

HISTORIC LANDMARKS COMMISSION

February 2, 2022

Action Minutes

WELCOME

Meeting called to order at 6:33 p.m.

ROLL CALL

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

Absent: None

1. DEFERRALS

No Items

2. CONSENT CALENDAR

No Items

3. PUBLIC HEARINGS

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>

4. EARLY REFERRALS UNDER CITY COUNCIL POLICY

No Items

5. GENERAL BUSINESS

a. [Reports by Commissioners on 2022 Annual Workplan Goals:](#)

- Financial Incentives for Historic Preservation
- Recognition of Culturally Diverse Properties
- Community Engagement
- Code Enforcement Monitoring for Historic Properties

Staff Recommendation: Accept Commissioner reports on research contributing to the accomplishment of annual workplan goals and discuss steps for goal advancement.

Chairman Boehm noted that Commissioner Arnold was not present at the November Historic Landmarks Commission (HLC) meeting. Since Commissioner Arnold had been assigned the workplan goal of Recognition of Culturally Diverse Properties, he inquired if she had any questions. Commissioner Arnold shared that several questions came to mind when she contemplated how to approach the work. She thought sub-goals should be identified because the goal is broad. Commissioner Arnold also inquired how the term cultural significance should be defined. She expressed an interest in house museums and whether that would relate to a subgoal. Commissioner Arnold inquired what would be the process for information gathering and how can the community be engaged to share information, such as the Mills Act. Commissioner Royer suggested that neighborhood associations could be engaged as a start. Vice Chairman Raynsford suggested that the HLC could identify and communicate with “public historians” in a broad sense, meaning anyone who is engaged in researching their communities. Chairman Boehm noted that he would be looking for concrete steps the HLC could take to advance the goal, such as who would take the step, when, what action would be taken, etc. He recommended the development of small steps that could be attainable and not overwhelming.

Vice Chairman Raynsford reported on his research of other cities on “demolition by neglect” and what could the City of San José do to protect against the disuse and disrepair of historic buildings. He reported that historic preservation programs generally address this issue in two ways: 1) ordinances and enforcement (stick); and 2) incentives (carrot). Vice Chairman Raynsford outlined four suggestions for demolition by neglect provisions in city ordinances: 1) clear definition of deterioration (what is the meaning of good repair); 2) procedures for due process; 3) hardship (measure of proof); and 4) cooperative support for the ordinance. He discussed provisions in ordinances from different cities including San Francisco (references building codes), Culpepper VA (demolition by neglect ordinance), Charlottesville VA, and Montgomery County MD. Vice Chairman Raynsford summarized information presented in an urban planning thesis from the University of Toronto to disincentivize demolition through expanded incentives, low interest loans, and stakeholder and community discourse.

*Chairman Boehm outlined potential steps to achieve goals 1 and 4. With regard to goal 1, Chairman Boehm reviewed what is available today: 1) State Historical Building Code; 2) San José Zoning Ordinance Flexibility for the Reuse of Historic Structures; 3) Mills Act/Historical Property Contract; 4) San José Building Tax Exemption; and 5) Federal Tax Credits. He discussed potential options for San José including conservation easements, fees that could be used for preservation and/or code enforcement to prevent demolition by neglect, a letter to City Council conveying HLC concern about demolition by neglect, new code provisions, PAC*SJ fund raising campaigns, and the facilitation of public support by PAC*SJ and the California Pioneers of Santa Clara County. Chairman Boehm also suggested recognizing preservation through Historic Preservation Month activities. With regard to goal 4, Chairman Boehm summarized existing code enforcement activities and provisions outlined on the City's website. He reviewed Municipal Code Section 17.38.260 - Vacant or abandoned historic building and discussed how the City's budget for code enforcement has not increased in the past five years in spite of San José's growth in population. Chairman Boehm suggested a volunteer group could regularly inspect properties to provide information to the City code enforcement inspectors and a form could be created to standardize information gathered. He suggested that preservation groups could begin a campaign (petition) to encourage City Council members to support code enforcement, specifically for 17.38.260 - Vacant or abandoned historic building. Chairman Boehm also suggested that endangered properties could be placed on the HLC agenda and/or a volunteer group of inspectors could report on certain buildings to the HLC on a monthly basis.*

Chairman Boehm opened the meeting to public comment on the workplan goals and commissioner presentations.

Paul Soto talked about his participation in the process to have the Fallon statue removed and expressed a desire to volunteer to contribute to community participation in the HLC's work to advance its goals. Mr. Soto discussed the Bud Winter Field Track where Tommie Smith and John Carlos practiced for the 1968 Olympic games and noted that the first Chicano commencement of San José State graduates occurred there as well. He stated that the field had been paved over to build a parking lot and felt that was a moral issue. Mr. Soto noted that he has identified where Low Rider magazine was produced and is working on cultural research in the community.

