

San Jose Envision 2040 Task Force  
200 East Santa Clara Street  
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San Jose, CA 95113

June 27, 2010

San Jose Envision 2040 Task Force;

The Historic Landmarks Commission of the City of San Jose has been following the work of the Envision 2040 Task Force and the development of the new General Plan with a great deal of interest and anticipation. The work to date appears to embody many creative and useful concepts. The Historic Landmarks Commission has continued to review draft portions of the Plan as they are available, focusing on issues that may affect historic preservation in San Jose.

Following up on our letter of October 16, 2009 we are taking this opportunity to forward some comments related to portions of the Plan that have become available over the past few months. We anticipate that we will continue to review the emerging Plan and forward comments to you regarding historic preservation from time to time.

The comments below are directed to three 'chapters' of the Draft Plan – Vibrant Arts and Culture, Environmental Leadership and Quality Neighborhoods – plus the recently posted Draft Land Use Plan. Many of these comments and recommendations are intended to reflect one of the major recommendations made in our October 2009 letter – that historic preservation policies be woven into the Plan for the best effect. Policies that are being addressed are identified by chapter, sections within the chapters, and Policy and Action numbers:

**Vibrant Arts and Culture; Historic Preservation and Archaeology**

Policy HP-1.11 states: Maintain and update an inventory of historic resources in order to promote awareness of these community resources and as a tool to further their preservation. (San Jose 2020 GP, modified) In updating the inventory, the primary focus of City resources should be on the identification of Historic Districts. (Draft Plan, underlining added)

*HLC Comment: This is perhaps too strong a bias toward districts and could result in passing over individual buildings while also failing to identify districts because of the much greater cost and effort to survey districts. Perhaps the following revision of the underlined sentence would balance out the priorities:*

In updating the inventory, priority should be given to identifying and establishing Historic Districts when any available or reasonably anticipated funds are sufficient for that purpose. [ DONE]

Policy HP-2.3 states: The City shall consider demolition of any structure listed on or eligible for the Historic Resources Inventory only as a last resort, to be permitted only if rehabilitation, re-use on the subject site, and/or relocation of the resource is not feasible; demolition is necessary to protect the

health, safety, and welfare of its residents; or the public benefits outweigh the loss of the historic resource. (Draft Plan, underlining added)

*HLC Comment: Why would demolition be necessary to “protect the health, safety ..... of residents”? Wouldn't residents usually be evacuated from a dangerous building? If the residents had some interest in moving back in, for example if they were owners or renters, repair might be much more feasible than new construction. This seems like a gratuitous and confusing exemption from preservation requirements.*

We suggest that the underlined wording be eliminated; the infeasibility of rehabilitation or re-use on the subject site would cover any case where repair is not feasible. [NOT DONE]

Action HP-2.7 states: Amend the applicable design guidelines and City policies to prioritize historic preservation over conventional development guidelines by providing additional flexibility in the development review process (for example, with parking, independently accessible private open spaces, requirement for units to be attached, etc.) that encourages the preservation and rehabilitation of historic resources.

*HLC Comment: Although the intent behind this policy is a good one, its wording seems very open-ended and dismissive of city development policies, not to mention the interests of the communities where these flexibilities might be applied. Suggested approach:*

Action HP-2.7 Amend the applicable design guidelines and City policies to add flexibility to the development review process (for example, regarding parking policies, private open space requirements, requirement for units to be attached, etc.) to encourage the preservation and rehabilitation of historic resources consistent with the character and needs of the surrounding properties and uses. [DONE]

### **Environmental Leadership; Green Building**

GB Policy 1.7 states: Recognise the interconnected nature of green building systems and, in the implementation of green building policies, give priority to green building options that provide environmental benefit in reducing water and/or energy use. (Draft Plan)

*HLC Comment: There should be some recognition in this section of the ‘greenness’ of preserving existing buildings that can make a contribution to the quality of the community. For example:*

