



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Historic Landmarks
Commission

SUBJECT: SEE BELOW

DATE: November 12, 2012

COUNCIL DISTRICT: 3

**SUBJECT: HISTORIC LANDMARK NOMINATION (HL12-204) AND HISTORIC
PROPERTY CONTRACT (MA12-004) FOR THE "BURNS HOUSE" AT 255
NORTH 5TH STREET**

RECOMMENDATION

The Historic Landmarks Commission recommends that the City Council approve the proposed Landmark Designation and Historic Property Contract for the "Burns House" at 255 North 5th Street (3-0-1-1, Abatecola absent and Cohen recused).

ANALYSIS

Public Testimony and Commission Discussion

On November 7, 2012, the Historic Landmarks Commission held a public hearing on the proposed Landmark Designation and Historic Property Contract for the "Burns House" at 255 North 5th Street.

Property owner Steve Cohen requested changes to the draft Exhibit C of the proposed Historic Property Contract so it would read as follows:

Year	Item
1	Tent building for termites
2	Bolt building to foundation
3	Upgrade electric meter boxes from glass fuses to circuit breakers
4	Remove 5 water heaters and replace with single source energy efficient system
5	Replace dome and skylight
6	Re-roof the building
7	Paint building
8	Replace missing porch railings as per original
9	Rewire building that has original wiring
10	Re-grade property for proper water diversion

The Commission accepted these changes.

HONORABLE MAYOR AND CITY COUNCIL
November 12, 2012
Subject: HL12-204 and MA12-004, Burns House
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Commission Vote

The Commission voted 3-0-1-1 (Abatecola absent and Cohen recused) to recommend that the City Council approve the proposed Landmark Designation and Historic Property Contract for the "Burns House" at 255 North 5th Street as modified by the property owner. The draft contract prepared for Council action includes the proposed changes. The staff report containing an analysis of this proposal has been distributed to the Council under separate cover.

/s/
JOSEPH HORWEDEL, SECRETARY
Historic Landmarks Commission

For questions please contact Laurel Prevetti at 408-535-7901.

STAFF REPORT
HISTORIC LANDMARKS COMMISSION

FILE NO.: HL12-204 & MA12-004, 255 N. Fifth Street, The Burns House

APPLICATION TYPE:

Historic Landmark Nomination (HL) and
Mills Act Historical Property Contract (MA)

PROJECT DESCRIPTION:

1. Nomination of the subject building as a designated City Landmark Structure
2. Historical Property Contract (Mills Act) to allow partial property tax relief to rehabilitate and maintain the subject building and related features

Existing Zoning	R-M Residence District
General Plan	Residential Neighborhood
Council District	3
Annexation Date	Original City
Historic Classification	N/A
Historic Area	N/A
SNI	13th Street
Redevelopment Area	SNI
Specific Plan	N/A



OWNERS/APPLICANTS

Steve Cohen, dba Mojmir Properties, LLC, 470 S. 3rd Street, San Jose, CA 95112

BACKGROUND

On June 11, 2012, the property owner of the multi-family residence at 255 N. Fifth Street, Steve Cohen, submitted an application for City Landmark designation. The Burns House, a distinctive Italianate residence within the Horace Mann neighborhood, is an excellent example of nineteenth-century Italianate residential architecture and is associated with John Burns, a person who is significant to San Jose's past during the early years of the period of Horticultural Expansion (1870-1918).

If the Burns House is designated as a City Landmark, any exterior changes proposed to the structure would require the issuance of Historic Preservation (HP) permits. Designation of the residence as a City Landmark would enable the owner to apply for a Historical Property Contract property tax reduction under the Mills Act. A Mills Act Contract is being considered concurrently with the Landmark designation. If so designated, the property would also be eligible for an exemption from the Building and Structure construction tax and the Commercial-Residential-Mobile Home Park (CRMP) building tax for work approved with HP permits.

A Historical Property Contract is an incentive for ownership of designated City Landmark structures. It allows the owner of a landmark structure to enjoy a reduced property tax rate in exchange for the preservation, and in some cases restoration and rehabilitation, of the owner's historic property. Please refer to the Analysis section, below, for additional discussion of Historical Property Contracts.

ANALYSIS

Historic Landmark Designation (HL12-204)

In accordance with Section 13.48.110 of the San José Municipal Code regarding the procedure for designating a Landmark, prior to recommending approval or modified approval of a proposed designation as a City Landmark, the Historic Landmarks Commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan.

Based on the information in the historical evaluation prepared by Archives and Architecture for the property, the Burns House at 255 N. Fifth Street clearly merits designation as a City of San Jose Historic Landmark Structure in conformance with San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) based on its historical, cultural and architectural significance. The building qualifies for City Landmark status primarily based on Criteria 1, 3 and 6 of the Historic Preservation Ordinance as discussed below. Please refer to the attached evaluation form for a more

detailed discussion and analysis of the building. Consistent with the San José Municipal Code, the building qualifies for City Landmark status based on the following criteria:

Criterion 1: Its character, interest or value as part of the local, regional, state or national history, heritage or culture as a distinctive Italianate style historic building which serves as a visual benchmark to the historic vitality of the Horace Mann neighborhood, an older area of mixed residential development that has evolved for over a hundred and fifty years.

Criterion 3: Identification with a person or persons who significantly contributed to the local, regional, state or national culture and history. The house is associated with John Burns who owned the property on N. Fifth Street (known then also as Main Street) in 1875. The Burns house was constructed on the site by 1877. The Burns family resided at the house until 1889.

John Burns is associated with the founding of the region's horticultural industry and significantly contributed to local and regional history. He is notable for his role in San José's pioneer first cannery, the San José Fruit Packing Company in 1875. By the early 1880's, Santa Clara Valley's canning industry was well on its way to becoming the principal industry in the valley. John Burns played an important role in the economic evolution of the canning industry in San José.

Criterion 6: Embodiment of distinguishing characteristics of an architectural type or specimen. The Burns House embodies distinguishing characteristics of the Italianate building type within the nineteenth century era of residential architectural design. It is an excellent example of an Italianate era residence built during San José's Period of Horticultural Expansion (1870-1918).

The National Register of Historic Places (NR) and California Register (CR)

The house at 255 N. Fifth Street maintains most of its historic integrity per the National Register's seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.

The house appears eligible under CR Criterion 2, (associated with the lives of persons important to local, California or national history) for its association with John Burns, important in the context of early San Jose personages who have contributed significantly to the development of the city associated with the San José Fruit Packing Company.

The house appears eligible under CR Criterion 3, (embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values). The Burns House is distinctive within its setting; a two-story, highly detailed Italianate residence. The building is distinguished among local residential architecture from San Jose's period of Horticultural Expansion (1870-1918).

Summary

The residential property at 255 N. Fifth Street, San José, has special historical, architectural and aesthetic interest and value to the community, for its contribution to the setting of Horace Mann neighborhood for its association with persons important to the early development of San José,

and for the distinctive design of the residence, which is an excellent example of nineteenth-century Italianate residential architecture.

Mills Act Historical Property Contract (MA12-004)

The Historical Property Contract is an incentive for ownership and rehabilitation of City Landmarks. It is a contract between the City of San Jose and the owner of a designated City Landmark, which allows the owner to enjoy a reduced property tax rate from the County Assessor in exchange for the preservation, and in some cases restoration and rehabilitation, of the owner's historic property. The purpose of the agreement is to provide greater protection for the City Landmark property than is otherwise provided by the historic preservation regulations in the City Municipal Code. The County Assessor sets the property tax rate based on an appraisal of the market value of the land and improvements. A property under contract will receive a property tax reduction based on an appraisal of the rental value of the land and improvements.

Required Provisions of Historical Property Contracts

Municipal Code Chapter 13.48 requires provisions of Historical Property Contracts as follows:

- A. A description of the Landmark Property subject to the Contract;
- B. A provision that the term of the Contract is a minimum period of ten years;
- C. Specific conditions requiring preservation of the Landmark Property and, where appropriate, restoration and rehabilitation of the Landmark Property to conform to the requirements of the City, and the rules and regulations of the Office of Historic Preservation of the State of California Department of Parks and Recreation;
- D. Provision for the periodic examination of the interior and exterior of the Landmark Property by the City of San Jose, Santa Clara County Assessor, and the State Board of Equalization as may be necessary to determine the owner's compliance with the Contract.
- E. A requirement that the property owner annually expend an amount equal to a minimum of 10% of the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; and
- F. A provision that the Contract is binding upon, and shall inure to the benefit of, all successors in interest of the owners; and that a successor in interest shall have the same rights and obligations under the Contract as the original owners who entered into the Contract.

