

## HISTORIC LANDMARKS COMMISSION

November 3, 2021

**AMENDED**  
Action Minutes

### WELCOME

*Meeting called to order at 6:31 p.m.*

### ROLL CALL

*Present: Commissioners Boehm, Raynsford, Nestle, and Royer*

*Absent: Commissioner Arnold*

## 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 request to speak in the manner specified on p. 2 of this agenda.

**No Items**

## 2. CONSENT CALENDAR

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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 wishes to speak on one of these items, please use the 'raise hand' feature in Zoom or contact 408-535-3505 to request to speak.

**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

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- a. **HP21-008:** Historic Preservation Permit to allow the rehabilitation of the exterior of the house including the roof, eaves, gutters, walls and trim material, porches, railings and balusters, stairs, balconies, sunroom, windows and doors and alterations to the porte cochere for a designated City Landmark, the Wehner Mansion, located at 7871 Prestwick Circle.

*PROJECT MANAGERS, RINA SHAH*

**Staff Recommendation:** Staff recommends that the Historic Landmarks Commission:

1. Consider an exemption in accordance with CEQA Guidelines Section 15301 for Existing Facilities and Section 15331 for Historical Resource Restoration/Rehabilitation; and
2. Find the proposed project will not be detrimental to the City Landmark and will be consistent with the spirit and purposes of the Historic Preservation Ordinance; and
3. Recommend approval of the Historic Preservation Permit File No. HP21-008 to the Director of Planning, Building and Code Enforcement.

*Chair Boehm introduced the item and Rina Shah, Project Manager.*

*Rina Shah provided a slide presentation with a general overview of the project and staff report, and staff recommendation. She stated the application for the Historic Preservation Permit is for the rehabilitation of the exterior of the house including the roof, eaves, gutters, walls and trim material, porches, railings and balusters, stairs, balconies, sunroom, windows and doors and alterations to the porte cochere. Ms. Shah stated that the Wehner Mansion was built circa 1889 for William Wehner and designed in 1888 by Richard Burnham of the prominent Chicago architectural firm Burnham and Root. She stated the two-story house has a full basement, and two accessory structures, a summer kitchen and a garden house. Ms. Shah noted the Wehner Mansion was designated a City Landmark on October 17, 1989 for its association with William Wehner and the Wehner family for their contributions to the wine industry in the late nineteenth century and for its distinct Shingle style architecture. She noted the character-defining features of the house are its irregular building form, steeply pitched hipped roof and dormer windows, two-story turret with conical roof, wood shingle roofing and wall cladding, projecting porches and porte cochere, round arches, double-hung wood windows, doors and trim. Ms. Shah stated the Wehner Mansion is located on a 1.97 gross acre site on the southwest corner of Prestwick Circle and Beltane Drive. She noted the site is situated within The Villages Golf and Country Club area, in the southwest foothills of San José, and is surrounded by residential housing, a park, country club and open space. Ms. Shah noted the property has a General Plan Land Use/Transportation Diagram designation of Residential Neighborhood and is located in a R-1-1(PD) Planned Development Zoning District. She noted the project is consistent with General Plan goals and policies because it would rehabilitate the Wehner Mansion, a designated City Landmark, and the house would be utilized for its historic use as a residential property. Ms. Shah stated the project would maintain the historic integrity and character-defining features of the house and would be conducted in conformance with the Secretary*

*of the Interior's Standards for Rehabilitation. She outlined the staff recommendation and introduced the project architect, John Frolli.*

*John Frolli provided a slide presentation and introduced the project. He stated that the Wehner Mansion is located at 7871 Preswick Circle and is situated in the gated community of The Villages in the Evergreen area. Mr. Frolli outlined the designation history and historic significance of the property, and its zoning designation. He stated that the Wehner family established vineyards on the property and built the estate known as Blue Hills. Mr. Frolli noted the winery and vineyard was sold to Albert Haenze by 1915 and it was closed due to prohibition in 1918. He stated that the property was sold to the Cribari family who operated the winery until 1959, when it was leased to Mirassou Winery until the 1970s or 1980s. Mr. Frolli stated the Craighead family purchased the estate in the 1990s and made some repairs, but many deteriorated areas were not addressed. He noted the current owner is Art Calderon, who intends to rehabilitate the house by doing repairs, safety and structural stability work, and to bring back the porches to their original condition (balconies, railings, steps). Mr. Frolli noted it is Mr. Calderon's intent to occupy the Wehner Mansion as a single-family house. He stated the design of the house is a late Victorian Shingle style and described the character-defining features. Mr. Frolli noted the condition of the house is outlined in the project plans and discussed the proposed work. He stated the only proposed change is to the porte cochere which would be extended approximately 18 inches to accommodate modern vehicles. Mr. Frolli stated the proportions of the arch would be maintained as closely as possible to relate to other arches present on the house, and other design details (upper railing) would be replicated. He summarized the project by stating the primary intent is to preserve the shell of the building and restore the exterior before moving on to the interior work.*

*Chair Boehm opened the floor to Commissioner questions.*

*Commissioner Nestle had no questions.*

*Commissioner Royer inquired whether the intent is to repair first and then replace in-kind to match the existing historical material. John Frolli stated her understanding of the intent was correct. Commissioner Royer inquired about the condition of the windows, whether they are the original windows and are any planned for replacement. Mr. Frolli responded the windows are generally in good condition - many are still functioning, some are nailed shut, some are missing glass - and the approach would be to engage a window restoration contractor to repair the windows as required to restore their function.*

