



STAY TEMPORARILY HALTS DEMOLITION

by Tom Simon

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As we go to press PACSJ is waiting word from the Court of Appeals on continuation of their earlier Stay Order to halt demolition of the Jose Theatre and Hong Kong Market while our appeal is heard. PACSJ filed an appeal after our loss in Superior Court in November. We filed our appeal once we learned that the city had approved the actual demolition permit for the Jose Theatre and Hong Kong Market. Salvage work, which would have effectively destroyed the interior of the auditorium, was imminent.

In our appeal we take issue with a number of points in the ruling from the Superior Court. The most significant is that the ruling can be read to say that preservation-alternatives to proposed projects are not feasible if the alternatives do not provide exactly as much housing, blight removal, or some other project goal as does the original project. It is hard to imagine the point of examining alternatives if aspects of the project cannot be changed to lessen environmental impact.

The court also used an incorrect price tag on the "rehabilitation" of the theatre. The number cited in the ruling against us, was actually the cost of a brand new theater on the site with twice the space and suitable for television broadcast purposes.

We are still investigating viable uses for the auditorium and believe that a number of uses could be found. There still is a shortage of performance space downtown. It is worth noting that a commercial building a few doors down from the Jose has just been converted to a theater and christened the Vic-

tory Theater. Also the wait to find a use for the theater should not become the reason for tearing it down. We are very much in favor of new housing downtown and believe housing should be built on this block. Starting "the right housing project" should not wait for finding a use for the Jose or Hong Kong Market.

Remember that one of the main motives for including the Jose in the housing project was the underground parking that its demolition would have provided. However the new Fountain Alley plan, which is intended to highlight historic downtown, will add hundreds of parking spaces within one block of the site.

PACSJ is still dedicated to ensuring that historic resources are not needlessly demolished and that the proper process is followed when historic buildings are in the way of proposed new development. There are a number of new projects in the approval process which will remove still more of our dwindling historic resources. It will be hard for the city to ask developers to preserve historic buildings, when the city itself sponsors projects that tear down city landmarks.

PACSJ ELECTION BALLOT ENCLOSED:

The nominating committee urges all members to complete the enclosed ballot and return by the indicated

MEMBERSHIP RENEWALS DUE, PLEASE CHECK YOUR MAILING LABEL

PACSJ values and needs your membership support. If your mailing label doesn't have '99 in the upper right, you haven't renewed for 1999. We urge you to use the form in this newsletter and renew now.



From the President

by Rick Sherman, *President pro tem*

I begin this brief column with an expression of warm gratitude to André Luthard and Franklin Maggi who have served as the Preservation Action Council's President and Vice President these past two years. With their leadership, we have moved forward in dramatic ways in our efforts to preserve San Jose's historic buildings. PACSJ has taken a strong position in its effort to preserve the Jose theatre and Montgomery Hotel. Although this called for legal action, we are still hopeful we can work with the new mayor and city council to discover a way to preserve these historic buildings which add so much character to San Jose's downtown. We are also bending all efforts to preserve the First Church of Christ Scientist and Letcher's Garage on St. James Square. These two structures demand much-needed renovation but offer the promise of an exciting facade to grace the downtown park. An additional challenge is a careful review and oversight of plans to relocate city hall. Although our city's residents voted to support efforts to move the civic center back downtown, little consideration was given to the loss of historic structures which are part of our history. André wrote eloquently about this last year in the spring issue of *Continuity*. We will continue to work to preserve the heritage which tells the story of our past and offers a personal style to the present and future.

If you elect me President, I will do all I can to continue on the path so clearly outlined by André and his board, with the able assistance of John Olson as vice president. I look forward to working with a board composed of knowledgeable, talented and dedicated people who, as I have come to know them, are also some of the nicest people I have ever met. My hope this year is to encourage more of our PACSJ membership to take on active roles on our task forces and on other projects. The board members can not do it all alone and will welcome PACSJ members to become part of our activities. I encourage all who have not yet renewed their membership to do so now so we can remain in touch and, together, make our city a place which loves the grace of its history as well as its promise for the future.