GB Policy 1.7 Recognize the interconnected nature of green building systems and, in the implementation of green building policies, give priority to green building options that provide environmental benefit in reducing water and/or energy use and, also, that preserve existing buildings with special community value thus avoiding the loss of building materials, other construction resources and community icons. [SEMI-DONE. [LU 14 IN CHAPTER 5 ADDRESSES THIS ISSUE TO SOME EXTENT AS DO THE WORDS ‘SOLID WASTE’, WHICH WOULD INCLUDE HISTORIC DEMOLITION MATERIALS, ADDED TO MS-1.6, CHAPTER 3, PAGE 4]

### **Quality Neighborhoods; Vibrant, Attractive and Complete Neighborhoods**

*HLC Comment: Even though historic neighborhoods are typically the essence of ‘vibrant’ and ‘attractive’ and, often, also ‘complete’, there is no acknowledgement of that in this section with a policy specifically intended to support the preservation of such neighborhoods. This omission should be remedied by adding a new Policy:*

QN Policy 1.X Recognizing that historic neighborhoods, and even partially historic neighborhoods, already possess the characteristics of vibrancy and attractiveness, and frequently completeness, or the very strong potential for those characteristics, the preservation and protection of historic neighborhoods should be a primary objective. [NOT INCLUDED. IN CHAPTER 4, THE VIBRANT NEIGHBORHOODS PAGE 4, DOWNTOWN PAGE 18, ATTRACTIVE CITY, VILLAGES AND CORRIDORS PAGE 19 SECTIONS SHOULD ALL MAKE SOME REFERENCE TO THE VALUE OF HISTORIC PRESERVATION. THIS COULD TAKE THE FORM OF THE WORDS ‘HISTORIC PRESERVATION’, OR SOME SUCH, BEING ADDED TO A LIST OF OTHER CONSIDERATIONS, NEEDN’T BE MUCH.]

### **Draft Land Use Map**

*The recently posted Draft Envision 2040 Land Use Map shows a number of land uses overlying historic properties, districts and conservation areas with uses that are, or could be, incompatible with the preservation of the historic resources. The HLC is concerned that this practice is confusing and will invite the loss of valuable historic resources in these areas. THE MAP ISSUE APPEARS TO BE TAKEN CARE OF IN THIS PARTICULAR RESPECT.*

### **‘Two Acre Rule’ Policies**

*Since several of the existing Two Acre Rule policies have tended to discourage the preservation of historic resources, the HLC is interested in how these kinds of policies, offering a wide range of flexibilities, will be incorporated into the new General Plan. [THE ‘TWO ACRE RULE’ APPROACH IS NOT INCLUDED IN ENVISION 2040 SO THIS IS NOT AN ISSUE ALTHOUGH THERE MAY BE OTHER POLICIES THAT CAN EFFECTIVELY ACT IN THE SAME WAY.]*

The Historic Landmarks Commission appreciates any consideration you can give to these suggestions. We believe they will help make the intent of the new General Plan regarding historic preservation more clear and accessible.

Patricia Colombe, Chair  
Historic Landmarks Commission, City of San Jose

October 16, 2009

Envision San Jose 2040 General Plan Update Task Force  
City of San Jose Planning Division  
200 East Santa Clara Street, Tower 3  
San Jose, CA 95113

RE: General Plan 2040 Goals and Policies on Historic Preservation

Dear Task Force Members,

On behalf of the San Jose Historic Landmarks Commission (HLC), I would like to thank you for your commitment to the San Jose 2040 General Plan update and your thoughtful consideration of the wide range of issues that impact our city.

As you are well aware, a city's general plan is a critical and necessary statement of community priorities. A general plan's goals, objectives and policies are ensured a seat at the table in the public decision-making process. Because historic preservation promotes many of the city's goals and objectives, it is important that historic preservation be effectively integrated into General Plan 2040. Historic preservation is not about nostalgia and its benefits are more far reaching than just recognizing our architectural and cultural heritage. The preservation of appropriate remnants of a city's past provides multiple benefits important to the health and progress of the city.

On October 7, 2009, Planning Division staff presented draft historic preservation goals and policies for General Plan 2040 to the HLC. The HLC carefully reviewed and discussed the document and made a number of recommendations to staff, which we understand will be incorporated into the document you will consider on October 26, 2009.

