

HISTORIC LANDMARKS COMMISSION

March 1, 2023

Action Minutes

WELCOME

Meeting called to order at 6:35 p.m.

ROLL CALL

Present: Commissioners Boehm, Raynsford, Arnold, Ayala and Camuso

Absent: Janke and Royer

1. DEFERRALS

No Items

2. CONSENT CALENDAR

No Items

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/historic-landmarks-commission>

3. PUBLIC HEARINGS

- a. **HL22-003 & MA22-003**: HL22-003: Application for designation of 619 N. First Street as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature. MA22-003: Application for Historical Property (Mills Act) Contract for 619 N. First Street between the City of San José and the property owner located on the westside of First Street, 120 feet northerly of Hobson Street (J Stanford Investments LLC, Owner). Council District: 3. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation.
PROJECT MANAGER, RINA SHAH

STAFF RECOMMENDATION: STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION RECOMMEND TO THE CITY COUNCIL THAT:

- 1. ADOPT A RESOLUTION DESIGNATING 619 N. FIRST STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF AN HISTORIC NATURE; AND**
- 2. ADOPT A RESOLUTION APPROVING THE HISTORICAL PROPERTY (MILLS ACT) CONTRACT BETWEEN THE CITY OF SAN JOSÉ AND PROPERTY OWNER JAMILA STANFORD FOR THE PROPERTY LOCATED AT 619 N. FIRST STREET.**

Chairman Boehm introduced the item and Rina Shah, Project Manager, provided a brief overview of the project. The applicant, Jamila Stanford provided brief comments. She commented that she is interested in preserving the look, feel and culture of the building because it is so unique in its design and craftsmanship.

Chairman Boehm called for questions.

Vice Chairman Raynsford inquired about the order of the items in the 10-year plan and how the items in the Year 4 and Year 5 relate to the maintenance of the historic integrity of the house. Jamila Stanford responded that she tried to map out a plan based on the current condition of the building. She commented that she based the work items on the present state of various elements of the building and what she anticipates would need to be addressed over their lifespan. Ms. Stanford stated for example in 5 years, it is likely that some repairs or upgrades to the electrical system would be needed, but there may need to be some flexibility in the timing because the HVAC system could go out tomorrow and that would need to be addressed earlier.

Commissioner Ayala inquired whether applications for landmark designation and a Mills Act contract are always linked together or could standalone applications be submitted. Chairman Boehm responded that from his experience they are usually linked together, but both applications are not required. He noted many property owners do concurrently apply for a Mills Act contract because of the costs required to maintain a landmark building. Vice Chair Raynsford pointed out that a building must be a landmark to be eligible for a Mills Act contract. It was clarified that contributing properties in a city landmark district are not eligible for a Mills Act contract.

Commissioner Camuso noted that work on the windows is proposed in Year 8 and inquired about the state of the windows, what specific work is proposed, and how the windows would be repaired or replaced. He noted the windows appear to retain their original wavy glass which is an important feature of a landmark building. Ms. Stanford responded that some of the windows may need to be repaired (crack in the glass of one window) and she is aware of the special type of glass in the windows he She stated that she would find a contractor or company that specializes in these types of windows and glass. Ms. Stanford commented that the work would be based on the specific conditions and what would need to be replaced or repaired.

Chairman Boehm inquired whether the building was originally constructed as a duplex and Ms. Shah responded it has been used as a house and a duplex, and it is currently used for commercial purposes (office). Chairman Boehm expressed appreciation for the commitment to install a bronze plaque and inquired when Ms. Stanford purchased the property. Ms. Stanford responded that the property was purchased in May 2019 and is used commercially as offices.