Scroll "Blind" 10½ x 24¾ inch

CPF SELECTS NEW EXECUTIVE DIRECTOR

The California Preservation Foundation recently announced the appointment of Roberta Deering as the organization's new Executive Director. A native Californian, Deering has worked in the historic preservation field for more than twenty years in the states of Oregon, Washington and Illinois. Most recently Deering has served as the City of Sacramento's Preservation Director. She serves on the board of directors of the National Alliance of Preservation Commissions, the national board of Hostelling International-American Youth Hostels, and has served on the executive board of Preservation Action, a grass-roots lobbying organization.

California Preservation Foundation, founded in 1975 and headquartered in Oakland, is a statewide, nonprofit organization dedicated to the preservation and enhancement of California's historic built environment. CPF supports local preservation groups in their efforts to preserve their historic structures by providing technical assistance, workshops and publications on important preservation issues.

1999 CPF CONFERENCE TO BE HELD MAY 20-23 IN PALM SPRINGS

Mark your calendars for an outstanding preservation event. Learn from the seminars and workshops, and enjoy the educational tours and a full menu of social events. CPF members watch your mailbox and get your reservations in early. For information phone CPF at 510-763-0972.

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Please submit your comments and suggestions to
Preservation Action Council of San Jose

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Watchdog Report

When I was just a pup, my pappy and grandpappy often trotted me down to sniff up the great aromas wafting out of **Lou's Donuts**. We'd hunker down, sad eyes fixed on the doorway, and occasionally a friendly giant would share a yummy bit. I'm a donut junkie to this day. Now that great building (formerly **Friedken's Market**, and in those days the reward was juicy bones) was to be fixed up and used as a drugstore. Not as tantalizing to the proboscis, but I figure the neighborhood needs a drugstore. But stay! I just got the bark that the building was gone! My undercover dogs tell me no permit was issued to demolish. Seems to me that "developer man" needs to be sentenced to obedience school and his licence revoked! Believe me, any dog knows losing your licence puts a real crimp in the tail.

That head honcho for the on-going Historic Building Demolition Derby has scheduled another heart-stopping event. He's pushing to tear down the venerable old **Del Monte plant**, which would make great live-work spaces. Has he no shame? Seems like dogs aren't the only animals that should be put on a leash.

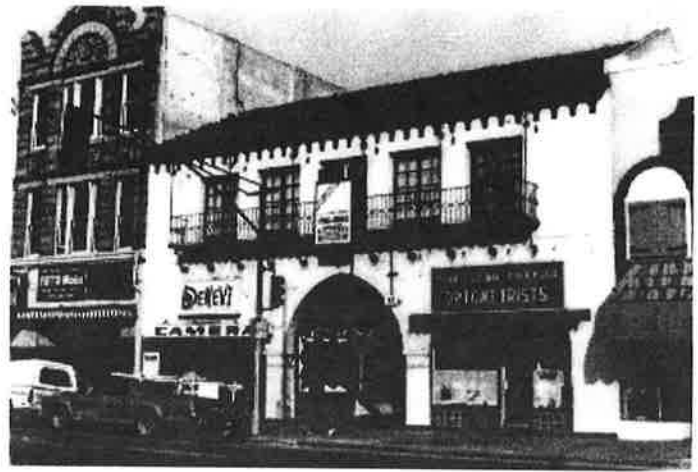
Barking of which, I was meandering around Fifth and Santa Clara Streets the other day. There's talk of picking up some of those great old houses in this area and plunking them down somewhere else to make room for a new city hall. You know, that's the building where permits are issued to demolish all the great old buildings that make my town top dog. I'm going to snap at a few heels if they propose another cold building that looks like someone turned their back on you and said, Scat! Go Away! No two-legged or four-legged animals allowed! Dogs, and giants, need windows and doors and open arms to say "come on in!"