While the HLC commented on the staff-presented draft historic preservation goals and policies, the HLC has been discussing for quite some time how to effectively integrate historic preservation goals and policies into the General Plan 2040 update. In the absence of a General Plan 2040 framework or draft, a subcommittee of the HLC has reviewed General Plan 2020 to prepare suggestions for more effectively addressing historic preservation and integrating historic preservation goals and policies into other areas of the General Plan that seek to accomplish related objectives.

While the HLC had already provided some specific text suggestions to staff, the HLC voted on October 7, 2009 to forward the following broader recommendations and comments to the Task Force:

- Employ strong policy language that constitutes a mandate to preserve certain categories of historic resources. Far from introducing more complication into the development review process and other city processes, clear and consistent policy would substantially simplify the treatment of historic resources and would streamline related development and other projects by reducing uncertainty. THIS SUGGESTION APPEARS TO HAVE BEEN AT LEAST PARTIALLY IMPLEMENTED. (See pages 16-22 of Chapter 5) THE TREATMENT IS STRONGER THAN IT IS IN GP 2020. THE PROBLEM IS THERE HAS TO BE SOME OUT WHEN PRESERVATION IS NOT A POSSIBLE OR FEASIBLE OPTION. HOW DO YOU PREVENT THAT LITTLE TINY HOLE OF OPPORTUNITY FROM ACCOMMODATING A TRUCK?
- State consistently and in unambiguous terms throughout the updated General Plan the city's commitment to preservation. General Plan 2020 contains some encouraging language regarding historic preservation; however, experience has told us that the updated General Plan would be a much stronger historic preservation tool if the related goals and policies were stated in language that is decisive. These two strategies - a clear commitment to historic preservation and its integration throughout all relevant parts of the document - are crucial to providing solid policy protection for San Jose's historic resources. SUPPORT FOR HISTORIC PRESERVATION DOES CROP UP IN A NUMBER OF PLACES OUTSIDE THE HP SECTION SO THAT IS A BIG IMPROVEMENT ON GP 2020. SINCE I HAVEN'T FOUND THEM ALL YET, NOT SURE ABOUT ADEQUACY.
- Weave support for the preservation of historic resources into all relevant sections of the updated General Plan, including the Vision [Chapter 1, Pages 10-29. NEITHER THE VISION NOR THE SUPPORTING CITY CONCEPTS SECTIONS SAY ANYTHING ABOUT THE VALUE OF HISTORIC PRESERVATION. THE DOWNTOWN SECTION DOES POINT OUT THE PRESENCE OF HISTORIC ARCHITECTURE MIXED IN WITH MODERN AS A PLUS. IT SEEMS THAT THERE SHOULD BE SOME GENERALLY APPLICABLE STATEMENT OR ACKNOWLEDGEMENT OF THE VALUE OF THE REMAINING PHYSICAL REMNANTS OF THE CITY'S PAST IN THE VISION OR CITY CONCEPTS SECTIONS IN ORDER TO SUPPORT THE NICE HP SECTION IN CHAPTER 5, LAND USE. A VERY FEW WORDS WOULD SUFFICE], which establishes the plan's major overall objectives. Taken together, these policy statements should read as a clear message that the City of San Jose is determined that certain categories of historic resources will be preserved and protected and all historic resources will be respected. [THE HISTORIC PRESERVATION SECTION, CHAPTER 5, PAGES 16-22, APPEARS TO PROVIDE A GREATER DEGREE OF PROTECTION FOR HISTORIC RESOURCES THAN DOES THE PRESENT GP 2020 AND SPECIFICALLY ADDRESSES SUB-LANDMARK RESOURCES.