Public comment was received as follows:

*Ben Leech, Preservation Action Council San Jose (PAC*SJ), expressed strong support of the applicant and all property owners that take the initiative to designate their property a historic landmark. He expressed support for a Mills Act contract for a commercial property on a corridor where there are a lot of former residences that have been successfully converted to commercial uses. Mr. Leech commented that the property is a positive recognition of the potential of adaptive reuse where buildings constructed for one purpose can be adapted for another purpose and can continue to contribute to the vitality of the street.*

*Mike Sodergren, PAC*SJ, expressed support of the applications and the financial incentive. He inquired if Santa Clara County can reject a Mills Act request. Dana Peak Edwards, Historic Preservation Officer (HPO), responded that applications are approved by the City Council and the role of the county is to merely recalculate the property taxes.*

Paul Soto commented that the house is a gem and congratulated the applicant on the ownership of the house which is a part of the history of San José. He noted the property is located across the street from Peter Burnett's house at 441 North 1st Street. Mr. Soto asked for the consideration of the area where the wood to build the house came from. He commented that the wood on the house that was so artfully crafted came from Native American lands and the aesthetic beauty was bought at a price. Mr. Soto commented that the Mills Act is a privilege extended to people who have wealth and the Chicano, by force of law, did not have that opportunity.

Commissioner Raynsford commented that the house is an unusual example of architectural design by Wolfe and Higgins inspired by Japanese architecture and international culture, and he related that to its location adjacent to Japantown.

Commissioner Ayala made a motion to recommend approval of the staff recommendations to the City Council to adopt the resolutions for City Landmark designation and a Mills Act Contract for 619 North 1st Street. The motion was seconded by Vice Chairman Raynsford and approved 5-0-2, Commissioners Royer and Janke absent.

4. PLANNING REFERRALS

No Items

5. GENERAL BUSINESS

a. [Additions to the Historic Resource Inventory.](#)

PROJECT MANAGER, DANA PEAK EDWARDS

STAFF RECOMMENDATION: STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION ADD THE FOLLOWING PROPERTIES TO THE CITY OF SAN JOSÉ HISTORIC RESOURCES INVENTORY AS IDENTIFIED STRUCTURES (IS):

1. 266 RACE STREET (APN 261-41-099)
2. 792 EAST JULIAN STREET (APN 467-04-074)
3. 1280 THE ALAMEDA (APN 261-02-034)
4. 710 WILLOW STREET (APN 434-01-021)
5. 870 FOREST RIDGE DRIVE (APN 381-51-094)
6. 1031 FRANQUETTE AVENUE (APN 439-17-026)
7. 1510-1528 ALUM ROCK AVENUE (APN 481-14-003)
8. 2445 FONTAINE ROAD (APN 670-01-035)
9. 759 WEST SAN CARLOS STREET (APN 261-39-005)

*Chairman Boehm introduced the item and Dana Peak Edwards, HPO, provided a brief overview of the proposal to add properties to the Historic Resources Inventory (HRI). She noted the proposal implements the San José City Council's adopted Historic Survey Strategy to proactively identify historic resources and to update the HRI to allow the City to preserve more historic structures. Ms. Peak Edwards stated there are a total of nine properties proposed for listing in the HRI as Identified Structures. She reported that seven of the properties suggested for inclusion in the HRI were identified by Ben Leech, the Executive Director of PAC*SJ, one property (Dr. Ernesto Galarza House, 1031 Franquette Avenue) suggested for inclusion in the HRI was identified by Dr. Ramon Martinez, Founding Secretary of LaRaza Historical Society (through April Halberstadt) one property (870 Forest Ridge Drive, Layhodie House) suggested for inclusion in the HRI was identified by Daryl Lee, a student in a Santa Clara Valley history class (Campbell Adult and Community Education) taught by Paul Boehm, Chairman of the HLC. Ms. Peak Edwards stated that after independent research, review, and concurrence by the HPO, the suggested properties are recommended by the HPO for inclusion in the HRI as Identified Structures. She noted that Identified Structures are flagged for the purposes of development and environmental review as having the potential to be significant under local, state and/or national criteria and generally have not been formally documented and evaluated by a qualified historic resources consultant. Ms. Peak Edwards stated that the listings for potential significance are based on a visual assessment and evaluation that the buildings retain historic integrity and research*

sources available online. She reported that Planning staff mailed written notice on February 10, 2023 to the property owners and occupants of the buildings recommended for listing in the HRI and staff was contacted by the property owners of 1280 The Alameda and 759 West San Carlos Street. Ms. Peak Edwards noted that written correspondence was received from those property owners stating opposition to the proposed listings of their property in the HRI.