*Vice Chair Raynsford commented that it is an excellent project and it is important to keep the building from deteriorating. He inquired about the extension of the porte cochere and how the proportion of the arch would be maintained. John Frolli responded that the arch would flatten slightly because the desire was not to raise that area; however, the arch would be of the same nature as the other varied arches on the house and the proportions would fall within the range of what is existing on the house. Vice Chair Raynsford recommended the arch maintain a smooth transition and not have the appearance of segmental arch. Mr. Frolli responded that the relationship between the top of the arch and the belt line would be maintained, and the relationship would remain constant. He noted the arches on the sunroom are wider and the new arch of the porte cochere would be similar and maintain a common proportion with the house.*

*Chair Boehm opened the public hearing.*

*Paul Soto from the Horseshoe stated he was glad there were people interested in the project with an affinity for history. He noted he could relate to the duty and responsibility the Commission has to preserve this piece of San José history. Mr. Soto inquired how the 761 acres of land became available for Mr. Wehner to purchase and suggested that the community should be challenged to answer the question. He suggested that on one hand there is talk about equity and diversity inclusion and on the other hand history is being sanitized and romanticized. Mr. Soto asserted that the conditions Mexican workers lived under at the time that allowed the house to be built, are not addressed.*

*Louann Partridge stated that she lived on Beltane and wondered what would happen to the outbuildings on the property and wondered about utilities and how the sewage would be handled. John Frolli responded that there is interest in restoring the outbuildings, but noted the focus is on the rehabilitation of the exterior of the house. He commented there is a lot of work to be done on the entire property, but he noted that no future work will be done without City review. Mr. Frolli noted the utilities need work (electrical panel, sewer hook-up, plumbing).*

*Mike Sodergren, Preservation Action Council San Jose (PAC\*SJ), noted it is always good news when a landmark is proposed for preservation. He expressed support for the activation of the house and the intent to occupy the house as a residence. Mr. Sodergren commented the gated community setting has protected the building from fire and vandalism. He inquired how the public would be able to view the property from outside the gated community to experience and enjoy it. Mr. Sodergren inquired if the property is a Mills Act contract candidate and if the property owner had any plans to apply for a contract. He ended his comments by thanking the Calderon family.*

*Diana Hallock stated she lives in The Villages community and has been observing the house since 1968 when her grandparents first considered moving to the community when it was being built. She noted that the community has a homeowner's association that needs to review all exterior changes to the property and inquired if the property owner had begun working with the architectural review committee. Ms. Hallock expressed her excitement about the renovation. John Frolli noted that he understood that many Villages residents are interested in the house, and he expressed appreciation for their support. He noted that the surrounding community helped protect the house from fire and vandalism. Mr. Frolli stated that the project team would be interfacing with the homeowner's association, but he noted the house is a private residence. He commented that the team would be restoring the house to what it used to look like and would discuss the project with all involved parties, but he expressed concern about being bogged down by multiple approval processes.*

*Camille Giuliodibari was unable to unmute her device to speak.*

*Commissioner Nestle made a motion to close the public hearing. The motion was seconded by Vice Chairman Raynsford and the motion was approved (4-0-1), Commissioner Arnold absent.*

*Chair Boehm called for commissioner comments.*

*Commissioner Nestle commented that the Wehner Mansion is an incredible property and it would be great if the public could, on occasion, be provided access to the property to learn about its history. He noted it is an educational opportunity. John Frolli responded that typically a plaque or an interpretative sign is done for City Landmark properties,*

which is a possibility to entertain and discuss with the property owner. He noted it would be a personal decision for the owners, but the first step would be to restore the house.

Commissioner Royer expressed appreciation for the work and effort required to secure the building and put it back together. She commented that she assumed the details, such as the materiality and replacing materials in-kind, would be discussed with City staff.

Vice Chairman Raynsford commented that it is a magnificent house and an important building. He noted there is not a lot of knowledge about Burnham and Root buildings in San José and he suggested that the information could be made available on the internet to make the public aware.

Chairman Boehm commented on the impressiveness of the building and its deteriorated condition. He expressed excitement about the proposal to restore the building and to use it as a residence. Chairman Boehm inquired whether a Mills Act contract is proposed. Mr. Frolli commented that he was encouraging the property owner to apply for a Mills Act contract. He noted it is an educational process for property owners to understand how it can benefit them. Chair Boehm commented on the gated community and public access with regard to the Mills Act. He suggested that the restoration be shared with the media (television). John Frolli responded that there are a lot of tools of that nature available and they would consider all suggestions.

A motion was made by Vice Chairman Raynsford to recommend approval of the staff recommendation. The motion was seconded by Commissioner Royer and approved 4-0-1, Commissioner Arnold absent.

#### **4. EARLY REFERRALS UNDER CITY COUNCIL POLICY**

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- a. [CP20-020, C20-011, T20-016 and Annexation \(Burbank 44\)](#): Conditional Use Permit, Conventional Pre-Zoning and Rezoning, Tentative Map and annexation to allow a 7-story, 209,522-square foot mixed-use development consisting of a 246-bed Residential Care Facility for the Elderly, 61 multi-family residential condominium units, 6,000 square-foot ground floor retail condominium units and alternative parking (stackers) on a 1.23-gross acre site located at 1881, 1883, 1891 and 1899 West San Carlos Street and 13 and 17 Boston Avenue.

**PROJECT MANAGERS, ANGELA WANG AND REEMA MAHAMOOD**

**Staff Recommendation:** Provide comments to staff on the historic resources analysis to be included in the California Environmental Quality Act (CEQA) documentation for the West San Carlos Project (CP20-020, C20-011, T20-016 and Annexation).