In addition to the Municipal Code provisions above, State legislation requires the City Clerk to record a Historic Property Contract with the County Recorder by December 31st of any calendar year in order to be effective during the following calendar year.

The Mills Act Historical Property Contract is a standardized form document, the majority of which is the same for each individual property. The proposed year-by-year repairs, upgrades, and maintenance are described in the Preservation Plan (Exhibit "C" of the contract). The Preservation Plan differs from property to property, based on the specific needs of each individual historical building and situation. Exhibit C with the proposed Preservation Plan is attached to this report.

The Preservation Plan (Exhibit "C") includes an itemized list of proposed upgrades, maintenance, and repair tasks for the first ten years of the Historical Property Contract. Each of the Preservation Plans identifies specific work that is planned to be performed. However, the Preservation Plan should be viewed as an outline of anticipated work which will be done to preserve and enhance the historic resource based on the annual tax savings in accordance with the Historical Property Contract. For any given year, other preservation work that would represent a similar expenditure may be substituted as different site-specific needs arise over time. All work being done to meet the requirements of the Contract remains subject to approval of any applicable permits, including Historic Preservation Permits, Amendments, and Adjustments and building permits. Any work being reviewed under a Historic Preservation Permit process undergoes design review to ensure compatibility with the guidelines.

Required Findings of Historic Property Contracts

In accordance with Municipal Code Chapter 13.48, the City Council may approve a Historic Property Contract only if the following findings are made. Planning staff recommends that the Historic Landmarks Commission recommend the City Council make the following findings and approve the proposed Historical Property Contract.

A. *The proposed Contract is consistent with the General Plan.*

Preservation of specific structures or special areas is a part of the Envision San José 2040 General Plan Policy LU -13.13 to foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

B. *The proposed Contract would provide greater protection for the Landmark property than is otherwise provided by the provisions of Municipal Code Chapter 13.48;*

The proposed Contract provides greater protection for the proposed Landmark property than is otherwise provided by the provisions of Municipal Code because the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan, Exhibit "C".

C. *The proposed Contract complies with the required provisions of Historical Property Contracts listed above.*

The proposed Contracts incorporate the required provisions for Historical Property Contracts listed in Section 13.48.520 of the San José Municipal Code. Furthermore, the Historic Property Contract incorporates the required provisions of State law requiring the City to inspect the landmark property prior to bringing a contract to Council for consideration and to inspect the landmark property at least every 5 years thereafter for compliance with the contract.

GENERAL PLAN CONFORMANCE

The Landmark Designation for the Burns House conforms to, and furthers, the Envision San José 2040 General Plan. Historic sites and structures provide an educational link to San José's past

and foster a sense of place and community identity for San José. The preservation of appropriate remnants of a city's past provides multiple benefits important to the health and progress of the city. Historical resources:

- Are instructive, telling the story of a community's past;
- Provide a sense of civic identity and unique character;
- Are typically an interesting and pleasing aesthetic in the urban environment;
- Can generate economic advantage for a property or neighborhood;
- Give a community a sense of permanency. A place with a clear past can expect to also have a definite future;
- Once lost, cannot be recovered.

Staff considers the project consistent with the applicable goals and policies of the General Plan; in particular:

Goal LU-13 – Landmarks and Districts. Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

Policy LU - 13.6 Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU - 13.12 Develop and encourage public/public and public/private partnerships as a means to support, expand, and promote historic preservation.

Policy LU - 13.13 Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

Goal LU-16 – Sustainable Practices. Preserve, conserve, and/or rehabilitate historic structures as a means to achieve the City of San José's environmental, economic, and fiscal sustainability goals.

Policy LU - 16.5 Utilize the aesthetic and cultural qualities of historic resources of all types as means of promoting San José as a place to live, work and visit consistent with the City's economic development goals.

The landmark designation process of the Historic Preservation Ordinance promotes and enhances the preservation of historically or architecturally significant sites and structures. In addition, the proposed historical property contract specifically furthers the objectives of the Envision San José 2040 General Plan.

CEQA

The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that the project has been determined exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15331. The project is limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

COMMUNITY OUTREACH

The proposed Landmark nomination and Historical Property Contract was initiated by the property owner. A public hearing notice for the project was published in a local newspaper, posted at the site, and mailed to all property owners and tenants within 500 feet of the subject site. Information about the proposed projects and the associated public hearings has been made available through the Planning Division web site, and staff has been available to answer questions.

RECOMMENDATIONS

HL12-204 – Landmark Designation

Planning Staff recommends that the Commission, after holding a public hearing on the subject proposal, recommend that the City Council approve the proposed Landmark Designation of the Burns House at 255 N. Fifth Street as Historical Landmark No. 204 at the City Council hearing scheduled for November 27, 2012 at 1:30 p.m.

MA12-004 – Mills Act Historical Property Contract

Planning staff recommends that the Historic Landmarks Commission, after holding a public hearing on the subject proposal, recommend that the City Council make the following findings and approve the Historic Property Contract of the Burns House at 255 N. Fifth Street at the City Council hearing scheduled for November 27, 2012 at 1:30 p.m.

- The proposed contract is consistent with the San José 2040 General Plan;
- The proposed contract would provide greater protection for the landmark property than is otherwise provided by the provisions of Chapter 13.48 of the Municipal Code; and
- The proposed contract complies with the requirements of Section 13.48.520 of the San José Municipal Code.

Project Manager: Lori Moniz

Approved by:



Date: 10-30-12

Attachments: Department of Parks and Recreation (DPR) form
Draft Proposed Preservation Plan (Exhibit "C")

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May 25, 2012

Steve Cohen
470 South Third St. #1
San José CA 95112

RE: City Landmark Nomination – 255 North Fifth St., San José (APN 467-01-055)

Dear Mr. Cohen:

Please find enclosed the DPR523 forms prepared for your property at 255 North Fifth St. in San José. These forms were prepared for your use in submitting an application to the City of San José for City Landmark status for your residential property.

We believe the building at this address to be a distinctive representative of nineteenth century Italianate residential architecture in San José. While not located in an area that has been identified as a historic district, it is located in San José's Original Survey, and is representative of the early development of the downtown frame prior to the expansion of the city limits during the first part of the twentieth century. The forms that are attached to this letter provide a history of the property and a detailed visual description of the architectural features of the building. Although we were unable to confirm the architect, we noted that the house appears architect designed, and was initially built in 1875-1876 and lived in by John Burns, a person important to San Jose's past in the early years of the Period of Horticultural Expansion (1870-1918).

We reviewed your property using the City of San José landmark designation criteria, which is used to consider the historical significance for properties within the San José city jurisdiction. The actual nomination process and decision by the San José City Council is based on the requirements of Chapter 13 of the San José Municipal Code (Section 13.48.110 / *Procedure for designation of a landmark.*) We believe the property is eligible for individual designation as a San José City Historic Landmark.

The property is not currently listed on the City of San José Historic Resources Inventory. We noted that the house, although modified during the twentieth century, has sufficient integrity to its period of significance to be considered a historic resource. The period of significance is 1876-1888, coinciding with the construction/occupation of the property by the initial occupant, John Burns.

Nomination for City Historic Landmark status can be made by a property owner. Following notification from the Director of Planning, Building and Code Enforcement that your application is complete, the procedure for the designation of your property is initiated. A public hearing before the Historic Landmarks Commission will take place, and following that hearing, a report with

recommendations will be submitted to the City Council, who will then hold a public hearing to formally consider the designation.

In order for the designation to take place, the San José City Council must make findings that the property has historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as an individual city landmark conforms to the goals and policies of the San José General Plan. In reviewing the possible historical values associated with the property at 255 North Fifth St., we consider the following statement applicable:

The residential property at 255 North Fifth St., San José, has special historical, architectural and aesthetic interest and value to the community, for its contribution to the setting of San Jose's Horace Mann neighborhood, for its association with John Burns, a person who is significant to San Jose's past during the early years of the Period of Horticultural Expansion, and for the distinctive design of the residence, which is an excellent example of nineteenth century Italianate residential architecture.