I used to live in this neighborhood and there was nothing like a nice evening trot through the yards and up on the porches looking for a friendly pat or a handout or a nose rub with an old pal. San Jose needs to preserve that warmth. Like those great words I heard floating through the air one night — "We'll leave the light on for ya!"

The Dog

HATS OFF! TO PACSJ ADVISORY BOARD MEMBER KEITH WATT

Keith Watt has been a member of PACSJ since the founding of the organization, and has been very supportive in many ways. For the last several years Keith has provided meeting space for PACSJ in his Mother Olson's Inn, as well as space for special events. Thank You Keith!



EL PASEO COURT BUILDING

by *Ellen Garboske*

Downtown San Jose's earliest example of Spanish Colonial Revival style of architecture in a commercial (versus public or private) building is the El Paseo Court Building at 40-44 S. First Street. Built in 1932 by Mrs. O.D. Richardson, El Paseo Court is a fine example of this type of California architecture, that became popular in the 1920s. Readers should enjoy the following article from the August 14, 1932, issue of the San Jose Mercury Herald, which gives a good description of this beautiful, tranquil structure located in the heart of San Jose's Historic Downtown.

El Paseo Gives City Distinctive Business Building

Ancient Spanish Motif Used to Advantage In First Street Structure Projecting a charming bit of old Spain into the heart of San Jose's shopping district, the "El Paseo" building at 40 South First street has just been completed and is now ready for occupancy.

Of distinctive ancient Spanish architecture, the structure as viewed from First Street attracts instant attention with its red-tiled roof, white adobe walls, and the decorated, wrought-iron balcony overhanging the three Moorish arches which form as many entrances off First street.

Inner Patio

But it's when the passerby has ventured through the central entrance—the "paseo" whose ceiling is supported by great beams of hewn timbers—into the courtyard beyond that he experiences to the full the beauty of what is now the city's most unique store and office building. He finds himself in a charming patio, a fountain at the far end, upon either side of which face several, large-windowed, attractively decorated stores, and from which winding stairways lead to the second floor above.

See El Paseo on page 5



NEW LOCAL HISTORY BOOK

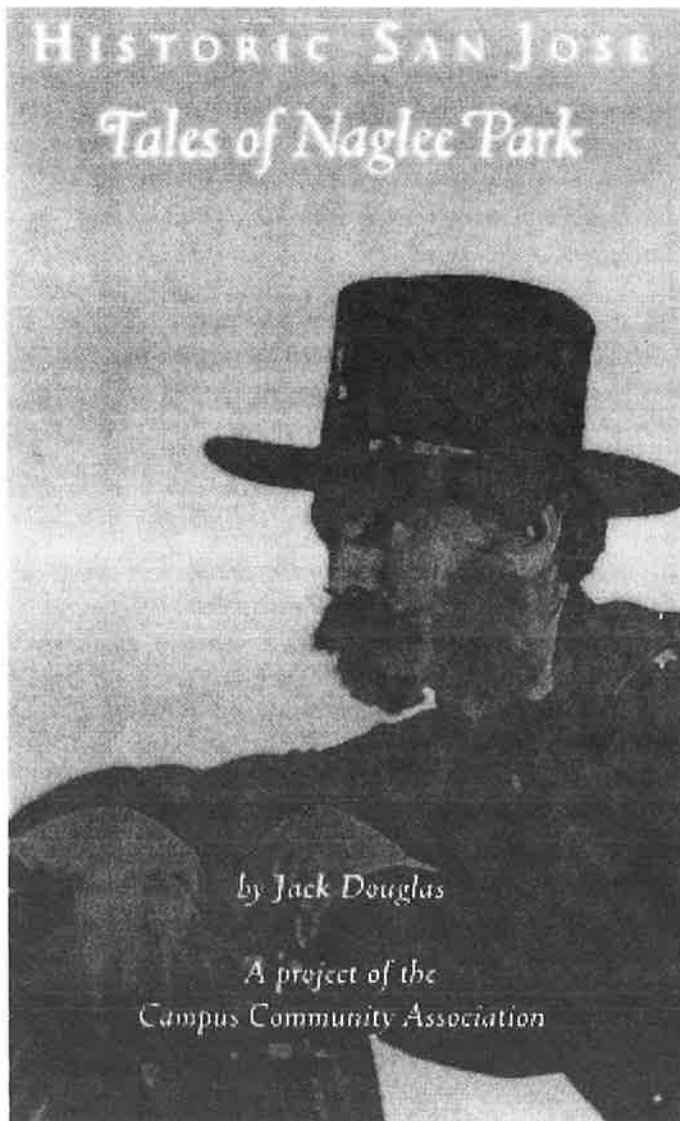
HISTORIC SAN JOSE: TALES OF NAGLEE PARK
by Jack Douglas