Chair Boehm introduced the item and the project managers, Angela Wang and Reema Mahamood. As the Historic Preservation Officer, Dana Peak provided an overview of the historic analysis of the project. She stated that the West San Carlos Project is a proposed mixed-use development consisting of an Elderly Residential Care Facility, multi-family residential units, and ground-floor retail that involves a pre-zoning of five properties to the CP Commercial Pedestrian zoning district; rezoning of one parcel from the R-M Multiple Residence District to the CP Commercial Pedestrian District; merging the existing lots into one lot and subdivision; and annexation of five properties from the County of Santa Clara to the City of San José. Ms. Peak stated that the City is preparing an Environmental Impact Report (EIR) for the project under the California Environmental Quality Act (CEQA). She reported that as part of the EIR, significant

*impacts including air quality, noise and vibration, and transportation are being addressed. Ms. Peak noted the EIR will also address impacts to Cultural Resources because the site proposes the demolition of all existing structures on site and staff has concluded that two of the properties on site should be treated as historical resources under CEQA. She stated the commercial buildings on site, known as Antiques Row, are identified as one of the key destinations within the West San Carlos Urban Village Plan and are character-defining elements of West San Carlos Street.*

*Ms. Peak stated that as part of the CEQA analysis, a historical evaluation was prepared by Archaeological Resource Management (ARM) that evaluated the four properties within the project site. She reported that the consultant historical evaluation concluded that the buildings on the project site are ineligible for listing in the National Register of Historic Places, the California Register of Historic Resources, and the City of San José Historic Resources Inventory. Ms. Peak stated that staff review of the historical evaluation concluded that two of the buildings on the project site – (1883-1887 West San Carlos and 1891-1895 West San Carlos Street) meet the designation criteria for Candidate City Landmarks under Criteria 1, 4, and 5. She noted these buildings are one of the few remaining commercial buildings on West San Carlos Street that represent the early twentieth-century development of Burbank, prior to the rapid industrialization of San Jose in the Post World-War II era. Ms. Peak stated the buildings are not examples of "high-style" architecture, but the modest interpretations of the architectural styles popular at the time are representative of that era of history and the people that lived in the Burbank community in the early twentieth century.*

*Ms. Peak reported that the information was presented to inform that Historic Landmarks Commission (HLC) that ARM and the City of San José maintain a difference in expert opinion on the eligibility of 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street as a historical resource under CEQA. She noted that when there is disagreement among expert opinion supported by the facts over the significance of an effect on the environment, the Lead Agency (the City of San José) treats the effect as significant and the EIR will summarize the main points of disagreement with a good faith effort at full disclosure. Ms. Peak stated that the EIR will discuss impacts to historic resources identified, in addition to any feasible mitigation measures to address those impacts. She noted the HLC would have the opportunity to review the draft EIR document during the public review and comment period. Ms. Peak stated the HLC may provide comments to staff on the historic resource evaluations and eligibility of the properties on the project site as historical resources under CEQA and provide any recommendations on information that should be included in the CEQA analysis of the proposed project. She noted that the project applicant and historic resources consultant were available to answer any questions and introduced the project applicant, Sal Caruso. Ms. Peak clarified that review of the project by the HLC does not include project design.*

*Mr. Caruso presented a slide show of the project and reviewed the context of the site. He responded to staff's conclusion that 1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street meet the designation criteria as Candidate City Landmarks under Criteria 1, 4, and 5. Mr. Caruso commented that the property is not a contiguous or a central part of Burbank, and the site is detached and part of a composition of 1950s and 1960s buildings with 1990s renovations. He stated he is a preservationist and the architect for the Poor House Bistro reviewed by the HLC in October. Mr. Caruso commented that there is no documentation that the property is an area of interest and that there are no longer antiques businesses in "Antiques Row." He asserted that the*

*bricks and mortar antiques business is no longer sustainable. Mr. Caruso commented that the poor style of Art Deco used on the building is basic and minor, and not an exemplary form of architectural style. Doug Jones, ARM, reiterated the comments of Mr. Caruso and stated that the findings of ARM did not appear to demonstrate that the property has character, interest or value on the federal, state or local level and any interest at the local level is minor. Mr. Jones noted that the property appeared to be economically significant only for that immediate vicinity, and although it was associated with Italian American owners, there was no strong association with Italian American cultural life in the area.*

*Chair Boehm opened the floor to Commissioner questions.*

*Commissioner Nestle did not have any questions.*

*Commissioner Royer inquired whether maintaining the existing buildings was considered. Mr. Caruso stated that the density and square footages envisioned in the West San Carlos neighborhood plan could not be achieved by preserving the buildings on site. She inquired whether consideration was given to maintaining portions of the buildings and reducing the footprint of the project. Mr. Caruso stated that the project team looked at retaining one or two of the buildings, but it was determined that would have a significant impact on the project objectives.*

*Vice Chairman Raynsford agreed that the surrounding context is not significant, but he suggested that the buildings on the project site are the best remaining example in the area and they are proposed to be demolished. Mr. Caruso asserted that the design of the proposed building incorporates blade signs, bay windows, recessed entries, and tile wainscoting that was historically present in the existing buildings and these reinterpreted design elements are more detailed and aesthetically pleasing. He noted that the existing buildings are decayed and obsolete. Vice Chairman Raynsford discussed a prior comment by Mr. Caruso that Antiques Row was a specialized shopping district that is obsolete and no longer viable. Vice Chairman Raynsford noted that he researched the immediate area and identified several antiques stores that appear to be in business and inquired if Mr. Caruso could support his claim with evidence. Mr. Caruso stated that he thought several of those businesses were vacated, but that he did not know. Vice Chairman Raynsford inquired if consideration had been given to incorporating the existing streetscape, at least abstractly, and creating a retail environment where one or more of the current businesses on site could occupy the new development. Mr. Caruso stated that most of the ground floor is retail space facing West San Carlos Street. Vice Chairman Raynsford inquired about the purpose of the annexation. Mr. Caruso responded that the site is located in the sphere of influence of San José and is required to be annexed in order to be redeveloped.*