Commissioner Ayala noted that Ernesto Galarza was an important Mexican American labor activist well known in the state and the nation for his contributions to the American Federation of Labor.

Commissioner Raynsford noted that the style of the Dr. Galarza house is also interesting (resemblance to Usonian houses) and there could be architectural significance as well.

Public comment was received as follows:

Laura Petrizzo (comments provided by her sister Judith), owner of 1031 Franquette Avenue, commented that she had owned the property since March 1996 and has built up equity on the property which is her nest egg. She noted that she bought the house as a sound investment knowing that she would likely sell it to take care of herself. Ms. Petrizzo commented that the house needed a lot of work and when the property is sold, new owners would likely consider the house a teardown since the house is located on a quarter of an acre lot. She commented the value is in the property, not the house, because there are not many original homes left on Franquette Avenue. Ms. Petrizzo commented that not many buyers would be willing to take on the house repairs because there is termite damage, and it needs to be replumbed and there is no heat. She noted that Galarza means a lot to the community. Ms. Petrizzo stated that changes have been made to the house, including new windows and a new driveway and inquired whether the house could be torn down if it were listed in the HRI. Ms. Peak Edwards responded that a Single-Family House Permit would be required for exterior changes to the house and proposed demolition would be subject to a review process. Ms. Shah commented that a DPR form/historic report would be required and the City would conduct review under the California Environmental Quality Act. Ms. Petrizzo noted that the Galarzas were the original owners, and she is the second owner. Ms. Petrizzo commented that she thought Galarza lived most of his life in Sacramento.

*Ben Leech, PAC*SJ, noted that PAC*SJ did provide recommendations for seven of the properties proposed for listing in the HRI and offered to answer any questions about those properties. He commented that part of the role of PAC*SJ is to change the narrative that there is not a population of buyers for historic houses. Mr. Leech noted the architectural style of the house and that it could be Usonian or an Eichler which has market desirability. He encouraged recognizing the historic significance of the property and noted that listing does have implications for the owner, but listing would not be a dead end when selling the property.*

*Mike Sodergren, PAC*SJ, recalled the listing in the HRI of the Low Rider magazine offices and how much public support it received, and commented that there is a connection between passion and financials. He noted that PAC*SJ has work to do to dispel the perception that listing in the HRI or landmark designation is a dead end. Mr. Sodergren expressed hope that the listing in the HRI would bring the property added value.*

Dan Fortune, owner of 759 West San Carlos Street, commented that his family (the Fortunes) owns the property (one-half acre with 15,000 square feet of buildings) and leased the building for 40 years to Sam's Downtown Feed and Grain. He noted that the business owner retired and vacated the building, and it is the family's intent to develop the property with the highest and best use in a manner that would complement the neighborhood. Mr. Fortune noted other surrounding new development and commented that the family would like to move forward with similar development to make the neighborhood more dynamic.

Bertram Burns, owner of 1280 The Alameda, commented that the retail building is a concrete slab structure and is of no particular historic significance. He commented that he did not see a basis for the proposed listing in the HRI and noted that the building is attached to another insignificant frame and stucco retail building which has three sides. Mr. Burns noted that his family owned the building for 75 years and was shocked to learn of the proposed listing in the HRI. He expressed objection to the listing.

Paul Soto commented that it is an honor to be a part of history and the acknowledgement of the Ernesto Galarza house. He commented that Galarza was the first acknowledged Mexicano from the establishment because he went to Stanford University and he used that platform to inform sociologists, historians, and political scientists on how to articulate the issues that impacts Los Campesinos and Los Braceros and what became Los Chicanos. Mr. Soto commented that the Lima Family mortuary is at the crossroads of the Horseshoe and the West Side because it is near Bird Avenue which was the dividing line. He commented that as a boy he enjoyed seeing the Christmas lights on this side of town where the rich people lived and did not understand at the time why these things were not in his neighborhood. Mr. Soto commented that he learned later that it was because the color of his skin and his culture, and that beauty can be evil. He commented that Willow Street is sacrosanct, and it needs to be preserved as a historic district.

