

HISTORIC LANDMARKS COMMISSION

April 6, 2022

Action Minutes

WELCOME

Meeting called to order at 6:32 p.m.

ROLL CALL

Present: Commissioners Boehm, Raynsford, Arnold, and Nestle

Absent: Commissioner Royer

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. [Certified Local Government Report for 2020-2021.](#)

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, 2020 to September 30, 2021.

Chairman Boehm introduced the item. Dana Peak Edwards, Historic Preservation Officer, provided a brief summary of the item and explained the Certified Local Government (CLG) Program is a national program designed to encourage the direct participation of local governments in the identification, registration, and preservation of historic properties located within the jurisdiction of the local government. She noted CLG Program participants are required to submit annual reports which include:

- 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 NPS annual product reports for CLGs.*

Ms. Peak Edwards stated the annual report covers the reporting period from October 1, 2020 to September 30, 2021 and the Historic Landmarks Commission (HLC) is required to review the annual report prior to submittal to the State Office of Historic Preservation by May 13, 2022. She stated the draft CLG report was presented for review and acceptance by the HLC.

Chairman Boehm opened the floor to Commissioner questions and comments.

Chairman Boehm referred to page 11 of the report which references grants and commented that Commissioner Royer discussed grants as part of her financial incentives HLC annual work program goals. He commented that establishing a grant program may be something the HLC could pursue in the future.

Chairman Boehm opened public comment.

Molly McLeod commented that it is good practice to have the automated Zoom captions turned on and suggested that City staff routinely use the captions feature to assist people that are hard of hearing, to address neurodiversity and to allow people to review meeting proceedings if they step away. She noted that the captions were turned on while she was speaking and appreciated staff's responsiveness.

The HLC received and accepted the report. No action was taken.

b. **North 1st Street Local Transit Village Historic Resource Survey.**

PROJECT MANAGER, DANA PEAK EDWARDS

Staff Recommendation: Receive summary presentation on Phase I, Phase II and Phase III survey reports and findings.

Chairman Boehm introduced the item. Ms. Peak Edwards shared a PowerPoint presentation and provided an overview of the three phases of the North 1st Street Local Transit Village Historic Resources Survey.

Chairman Boehm opened the floor to Commissioner questions and comments.

Commissioner Arnold appreciated the clarity in the presentation with visuals and noted the presentation clarified that properties already listed in the Historic Resources Inventory (HRI) and/or properties previously evaluated as eligible or ineligible were not included in the survey.

Commissioner Nestle referred to slide 19 which indicated that it is unlikely any of the buildings in Survey Area 1 would have individual significance, but it could be eligible as a historic district. He inquired what makes a district. Ms. Peak Edwards responded that a district is a collection of properties that relate to each other in their historic development. She noted that the consultants identified the cluster of historic structures in their fieldwork and recommended that it be included in future survey work. Ms. Peak Edwards noted the consultant did not think it was likely that an individual house in that cluster would be individually significant and eligible for City Landmark designation. Commissioner Nestle inquired if property owners would have a say if an area is proposed for historic district designation (could they opt out). Ms. Peak Edwards responded that the process for historic district designation is outlined in the Historic Preservation Ordinance with specific procedures and findings. She noted that public hearings are required and if the designation is initiated by the property owners, application would need to be made by 60% of the owners proposed to be included in the district. Ms. Peak Edwards stated that the HLC would need to find that the proposed historic district is a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, buildings, structures, or objects unified by past events or aesthetically by plan or physical development and the City Council would be the decision-making body. Commissioner Nestle inquired about the process for designating the transit villages. Ms. Peak Edwards responded that the work is done by the Citywide Team and the urban villages and transit villages generally are centered around main arterials and focus on increasing the density and diversity of uses in those areas so people can live, work and shop in the same area.

Vice Chairman Raynsford inquired about the adopted transit village plan, the permissible height limit and how historic properties outside of, but immediately adjacent to, the transit village would be treated when they are much lower. Ms. Peak Edwards did not believe that was addressed in the plan, but that the zoning of some properties within the transit village was changed and zoning requirements address height.