*Chairman Boehm referred to the staff memorandum and he noted that the site contains buildings constructed in the 1920s that are proposed for demolition. He noted that the building at 1891-1893 West San Carlos Street was built circa 1925 and inquired if that information was correct. Ms. Peak stated the information was taken from the historic report prepared by ARM and the DPR forms were part of the staff memorandum. Chairman Boehm inquired because Mr. Caruso did not mention any buildings from the 1920s. Chairman Boehm noted that on page 5 of the staff memorandum there is a photograph of a two-story building and he did not see that building in Mr. Caruso's slide presentation. Mr. Caruso stated that the building was shown in the first slide.*

*Chair Boehm opened public comment.*

*Paul Soto from the Horseshoe commented that he is a citizen, sixth generation Chicano and California native with family birth certificates dating back to 1821. He noted that his ancestors built the Mission San Diego and were field workers that were exposed to pesticides. Mr. Soto asserted that developers try to circumvent the democratic process by leveraging their influence and destroying areas in the city he values. He stated he is proud that his brother graduated of Lincoln High School despite the redlining practices prevalent in the neighborhood. Mr. Soto commented that gentrification should not be legitimized, and the appropriate processes should be followed.*

*Mike Sodergren, PAC\*SJ, commented that the DPR forms document two buildings built in 1925 (1883-1887 West San Carlos Street and 1891-1895 West San Carlos Street) and the buildings are still present on the site. He noted they represent the interwar period between World War I and World War II and early commerce and pointed out the DPR forms indicate significant community engagement (trades) at those locations. Mr. Sodergren was pleased that one of the commissioners inquired about the existing businesses on the project site and noted it was unlikely that the Antiques Colony would be able to afford space in the new development. He recommended including the existing businesses in the development. Mr. Sodergren expressed gratitude for the City's position (disagreement of expert opinion) and expressed concern that the historic consultant did not recognize the historic fabric on site. He noted that significance is not tied to beauty or condition. Mr. Sodergren recommended the properties be listed in the Historic Resources Inventory and asserted that demolition should be mitigated financially.*

*Lynne Stephenson commented that the site is an iconic strip along West San Carlos Street. She commented that the photographs shown by the applicant did not do the buildings justice and did not display the character of the buildings. Ms. Stephenson believed the West San Carlos Street businesses that vacated did so during the pandemic, and the businesses may have been afraid that forthcoming redevelopment would displace them. She noted the site is located in the Burbank area and the school is down the street. Ms. Stephenson pointed out that the site very much part of the Burbank neighborhood even though it is not located on Bascom Avenue. She commented that the area is a minority area with lower income, and people patronize the neighborhood shops. Ms. Stephenson asserted that this portion of West San Carlos Street should be preserved.*

*Chair Boehm closed public comment and called for commissioner comments.*

*Commissioner Royer noted that she lives close to the site and drives and walks by frequently. She stated that it is vibrant with operating businesses and agreed that the buildings have significance. She stated that the buildings depict the commercial development of West San Carlos Street and represent eras that are no longer represented on the street. Commissioner Royer asserted that the context photograph shown supports the idea that the buildings are even more significant because other early development on West San Carlos Street has been demolished or significantly altered. Commissioner Royer stated that the buildings are important to preserve and are significant on the local level as vernacular examples and historical development of Burbank. She asserted the significance should include three buildings, including 1881 West San Carlos Street.*

*Commissioner Nestle spent several hours walking up and down the street and commented that the buildings on the project site are in a state of disrepair and decay. He noted that the property owners have not demonstrated appreciation or care of any historic significance. Commissioner Nestle noted that some shops remain in the area and some*

have closed. He commented that in his view, the buildings are not historically important and the recommendation of ARM should be accepted.

Ms. Peak clarified that the HLC did not need to come to any conclusion about the significance of the buildings or recommend acceptance of one expert opinion. She noted that both expert opinions will be put forward in the environmental document for disclosure, and a significant unavoidable impact will be disclosed as part of the environmental review process.

Vice Chairman Raynsford supported the comments of Commissioner Royer and strongly disagreed with the comments of Commissioner Nestle. He noted that the buildings have been neglected, but he did not agree with the characterization that the buildings are abandoned. Vice Chairman Raynsford noted the block is often bustling with activity and is one of the most interesting blocks in the area. He supported adding the properties to the Historic Resources Inventory as Candidate Landmarks and inquired if that could be agendized at a future HLC meeting. Vice Chairman Raynsford noted that the architecture of the buildings is not outstanding or remarkable, but it is historically interesting, particularly in the context of the Burbank neighborhood. He suggested the area should be preserved as a cultural district and referenced San Francisco's program. Vice Chairman Raynsford stated that a strong stance should be taken to preserve this block and asserted that the impact of the project could be devastating to the neighborhood.

Chairman Boehm echoed the comments of Vice Chairman Raynsford and Commissioner Royer and noted that the block contains an important historic resource that should be preserved. He commented that the block is one of the few that is intact and reflects the designs of the eras. Chairman Boehm inquired why the developer would choose the only block in the area that is historically interesting, rather than the other blocks on West San Carlos Street (as illustrated in the applicant's presentation) that were developed later or significantly altered. He encouraged the City to protect the businesses and provide economic support for them to remain in their current location, and thanked the City for bringing forth the difference of expert opinion.

Comments were provided by HLC; no action was taken.