Mary Fortune, owner of 759 West San Carlos Street, confirmed comments made by her brother Dan Fortune and commented that the closure of Sam's Downtown Feed and Grain is a big loss. She commented that her family would appreciate support of the proposed new development path for the property.

Lilian Koenig commented that she is passionate about the preservation of older ordinance-size and established trees on property proposed to be developed. She inquired about the Historic Landmark Commission's position on the historic value of trees on those properties. Ms. Peak Edwards responded that the setting of a property is documented and evaluated as part of a historic resource evaluation, and this may include old trees which can be considered a significant feature to the property.

Commissioner discussion focused on 1510-1528 Alum Rock Avenue and 2445 Fontaine Road. Commissioner Arnold commented on the location of the properties and the minimal representation of properties on the HRI on the east side of Highway 101, and emphasized the history and culture of the properties, rather than the architecture. It was noted that the façade of 1510-1528 Alum Rock Avenue has been changed, but the building is a representation of an early retail strip mall with upper floor residential units.

Commissioner Camuso made a motion to approve the staff recommendations to add the following properties to the HRI as Identified Structures: 266 Race Street (APN 261-41-099); 792 East Julian Street (APN 467-04-074); 1280 The Alameda (APN 261-02-034); 710 Willow Street (APN 434-01-021); 1508-1528 Alum Rock Avenue (APN 481-14-003);

2445 Fontaine Road (APN 670-01-035); 759 W San Carlos Street (APN 261-39-005); 1031 Franquette Avenue (APN 439-17-026); and 870 Forest Ridge Drive (APN 381-51-094). The motion was seconded by Commissioner Ayala and approved 5-0-2, Commissioners Royer and Janke absent.

b. **Certified Local Government Report for 2021-2022.**

PROJECT MANAGER, DANA PEAK EDWARDS

STAFF RECOMMENDATION: ACCEPT THE CERTIFIED LOCAL GOVERNMENT PROGRAM ANNUAL REPORT TO THE STATE OFFICE OF HISTORIC PRESERVATION FOR THE REPORTING PERIOD FROM OCTOBER 1, 2021 TO SEPTEMBER 30, 2022.

Chairman Boehm introduced the item and Dana Peak Edwards, HPO, provided a brief overview of the draft Certified Local Government (CLG) Report for the October 1, 2021 to September 30, 2022 reporting period. Ms. Peak Edwards noted that the report includes information about any historic preservation ordinance amendments or revisions; new local landmark designations; historic preservation general plan provisions; design review; California Environmental Quality Act and Section 106 responsibilities; commission membership and staff qualifications; commissioner meeting attendance; training received; historic context, survey and inventory accomplishments; public participation; and information for annual product reports for CLGs that is prepared by the National Park Service. She stated the HLC is required to review the annual report prior to submittal to the Office of Historic Preservation (OHP) by March 31, 2023.

Chairman Boehm commented that on Page 5 of the report it should be noted that he and Vice Chairman Raynsford were appointed to second terms. He referred to Page 10 and inquired if any historic districts were designated. Vice Chairman Raynsford inquired about the inclusion of the North Willow Glen Conservation Area and proposed demolition by neglect changes to the Historic Preservation Ordinance. Ms. Peak Edwards noted that it is too early to submit the ordinance information because it is not ready for OHP review.

Public comment was received as follows:

Paul Soto commented that there needs to be a discussion about racial equity within the context of the HLC. He commented that it needs to be discussed as a policy issue that can be used as a resource.

Vice Chairman Raynsford made a motion to accept the draft CLG Report. The motion was seconded by Commissioner Arnold and approved 5-0-2, Commissioners Royer and Janke absent.

c. **Annual Workplan Goals.**

STAFF RECOMMENDATIONS:

I. REPORT FROM THE HISTORIC PRESERVATION MONTH/PRESERVATION AWARDS NIGHT STANDING COMMITTEE.

Chairman Boehm commented that there was no report from the Historic Preservation Month/Preservation Awards Night Standing Committee, but he noted that the Advisory Group held a meeting and Edward Saum provided a verbal update on their

work (email report provided as well). Chairman Boehm noted that the next Advisory Group meeting would be on March 17, 2023 and the Advisory Group will be providing a recommendation to the Standing Committee, which would forward the recommendation to the HLC for consideration.

