



CONTINUITY

Newsletter of the Preservation Action Council of San José

Volume 6, Number 1, February 1995

Scheller House Wins New Lease on Life After Legal Victory

Tom Simon

Preservation Action Council of San José won its lawsuit to require a full environmental review prior to the proposed demolition of the Scheller House. PACSJ filed this lawsuit, its first legal action, when San José State University made it clear on August 30 that it was going to demolish the Scheller House. Our lawyer, Susan Brandt-Hawley, argued this case in Superior Court. After granting a restraining order and then an injunction, the court ultimately ruled on January 26 that the University must now perform an environmental review as required by the California Environmental Quality Act (CEQA).

In 1990 the University filed a Notice of Exemption from CEQA for the demolition it was about to undertake. Exemptions are only allowed for buildings which have no historic or architectural significance. At the time the University claimed that the building had no such significance. Normally only a short appeal period applies for CEQA cases. After community protest but within the appeal period, the University altered its plans and let a contract for its relocation. Preservationists relied on the University's actions

and statements indicating that the demolition was abandoned.

In 1994 the University brought forth new demolition plans. Our appeal of their exemption was based on the fact that the building is both architecturally and historically significant. By the end of the legal proceedings, compelled by evidence we provided, the University admitted that the building does have significance and that if the demolition project were proposed today, the project would not be exempted from CEQA.

One important piece of evidence was unearthed by George Espinola. By reviewing back issues of the *San Jose Mercury*, he found that Theodore Lenzen had designed the Scheller House. In the May 1, 1904, issue he found a reference to a house being built at the corner of Fifth and San Carlos for the Martin family. The Martins were Victor Scheller's sister and brother-in-law.

Judge Jeremy Fogel ruled that because the University acted to relocate the house, PACSJ had no reason to sue in 1991. But, now that demolition was being proposed again, our appeal was timely. The appeal was successful because the demolition of a building such as the Scheller House is not eligible from exemption from CEQA.

Now a comprehensive review which examines the impact of the proposed demolition, and the

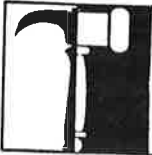
alternatives will begin. This will be a public process with input and comments from the community. Also, consultation with the State Historic Preservation Office is required by the ruling. This should help identify additional funding resources.

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Commissioner Maggi Appointed to National Alliance Board

Historic Landmarks Commission Chair Franklin Espinosa Maggi has been elected to the Board of Directors of the National Alliance of Preservation Commissions. Headquartered in Washington D.C., the Alliance is a network of local landmark, historic district commissions, and boards of architectural review throughout the United States who provide information and education, and advocate preservation issues at the national level. It publishes "Alliance Review," and sponsors technical seminars and conferences.

The Alliance was founded in 1982, largely through the efforts of past PACSJ board member Cheryl Widell, who is now the State Historic Preservation Officer of California. Currently two Californians sit on the board, the other being Dick Marsh, a preservation planner with the City of San Francisco.



From the President

Ellen Garboske

Whew! There's nothing like sitting in the hot seat when a new year begins! 1995 should be a watermark year for PACSJ, and the community, with the culmination of several critical preservation projects fast approaching. PACSJ members have come forward to give unstintingly of their time and resources for the Scheller House, River Street, Old Hoover School, etc., and I am grateful to each of you. Preservationists have "stood up" and City officials should "sit up and take notice" of the logical and beneficial efforts to preserve our heritage.

We are delighted with Judge Fogel's decision that San José State University must do a new EIR on the Scheller House. (See story on page 1.) Member Tom Simon, as leader of PACSJ's Scheller House Task Force, did an outstanding job of coordinating this preservation effort. PACSJ is fortunate to have such a dedicated volunteer. Thank you, Tom! Now on to the task of finding a solution which is beneficial to the community and the university.

The River Street task force is working hard to find persons interested in locating businesses, organizations, or offices in restored River Street structures. A call to PACSJ would be very helpful in establishing community interest in the preservation and restoration of this early Italian neighborhood. Meetings and discussions continue with the Army Corps of Engineers, the Redevelopment Agency, and the State Historic Preservation Office. Application for landmark

status is before the San José Historic Landmarks Commission.