## 5. GENERAL BUSINESS

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### a. [Pellier Park Plaque Wall \(183 West St. James Street\)](#)

**PROJECT MANAGER, YOSHIFUMI YANO, DEPARTMENT OF PUBLIC WORKS**

**Staff Recommendation:** Review and comment on Pellier Park plaque wall and community story telling wall as required by Condition 6 of Historic Preservation Permit File No HP19-004.

Chairman Boehm introduced the item. Dana Peak noted the purpose of the item was to review and comment on the Pellier Park plaque wall and community story telling wall as required by Condition 6 of Historic Preservation Permit (File No HP19-004). She stated that the referenced historic preservation permit is included in the HLC agenda packet and the relevant condition is highlighted in yellow on the PDF. Ms. Peak stated that a presentation would be made by Parks Manager, Yves Zsutty. Yves Zsutty presented the project on behalf of the Parks project manager, Public Works project manager and project consultant. He stated that the project team wanted to report back to the HHLC on

*the follow-up items included in Condition 6 of File No HP19-004 and shared a slide presentation describing the concepts, design and materials for the plaque wall and community story telling wall. He noted that the general design was approved by the City Council through a master plan and community engagement process. Mr. Zsutty reported that the site has been graded and base rock is being laid for the paved surfaces, and it is anticipated the construction of the plaque wall and community story telling wall will be underway in December 2021. He reported that completion of the project is anticipated in July 2022.*

*Chairman Boehm opened the floor to Commissioner questions.*

*Commissioner Royer inquired where the Pellier House markers were proposed to be placed and where the replacement palms would be located. Mr. Zsutty did not have the specifics on the location of the house markers for the presentation, but he noted the house would be marked with bronze markers. He illustrated on the site plan the location of the new palm trees at three corners in the park and noted there are existing palm trees that remain along the street in the public right-of-way.*

*Commissioner Nestle commented that the wall was a clever approach to the interpretation of the site. He commented that the wall appeared to be limited to photographs with no text. Mr. Zsutty confirmed that text would be included.*

*Commissioner Nestle was concerned about graffiti. Mr. Zsutty noted that porcelain panels were being used which could be cleaned with chemicals and the panels consist of several pieces which could be replaced individually if necessary. He noted that the park will also be illuminated at night which will discourage such activity. Mr. Zsutty also noted the budget for maintenance of the park was increased to address potential clean-up/damage.*

*Vice Chairman Raynsford commented that he supported the new wall design, which is a different design than what was originally presented to the HLC. He commented that it is a better fit for the site and is more informative. Vice Chairman Raynsford inquired about the materials. Mr. Zsutty responded that the underlying structure of the wall is poured concrete, but the surfacing is a stone veneer (later confirmed to be granite stone). Vice Chairman Raynsford commented that attention to detail is important about how the stone and porcelain is attached to the concrete and he expressed concern about any gaps that could make the structure less durable.*

*Chairman Boehm inquired about the QR code and potential connection to the Clamper's web site and he expressed support of implementing a QR code. Mr. Zsutty suggested that information could be provided through a conventional sign and noted that the City would want to control any website to which the QR code was linked. Chairman Boehm requested an example (slide) of the narrative text. Mr. Zsutty reported that the narrative was developed by the design team and will be superimposed above the imagery. He noted that the text addresses the agricultural expansion, Pellier family and the San José community. Chairman Boehm inquired about the site lines of the wall and the surrounding trees. Mr. Zsutty confirmed that visitors will be able to walk up to the wall and experience it without obstruction. Chairman Boehm noted that one side of the wall appeared that it would be harder to see from one side of the park. He inquired if the three palm trees could be pictorially represented on the wall and Mr. Zsutty confirmed this could be done. Chairman Boehm inquired whether the bronze house markers would be anchored and Mr. Zsutty confirmed they would be deeply anchored.*

*Chairman Boehm opened public comment.*

*Paul Soto from the Horseshoe commented that he met the Pellier family and there needed to be a community discussion about the true and accurate history of the site and San José. He asserted that Clyde Arbuckle, Pellier, Leland Stanford, and Burnett were all Masons and Charles Mckiernan (Mountain Charlie) is a descendant of Fallon and Arbuckle. Mr. Soto commented that the masonic lodge is across the street. He noted that Mexicans were not mentioned as being part of the history.*

*David Pandori asked for confirmation that material he forwarded to the HLC was provided to Commissioners. Chairman Boehm confirmed the material was provided. Mr. Pandori noted he was on the ad hoc community committee that worked on the park master plan and was pleased the park is under construction after it was demolished in 2005. He commented that at the end of August the 120-year-old palm trees were cut down when they were intended to be relocated. Mr. Pandori noted that HLC members had previously expressed concern about the viability of transplanting the palm trees. He noted that aspect of the project could have been brought back to the HLC and asserted the trees were removed without community input. Mr. Pandori asserted that the project would not have been supported if it was known the palm trees would be removed. He was pleased that images of the palm trees would be included in the plaque wall and requested to see the specifics of that addition.*

*Mike Sodergren, PAC\*SJ, encouraged the City to include all the history of the site in the plaque wall to ensure diversity. He expressed concern that a Historic Preservation Permit was issued for the project where it was identified that the palm trees would be relocated, and the City went beyond that and authorized the removal of the palm trees. Mr. Sodergren supported the tribute to the palm trees on the plaque wall and requested that the palm trees in the public right-of-way be officially protected from future removal. He commented that a request for a public hearing about the removal of the palm trees is reasonable, but he expressed a desire to move forward with the project and not cause any additional delays. Mr. Sodergren recommended that the trunks of the trees should be protected and all the prune trees should be fruit-bearing.*