The City of San José could reasonably make the following findings in designating your property a city historic landmark:

- *It has character, interest and value as a part of local history and heritage and is a distinctive building within the Horace Mann neighborhood;*
- *It is identified with John Burns, who is associated with the founding of the region's horticultural industry, and who has significantly contributed to local and regional history;*
- *It is the embodiment of elements of architectural design, detail, and craftsmanship which represents a significant architectural innovation in San José; and*
- *It embodies distinguishing characteristics of the Italianate residential type within the nineteenth century era of residential architectural design.*

Sincerely,



Franklin Maggi, Architectural Historian
Archives & Architecture

Enclosures

State of California – The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
 HRI #
 Trinomial
 NRHP Status Code

Other Listings
 Review Code

Reviewer

Date

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*Resource Name or #: (Assigned by recorder) Burns House

P1. Other Identifier: (historic addresses) 174 Fifth St., 168 Fifth St.

*P2. Location: Not for Publication Unrestricted *a. County Santa Clara

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad San Jose West Date 1961 Photorevised 1980 T.7S.; R.1E.; Mount Diablo B.M.

c. Address 255 North Fifth St. City San Jose Zip 95112

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 598376mE/ 4133367mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 467-01-055,

west side of North Fifth Street between East St. James and East Julian Streets.

*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This house embodies, through its form and detailing, an Italianate design of the 1870s in San Jose's Original Survey. Italianate houses, at their peak in the 1870s in San José with some later and earlier examples, can be recognized for their references to urban villas from the Italian Renaissance. Common features of the style include compact forms meant to be somewhat imposing, distinctive window detailing, two-story bay windows, often quoins, and Italianate eave brackets intended to suggest stonework. This building has Italianate influences that include carved brackets and arched window headers, although it does not have quoins. Many Victorian-era and earlier houses and apartments, similar in scale and age are located near the subject property; however, the Original Survey area and the downtown frame is an eclectic mix of house styles and buildings types and ages ranging from the 1860s to the present.

(Continued on page 2, DPR523L)

*P3b. Resource Attributes: (List attributes and codes) HP3. Multiple family property

*P4 Resources Present: Building Structure Object Site District Element of District Other (isolates, etc.)



P5b. Description of Photo: (View, date, accession #)

View facing west, May 2012.

*P6. Date Constructed/Age & Sources:
 Historic Prehistoric Both

Ca. 1876, 136 years, based on City of San Jose tax assessments.

*P7. Owner and Address:

Steve Cohen
 470 South Third St. #1
 San Jose, CA 95112

*P8. Recorded by: (Name, affiliation, and address)

F. Maggi, L. Dill, & S. Winder
 Archives & Architecture, LLC
 PO Box 1332
 San Jose CA 95109-1332

*P9. Date Recorded: 5/25/2012

*P10. Survey Type: (Describe)
 Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none".)

None.

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure and Object Record Archaeological Record
 District Record Linear Feature Record Milling State Record Rock Art Record Artifact Record Photograph Record Other (List)

(Continued from page 1, DPR523a, P3a Description)

The immediate setting of the nominally east-facing building includes a modest front yard that is currently landscaped primarily as lawn, with a large evergreen shrub. The neighborhood features sycamore street trees, but there are none directly in front of this property. A very recent concrete paved driveway passes the north side of house, filling the setback on that side. The south side yard is narrow at a small house addition and the larger side yard is otherwise integrated into the main yards front and rear. The rear yard consists of a central gravel parking area surrounded by lawn. Within the rear yard are some mature, individually placed shrubs, including a fig tree, a jade tree, and a rose. This yard also includes a linear, four-bay detached garage along the northwest rear property line and a small separate outbuilding at the southwest corner of the parcel.

The building has a two-story main mass with a low-pitched truncated-hipped main roof that also covers a two-story front bay window. A brick chimney projects from the center of the roof. The building is set relatively close to grade for an Italianate, but rises into a recognizable two-story balloon-framed form. The original main footprint is approximately "T"-shaped, with a rectangular front portion that steps out shallowly to both sides at the rear. Additions have created a more asymmetrical and rambling footprint over time. A one-story porch originally wrapped the southeast front corner of the house, but has been altered with a side room addition, and now the porch projects only to the front. A two-story addition spans approximately half of the rear elevation. A one-story addition extends across the remaining northwest corner of the rear elevation. A sun porch projects to the rear of this wing. A one-story front porch has been added in front of the southeast room addition. A variety of smaller appendages include an exterior staircase on the rear façade of the two-story addition, and three hot-water-heater closets. The building is set on a concrete foundation, indicating that it may have been altered on its site after the nineteenth century. The footprint of the original house is shown on insurance maps at this address as early as 1884, so it is historically associated with this location.

In keeping with the Italianate influences, the shallow eaves are designed as a classical cornice, featuring carved wooden corbels within a frieze band. The carving is more typical of the "Eastlake" style from the late 1880s. The frieze consists of a dentil band at the top and an ogee at the base. The brackets are doubled at the corners. The gutters are wood in an ogee profile and integral with the cornice. The roof is covered with wood shingles, but the main hipped portion is almost invisible due to its low slope. Most of the walls are clad in channel-rustic horizontal wood siding mitered at the corners. The two-story rear addition and front one-story wing have channel rustic siding that is very slightly different in width than that of the original house. The one-story rear addition has siding that aligns horizontally with the original house; the wings are separated by flat-board seams. The upper northwest corner of the two-story addition is clad in vertical beaded-board siding, as are the low walls of the enclosed rear sun porch. The main original house and the northwest rear additions are wrapped by a watertable with a flat-board apron.

Original fenestration consists primarily of wood 1/1 double-hung window units with segmental-arched upper sash, set individually around the perimeter, and generally stacked vertically. There are also large focal windows at the first floor of the two original projecting side walls. There is what appears to be an original oculus window on the south side. The original windows are surrounded with flat-board casings trimmed by architrave moldings; they have small shaped aprons beneath. At the additions the windows include mostly 1/1 double-hung units in a variety of sizes and shapes, but also a multi-lite fixed window at the sun-porch.

The original two-story house design features a full-height angled bay window that encompasses the north half of the façade. The south half of the main front façade was originally wrapped by a one-story porch that remains in part. The front door was aligned with a single upper window on this half of the façade. The paneled front door has a single viewing lite. The door is slightly recessed and surrounded by side paneling and front-facing paneled pilasters. The doorway is accented by an arched transom.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

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*Resource Name or # (Assigned by recorder) Burns House

*Recorded by Franklin Maggi, Leslie Dill, & Sarah Winder *Date 5/25/2012

Continuation Update

(Continued from previous page)

Facing front, but considerably farther back, are the two projecting side wings; these each feature stacked arched 1/1, double-hung windows. The bay window consists of individual 1/1 arched window facing front at each level; these are flanked by windows of equal size. The windows are set into trimmed mullions and set onto paneled wall segments. There is an intermediate cornice between the floors, which includes carved wooden corbels similar to the main cornice.

The main entry is through the original projecting porch that has beveled square posts and trimmed capitals. The main porch beam has a flat arch design beneath small carved corbels. The frieze band still wraps to the rear along the south side; however, below the beam, this side of the porch has been incorporated into the small shed-roofed side addition. The porch has a very low slope hipped roof, and the ceiling is beaded-board. There is one section of original handrail; it consists of turned balusters with a solid base and cap rail. The handrail at the steps is recent, consisting of cobbled-together lumber. The porch floor is very recent concrete.

To the south side, the original house has been expanded twice over time, with a one-story shed-roofed room addition. The addition is flush with the front wall of the original house; the seam is covered by a flat board trim, and an additional seam shows where the wing was expanded for a second time. The addition has a separate front entry and a large focal window that consists of a fixed picture window topped by a transom. The wood window unit includes a horizontal mullion with dentils, indicative of the early-twentieth century. The window is set relatively low for this design, so is a vernacular placement; typically, the upper mullion would have aligned more closely with the height of a doorway. The addition has channel-rustic siding similar to the original siding. There is a low utility box that projects from the front wall of the addition. The low-slope roof has exposed rafter tails. The original front porch has been elongated to the south, as an entry porch for the side addition. This portion of the porch has a shed roof and a trimmed square post. The concrete porch floor is continuous.