The request for landmark status for Old Hoover School went before the City Council on January 24 and was unanimously approved by the councilmembers. Now we need to keep our eye on the school district, with hopes that they will realize the level of community support for preserving this beautiful building.

The same city council meeting resulted in approval of the request for landmark status of the Southern Pacific Depot buildings and site. Truly a "landmark" day!

With less than expected revenue to work with, the Redevelopment Agency is postponing, or canceling, restoration plans for the Fox and Jose theatres. We need to get more involved with the efforts to get these structures back on-line for restoration and use as community assets.

You may have noticed the change in tone of the Watchdog column in the last few issues. "Dog" strayed into our territory several months ago, and the lack of obedience training is obvious. At times I disagree or cringe, at times I applaud. There is occasionally a need for strident barking to jolt preservationists out of complacency and make local officials aware there is a large segment of the population which supports historic preservation. So onward and forward, Dog! We'll sort and file, reply or act when appropriate, glean the meat from those bones you dig up, and occasionally give you a whap on the nose if your barking is inappropriate!

The Glein-Fenerin Building restoration was written up in the

February/March 1995 issue of National Trust's *Historic Preservation News*. Owner (and PACSJ member) Peter Fenerin was recognized for his restoration and seismic retrofitting of this 1873 Italianate structure. The American Museum of Quilts and Textiles will be the tenant when work is completed. Congrats to Peter!

To our readers: I hope you will make a commitment to preservation in 1995 - there is no end to projects where your talents are needed! Give us a call, tell us your interests - PACSJ needs every one of you!

Computerization Workshop Scheduled

Always wondered how to start computerizing your collection? Know what equipment to buy? Thought about how the public might access those records? On Saturday, March 4, at the Historic Hayes Mansion in San José the Sourisseau Academy for State and Local History and the Heritage Council of Santa Clara County will sponsor a full-day seminar on computerization for historical organizations.

The keynote speaker will be Edie Butler, who has studied several museum computer systems and is currently working with the Humboldt County Museums. A consulting archivist and historian, Butler will speak on general programs available as well as computer considerations.

A panel will follow of local users of various programs who will speak on their experiences in collections, administration, and community access. Following lunch, focus groups will converge to work on

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River Street Update

André Luthard

The Historic Landmarks Commission has a subcommittee studying the feasibility of in-district preservation and out-of-district-relocation alternatives. They are utilizing the Alternative Analysis provided by the Army Corps. The Commission has expressed support for the district and concern that an attempt be made to preserve individual buildings consistent with the City's House Relocation Policy.

Task Force Activities:

Business Development: Several small business owners are interested in purchasing buildings in the River Street district and refurbishing them. The business development subcommittee is currently approaching real estate agents/brokers, developers, consultants and anyone who may have contacts or clients who would be potential users of the buildings. PACSJ is also working closely with the California Conservation Corps to develop a job training program for at-risk youth that would renovate one building at a time while teaching skills.

Technical Committee: Working on a ranking as comparison to the one being prepared by the Historic Landmarks Commission subcommittee. Continuing to draw site plans with relocations out of the flood control area and artistic renderings of what the renovated buildings would look like adjacent to the River Park.

Political Support: Gathering documents and presentation materials for initiating conferences with San José City Councilmembers and other governmental organizations. Petitions are being circulated currently to demonstrate

the community support of our objectives.

Organizational Support: There are many organizations and individuals in the Santa Clara valley, San Francisco and elsewhere who support our activities to preserve River Street. Artists and arts organizations are interested in the possible use of several buildings as galleries, studios and artist live/work space. Non-profit organizations and those groups who promote non-profit development are also supportive of below market-rate uses by small non-profits who are constantly in need of low-cost office and meeting space.

Media/Publicity: This group is focusing on educating the public and officials of government about the important role the District played in the early development of the city of San José and as the hub of Italian-American culture around the turn of the century. This team is visiting local neighborhood and civic organizations on a speakers tour. Working with the Technical committee, the Media/Publicity group is preparing packets of information that can be sent out about our Task Force's goals.