Chairman Boehm inquired about survey areas 1 and 2. He noted he walked the streets in those areas and took note of certain addresses on Fox Avenue, Hobson Avenue, Clayton Avenue, Hawthorne Avenue and Ayer Avenue and Rankin Avenue. Chairman Boehm identified over 20 houses in the area, many dating to the nineteenth century. He inquired whether survey areas 1 and 2 were outside the transit village. Ms. Peak Edwards responded that the recommended survey areas are outside the transit village, but they were noted by the consultants during their field work. Chairman Boehm inquired about two properties discussed at the last HLC meeting - 848 North 1st Street and 510 North 1st Street - and whether they are proposed for listing on the HRI. Ms. Peak Edwards responded that all the properties that were determined eligible have been brought to the HLC for inclusion in the HRI, with the exception of the potential historic district. Chairman Boehm noted that he would forward to staff his notes on potential properties he identified by walking the area.

Chairman Boehm called for public comment.

*Ben Leech, Preservation Action Council San José (PAC*SJ), stated that PAC*SJ is strongly in favor of adding the proposed properties to the HRI. He inquired about the reconnaissance survey (Phase I), how eligibility decisions were made and whether the product was available.*

The HLC received the summary presentation on the Phase I, Phase II and Phase III survey reports and findings. No action was taken.

c. **Additions to the Historic Resources Inventory.**

PROJECT MANAGER, DANA PEAK EDWARDS

Staff Recommendation: Staff recommends that the Historic Landmarks Commission add the following qualifying properties to the City of San José Historic Resources Inventory as Candidate City Landmarks:

1. 708 North 1st Street (249-01-016)
2. 16 Ayer Avenue (259-19-061)
3. 485 North 1st Street (259-19-086)
4. 447 North 2nd Street (249-44-067)
5. 440 North 1st Street (249-44-068)
6. 380 North 1st Street (249-44-088)
7. 480 North 1st Street (249-43-087)
8. 490 North 1st Street (249-43-088)
9. 460 North 1st Street (249-43-064)

Chairman Boehm introduced the item. Ms. Peak Edwards provided a brief summary of the staff report and reported that the Transit Village historic resource evaluation project was conducted by Michael Baker International (MBI) in three phases from 2019-2022. She explained that Phase III of the project examined 115 parcels in the Transit Village for inclusion in the San José HRI and assessed two potential historic districts and 59 individual resources. Ms. Peak Edwards stated that MBI documented and evaluated the 59 properties on Department of Parks and Recreation (DPR) 523 series forms using previously developed City historic context statements, property-specific research including Sanborn Map Company maps, historic aerials, building permits, Ancestry.com, and archival newspapers. She stated the properties were evaluated for significance in accordance with the City Landmark criteria outlined in Chapter 13.48.110 (H) of the Historic Preservation Ordinance and explained that a property qualifies as a City Landmark if it meets one or more of the eight criteria. Ms. Peak Edwards reported that eight new properties were identified and determined to be eligible for listing in the HRI as Candidate City Landmarks under Criterion 6 and they were recommended for listing in the HRI because they meet one of the eight (8) designation criteria.

Chairman Boehm opened the floor to Commissioner questions and comments.

Commissioner Nestle inquired what happens when a property owner does not want their property listed in the HRI. Ms. Peak Edwards responded that it is purpose of public comment, and why the item is heard in a public meeting and why property owners are notified well in advance of the meeting. She stated the responsibility of the HLC is to determine whether the property meets the Landmark significance criteria outlined in the Historic Preservation Ordinance, not to determine whether or not a property should be subject to land use requirements. Ms. Peak Edwards noted that qualifying properties can be added to the HRI by the HLC or staff.

Chairman Boehm called for public comment.

*Lynn Stephenson, PAC*SJ, stated that she is in favor of adding the properties to the HRI and she noted that there are other properties in the survey area that PAC*SJ is concerned about and potentially should be included in the HRI. Ms. Peak Edwards responded that the properties would need to be reviewed and determined if they had been documented. She noted it may be possible to add additional properties under another classification like Identified Structures.*

*Ben Leech, PAC*SJ, inquired again about public access to the reconnaissance survey products. Ms. Peak Edwards clarified that the survey reports and products for the North 1st Street Local Transit Village Historic Resources Survey were intended to be attached to the HLC agenda, but the documents were inadvertently omitted from the attachments. Ms. Peak Edwards responded that she would include them on the next HLC agenda.*

*Mike Sodergren, PAC*SJ, commented following review of the survey report documentation, that PAC*SJ may want to propose the listing of additional properties. Ms. Peak Edwards responded that there may be potential for additional listings on the HRI under other classifications and if there are properties in the reconnaissance survey that were not documented, they may be considered for future survey work.*

Commissioner Nestle made a motion to recommend that the HLC add the stated properties to the HRI as Candidate City Landmarks. The motion was seconded by Vice Chairman Raynsford and unanimously approved 4-0-1 (Royer absent).