The north side elevation includes two faces of original walls. The more eastern wall has only a single arched window at the first floor. Near the front corner, there is a low utility box that projects from the first floor of the original house wall. The projecting wing, more to the west, has a focal window at the first floor and a replacement window at the second. There are seams in the siding that show the original window configuration. The focal window consists of a single picture window topped by a transom. The horizontal mullion is concealed by the wood frame of an early insect screen. Extending in plane with this wall are the one-story rear additions. The first addition has two 1/1 double-hung windows of different sizes. This addition is topped by the eaves of a shed roof at this elevation. The rearmost addition has one small 1/1 double-hung window facing north. This addition has a hipped roof. Facing north, but set farther back than these additions, is the north side of the two-story addition. There are two modern windows set within this beaded-board north wall. They are obscured by the setback and nearby plumbing stacks.

The south side façade features two original wall planes. In the original wall above the front porch is a low oculus window, barely visible; there is no other fenestration in this area. The original, projecting two-story wall features a large focal window at the first floor, similar to the one on the north side, and an arched 1/1 double-hung window at the second floor. Projecting from the front (southeast corner) of the original main house is the one-story front addition. This has a shed roof sloping to the south, and the cornice of the former wraparound porch is visible above it. The south façade of this addition includes two differently sized 1/1 double-hung windows.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

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*Resource Name or # (Assigned by recorder) Burns House

*Recorded by Franklin Maggi, Leslie Dill, & Sarah Winder *Date 5/25/2012 Continuation Update

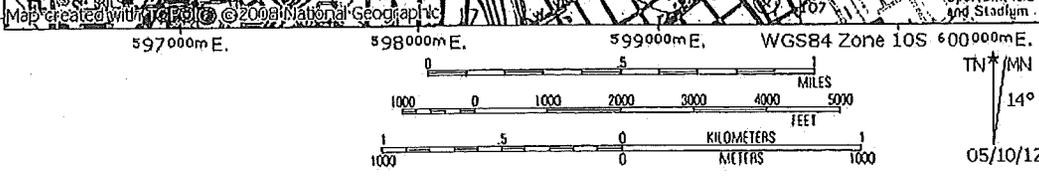
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Set slightly back from the main original two-story wing is a two-story rear addition. It has a shed roof that slopes to the rear. On this side elevation, this addition has a recent door and narrow 1/1 double-hung window at the first floor, placed in no particular design configuration, and a small 1/1 double-hung window at the second floor, placed approximately centered. At the southwest rear corner of the addition is an exterior access stair for the upper level. This is built of modern lumber with wooden treads and square balusters. The stair is open underneath. There is a hot-water-heater cabinet that projects from the inner corner of the first floor of the two-story addition.

The rear façade is an assembly of additions, with a small corner of original rear wall visible at the north side. The siding at this upper wall has a flat-board seam, indicating that the original floor plan may have been altered very early. A single window is located in this original wall; it is a wood 1/1 double-hung unit; the top sash is concealed by an awning. The two-story addition projects from the south half of the façade. A pair of modern entry doors is located slightly offset on the first and second floors. One double-hung window is located near the south corner of the upper floor. The central portion of the second story of this addition has vertical beaded-board siding, indicating that the second story was added or perhaps enclosed a porch. The access stairs project from the face of this addition. In line with the two-story addition is the first one-story wing or addition. On this rear façade, only the eaves of this wing are visible; the roof is a hip across part of the façade, and then extends into a shed to the north. Projecting across the north half of the rear façade is the hipped-roof sun porch; it spans the rear wall width of the earlier one-story addition and overlaps slightly onto the face of the two-story addition. There is a recent door flanked by fixed multi-lite porch windows. There is a hot-water-heater cabinet on this exterior wall. The rear wall of the one-story addition is visible near the front of the house on the south side. The siding of this addition has a seam that mirrors the seam on the front of the addition, confirming that the addition was added in two phases. There is one 1/1 double-hung window facing the rear yard in this addition, and a hot-water-heater cabinet that projects from the rear corner of this wing.

The long, low main detached accessory structure appears, from its variety of vertical siding patterns and exposed rafter tails, to have been built over time in the early-to-mid-twentieth century. It consists of a four-car garage with a side-gabled roof with exposed rafter tails; the garage bays have dirt floors and swinging wood doors. The smaller detached accessory structure appears more recent; it also has a gabled roof and vertical wood siding. The north side wall is clad in plywood with battens. The roofs of both outbuildings are composition shingles.

SITE



State of California – The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #
 HRI #

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*NRHP Status Code 3CS

*Resource Name or # (Assigned by recorder) Burns House

- B1. Historic Name: John Burns House
 B2. Common Name: None
 B3. Original use: Single family residential B4. Present Use: Multiple family residential
 *B5. Architectural Style: Italianate
 *B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed ca. 1876-1877. Bay window and addition at SW/corner by 1891. Larger rear addition and wrap-around porch by 1915. Second story rear addition and partial front side wing by 1921. Foundation in 1938 (#6264). Rear addition 1955 (#020627). Garages date unknown.

- *B7. Moved? No Yes Unknown Date: n/a Original Location: n/a
 *B8. Related Features:

Garages and ancillary structures at rear of site.

B9a Architect: Unknown b. Builder: Unknown

- *B10. Significance: Theme Architecture and Shelter Area 13th Street SNI Planning Area
 Period of Significance 1876-1888 Property Type Residential Applicable Criteria (2) and (3)
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The distinctive Italianate style residence located on the west side of North Fifth Street between East St. James and East Julian Streets in San Jose's downtown frame is likely an architect-designed house, although the architect remains unknown. It was originally built for John Burns, an early San Jose grocer and partner in San Jose's, and Santa Clara Valley's first cannery. The property is located in the Horace Mann neighborhood, an older area of mixed residential development that has evolved for over a hundred and fifty years. Horace Mann is an inner-city neighborhood that has recently begun a period of regeneration. Distinctive historic buildings such as the Burns House serve as visual benchmarks to the historic vitality of the area.

The building is an excellent example of a Italianate residence built during San Jose's Period of Horticultural Expansion (1870-1918.) The property appears to meet the criteria for designation as a San Jose City Landmark based on its architectural design and its association with John Burns, a person important to San Jose's past.

(Continued on next page, DPR523L)

- B11. Additional Resource Attributes: (List attributes and codes) HP2. Single family property

*B12. References:

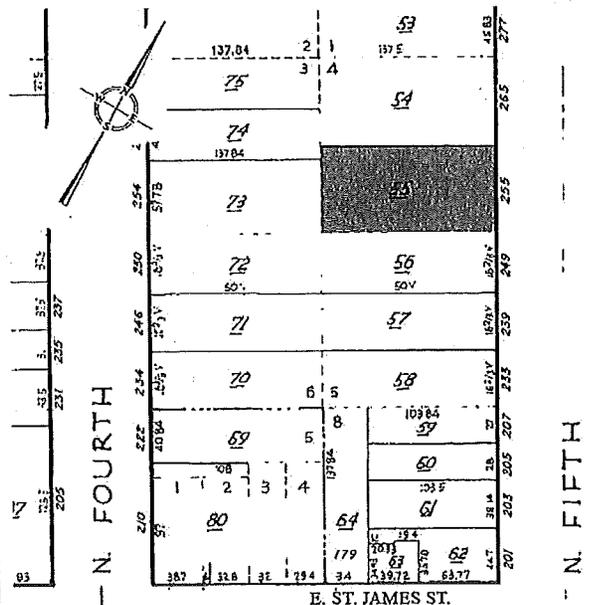
- Munro-Fraser, J. *History of Santa Clara County, Ca*, 1881.
 Payne, S. *Santa Clara County: Harvest of Change*, 1987.
 Polk-Husted City Directories San Jose and Santa Clara County.
 Sanborn Fire Insurance Maps, 1884-1962.
 City of San Jose Block Books, 1871, 1909, and 1924 plus.
 City of San Jose Building permits, Feb. 2, 1955 #020627.
 Sawyer, E., *History of Santa Clara County*, 1922.
 U.S. Federal Census 1870 - 1930.

B13. Remarks: Proposed landmark nomination

*B14. Evaluator: Franklin Maggi

*Date of Evaluation: 5/25/2012

(This space reserved for official comments.)



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DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
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*Resource Name or # (Assigned by recorder) Burns House

*Recorded by Franklin Maggi, Leslie Dill, & Sarah Winder *Date 5/25/2012 Continuation Update

(Continued from previous page, DPR523b, B10 Significance)

By 1848, the grid of San Jose's downtown frame had been formally established as we know it now, based on the work of William Campbell and Chester Lyman, and is known as the area of the Original Survey. It extended from Market Street to Eleventh Street, and from what is now called Julian Street on the north to Reed Street on the south. Each block had a reference block and range, and the blocks were mostly subdivided into six lots of about half an acre each. As the area of the Original Survey developed during the latter part of the nineteenth century, most of these half-acre lots were re-subdivided by deed, creating the neighborhood patterns that exist today. Today, the immediate neighborhood of this property is known as Horace Mann, referencing the school site at North Seventh and East Santa Clara Streets that has served the neighborhood for over a century.