Public comment was received as follows:

Paul Soto inquired why racial equity is not part of the decision-making process. He commented that a policy should be adopted.

Commissioner Ayala commented that the public comment raised a good question about how the HLC ensures racial equity within its processes like HRI additions and landmark designations. She suggested that it could be a topic of discussion at the HLC Annual Retreat, and a policy could be drafted for City Council adoption.

Commissioner Ayala inquired how the HLC could make itself more accountable to ensure that the whole city is represented in the HRI. Chairman Boehm commented that the Standing Committee for the Recognition of Culturally Diverse Properties has been created and a work plan developed to help address the need. Commissioner Arnold commented that the four-year work plan is focused on identifying historical places of cultural significance that meet the significance criteria rather than race or color. She noted that Los Angeles has a big population of different ethnic groups, but their historic context work was conducted through the prism of cultural significance. Commissioner Arnold also commented that more information about the survey and designation processes needs to be provided to the community.

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

No Items

7. OPEN FORUM

Chairman Boehm stated that he will be meeting, along with Ben Leech, Mike Sodergren and Dana Peak Edwards, with Council member Rosemary Kamei on March 6, 2023 about 1065 South Winchester Street and the possibility of relocating the structures on the property a local park or another site. Mike Sodergren also provided information on the potential relocation.

Vice Chairman Raynsford noted that there is a typo on the DPR forms for 619 North 1st Street at the bottom of Page 4 - it says the eighteenth century when it should say the nineteenth century.

Chairman Boehm announced a lecture on March 4, 2023 being hosted by the California Pioneers about the Schiele Alameda Park subdivisions at the Three Flames Restaurant.

Paul Soto commented that it is disrespectful to call a Chicano by a name other than a Chicano, like a person of color or a disadvantaged group.

8. GOOD AND WELFARE

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

- i. Verbal update on the status of Planning project approvals with a historic resource component by the City Council, Planning Commission and Planning Director.

Dana Peak Edwards reported that the Planning Commission considered the 19 North 2nd Street Mixed Use on February 22, 2023 and forwarded a recommendation to the City Council to approve the project, and the City Council voted to adopt a resolution certifying the Environmental Impact Report for the 1881 West San Carlos Project and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Plan, approving a pre-zoning ordinance, and adopting a resolution initiating proceedings and scheduling March 28, 2023, for City Council consideration of the reorganization of territory designated as Burbank No. 44. Chairman Boehm inquired whether the Planning Commission voted to recommend approval of the HLC's recommendation. Ms. Peak Edwards responded that staff's recommendation to approve the hardship is being forwarded to the City Council with a recommendation to include the HLC's condition to preserve additional character-defining features of the building.

- ii. Summary of communications received by the Historic Landmarks Commission.
No communication received that was not related to an agenda item.

b. Report from Committees

- i. **Design Review Subcommittee: No meeting held on February 16, 2023. Next meeting on Thursday, March 16, 2023 at 11:00 a.m.**

No reports.

c. Approval of Action Minutes

- d. Recommendation: [Approval of Action Minutes for the Historic Landmarks Commission Meeting of February 1, 2023.](#)**

Chairman Boehm referred to Page 4 and noted that it should be stated the HLC rejected the hardship request. He referred to Page 8 and stated that the response from the HPO to Bowman Kong should be included in the minutes to provide proactive information. Chairman Boehm also noted that on Page 8 the timeline for nominating an award winner in April or no later than May should be included. He noted that on Page 10 reference should be made to the S.T.O.P program. Vice Chairman Raynsford commented that it is important to state by the HLC rejected the hardship request. He recalled saying that the hardship request puts the HLC in an impossible position because financial analysis is not the expertise of the commission and this is an important point to be stated for the record. Commissioner Camuso made a motion to approve the Action Minutes as amended. The motion was seconded by Vice Chairman Raynsford and approved 5-0-2, Commissioners Royer and Janke absent.

e. Status of Circulating Environmental Documents

No items

ADJOURNMENT

Meeting adjourned at 8:55 p.m.