*Chairman Boehm closed public comment and called for Commissioner comment.*

*Commissioner Royer agreed with Commissioner Raynsford that the design of the wall has improved since it was first reviewed by the HLC. She commented that it appeared the images would be easier to read and would have a relatable timeline. Commissioner Royer inquired about the removal of the palm trees and the change to the design of the wall and why the HLC was not consulted prior to construction. She commented that she supported the decision to remove the movable furniture.*

*Chairman Boehm noted that the HLC had asked for the installation of additional prune trees. Ms. Peak addressed the removal of the palm trees and noted that Condition 5 of HP19-004 states that the existing palm trees shall be relocated onsite to the extent feasible. She noted that the palm tree removal would not be a change to the permit since it was determined that relocation was not feasible. Mr. Zsutty noted that the project has already been engineered, but he asserted that the feedback from the HLC was taken to heart and the project was approved by the City Council. He noted that the project moved into the design phase and was executed by a team of professional landscape architects with HLC input. Jane Wu, Parks Senior Landscape Architect, commented that the design of the wall was thoroughly coordinated with the prior Historic Preservation Officer (Juliet Arroyo) following the approval of HP19-004 and wall went through an iterative*

*design process. Ms. Wu noted that there had been staff turnover on the City's historic preservation team and reported that a record of coordination efforts could be provided.*

*Commissioner Nestle did not make any comment.*

*Vice Chairman Raynsford supported the use of granite on the wall and noted that the HLC had previously request the use of more natural materials. He commented that history is a living process with complexities and the wall should not include a fixed narrative, but it should be abstract enough where people would be able to interpret the material differently. Vice Chairman Raynsford commented that in this regard, he supported the dominance of images on the wall.*

*Chairman Boehm appreciated all the comments and the City's perseverance in pursuing the completion of the park over many years. He recommended more fruiting prune trees be added to the park and more trees are needed in the city. Chairman Boehm appreciated the City's willingness to add the original palm trees to the story telling wall. He recommended discussing what was happening on the site prior to development by Pellier, like ranching, and Spanish, Mexican, and Native American occupation. Jane Wu clarified that the proposed trees are prune trees, and noted they are not fruiting trees (they are flowering trees).*

*Comments were provided by the HLC; no action was taken.*

b. **Draft Citywide Historic Context Update Project**

**Staff Recommendation:** Receive summary presentation by Archives and Architecture and provide comments to staff on Draft Citywide Historic Context Update, Historic Context Update Report and Survey Handbook.

*Chairman Boehm introduced the item. Dana Peak stated that Franklin Maggi and Leslie Dill of Archives and Architecture were in attendance to provide a five-minute summary presentation.*

*Franklin Maggi, historian, stated Archives and Architecture were fortunate to be retained by the Planning Division in May 2021 to complete the four-month project. He reported he was the lead for the project, Leslie Dill was the second lead, and the team had the assistance of partner Charlene Duvall and former San José Historic Preservation Officer, Sally Zarnowitz. Mr. Maggi noted the documents still need work to reach their final completion. He stated that the HLC received the final draft for comment. Mr. Maggi stated that the project was partially funded through a state matching grant. He reported that the project started with community outreach through a website and a virtual community meeting on July 15, 2021 which was well attended. Mr. Maggi noted that comments were received through both efforts. He stated that the project consists of three documents including the Updated Historic Context Statement, Survey Report (to be read first) and Survey Handbook. Mr. Maggi stated that the original San Jose context statement was written in 1992 by Glory Anne Laffey, the founder of Archives and Architecture, who passed away in 1999. He noted that he started working with Ms. Laffey's sister, Charlene Duval, and Leslie Dill and they took over her projects and continued the name Archives and Architecture for the last 20 years. Mr. Maggi explained that historic preservation had been practiced in San José for 15 to 20 years when the historic context was first prepared because the Planning Division did not have any history to use as part of their development review process other than work by avocational historians. He noted that several "mini context statements" were prepared for particular*

*neighborhoods and aspects of history, and the goal of the Historic Context Update was to incorporate them into one document. Mr. Maggi stated that the Updated Historic Context is based on Ms. Laffey's work and updated with new research and 25 subthemes (separate documents included by link). He noted the inclusion of subthemes in the document is based on recent work done by the City of Los Angeles which has over 100 subthemes in its main historic context statement. Mr. Maggi noted that most of San Jose's subthemes have not been developed, but he expressed hope that they would be moved forward by the Planning Division in the future, particularly those related to diverse communities. He provided a brief overview of the framework of the Updated Historic Context.*

*Chairman Boehm thanked Mr. Maggi for the presentation and opened the floor to Commissioner questions.*

*Commissioner Nestle noted that the work was very interesting and thanked Archives and Architecture. He inquired why the study was ended in 1982. Mr. Maggi responded that the document is primarily oriented to the planning process which considers historic resources that are 50 years or older. He noted that setting the context too close to the recent past would not be useful to the Planning Division, but he added that the document should be continually updated.*

*Commissioner Royer thanked Archives and Architecture for the research and noted it is time the historic context statement was updated.*

*Vice Chairman Raynsford thanked Archives and Architecture for the work and for the interesting documents that were assembled (including maps and images).*