The subject property at the time of development in 1875 had been configured as the southern 1/2 of Lot 4 of B4R5N of San Jose's Original Survey. It is located on Fifth Street, which was also known interchangeably as Main Street until the late nineteenth century, just one block south of the Hensley Historic District, and a block and a half to the east of St. James Square. John Burns, a merchant/grocer who had resided on nearby Fourth Street purchased the vacant property in May 1, 1875 for \$1,050 from Pedro De Saisset (Deeds 36:91).

John Burns was born in Massachusetts in 1815, and arrived in Santa Clara County around 1870 with his wife Mary, and son Harvey Briggs, according to U.S. Census data and Santa Clara County Voter Registrations. The 1870 Census places the Burns family somewhere in San Jose's Second Ward, and the 1874 Polk City of San Jose Directory places the family at 218 Fourth St. Despite being listed as a retired merchant on the census, he is known to have been a partner in the Lendrum, Burns & Co. grocery store, along with George Lendrum. George Lendrum had arrived in Santa Clara County in the late 1860s, establishing a number of partnerships in the grocery trade before launching the Lendrum, Burns & Co. partnership in 1875, located on First Street in the downtown. In January of that same year, San Jose Fruit Packing Company was officially incorporated, and among the incorporators was John Burns.

San Jose Fruit Packing Company, begun as a small family canning operation on the outskirts of San Jose around 1871 by Dr. James Dawson in a shed in his backyard, quickly expanded to a new location the next year at what is now East Julian and North Twenty-first Streets under the name J.M. Dawson & Co. By the mid-1870s, the Dawsons, together with Lendrum, Burns & Co., had erected an even larger plant on Fifth Street across from the subject property. By the early 1880s, the Santa Clara Valley's canning industry was well on its way to becoming the principal industry in Santa Clara Valley during the Period of Horticultural Expansion and the Interwar Period. San Jose Fruit Packing Company and the subsequent Golden Gate Packing Company incorporated in 1877 a block away on Fourth Street by George Bowman with Dawson's brother-in-law W.S. Stevens and W.H. Muntz dominated the evolving local canning industry through the end of the nineteenth century.

City of San Jose tax assessment records show that John Burns owned the subject property located on Fifth Street (known then also as Main Street) in 1875-76, although the property was only assessed for a land value of \$700 at this time. It wasn't until 1876-77 that the property was assessed for both a land value of \$750 and for improvements valued at \$1500. Burns likely constructed his residence sometime between March of 1876 and March of 1877. A well-known photograph of the San Jose Fruit Packing Company building complex was likely taken from the upstairs window or roof of the Burns House during their occupancy in the late 1870s or 1880s. The family resided on the property until 1889, when they moved to 340 North Fifth St. according to City Directories. At this time, the Wheeler family purchased the subject property.

Alfred Wheeler, his wife, and seven children had arrived in Santa Clara County in the early 1880s. Voter Registrations from 1886 place the family somewhere in the Second Ward, and City Directories place the family near the corner of Taylor and Fifteenth Streets in 1887-88. By 1889, City Directories list members of the Wheeler family as residing at 255 North Fifth St.

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DEPARTMENT OF PARKS AND RECREATION
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Primary #
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*Resource Name or # (Assigned by recorder) Burns House

*Recorded by Franklin Maggi, Leslie Dill, & Sarah Winder *Date 5/25/2012 Continuation Update

(Continued from previous page)

Alfred Wheeler, born in New York in 1825, had moved to Indiana where he married Elizabeth Ruth. The Wheelers lived in South Bend, Indiana, where Alfred was a prominent newspaper man and editor, but by the mid-1880s, the Wheeler family had relocated to California, and Alfred was making a living as a farmer, and one of his sons, Almon, was working as a nurseryman in San Jose's growing plant nursery industry.

Almon Wheeler, beginning sometime in the mid-1880s, worked under John Rock, a pioneer in the orchard and nursery industries in the Santa Clara Valley. He is list as an agent of Rock's California Nursery Company throughout the 1890s, but it wasn't until 1902 that he formed a partnership with Henry Ruehl, to establish his own nursery, Rhuel-Wheeler & Company, which continued to operate until well into the twentieth century.

By 1899 however, the Wheeler family had begun renting out the subject property, which it continued to do until Almon Wheeler (who had assumed ownership of the property in 1902 with the death of his father) sold 255 North Fifth St. to Lewis C. Prettyman according to the *Evening News* on September 6, 1904. It is unknown if Prettyman occupied the property himself, or if he rented it out, but by October 6, 1906, Prettyman had sold the property to a Kate Benson.

Kate Benson, born in Sweden, immigrated to the United States as a child and then later married Oliver Benson in 1866, also a Swedish immigrant. They resided in Nevada, where Oliver was a hotel keeper. By 1906 though, Kate was a widow, and had relocated to San Jose. Kate had two daughters, Cora and Minnie, who had married two brothers. By 1908, both daughters and their families resided in San Jose as well. A widow as well, Cora Engstrom (who had been married to John Engstrom) resided with her mother Kate at the subject property, and later Minnie and George Engstrom joined them. Directories at this time list Cora as a laundry worker at the nearby St. James Laundry. Prior to Kate's death in December 1917, she had passed ownership of the property to Cora.

In 1921, the widow Cora Engstrom married Charles Kunkel, a real estate and insurance agent. Charles and his brother Henry, a postal worker, moved to the subject property at this. Charles Kunkel died in 1945, and Cora Kunkel continued to reside at the property until her own death in 1952. The residence was converted into to a multi-family rental property following the death of Cora by the subsequent owner, and it remains a five-unit rental property today.

Survey Status

The subject property is not listed on any previous surveys or inventories at the local, state, or national level. The surrounding area has not been the subject of an intensive-level investigation of the potential for a historic district or conservation area beyond the reconnaissance surveys of historic resources in the mid-1970s. The 13th Street SNI Planning Area was the subject of a historic context study in 2006 that was prepared by Archives & Architecture for the National Trust for Historic Preservation. That report did not identify specific sub-areas within the study area that might be eligible for district status, but considered the potential for a larger conservation area in the Northside neighborhoods and environs.

Integrity and character-defining features:

The property, although modified during the twentieth century, retains its critical historical integrity as per the National Register's seven aspects of integrity. The residential building maintains its original location on North Fifth Street, a historically eclectic residential neighborhood street within San Jose's Original Survey area. The property is surrounded by a traditional residential setting immediately north of the downtown core, including surrounding properties of a similar scale and setback and adjacent houses of similar age, scale, and design. Although altered by additions, the residence retains its mid-to-late-nineteenth-century scale and feeling and continues, through its massing and detailing, to illustrate its associations with local personages and residences of the nineteenth century in San José.

(Continued on next page)

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The residential building at 255 North Fifth St. has a distinctive historic character and composition that is expressed through its preserved materials, workmanship, and Italianate design. The character-defining features of the original house include the "T"-shaped, balloon-framed form, two-story bay window, channel-rustic siding, windows and front door, trim, front porch, circular window, and brick chimney.

Although the various additions include earlier build dates during the historic period, they do not add significance to the house design or other historic associations as they occurred outside the period of significance (1876-1888). The detached outbuildings are not associated with the significance of the original house.

EVALUATION

This house sits in a mature residential area that contains a large concentration of historic houses. The City of San Jose has not recognized the historic context within the Horace Mann neighborhood as a part of a historic district or conservation area designation. The property is associated with nineteenth century urban development in the immediate vicinity, but that context is not known to be considered significance under state criteria. The property would therefore not appear to be eligible for the California register under Criterion (1) for events or historic patterns of development.