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

- Financial Incentives for Historic Preservation (Commissioners Royer and Boehm)
- Recognition of Culturally Diverse Properties (Commissioner Arnold)
- Community Engagement (Commissioner Nestle)
- Code Enforcement Monitoring for Historic Properties (Commissioners Raynsford and Boehm)

Staff Recommendation:

1. Accept Commissioner reports on research contributing to the accomplishment of annual workplan goals and discuss steps for goal advancement.
2. Establish Standing Committee for Culturally Diverse Properties to advance the work of identifying and adding such properties to the Historic Resources Inventory.

Chairman Boehm introduced the item.

Commissioner Arnold made a short presentation on the work plan goal of “Recognition of Culturally Diverse Properties” and defined the goal as identifying landmarks of historical and cultural significance in San José. She outlined the objectives as 1) create an organized, methodical approach to the outreach and planning process in order to develop a plan of action; and 2) identify and evaluate our current resources.

Commissioner Arnold identified potential tasks as 1) create an advisory group; 2) set priorities; 3) research similar cultural landmarks groups in other California cities; and 4) design a preliminary plan for implementation. Commissioner Arnold sought input from the HLC and staff.

Commissioner Arnold supported a grass-roots approach. Chairman Boehm suggested engaging three neighborhood, historical, and/or preservation organizations/groups. Dr. Robert Manfred recommended that the HLC identify resources to implement the objectives and tasks.

Chairman Boehm called for public comment.

*Ben Leech, PAC*SJ, thanked Commissioner Arnold for articulating the need - the urgency to engage the entire city and to recognize that preservation is a public good. He endorsed all the goals outlined by Commissioner Arnold and noted the effort will need to be a public-private partnership to work. Mr. Leech noted that PAC*SJ is ready and willing to assist where possible and the idea of establishing a committee that has a stake in multiple arenas in the city will be advantageous. He commented that it is important to take small steps to avoid getting discouraged with the breadth of the work and to establish a model that can be tested and improved over time. Mr. Leech commented that for too long historic preservation has been about experts determining what is important. He noted there needs to be a paradigm shift to recognize what the public thinks is important and to understand how the policy tools available can make historic preservation relevant to the community.*

Commissioner Nestle made a short presentation on the work plan goal of “Community Engagement.” He presented the following goal statement: to increase community outreach to diverse neighborhoods to inform residents of opportunities for preservation. Commissioner Nestle outlined what has been done in the past with historic preservation community engagement and what are we doing now. He reviewed how to navigate the City’s historic preservation web pages and suggested potential improvements that could be made. Commissioner Nestle recommended augmenting the FAQ section of the website and presenting it like an electronic brochure.

Chairman Boehm opened the floor to Commissioner questions and comments.

Commissioner Arnold commented that the City used to have brochures on historic preservation and the Planning Division used to have someone to contact. Ms. Peak Edwards responded that the brochures are still on file and could be updated.

Vice Chairman Raynsford commented that having a more manageable place for people to find information is an excellent suggestion. Dr. Manford responded that the Planning Division could speak to its communications manager to address work on the website and he suggested that the word “education” could be added to the community engagement goal.

Chairman Boehm raised the issue of Planning, Building and Code Enforcement (PBCE) resources and inquired if the HLC would like to agendaize on the next HLC meeting agenda adding staff to support historic preservation work. He recommended agendaizing a discussion of staff and resources for the historic preservation team. Commissioner Nestle suggested that it could be easier to allocate funds to hire a contractor or a data entry person instead. Commissioner Arnold suggested beginning with a consultant assigned with clear objectives to establish the foundation for a new city position. Commissioner Raynsford commented that it could be difficult to have a consultant carrying out code enforcement. He suggested examining the current status of code enforcement and defining to what extent those resources could be allocated to historic preservation work. Chairman Boehm noted that the City of San José has more than one million residents and a large land area. He commented that San José is the oldest city in California and has many historic resources which is tremendous work to manage. Chairman Boehm commented that there are other cities, like Los Angeles, that have many people working on historic preservation. He asserted that the City of San José needs to modernize its approach and to understand what the work entails. Chairman Boehm directed staff to agendaize a discussion of adding PCBE historic preservation staff resources on the next HLC meeting agenda.

