

AGENDA ITEM

June 24, 2008

TO: Cultural Heritage Commission

FROM: Community Development Department

SUBJECT: Informational Item regarding Mexico Lindo-Vaquero West Historic Report and Project Conditions, 26755 Verdugo Street

RECOMMENDATION

Receive and file this report regarding Mexico Lindo-Vaquero West, aka "Nick's Café."

A. Background

In February through April 2006, the owner of the Mexico Lindo-Vaquero West building discussed a potential project with staff and the City Council which would have added on to the existing building and utilized a portion of the City's multi-modal transportation area behind the building. In September 2006, the owner filed a formal project application with the City. The project was reviewed by staff, the Design Review Committee (DRC) and the Planning Commission (PC).

A prior CHC had listed the existing building on the BOD by at least 1991. During the current project's processing, the CHC reconsidered retention of the building on the BOD twice, once during the project's entitlement process and once during the owner's appeal of the PC's denial of the project. Ultimately, the CHC retained the site on the BOD for its association with the Basque history of San Juan.

The PC had denied the project in May 2007. The appeal was filed in June and the Council considered the appeal at several meetings between July 2007 and April 2008, including referrals to a joint CC, PC and DRC workshop and a separate referral to the PC. The joint CC, PC and DRC workshop resulted in changes to the project design. Whereas the original project denied by the PC basically added square footage to the existing building, the re-designed project being considered in early 2008 proposed to remove the rear portion of the existing building and add square footage. This change in the project resulted in additional analysis and review of the project under the California Environmental Quality Act (CEQA). In order to adequately assess potential environmental impacts, a historic report needed to be prepared. The City Council had declined to require the applicant to cause the report to be prepared, so staff prepared the report in-house to ensure appropriate environmental analysis.

This informational report provides a summary of the historic report, which is attached in Attachment 1, and the mitigation measures that were adopted with the re-designed project when it was approved by the City Council in April 2008. There is no action required by the CHC at this time other than to receive and file this report.

B. Historic Report

The project originally proposed to retain the majority of the existing building and add new square footage around it on three sides. The project was determined to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A Categorical Exemption under CEQA would have been approved if the Planning Commission had not denied the project. As the development project evolved through the discretionary review process on appeal to the City Council, the project description changed to have more of an impact on the existing building.

A pedestrian paseo that is a key feature of the project will result in the removal of approximately the rear two-thirds of the building. This modification to the project description required additional review under CEQA including the preparation of an Initial Study which led to the adoption of a Mitigated Negative Declaration (MND) for the revised project. The MND included an analysis of the historic significance of the site with recommendations regarding the potential impacts on the building.

A Historic Resources Technical Report was prepared by the City's Historic Preservation Manager and completed on February 29, 2008 (see Attachment 1). The report indicates that the existing building was constructed in 1938 by Nick and Canuta Arbonies. (As a side note, there was an earlier building on the site before the current building was built. That building was the home of the station master, John McCarty and his wife Addie. One of the McCarty's four children, Hilah Fay, married LeRoy Rudolphus Cook who was the son of Rudolphus B. Cook and Harriet Congdon Cook. Staff's research located a 1938 aerial showing a completely vacant site before the current building was constructed, thus indicating that the earlier house was not incorporated into the current building as some have speculated, but was in fact demolished.)

The Arbonies were Basques from Navarra in the Basque region of Spain who had separately immigrated to the US in the early 1900s. Another member of the Arbonies family, Gregorio, had resided in San Juan Capistrano since the late 1800s, and many other Basque families had immigrated to San Juan from the Basque regions of France and Spain. There were many Basque families residing in San Juan in the late 1800s and early 1900s, and as was typical, family members and friends of these residents followed suit.

A phenomenon of Basque immigration to the US was the Basque boardinghouse, or *ostatuak*. The *ostatuak* provided a place for new Basque immigrants to reside upon arrival, to connect with other Basques, obtain leads on employment, maintain their

connection to their language and culture, and to gather for recreation and socialization.

The peak of Basque immigration to the US was from 1890 to 1930, but Basques had been in the "New World" for the five preceding centuries. The earliest Basque in San Juan is reported to have been Ballade who had moved to San Juan prior to 1860. Domingo Oharzabal and his partner Juan Salaberri opened the French Hotel in 1880, and it is known as one of the earliest Basque boardinghouses in California. Since it was a popular stop on the stage coach line and San Juan was not a large Basque center, the French Hotel did not cater exclusively to Basques as many of the larger *ostatuak* in Los Angeles, Bakersfield and San Francisco did.