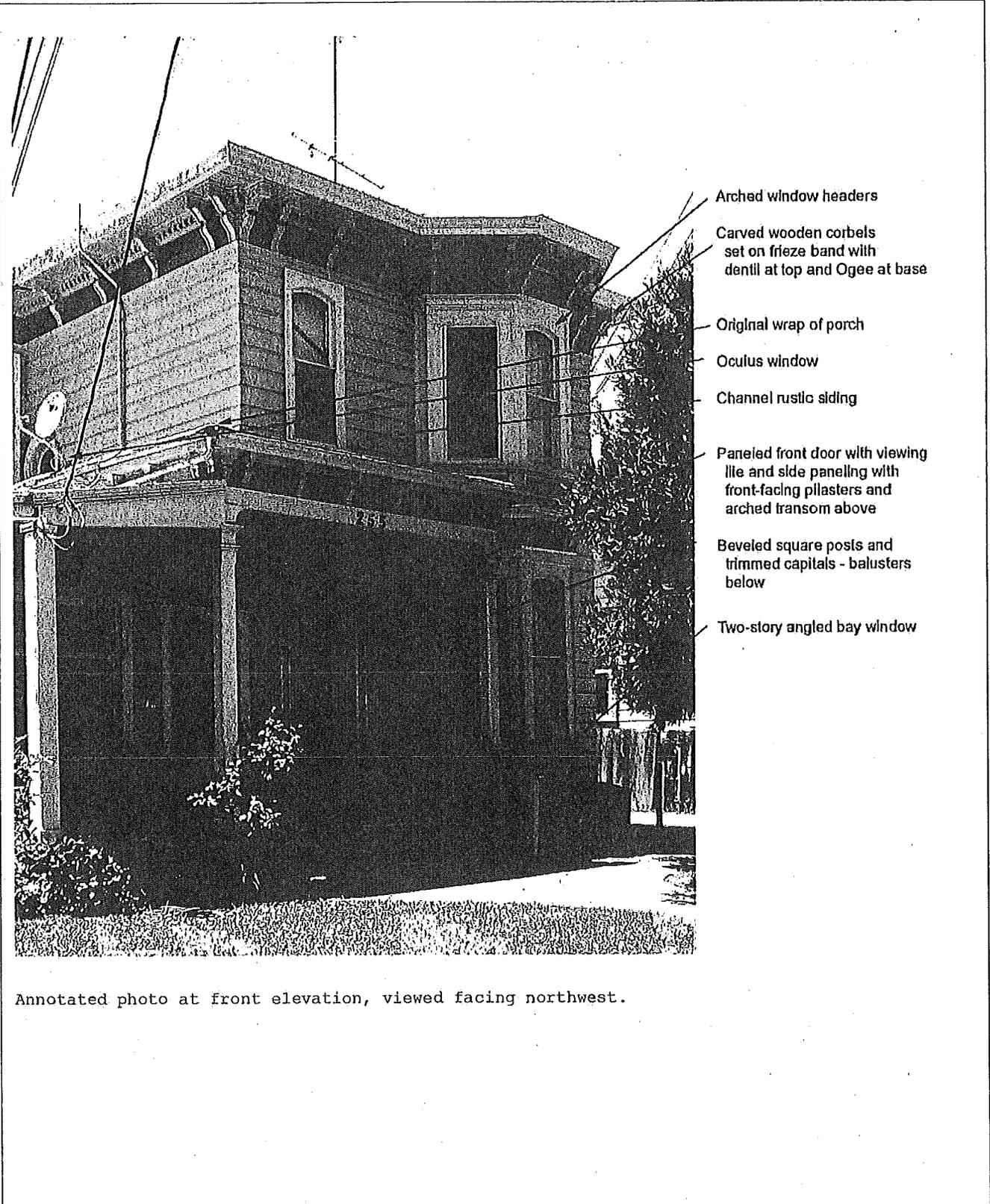
The original family associated historically with the early use of this residence, the Burns family, is notable for John Burns' role in the San Jose's pioneer first cannery, San Jose Fruit Packing Company. Little remains in the historical record about John Burns, but based on his occupation in food marketing and role as a co-incorporator, and the pivotal role this cannery played in the economic evolution of San Jose and Santa Clara Valley, it can be construed that he was an important participant in this pioneering industrial development. The association of this house with John Burns appears to be of sufficient local significance to enable eligibility to the California Register under Criterion (2).

The other notable family associated with the property, the Wheeler family, is recognized for Almon Wheelers' role in the early nursery industry in San Jose, although the time period for which Almon is significant does not coincide with their ownership of the property, but rather a later period.

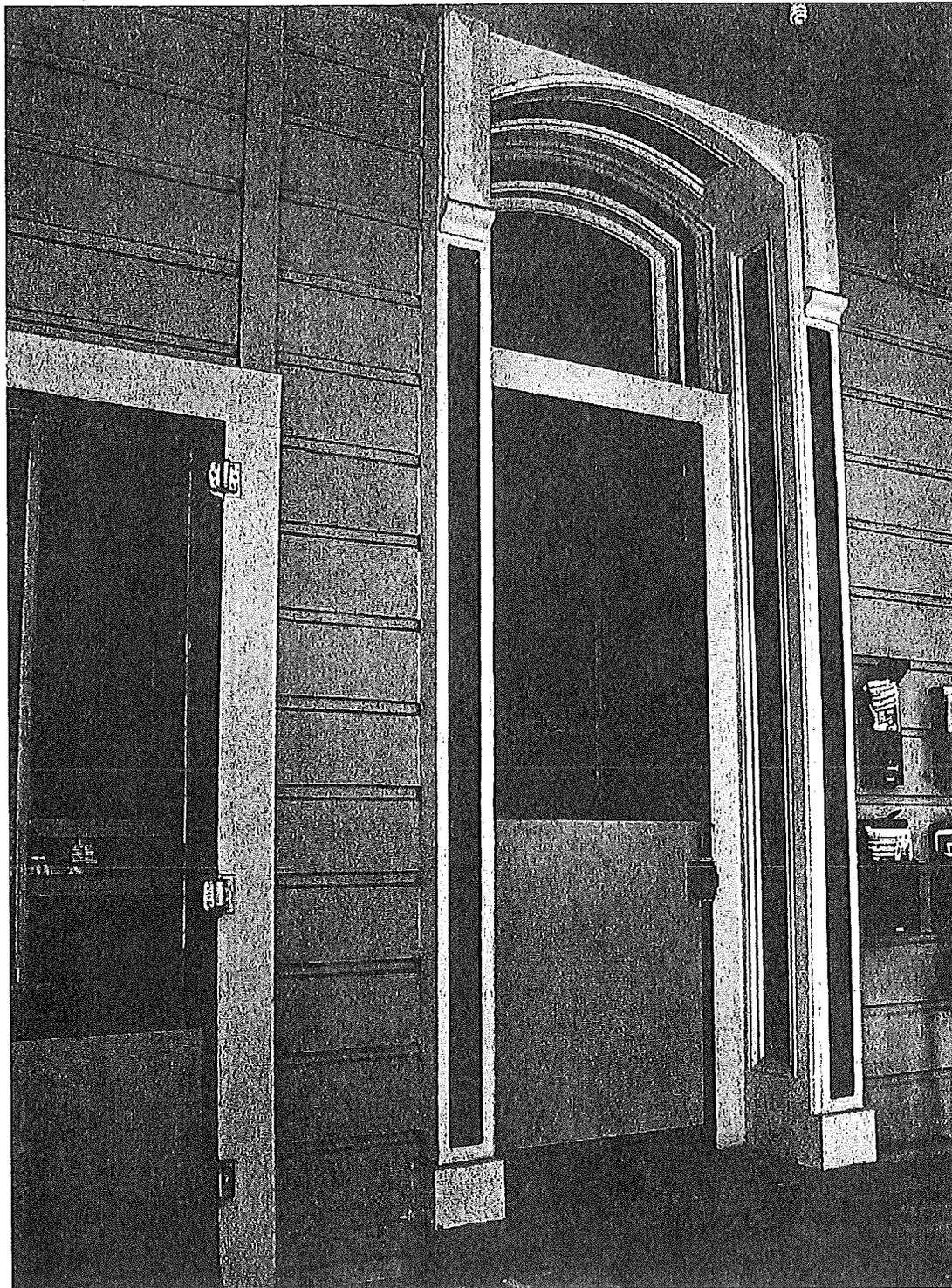
The house is distinctive within the Horace Mann neighborhood within San Jose's downtown frame; a two-story, highly detailed Italianate residence. The building is distinguished among local residential buildings from San Jose's *Period of Horticultural Expansion*. Due to the more recent changes/additions to the building to the rear and ancillary structure, the property has a reduced level of integrity. However, this building has a distinctive character and composition that is expressed through its preserved materials, workmanship, and eclectic Italianate design. It appears that the property has sufficient integrity to its original design to qualify for listing on the California Register under Criterion (3).