At home with General Naglee

Jack Douglas, Emeritus Archivist and Librarian at San Jose State University, and a member of PACSJ's Board of Directors, is a prolific writer on local history subjects. Douglas's latest book is a collection of stories recounting Naglee Park's rich history, from General Naglee himself and the lives of others who have lived in Naglee Park through quakes, epidemics, wars, boom times and bad times. *Historic San Jose: Tales of Naglee Park* is available at History Museums of San Jose's gift shops at Kelley Park and next to the Fallon House.



"Tales of Naglee Park" author Jack Douglas (lower left) at book signing event. PACSJ donated a copy of the book to San Jose's California Room. California Room Librarian Bob Johnson (upper left) and PACSJ Board members Patricia Curia and April Halberstadt.



Local historians Charlene Duval and GloryAnn Laffey with copy of the new book.

CAROUSEL OPENS IN ARENA GREEN

(Reprint from GRPG Newsletter)

December 16, 1998 was opening day for the new carousel at Arena Green in the Guadalupe River Park. A project of the San Jose Redevelopment Agency and the Sharks Foundation, the carousel will be operated by the Sharks. The carousel of 33 beautifully carved menagerie animals was manufactured by Chance Rides of Wichita, Kansas. A coyote, an eagle, a hummingbird, a salmon and two sharks make our carousel different from any other in the world. Winter hours for the carousel operation, subject to weather conditions, are 11:00 am - 5:00 pm Tuesday-Sunday and Monday holidays. The price of a ride is \$1.00.

THE SPIRITS OF NAGLEE

Following is just one of the many fascinating stories the reader will find in Jack Douglas's book:

AWARDED GOLD MEDAL INTERNATIONAL EXPOSITION 1889
BORDEAUX FRANCE



Of all the pursuits of General Henry Morris Naglee, perhaps the most successful and well-received was his venture in viticulture and brandy making. Yes, Folks! Right here in Garden City ~ it begins with a B, rhymes with randy, and is referred to by some as Booze!

In the parklike Naglee Estate, on which many of our homes now stand, grew the French varietal vines that the General had grafted onto native rootstock. The resultant product, when sampled by the experts at the 1876 Philadelphia Centennial, was declared to be "the only brandy on exhibit that approaches the fine French spirits in flavor."

A visitor, writing in the *Springfield Republican* in 1871, describes the Naglee operation as follows:

I visited an estate of several hundred acres, owned, laid out, and managed by General Naglee. The residence upon it is a simple, picturesque cottage, covered with vines, and at a moderate distance are the stables, and, beyond, the works for making wine and brandy, with the low, brick storehouses near, where the liquors are stored for ripening, and a well-arranged laundry in charge of a Chinaman. The enormous vats and boilers of the works and the complete order of the establishment (in charge of a Frenchman who did not speak English) gave indication of the large amount of liquors made. All the laborers on the place were Chinese. The vineyard was of such extent that we rode through it.