Fundraising: This subcommittee is soliciting financial support. In addition we are actively seeking grants from foundations and other philanthropic enterprises. The purpose of this is to develop the monetary basis needed to ensure that the River Street Historic District is preserved.

Call for Assistance: All of these activities are currently being pursued by a very small group of volunteers. We ask that any one who has a specific talent or simply

an interest in historic preservation to volunteer for the Save River Street Task Force. We have a very limited amount of time in which to demonstrate to City Council and other agencies that this Historic District can be saved. Help make the River Street District a jewel in the Guadalupe River Park for residents and help make the City of San José a destination for visitors.

Newsletter Editor Needed

Linda Larson Boston has been editor of *Continuity* for the past two years and has done an outstanding job. Our newsletter has grown in content and professionalism under Linda's guidance and hard work. Linda is ready to try something different now. She will remain on PACSJ's board, with the opportunity to devote more time to preservation task forces. Thank you, Linda, for a job well done!

This means that PACSJ is looking for a new editor for *Continuity*. The newsletter is a very important tool in our preservation efforts. The ideal solution would be to divide the responsibilities among three persons, perhaps as follows: **Editor:** Assignments, content, publishing. **Assistant Editor:** Assignment follow-up, submission of contributor's material, proofreading, delivery to printer. **Circulation:** Retrieve from printer, mailing labels from membership chair, apply labels, deliver to post office. Linda is willing to work with new volunteers for an appropriate transition period. If you can help with the newsletter, please call PACSJ at 408/947-8025, and leave your name and number and your call will be returned. Preservation and PACSJ need your help!

PACCSJ Prevails in CEQA Suit

(Continued from page 1)

Finally, the building should be removed from the "temporary" classification by the University because, by their own policy, no historic buildings can be "temporary." This means that funds, which could not be used before, could be used to fix and maintain the structure.

It is our hope that the Scheller House can be restored on site. This would be the most cost effective alternative, and would best maintain the integrity of the building. We hope to meet with incoming University President Robert Caret to explore the alternatives and to see that this beautiful building is finally given the attention that it deserves.

Seminar Planned

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future projects and discuss computer issues specific to the history field. A highlight of the day will be the lunch at the Hayes Mansion. In addition, a special tour of the Hayes Mansion will be offered.

Information and registration material are available by contacting Glory Anne Laffey at the Sourisseau Academy 408/227-2657 or Leslie Masunaga at the San José Historical Museum 408/287-2290.



Watchdog Report

Well, thanks to all you dog lovers out there, this dog is happy to say that PACSJ President Ellen Garboske gave me an extended

contract on this column and a long leash (until someone sues or she gets ousted). I had to renegotiate our agreement though, after one of our most distinguished preservationists complained that I was suggesting that I wanted Goofy and Pluto to take over the *Fox Theatre*. Hey, give me a break. Did you ever know a dog that didn't have a sense of humor? Anyway, I always prefer local dogs to those pedigrees in show biz....

Rumors have it that the **Redevelopment Agency** used a Pentium on last year's five-year CIP. When they got their computer fixed, they found they have \$100 million less to spend. I was wondering why the **Agency Board** wasn't meeting regularly this last Fall like they used to. Seems the only projects that showed up for approval in the last six months were Adobe, Hargraves Associates contract to redesign the *Guadalupe* (let's start by calling it *Lupe's Creek* for short), the *UA Theatres* for our ToonTown friends, and some miscellaneous consultant contracts (we know how important **THOSE ARE**).

Looks like all of our favorite projects: the *Jose and Fox Theatres*, the *Twohey and Montgomery buildings*, the *Leticia Building*, and the *Historic Trail Markers* are headed for the shelf.

But off the shelf finally is *Cahill* (oops, **Rod Diridon**) *Station*. If you haven't been over to see the rehab yet, take a look. It actually looks like nothing was done (which is the way its supposed to look!). Many thanks to those railroad people, especially **Lorie Garcia** for bird-dogging that one. By the way, the first step in good relationships with railroad enthusiasts is **DON'T**

USE THE PHRASE "CHOO CHOOS". Boy, you can really set them off that way.