The property was not evaluated under the City of San Jose Evaluation Rating Criteria, as nomination for City Landmark status does not require such an evaluation under the adopted Revised Guidelines for Historic Reports (2/26/10). Under the requirements under Chapter 13 of the San Jose Municipal code (Section 13.48.110) the property qualifies for City Landmark Status based on the following criteria:

- It has character, interest and value as a part of local history and heritage and is a distinctive building within the Horace Mann neighborhood;
- It is identified with John Burns, who is associated with the founding of the region's horticultural industry, and who has significantly contributed to local and regional history;
- It is the embodiment of elements of architectural design, detail, and craftsmanship which represents a significant architectural innovation in San José; and
- It embodies distinguishing characteristics of the Italianate residential type within the nineteenth century era of residential architectural design.



Annotated photo at front elevation, viewed facing northwest.



Front entry, viewed facing northwest.

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DEPARTMENT OF PARKS AND RECREATION
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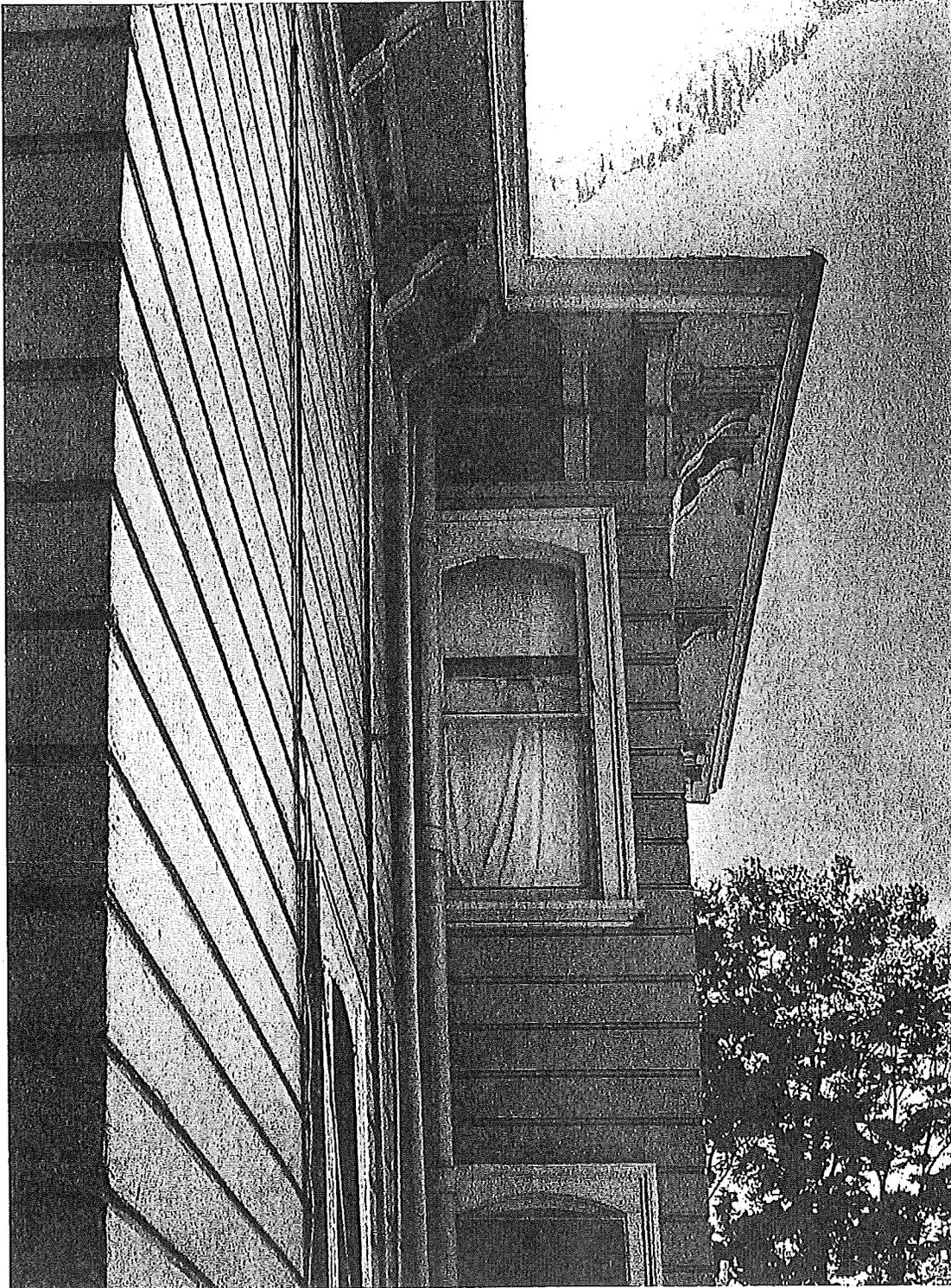
*Resource Name or # (Assigned by recorder)

Burns House

*Recorded by Franklin Maggi, Leslie Dill, & Sarah Winder *Date 5/25/2012

Continuation

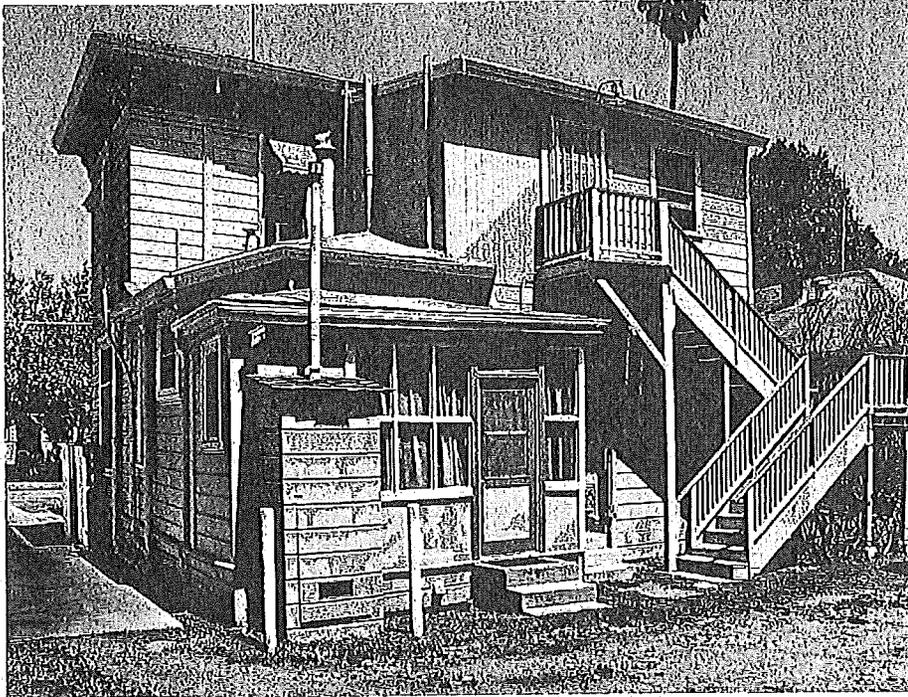
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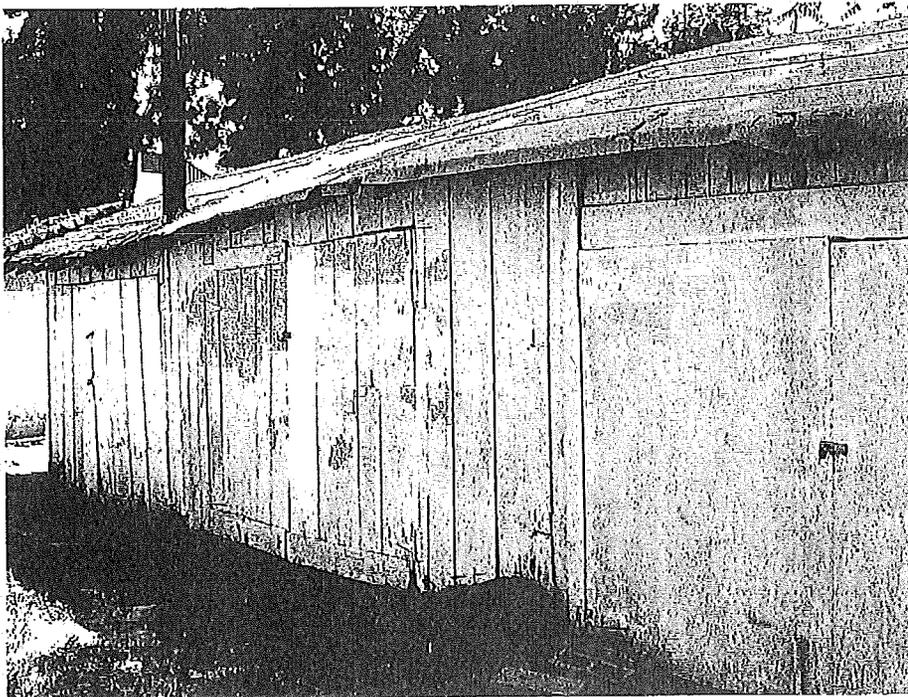
Detail view of north elevation with cornice and arched windows, viewed facing west.