Vice Chairman Raynsford made a motion to establish a Standing Committee for Culturally Diverse Properties and Community Engagement. Commissioner Nestle commented that adding Community Engagement would make the committee’s work too broad. Chairman Boehm suggested that the motion be amended to establish a Standing Committee to identify and provide speakers for three neighborhood, historic and/or cultural groups in culturally diverse areas of the city per year. Commissioner Arnold responded that could be added as an objective, but not a goal of the Standing Committee.

The HLC voted unanimously 4-0-1 (Royer absent) to approve the staff recommendation to establish a Standing Committee for Culturally Diverse Properties to advance the work of identifying and adding such properties to the HRI.

Vice Chairman Raynsford presented a follow up item on the annual workplan goal of “Code Enforcement Monitoring for Historic Properties.” He discussed a proposed update to the Historic Preservation Ordinance to add a new section to address owner responsibility for landmark structures. Vice Chairman Raynsford solicited advice on the proposed language. City Attorney, Rene Ortega, responded that City staff would review the proposed ordinance amendment and analyze whether the City has the ability to enforce the proposed language. Staff would come back to the HLC with a recommendation that could then be made to the City Council.

Commissioner Arnold inquired how many chances the property owner would have to address property maintenance. Vice Chairman Raynsford responded that referral was made to a more general ordinance section about public nuisance on private property where there are already established procedures. Commissioner Arnold noted the process is unclear and Vice Chairman Raynsford responded that the reference is embedding in a hyperlink to Chapter 17.02.

Chairman Boehm commented that he did not see the use of the words “demolition by neglect.” Vice Chairman Raynsford responded that the words are included in the second paragraph of the proposed ordinance update. Chairman Boehm noted that abatement is prompted when the property is imminently a danger and the terminology is subjective. He suggested that the language go beyond that to imminently neglected, rather than it being a danger. Vice Chairman Raynsford responded that safety is a part of it, but there is also the question of contributing elements which are not necessarily an immediate danger (though they could be). He asserted that the language was close enough to address the need.

Chairman Boehm called for public comment.

Mike Sodergren, PAC*SJ, expressed a concern that the proposed ordinance update would only apply to City Landmarks and suggested that enforcement be extended to include properties listed and eligible for listing in the HRI. He asserted that entitlement should be included in the penalties.

Commissioner Arnold made a motion to forward the proposed ordinance revision to the City Attorney for review, amendments where necessary and approval, and to bring the draft ordinance back to the HLC for consideration and possible recommendation to the City Council. The motion was seconded by Commissioner Nestle and unanimously approved 4-0-1 (Royer absent).

e. **[Grace Baptist Church \(484 East San Fernando Street\).](#)**

Staff Recommendation: Receive presentation by Grace Baptist Church members on the status of the church and its history.

Chairman Boehm introduced the item.

Bill Brooks and Dr. Penny Hogg, representing a group of Grace Baptist Church members, presented a PowerPoint presentation outlining why they believe the Grace Baptist Church building listed on the HRI should be reclassified from a Structure of Merit to a Candidate City Landmark. Dr. Hogg noted that the group was currently preparing DPR forms to document and evaluate the property.

Commissioner Arnold noted that she is a member of the American Baptist Church.

Ms. Peak Edwards noted that there were three pieces of correspondence that were submitted to the HLC by the public on the agenda item.

Chairman Boehm opened the floor to Commissioner questions and comments.

Commissioner Nestle noted that listing the HRI does not stop the sale or development of the property and he applauded the proactive stance and initiative of the presenters. Commissioner Nestle suggested that the property should be documented and evaluated against the City Landmark criteria by a non-interested, independent party. Chairman Boehm inquired when the DPR forms would be completed. Mr. Brooks and Dr. Hogg did not know when the documentation would be completed.