*Ben Leech, PAC*SJ, stated that he appreciated the ideas presented by the HLC. He stated that he welcomed Mr. Soto's comments and believed there should be more community members engaged in the conversation of preservation as a public policy serving everyone in the community. Mr. Leech suggested that the meaning of what is architecturally and culturally significant needs to be expanded and the process to achieve the goals needs to be collaborative.*

*Mike Sodergren, PAC*SJ, stated that culture is complicated and everyone has a different perspective which is the beauty and challenge. He mentioned the First AME Zion church and the need for some intervention measure because its cultural significance is at risk. Mr. Sodergren discussed mitigation measures and inquired who enforces the adopted measures. He noted that CEQA requires the analysis of project alternatives and asserted that one of the alternatives needs to be preservation of the historic property.*

Chairman Boehm closed the public comment.

Commissioner Arnold inquired from Mike Sodergren what he meant by intervention with regard to First AME Zion church. Mr. Sodergren asserted there is a community of people

associated with the church that would like to see it remain and not be sold by the bank. He suggested that the City might have rights to establish that the building is a historic property that could be landmarked. Commissioner Arnold noted a library exhibit called Eastside Dreams: The Untold Story of East San José is scheduled to occur in June (repeat event from 2018) and to contact Estela Inda at the San José Public Library.

*Vice Chairman Raynsford asserted that Municipal Code Section 17.38.260 - Vacant or abandoned historic building does not address demolition by neglect in a comprehensive way. He noted that only a certain percentage of the buildings that are neglected are abandoned or vacant, and the ordinance only addresses fire code. Vice Chairman Raynsford noted that building deterioration is often not structural, but affects the character of the building, and additional provisions are needed to protect historic buildings. He asserted the idea of monitoring neglected buildings should not be limited to one group, like PAC**SJ*, and should be open to all concerned citizens. Chairman Boehm noted that the ordinance also addresses security requirements and named the Director and Fire Marshall as authorities. Vice Chairman Raynsford recommended that the City needs new code provisions to address demolition by neglect and the HLC could begin by drafting ideas.*

*Commissioner Royer suggested that the HLC look to code examples in other communities so that buildings do not get to the point of demolition by neglect. She also noted that many buildings are not vacant, but they are not well maintained. Commissioner Royer noted that the City of Philadelphia has mandatory inspections for buildings meeting certain criteria, and she recommended implementing required inspections at a regular interval to make sure buildings are not a public hazard. Mr. Leech noted that PAC**SJ* is putting together a policy statement on best practices. Commissioner Royer expressed support of the conservation easement idea, she but noted that a receiver of the easements would need to be established. Mr. Leech noted that PAC**SJ* is looking into it.*

Commissioner Nestle suggested utilizing the methods that have been successful in other cities to avoid reinventing the wheel.

Chairman Boehm inquired if Vice Chair Raynsford could bring in one of the codes reviewed to discuss at the next meeting. Vice Chair Raynsford responded that the information is published and suggested the links could be made available to the public. Dana Peak, Historic Preservation Officer, suggested that the material be linked to the HLC agenda. Vice Chair Raynsford stated that he would put the information together to be discussed at the next HLC meeting.

No formal action was taken by the HLC.

b. **[National Historic Preservation Month 2022](#)**

Staff Recommendation: Accept report from Chairman and develop historic preservation awards activities to be held in conjunction with other historic preservation organizations and commissions in Santa Clara County.

*Chairman Boehm reported on work he is engaged in with a group of representatives from historic preservation organizations in Santa Clara County. He noted group members include himself; Tere Johnson, Santa Clara County Historical Heritage Commission Vice Chair; Bill Hare, Milpitas Historical Society President; Ben Leech, PAC**SJ* Executive Director; Tim Peddy and Gayle Frank (also PAC**SJ*), California Pioneers of Santa Clara County; and Bill Stroh, Executive Director of History San Jose (invited to*

participate in January). Other listed individuals were Art Villarreal, Santa Clara County Historical Heritage Commissioner who withdrew from the group; Dana Peak, Historical Preservation Officer, who does not attend the meetings, and Veronica Jordan. The group was initiated by Tere Johnson who takes notes on the meetings, publishes agendas and facilitates the meetings. Chairman Boehm stated the mission of the group is to plan an awards ceremony to celebrate the preservation of historic buildings in Santa Clara County for National Historic Preservation Month. He noted that the event is one way to incentivize historic preservation and ties into the workplan goals. Chairman Boehm noted the group had been meeting about every two weeks since November 2021 and outlined the group's work as follows:

- Awards ceremony to be held on May 21 at 7:00pm at History Park
- Awards will be given by cities and historical societies in Santa Clara County
- Up to 20 awards will be made (HLC could make two awards, one for residential and one for non-residential or mixed use)
- "Academy Awards" type of ceremony hosted by a master of ceremonies with the presentation of awards interspersed with music, slides and videos
- Cost be kept to a minimum, VIP seating a possibility
- San José to host a webpage with information related to the submissions of nominations for San José, including digital advertising
- Publicity could be done through the San José website, host webpage (undecided where), other cities' websites, and flyers/posters
- San José awards could be in the form of a certificate, a medallion, or some other token of honor
- HLC could determine the award recipients at the April 6 HLC meeting
- San José City Councilmembers would be invited to the awards ceremony along with other dignitaries. HLC members would be welcome to attend

Chairman Boehm opened the meeting to public comment.

Mike Sodergren, PAC*SJ, expressed support for the idea as an encouragement for developers to preserve historic buildings. He noted it would be challenging to find a "perfect" project, but preservation efforts should be supported.

Paul Soto noted his participation in the process to have the Fallon statue removed and asserted that he was opposed by the California Pioneers of Santa Clara County. He asserted that the Chicano experience needs to be legitimized within the history of San José.

Lynne Stephenson, PAC*SJ, expressed support for the idea and suggested contacting Annette Stransky with the Saratoga Historical Foundation.

Commissioner Royer supported the activity to raise awareness of preservation projects in the city and county. She hoped that the event would continue and that it would be an incentive for developers if could become a coveted award.

Commissioner Nestle echoed Commissioner Royer's comments. He asked for clarification about who would select the award recipients. Chairman Boehm clarified that the HLC would only select award recipients for San José. Commissioner Nestle expressed that it would be difficult to select recipients in an open forum and inquired

whether there could be a special meeting or ad hoc committee. Chairman Boehm stated the decision needs to be made at a public meeting. Commissioner Royer inquired whether the group planning the event could form an awards committee. Chairman Boehm expressed that the awards would be given by the HLC. Commissioner Nestle inquired whether the group committee could formulate recommendations that would be presented to the HLC for action.

Commissioner Arnold agreed that a subcommittee of the awards committee should be formed to review the nominations and make recommendations to the HLC so the first event can be successful.

Chairman Boehm outlined the proposed award categories including restoration, adaptive reuse, preservation, infill/addition, and public building interior (a way to incentivize the preservation of interior spaces).

Vice Chair Raynsford expressed concern about time and supported the formation of a subcommittee of the awards committee to review the nominations and make recommendations to the HLC.

The HLC expressed general support of the awards event, but commissioners recommended that the private awards group form a subcommittee to review the nominations for potential HLC endorsement.

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

No Items

7. OPEN FORUM

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.

Paul Soto contributed perspective on various historical figures and national and local issues in San José.

*Mike Sodergren, PAC*SJ, thanked City staff for making a site visit to the Graves House. He requested a status update on the HLC vacancies.*

Chairman Boehm requested an update from staff on the HLC vacancies. Dr. Robert Manford, Planning Deputy Director, reported that there were only two applications, one

of which joined the HLC, and the City is still entertaining applications. Ms. Peak noted that the vacancies should be republicized.

Chairman Boehm noted that he valued all input at the HLC meeting and requested that everyone be respectful of one another.

8. GOOD AND WELFARE

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

- 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 January 20, 2022. Next meeting on Thursday, February 17, 2022 at 11:00 a.m.
No report, no meeting was held on January 20, 2022. Ms. Peak noted that there are currently no items for placement on the February Design Review Committee agenda.*

c. Approval of Action Minutes

- i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [November 3, 2021](#).*

Vice Chairman Raynsford recommended a correction on page 7 of 19 of the draft minutes, the middle of the second paragraph regarding Antiques Row. He mentioned that he knew that several of the stores in fact were in operation, specifically Briarwood Antiques. Vice Chair Raynsford recollected that the applicant's response was that he did not know whether the stores were in operation, not that they were closed.

Commissioner Royer made a motion to approve the action minutes with proposed amendments. The motion was seconded by Vice Chairman Raynsford. The HLC voted to approve the corrected action minutes 4-0-1 (Arnold abstention, absent at last meeting).

Ms. Peak informed the HLC that the recordings of the HLC meetings are now available via a link on the website and the minutes will be recorded as more abbreviated action minutes. Dr. Manford added that the new format is consistent with the format of the Planning Commission minutes.

d. Status of Circulating Environmental Documents

No items

ADJOURNMENT

Commission Royer made a motion to adjourn the meeting. Commissioner Arnold seconded the motion. The HLC voted to adjourn the meeting 5-0. The next meeting will take place on March 2, 2022.

The meeting was adjourned at 9:07 p.m.