At the height of his operation, Naglee could produce 170 gallons of alcohol per day. His premium product, "Naglia," was a colorless brandy which compared favorably in potency with the "white lightning" of the Smokey Mountains, and it made San Jose famous throughout the U.S. Naglee advertised it nationally, and at the 1885 New Orleans World's Fair, he gave out 10,000 sample bottles to visitors. Those who thought that the General had no sense

of humor (it is said that he never smiled), might have reconsidered after hearing this tale: it seems that a group of temperance workers who were visiting the nearby Normal School had asked to visit the renowned Naglee Estate. Naglee, sensing that someone was playing a joke on the group by sending them to a notorious brandy distillery, decided to go one better. He served an elaborate lunch of meats and cheeses, along with some refreshing lemonade made from his colorless Naglia. The guests returned repeatedly to the tub of lemonade, and as they staggered to their waiting carriages, opined that they couldn't remember when they had had a more delightful outing.

Vast amounts of Naglee brandy circulated on the market long after the General died in 1886. A bottle opened in 1944 was proclaimed superior to either Stanford's or Baldwin's products. If any of you come across a bottle in your barn or attic, rush it gently over to my place and I'll let you know if it's any good.

El Paseo from page 3

Overhanging the courtyard on the south, a balcony of hand-hewn timber extends the length of the second story, and on the north side windows of the second floor open upon graceful little balconies of wrought iron.

Ten Apartments

The building is divided into ten stores and office apartments. Two stores face First Street, with entrances also upon the courtyard. Two second-floor office apartments also face upon First Street, their entrance a colorful stairway decorated with glazed tile, off the courtyard. Two other second-floor apartments are located at the rear of the building looking down upon the courtyard, one upon the north side and the other on the south. The latter is already occupied by Owen D. and Donald B. Richardson, attorneys.

Each of the stores facing upon the courtyard is accorded distinctive treatment in decoration and design, enhancing the illusion that the passerby has come suddenly into a narrow little street of old Spain.

Light and Color

Sunlight streams abundantly into the little "patio," and is utilized to the utmost by large window areas. Decorated tile is used generously about the base of the store fronts, and there will be added color when flowers in the garden areas of the courtyard are in bloom.

The building was erected by Mrs. Owen D. Richardson, and is on the site of a 50-year-old hotel structure which was torn down to make way for the new building. Between \$30,000 and \$40,000 was expended in construction. Jensen & Company of San Francisco was the general contractor, and at the instance of the builder, San Jose subcontractors and craftsmen were employed.

LEGAL BASIS FOR PRESERVATION OF HISTORIC RESOURCES IN SAN JOSE

by Tom Simon

Many people immediately understand the importance of protecting historic resources. Recently we have seen Hillary Clinton promoting preservation on a National Level. It is an ethic, much like the environmental ethic, which has spawned recycling and conservation measures throughout our society. What is less well understood is that there is a framework of laws, starting at the Federal level, which afford historic resources protection.

Federal, State and Local Rules

The National Environmental Protection Act (NEPA) assures that Federal funds are not used to harm historic resources. At the State level the California Environmental Quality Act (CEQA) assures that State and local projects do not harm the environment. Finally San Jose has a Historic Preservation Ordinance and General Plan policies that go further to protect historic resources locally. Most of the losses that have occurred recently are a result of improperly implementing the laws that already exist. This is because unless required to stop by a legal challenge the city is essentially free to circumvent required protections. Ironically the state has deemed San Jose a "Certified Local Government" to self-police its historic resource protections.

The General Plan

The underpinnings for local protection are established in the city's General Plan. State law requires every city to have a General Plan. The plan embodies goals and objectives for land use within the city. In the General Plan there are policies and a land use map that designates desired use for each area within the city. All development must conform to the General Plan. For example zoning must match the land use designation for a particular area. Also the policies must be followed. Any development that does not conform to the General Plan must contain a specific and substantial justification of why it is necessary to deviate from the approved plan.