*Chairman Boehm inquired about a reference on page 23 to a group that could function as a subcommittee to the HLC. Mr. Maggi responded that in the early 2000s the HLC created a subcommittee called the survey committee which provided a means of public input to the planners to provide direction on prioritizing future survey work. He noted that the California Office of Historic Preservation recommends a similar model for community engagement for large-scale surveys, so they are not conducted in a vacuum. Mr. Maggi stated that he recommends the Planning Division work with the HLC in future survey work to create a community engagement process. Chairman Boehm inquired if the Planning Division had future plans for survey work. Dana Peak responded that the Updated Historic Context Statement is just the foundation for any survey and that \$200,000 remains in the demolition fund for future survey work. Chairman Boehm inquired about a reference on page 23 to the process of updating the Historic Resources Inventory as "cumbersome." Mr. Maggi noted that since the 2000s the additions were done incrementally following the introduction of a noticing process. He noted that other agencies, such as the California Office of Historic Preservation, have a master list of potential resources which is useful to the development community. Mr. Maggi recommended following the state's lead with its database called BERD that lists all properties where information has been gathered. Chairman Boehm inquired about a reference on page 23 to the rating system. Mr. Maggi responded that the tally system was eliminated about two years ago without an official announcement. He noted that the tally system had been in place for about 20 years and was developed by the HLC. Mr. Maggi suggested that the HLC follow the methodologies used by the Planning Division. Ms. Peak commented that the tally system was based on a Canadian evaluation system that used points. She stated that the system was cumbersome and was originally developed in the late 1960s or early 1970s. Ms. Peak noted that the numbering system did not reflect*

*the criteria required for evaluation in the Historic Preservation Ordinance, or for the National Register of Historic Places and the California Register of Historical Resources. She believed the tally system was dropped because it does not relate to the required evaluation criteria. Mr. Maggi added that he had been an advocate for dropping the tally evaluation system for some time. Chairman Boehm inquired about a reference on page 23 to properties that have gone through the public CEQA evaluation process. Mr. Maggi responded that the Historic Resources Inventory is a very important document to development review and more time needs to be spent on it so that developers who come in for entitlements know what exists in the city ahead of time.*

*Chairman Boehm opened public comment.*

*Paul Soto from the Horseshoe commented that while he appreciated the work of Archives and Architecture, he believes that any historical document produced by the City of San Jose is illegitimate if he is not in the room. He asked if San Jose was the first state capitol of the new state of California.*

*Mike Sodergren, PAC\*SJ, thanked Archives and Architecture for the work. He commented that there is a common theme in development projects where developers indicate they do not know a property has historic significance. Mr. Sodergren noted that the Historic Resources Inventory is under-representative of the historic fabric in the city and recommended that the HLC establish an ad hoc survey committee as recommended in the draft document and pursue greater public involvement. He noted that the surveysanjose website was excellent, but it is no longer online and PAC\*SJ would like to see the City host that website. Mr. Sodergren recommended that the process to add properties to the Historic Resources Inventory be streamlined. Ms. Peak responded that the City has partially converted the surveysanjose website to the City's website and hopes to work with IT staff to create a way that public input can be received to suggest additions to the Historic Resources Inventory.*

*Chairman Boehm closed public comment and called for Commissioner comments.*

*Commissioner Royer and Commission Nestle did not have any further comments.*

*Vice Chairman Raynsford acknowledged the difficulty and time-consuming nature of the work and recommended thought be given to adding properties to the Historic Resources Inventory and thinking in more complex ways about periods in history. He suggested hosting a website where people could submit reports or other information that could be reviewed by the HLC or another way that would make accomplishing the work more feasible. Vice Chairman Raynsford suggested the website could include a form and ways to upload photographs and linked to a map so that clusters of properties could be identified. He acknowledged that it is urgent work and difficult work.*

*Chairman Boehm concurred with Vice Chairman Raynsford's comments and inquired if staff could develop a form where people could input information online about potential historic resources. Ms. Peak commented that she could confer with IT to discuss the possibilities.*

*Comments were provided by the HLC; no action was taken.*

c. **2022 HLC Annual Work Plan**

**Staff Recommendation:** Develop 2022 HLC Annual Work Plan based on goal development discussion at the October 1, 2021 HLC Annual Retreat.

*Chairman Boehm shared the draft work plan goals that were brainstormed and developed at the October 1, 2021 HLC Annual Retreat and requested feedback from Commissioners. The draft goals were presented as follows:*

- 1. Develop proposal for San Jose City Council to fund financial incentives for historic preservation in San Jose and adaptive re-use incentives. (What exists now? How do other cities fund historic preservation? Can fines/fees/compensation for demolishing resources be used for this purpose?)*
- 2. Recognition of historic properties with history of diversity (culture, financial)*
- 3. Community outreach to diverse neighborhoods to inform residents of opportunities for preservation*
- 4. Code Enforcement monitoring; eliminate demolition by neglect*

*Commissioner Nestle commented that goals 1 and 3 are relevant to what the HLC has been discussing at the meeting, but he asserted that goal 3 was particularly important. Chairman Boehm added that research would be involved with goal 1 and could be related to developers paying a fee if demolition is proposed. Commissioner Nestle commented that goal 2 was unclear.*

*Commissioner Royer was not in attendance for the goals discussion at the HLC Annual Retreat, but she commented that the goals presented are good goals.*

*Vice Chairman Raynsford commented on the way the goals are organized and suggested moving the fines/fees/compensation for demolishing resources portion of goal 1 to goal 4. He suggested that goal 1 should focus on positive incentives to encourage preservation and goal 4 should be focused on enforcement.*

*Chairman Boehm commented that the Historic Preservation Officer is overworked and carries a lot of responsibility, and he asked the Commissioners if they would be willing to take on a goal themselves to progress the goals and work of the HLC. He asked for Commissioner's thoughts.*

*Commissioner Nestle agreed and asserted that goal 3 is critical to building up the Historic Resources Inventory.*

*Commissioner Royer stated she would be happy to participate in developing a game plan.*

*Vice Chairman Raynsford commented that it would be useful to research what other cities have done and he would be happy to look into it.*

*The following was decided:*

- Commissioner Nestle: Research and report back on community outreach to diverse neighborhoods to inform residents of opportunities for preservation*
- Commissioner Royer: Research and report back on financial incentives for historic preservation and adaptive re-use*