Vice Chairman Raynsford asserted it is important to retain historic downtown churches and noted his surprise that the building has not already been designated a landmark. Inquired about the background of the HRI listing and if there was any previous effort to designate the building. Mr. Brooks and Dr. Hogg were unaware of the background of the HRI listing and why the building was classified as a Structure of Merit. Vice Chairman Raynsford inquired if it was possible to agendaize the item for the next HLC meeting to consider the building's eligibility as a Candidate City Landmark and express support to do so.

Chairman Boehm called for public comment.

Jeannie Wagre stated she is a long-time member of Grace Baptist Church and discussed the work of the church.

Diana Ferguson stated that she has been a member of Grace Baptist Church since 1970 and discussed the work of the church in downtown San José.

Michelle Mashburn stated that she is the director of the Peace and Justice Center and Collins Foundation that manages the property. She discussed the importance of Grace Baptist Church's past and current services.

Rev. George Oliver commented that Grace Baptist Church has a history of legendary and visionary pastors. He noted the history of the church is embodied in its land use. Rev. Oliver commented that in a two-thirds majority vote the church decided to preserve its community work by redeveloping the property. He commented that state laws support housing and requested that the HLC take no action on the reclassification.

Greg Roberts commented that Bill Brooks and Dr. Penny Hogg made the presentation without the permission of the Grace Baptist Church body. He asserted the historical significance is based on the membership and not the building itself.

Paul Rosta stated that he is a member of Grace Baptist Church which would remain downtown and would like to reinvent itself to better serve the community into the future. He noted that the organ would be preserved and that the church building is already listed in the HRI as a Structure of Merit. Mr. Rosta asserted that the other buildings mentioned in the presentation that were designed by the same architect are more architecturally significant and they were demolished. He stated that two members of the community were murdered and several others were critically injured on the church property and he would like to erase those memories.

Janet Bradford commented on the significance of the Grace Baptist Church to herself personally and to the community. She asserted that demolishing the church would be throwing away too much of the history and spirit of the church.

*Ben Leech, PAC*SJ, commented that the HLC has the authority to reclassify the building on the HRI. He asserted there is a procedural question about who could produce the DPR forms so they would be unbiased. Mr. Leech stated in his professional opinion it is clear the building is an eligible City Landmark. He stated that if the site were proposed for redevelopment it would be in everyone's best interest early in the process to acknowledge the historic significance of the building.*

Barbara Snyder discussed her family history in relation to Grace Baptist Church.

Teres Dennis stated he is a member of Grace Baptist Church and commented that the request made to reclassify the status of the building in the HRI is not the will of the majority of the church members. He noted the historical significance of the church building is important, but the church has future plans for better programs that are more significant than the building. Mr. Dennis stated that the building needs repair and the church would not be in a financially sustainable position if the building were preserved. He asserted that the church is more connected to the people that carry out the ministry than the building.

Chairman Boehm noted a request was made by Vice Chairman Raynsford to agendize the item for HLC consideration in May. He stated that the HLC would like to discuss the possible consideration of Grace Baptist Church as a Candidate City Landmark. No action was taken.

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.

No Speakers

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.

Ms. Peak Edwards read correspondence received from Chairman Boehm:

The Preservation Alliance Planning Team has continued to meet every two weeks. The Preservation Awards Night on May 21 now has 12 nominees to award. There will be a video shown which depicts the Santa Clara County Fair in the 1940s through the 1960s. Live music will provide entertainment. Letters were sent to invite San José Council members to attend the Preservation Awards Night. Tickets are \$15 and available at the PAC SJ website, preservation.org, which has more information about the event. We hope you will join us!

b. Report from Committees

i. Design Review Subcommittee: No meeting held on March 17, 2022. Next meeting on Thursday, April 21, 2022 at 11:00 a.m.

No items

c. Approval of Action Minutes

i. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [March 2, 2022](#).

Commissioner Nestle made a motion to approve the meeting minutes for the March 2, 2022 HLC meeting. The motion was seconded by Commissioner Arnold and unanimously approved 4-0-1 (Royer absent).

d. Status of Circulating Environmental Documents

No items

ADJOURNMENT

Commissioner Arnold made a motion to adjourn the April 6, 2022 HLC meeting. The motion was seconded by Vice Chairman Raynsford and unanimously approved 4-0-1 (Royer absent).

The meeting was adjourned at 9:35 p.m.