Old *Allen's Furniture* on South 2nd Street is getting ready for a face lift. Officials call it the *Radisson Building*, but this buddy of mine who has a good memory seems to remember it as the *Hotel Jose*. Hopefully, we don't get those funny green columns and transom like over at the *Security Building* on First St. (although it sure is great to see life in that building again). The Dog thinks part of the original facade of the *Hotel Jose* is still hidden behind that streamlined metal. Let's check this out before its too late. (Although the metal is nice too).

Pellier Park over at Julian and Terraine is also getting some attention these days as conceptual artist **Tony May** is getting ready to create an art piece dedicated to agriculture in this landmark park. The park got locked down during the drought (remember when we thought it would never rain again?), and Tony's got some ideas on how to make it a nice place to spend some time in and reflect on valley agriculture before we covered this place with backyard spas and Tote-a-Sheds. Since the *Fallon Statue* will be situated just to the west of the park, visitors to the statue will be able to go to the park and recuperate from their shock (the top of Tom's head is 20 feet high, you know). Tony's original concept was to do a giant plow as an agricultural commemoration and hook it on to the back of Fallon's horse, but probably someone down at the **Office of Cultural Affairs** buried that idea fast. They got enough

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H. Dog Snoops Out Controversies
(Continued from page 4)
 problems as it is with that snake thing.

In my last column I mentioned that I was scouting sites for the *Scheller House* for Councilman David Pandori. David's a good dog man but apparently riled Mayor Susan Hammer up so much on this that she has assigned him to be liaison to the **Historic Landmarks Commission** for the next two years. Councilwoman Margie Fernandes had to do this for the last two years in order to pay her dues, and now she gets to be Vice-Chair of the Redevelopment Agency. So maybe this isn't so bad.

Just one last thing. I heard that Board members Tom Simon and Betsy Mathieson are kicking around the idea of getting PACSJ onto the Information Superhighway by setting up a conference on Dan Pulcrano's Virtual Valley Computer Network. I want my own electronic column so you people out there can contact me with gossip just like you do with

Leigh Weimers. (I bet that's the first time Leigh Weimers got his name in bold). We'll call it the **DOG HOUSE FOLDER**. If you think this is a good idea, call President Ellen and tell her you want to see more of H. Dog.

P.S. I wanted to put a picture in



The Preservation Action Council of San José is a non-profit membership organization providing information to property owners and education to the public, and promoting programs and policies for historic preservation and compatible new architectural design.

this column last issue so I gave editor Linda Larson Boston a picture of *St. Joseph's School* captured in the midst of demolition (I like to watch these events to keep the adrenalin up). Boy, do I got to label this stuff? That was St. Joseph's! Not Costa Hall! How embarrassing.

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Fill in the form, enclose with your check, and mail to: Preservation Action Council of San José,
 P.O. Box 2287, San José, CA 95109.

Calendar

February

- 20 (Monday) PACSJ Open board of directors meeting at Mother Olson's Inn, 72 N. Fifth St., 7 p.m.
- 23 (Thursday) Bill Wulf, "Blossom Trolley Trip," Winter History Night, San José Historical Museum, 7:30 p.m., RSVP to 408/287-2290.

March

- 1 (Wednesday) San José Historic Landmarks Commission meeting, City Hall, Council Chambers, 6 p.m.
- 4 (Saturday) Computerization workshop, Hayes Mansion (see article on page 2).
- 16 (Thursday) Jim Rose, "Stephens Townsend Murphy Party," Winter History Night, San José Historical Museum, 7:30 p.m., RSVP to 408/287-2290.
- 20 (Monday) PACSJ Open board of directors meeting at Mother Olson's Inn, 72 N. Fifth St., 7 p.m.

April

- 5 (Wednesday) San José Historic Landmarks Commission meeting, City Hall, Room 204, 6 p.m.
- 17 (Monday) PACSJ Open board of directors meeting (location to be announced in next newsletter), 7 p.m.

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