South elevation, viewed facing northeast.

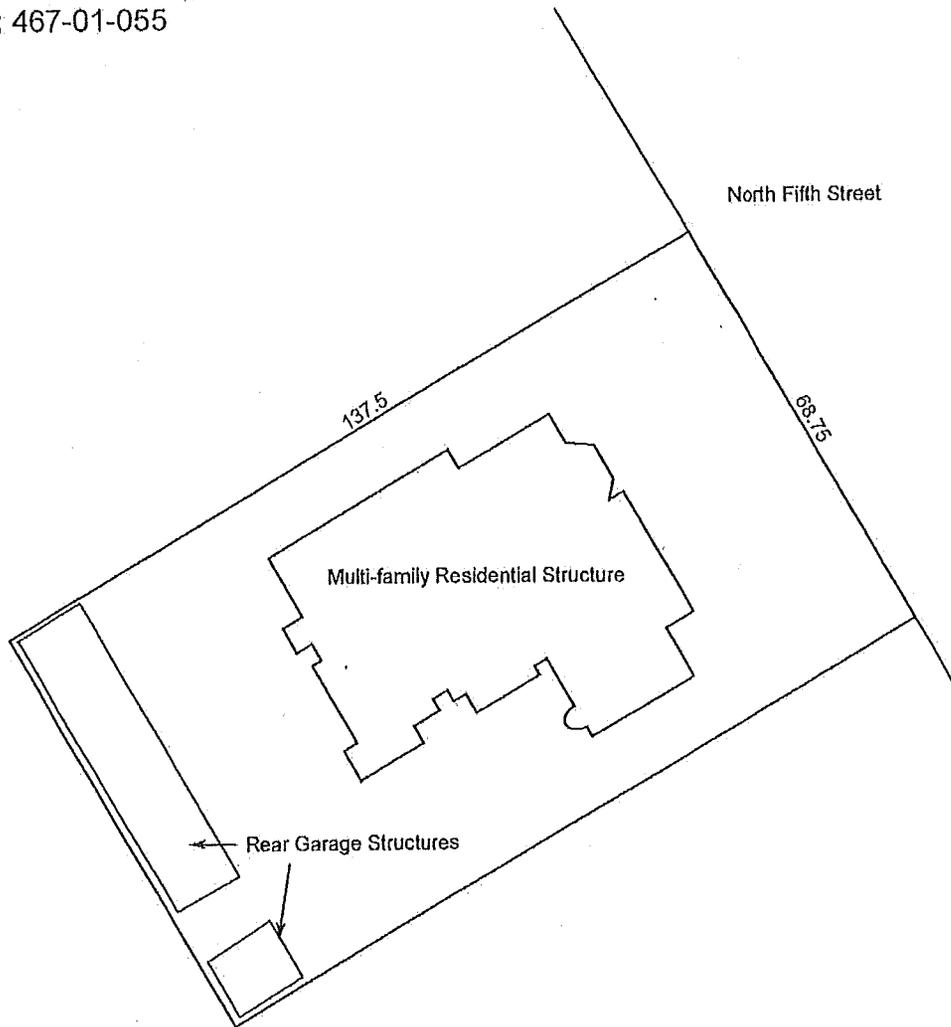


Rear (west) elevation with north elevation to left, viewed facing east.



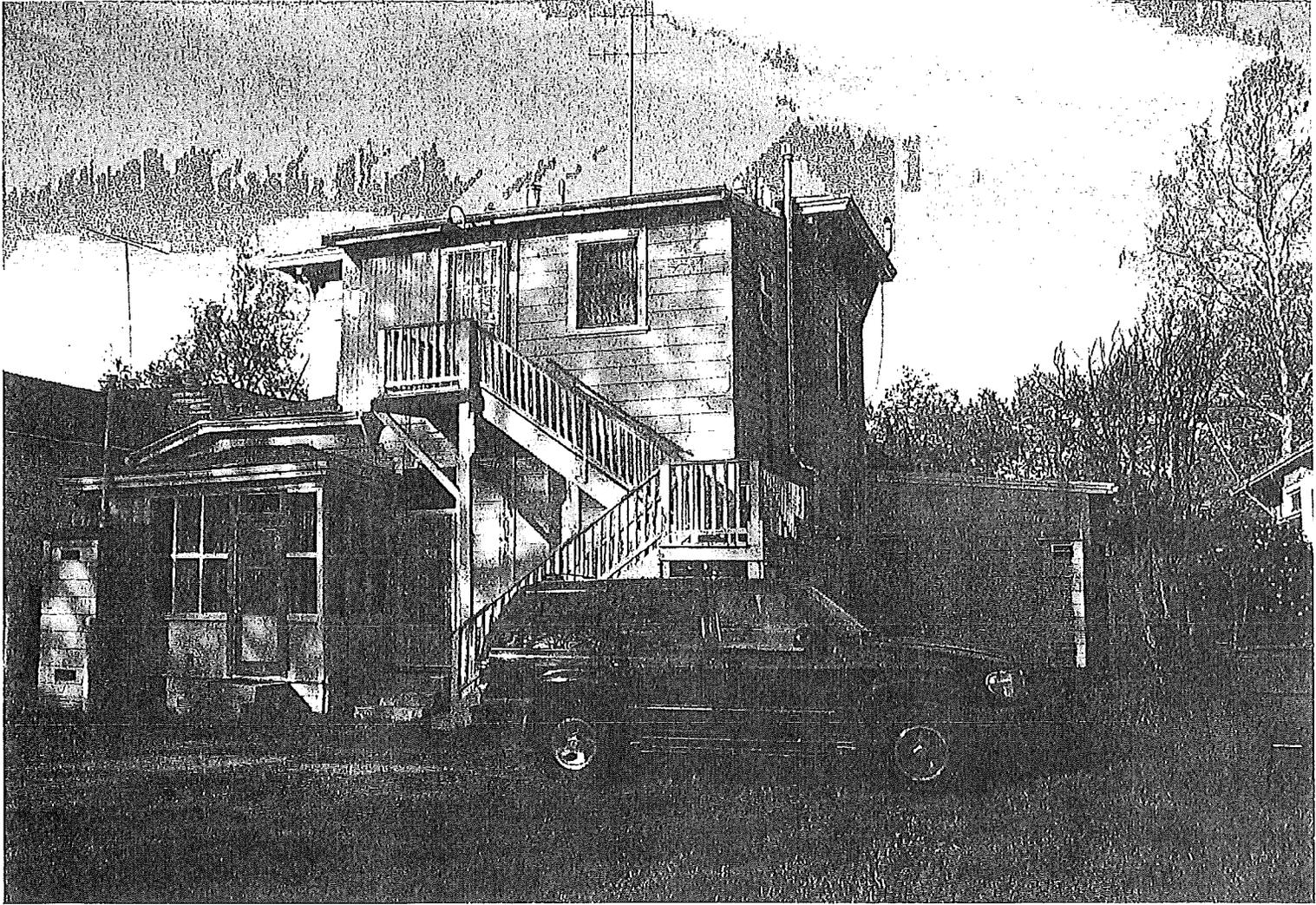
Detail view of garage structure, viewed facing south.

255 North Fifth St.
San Jose, California
Santa Clara County
APN: 467-01-055



Note: Diagram not to scale.







255 North 5th Street

Burns House

Mills Act Contract

Year 1- Tent building for termites

Year 2- Bolt Building to the foundation

Year 3- Upgrade electric meter boxes from glass fuses to circuit breakers

Year 4- Remove 5 water heaters and replace with single source energy efficient system

Year 5- Install solar water system

Year 6- Remove and/or replace existing carport

Year 7- Paint building

Year 8- Replace missing porch railings as per original

Year 9- Rewire building that has original wiring

Year 10- Regrade property for proper water diversion