historic Landmarks Commission's deliberations are required to be public.**

**She stated that commissioners who own property within 500 feet of a project on the agenda should recuse themselves and leave the room for the discussion and the vote. If there are questions regarding recusals commissioners may request advice from the City Attorney's Office. Staff indicated that the Rosenberg's Rules of Order are in their HLC binders.**

- c. Discussion Historic Evaluation Criteria/tally. (Franklin Maggi, Archives and Architecture)

**Franklin Maggi presented an overview of how the criteria and the tally should be used and responded to Commissioner's questions. Staff indicated that a copy of the Historic Evaluation Criteria and the rating system is in their HLC binders.**

- d. Changes/Corrections to the Historic Resources Inventory (Historic Preservation Officer)  
**Staff stated that there are no changes or corrections to the Inventory.**

e. Future Agenda Items:

Greater Gardner Survey Process/Update; Bank of America and Municipal Rose Garden Historic Preservation Permit

**The Greater Gardner Survey Update has been started, and Franklin Maggi is working on updating the historic surveys that were done earlier. Staff will provide a more formal update on the process and the next steps at the August meeting, and Franklin will also provide an update on where they are with their survey work.**

**If the Bank of America Historic Preservation Permit is submitted soon it may be considered at the August HLC meeting. There has been no permit submitted yet for the proposed upgrades to the Municipal Rose Garden.**

f. Summary of communications received by the Historic Landmarks Commission:

g. Report from Committees

Design Review Subcommittee (Saum)

Meets the 3<sup>rd</sup> Wednesday of the month as necessary.

**There will be no HLC Design Sub-Committee meeting in June, and the next Design Review Sub-Committee meeting will be on July 19, 2017.**

h. Action minutes

**Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [May 3, 2017](#)

**The Commission voted unanimously to approve the Action Minutes for May 3, 2017.**

## 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.