- *Vice Chairman Raynsford: Research and report back on what cities have done to publicize historic buildings on website and make the information accessible, and research laws and literature about demolition by neglect and what cities are on the forefront of preventing this.*
- *Commissioner Arnold: Research and report back on how to recognize historic properties with cultural diversity*
- *Chairman Boehm: Assist Vice Chairman Raynsford*

*Chairman Boehm noted that the next HHLC meeting is in February 2022. Ms. Peak suggested that the report back on the goals could be broken down into smaller parts over a couple of meetings. Chairman Boehm suggested that one or two Commissioners could speak in February and in March. He noted that he was looking for a five-minute report including concrete steps that could be taken to achieve the goals.*

*Rene Ortega, Senior Deputy City Attorney, reminded the HLC to be mindful of Brown Act requirements as they work on the goals and to avoid conducting serial meetings through email.*

*Chairman Boehm opened public comment.*

*Paul Soto from the Horseshoe circled back to his question asking if San José was the first capitol of California and advocated for the vindication of his elders.*

*Mike Sodergren, PAC\*SJ, thanked Dana Peak and Robert Manford for being productive with the resources available. He applauded the HLC for initiating the work towards achieving goals and offered the support of PAC\*SJ.*

*Chairman Boehm closed public comment.*

*There was no further discussion on the item.*

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

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**No Items**

## **7. OPEN FORUM**

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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. If anyone wishes to speak, please connect to the meeting either by Zoom or by telephone using the instructions on page 2 of this agenda.

*David Pandori referred to the material that was forward to the HLC regarding Pellier Park and he noted two requests he made in the material: 1) recognition of the three palm trees on the story telling wall; and 2) public discussion in March about the mitigation of the lost palm trees. He noted there were mitigation measures included in the Historic Preservation Permit that were not appropriate for the loss of the historic trees. Mr. Pandori asserted that staff involvement has not been ideal and noted that there is only one prune tree being planted in the park (the remainder are cherry trees). Chairman Boehm requested a report back whether the other trees are flowering prune or flowering cherry.*

*Mike Sodergren, PAC\*SJ, commented on the Graves House located on Mitzi Drive which is related to a development entitlement. He reported that he toured the property and the house has fallen into grave disrepair. Mr. Sodergren noted it had been intruded upon, lived in and there was a fire inside the building. He reported that PAC\*SJ met with the developer to find out why the property is in its current condition and why there is no security on the site or protection for the property. Mr. Sodergren requested that the Commission agendize on a future HLC agenda a discussion about a test case and how PAC\*SJ and the City can work in partnership with developers to secure historic properties involved with entitlements. Dana Peak reported that the City met with the property owners who reported they are having difficulty securing the property and neighbors report problems because there is no on-site security. She stated that it was recommended the property owners request a damage report from the City following a fire in the building and the report has been prepared, but it has not been completed and released.*

*Paul Soto from the Horseshoe commented that San José was the first capitol of California from 1849 to 1851 and James Reed was one of the main proponents for establishing the city as a capitol. He commented that the Updated Historic Context Statement does not state specifically that San José was the first capitol of California and is based on history prepared by Clyde Arbuckle which represents white supremacy and oppression.*

*John Frolli commented on the Graves House as the architect of record for the development. He reported that the developers agreed to have him inspect the building and its interior, along with a structural engineer, and they determined that the extent of the damage did not support the demolition of the building and not moving forward with the rehabilitation. Mr. Frolli stated the purpose of the meeting was to try to find a way forward for the developers that would facilitate the rehabilitation of the Graves House and would work financially for the property's redevelopment. He commented that he would be involved in developing test models for securing historic properties prior to initiation of an entitled development, and he would like to work with the City to address these situations. Chairman Boehm requested any updates on the project and test models from staff and PAC\*SJ at a future HLC meeting.*

*Chairman Boehm reported that he is scheduled to meet with a group put together by the Chairman of the Santa Clara County Historical Heritage Commission to develop countywide collaborative ideas for Historic Preservation Month in May 2022. He stated that the group would discuss how to recognize exemplary historic preservation projects.*

## **8. GOOD AND WELFARE**

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

*Ms. Peak reported that the applications for the City Landmark Designation and Mills Act Contract for 1169 Magnolia Avenue, (Neifing House) were approved on consent by the City Council on October 27, 2021.*

- i. Future Agenda Items: No items*
- ii. Summary of communications received by the Historic Landmarks Commission.  
No items.*

### **b. Report from Committees**

- i. Design Review Subcommittee: No meeting held on October 21, 2021. Next meeting on Thursday, November 18, 2021 at 11:00 a.m.*

*No report, no meeting was held on October 21, 2021. Ms. Peak noted that there were no items for the November 18, 2021 agenda.*

### **c. Approval of Action Minutes**

- i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [October 6, 2021](#).*

*Commissioner Royer made a motion to approve the Action Minutes for the October 6, 2021 HHLC meeting. The motion was seconded by Vice Chairman Raynsford and was approved (4-0-1, Arnold absent).*

### **d. Status of Circulating Environmental Documents**

*No items*

*Chairman Boehm reminded the HLC of the upcoming CAMP (Commission Assistance and Mentoring Program) training on December 2<sup>nd</sup> and December 3<sup>rd</sup> from 1:00 p.m. to 4:45 p.m. Ms. Peak stated that she would be sending out the link to register for the training and highly recommended Commissioners attend.*

## **ADJOURNMENT**

*A motion was made by Commissioner Royer to adjourn the November 3, 2021 meeting of the HLC. Commissioner Nestle seconded the motion and the motion was approved 4-0-1, Commissioner Arnold absent.*

*The meeting was adjourned at 10:13 p.m.*