Nick Arbonies lived in Los Angeles at one of the more popular *ostatuak* for Basques from the Navarra region upon his arrival in 1917. Nick, his wife Canuta and daughter Prudence lived in Los Angeles until at least 1930, and the family first appeared in phone directory listings in San Juan Capistrano in 1937. By that time they also had a son, Julian, who later died in service to the US during the Korean War.

The Arbonies' first ran a pool hall on Camino Capistrano before they built the subject building and opened the business as Nick's Café. The French Hotel had closed in 1903, leaving a void for Basques to gather. Basques would often gather at the Changala Ranch in El Toro, but reportedly preferred to go to Nick's Café in San Juan. There was a liquor store, bar and soda fountain on the ground floor; the Arbonies lived upstairs and rented some of the rooms to family and friends. Thus, Nick's Café functioned as a spin-off of the *ostatuak* in a later era as the wave of Basque immigration had subsided.

Much of the known history of the Basques in San Juan is related to the sheep ranching and citrus history of families such as Errecarte, Echenique, Oyharzabal and Lacouague. The report on the Mexico Lindo-Vaquero West building fills out the known history of the Basques with additional information as that history progressed into the mid-20th century. The importance to the Basques of having a place to meet and gather socially, to share memories and information, to cultivate cultural connections, and to seek recreation by playing billiards and handball etc., found a connection in Nick's Café. Nick's Café represents the last unique period of a long era of Basque immigration and settlement in San Juan Capistrano.

The report concludes that the site is historic and eligible for listing in the California Register of Historical Resources (and hence the City's Inventory of Historic and Cultural Landmarks) under Criterion A for its association with events that contributed to the patterns of California's history at the local level pertaining specifically to San Juan Capistrano's history. The building's historic name in keeping with that association is "Nick's Café."

C. Mitigation Measures

The MND for the project concluded that the project has the potential to impact the historic resource because it will remove a substantial portion of the existing building. However, the project partially mitigates this impact because it preserves the front third of the building. The front façade and the front sides of the building are the most important elevations as they are the primary frontages facing the street and visible from Camino Capistrano and the train platform.

Given the level of prior discussion and disagreement about the significance of the building, and the lack of previous information about the building, the report recommends that the history contained in the report form the basis for the Historic Depiction Program for the project. In addition, given the long habitation of the site from the era of the first station master, John McCarty, and its proximity to the Mission, plaza and Los Rios area where adobes from the late 1700s and early to mid 1800s still stand, the report recommends that archaeological and Native American monitors be present during the construction's ground-disturbing activities. The MND concluded that, with implementation of the project as presented and the recommended mitigation measures, the potential impacts on historic resources will be mitigated to a less than significant level.

The complete MND is on file in the Community Development Department. The following mitigation measures were approved with the MND, and were incorporated as conditions of approval for the project:

CR1 Prior to issuance of a grading permit, a qualified archaeologist (defined as an archaeologist on the List of Certified Archaeologists for Orange County) shall be retained by the project applicant and shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of cultural resources located on and/or in the vicinity of the project site, as well as monitoring requirements. A qualified monitor (defined as an individual with a bachelors degree in anthropology with archaeological monitoring experience), supervised by the qualified archaeologist, shall observe on- and off-site construction activities that result in grading, and/or excavating on or below the original ground surface (including during project-related off-site utility [natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). Should nonhuman cultural resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified archaeologist can determine if the resources are significant and, if significant, until recovered by the archaeologist.

In the event that human remains are discovered, construction activities shall be halted or diverted until the provisions of §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code have been implemented.

CR2 *During construction/grading activities, a Native American monitor shall observe construction/ grading activities that result in grading, excavating, and/or trenching on or below the original ground surface (including during project-related off-site utility [e.g., natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading that may be considered sacred or important. In the event that evidence of human remains is discovered, the Native American monitor shall verify that the archaeologist has notified the Coroner.*

CR3 *The required Historic Depiction Program for the project shall be based on the history particular to the site including San Juan's Basque history, the Arbonies and how the existing building was woven into that history.*

D. Project Status

Following the City Council's approval of the re-designed project, conditions required review of colors and landscape design details by the DRC. Staff is currently processing those plans before the applicant can obtain the necessary permits to begin construction of the project.

RECOMMENDATION

Receive and file this report regarding Mexico Lindo-Vaquero West, aka "Nick's Café."

Respectfully submitted,



Teri Delcamp
Historic Preservation Manager

Attachments:

1. *Historic Resources Technical Report, Nick's Café, aka Mexico Lindo-Vaquero West, City of San Juan Capistrano, dated February 29, 2008*