While General Plan policies can be vague, and can sometimes conflict, projects which simply ignore policies are not permitted. There are a number of policies in the San Jose General Plan concerning historic preservation:

Page 38: Major Strategies:

Preservation of specific structures or special areas is a part of the urban conservation strategy. The objective of preservation goes beyond saving an individual structure or even a group of structures that may have architectural or historic significance. At a strategic level, preservation activi-

ties contribute visual evidence to a sense of community that grows out of historical roots of San Jose's past. Historic and architectural structures add inestimable character and interest to the city's image.

Page 84: Goals and Policies:

1. Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
2. The city should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historical Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures.
3. An inventory of historically and/or architecturally significant structures should be maintained and periodically updated in order to promote awareness of these community resources.
4. Areas with a concentration of historically and/or architecturally significant sites should be considered for preservation through the creation of Historic Preservation Districts.
5. New development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource. In particular, development proposals located within Areas of Historic Sensitivity designation should be reviewed for such design sensitivity.

Page 118: Land Use/Transportation Diagram:

Many of the older buildings in the downtown reflect the culture and history from which the downtown was born. Consistent with the city historic preservation policies, future development must be sensitive to the historic character of these structures and should be designed to enhance these important reminders the city's past. Where practical, cohesive districts of historically significant structures should be formed to preserve the historic fabric of the area; and, whenever possible, individual structures should be preserved and integrated into future development. ...

The Downtown Strategy Plan was adopted with a number of required mitigations to protect historic resources as well. These are specific and are designed to preserve the remaining resources left after the devastating wholesale demolitions of the 60s and 70s.

The California Environmental Quality Act

CEQA defines clearly the requirements for zoning and land use decisions by cities. Historic buildings are included in the list of protected resources. In fact they are treated no differently than an animal species or any other natural resource.

Continued on page 7

The California State Public Resources Code

Section 21002:

The legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Section 21061.1:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Conclusion

Preservation makes long term social and economic sense. It is also popular among voters. These should be reason enough to make it a priority for the city. However, there is a strong legal basis for implementing preservation as part of the land use process. Furthermore, the city itself needs to be held to the highest standards on projects it is promoting, developing and funding. That is why the Redevelopment Agency needs to be the foremost advocate of preservation. The city has an obligation to preserve historic resources and should set an example for all private developers.

STUDY SUPPORTS ECONOMICS OF PRESERVATION

A recent study sponsored by the New Jersey Historic Trust, and done by the Center for Urban Policy Research of Rutgers University, examined the economic impact of historic preservation in New Jersey. Although the study focused on New Jersey, there is a definite correlation to preservation programs in other areas of the country. The study developed a model of economic analysis that uncovered both the direct and the unrecognized multiplier effects of preservation related activity, including numbers and types of jobs created, income and taxes. The study offers good arguments for investment in historic preservation programs. The following statement is an illustration of the type of findings of the study: "\$1 million spent on nonresidential historic rehabilitation generates 38.3 jobs, \$1,302,000 in income, \$1,711,000 in GDP and \$202,000 in taxes. By contrast, \$1 million spent on nonresidential new construction generates 36.1 jobs, \$1,223,000 in income, \$1,600,000 in GDP and \$189,000 in taxes."

The study also deals with the monetary benefits of heritage tourism and historic designation. PACSJ has applied for a copy of the study for use as a tool to strengthen the economic argument in support of historic preservation in San Jose.



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CALENDAR

<i>FEBRUARY</i>
15 (MON) PACSJ OPEN BOARD OF DIRECTORS MEETING, 7PM MOTHER OLSON'S INN, 72 NORTH FIFTH STREET
<i>MARCH</i>
15 (MON) PACSJ OPEN BOARD OF DIRECTORS MEETING, 7PM MOTHER OLSON'S INN, 72 NORTH FIFTH STREET
<i>APRIL</i>
19 (MON) PACSJ OPEN BOARD OF DIRECTORS MEETING, 7PM MOTHER OLSON'S INN, 72 NORTH FIFTH STREET
<i>UPCOMING</i>
MAY 20-23 CALIFORNIA PRESERVATION FOUNDATION 1999 CONFERENCE IN PALM SPRINGS



The Preservation Action Council of San Jose 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.

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