**COULD IT BE BETTER?** In addition to landmarks and historic districts, protected categories should include resources that have certain eligibility requirements, such as: being a contributing part of a cluster, a conservation area or distinctive neighborhood; having a special value in the community; being a good fit for preservation within a new project; having a compelling design and/or an important designer; etc. **[ENVISION 2040 DOESN'T ADDRESS THESE KINDS OF CRITERIA SPECIFICALLY. SHOULD IT?]**

- Promote the economic benefits of historic preservation. Preservation-based community development is a viable alternative to sprawl that creates affordable housing, generates jobs, supports independent businesses, increases civic participation, and bolsters a community's sense of place. Older buildings are frequently the most aesthetically appealing and often become attractions that generate value for themselves and their surrounding areas in the form of increased property values, tourism, etc. **[ACKNOWLEDGED ON PAGE 17, CHAPTER 5, ADDRESSED IN LU 14.5 AND 14.7 ON PAGE 22. HAVE SEEN IN AT LEAST ONE OTHER PLACE.]**
- Promote the environmental benefits of historic preservation. The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, is crucial to achieving environmental and sustainability goals. The existing building is the cheapest and greenest one. **[NICELY DEALT WITH ON PAGES 21-22, CHAPTER 5.]**
- Maximize the use of the Historic Overlay currently shown on the Land Use/Transportation Diagram. The overlay should be graphically more prominent and should be used to identify Historic Districts, Conservation Areas, and other areas of historic interest. In addition, Landmarks should be identified **THERE IS NO GRAPHIC REPRESENTATION OF HISTORIC DISTRICTS, HISTORIC LANDMARKS OR CONSERVATION AREAS ON THE NEW LAND USE MAP AT ALL. THERE IS AN ACTION ITEM, LU 11.19, PAGE 19, CHAPTER 5, TO ADD THAT INFORMATION.]**
- Moderate the effect of General Plan policies that might unintentionally conflict with historic preservation or make the preservation of historic resources more difficult. For example, the current Two-Acre Rule and other Discretionary Alternate Use Policies promote uses, intensities or residential densities greater than the nominal uses, intensities or densities for some properties. Within General Plan 2040, any similar policies should be suspended or reduced for properties containing historic structures. **[THE NEW GP DOESN'T INCLUDE A 'TWO ACRE RULE' OR 'ALTERNATE DISCRETIONARY USE' CONCEPT SO THIS ISSUE IS MOOT, EXCEPT THAT THERE MAY BE OTHER POLICIES THAT HAVE A**

**SIMILAR EFFECT. DON'T KNOW, DON'T THINK SO.]** The suspension or degree of reduction might be related to the category of the historic resource (landmark, contributing structure, structure of merit, etc.), and preserving the historic resource consistent with the Secretary of the Interior's Standards for Rehabilitation. **[SECRETARY'S STANDARDS HAVE BEEN ADDED.]**

- Provide more meaningful protection for neighborhoods that are Conservation Areas or Distinctive Neighborhoods. **[MEANINGFUL PROTECTION FOR CONSERVATION AREAS HAS BEEN ADDED, PAGES 20-21, GOAL LU-12 BUT DISTINCTIVE NEIGHBORHOODS ARE NOT MENTIONED AT ALL. WHY?]** Such protection should be based on the character defining elements that give each neighborhood its special identity. For many neighborhoods, an important element might be density. For some neighborhoods, important characteristics might be scale, architectural consistency, architectural variety, landscape, trees, etc. **[INCLUDED IN LU-12.2, PAGE 20.]**
  
- Weave in additional strategies to support successful historic preservation in San Jose:
  - Protect vacant, neglected and/or abandoned historic resources from vandals, fire, lack of maintenance, etc. **[LU 12.4, PAGE 20 MENTIONS THIS BUT NOT WITH ENOUGH EMPHASIS.]**
  
  - Explore “best practices” of cities that have successful historic preservation programs, particularly for issues like protection of vacant buildings, economic viability of preservation, etc. Engage in active discussion and consultation with such cities. **[NOT MENTIONED]**
  
  - Develop and maintain a complete and up-to-date historic resource inventory to direct preservation efforts, reduce development and legal risk, and fully inform potential investors/buyers/community members. The availability to all stakeholders of information about what areas, structures, or facilities contribute to the historic fabric of the city and, thus, deserve preservation, is key to successful preservation. **[LANGUAGE INCLUDED, LU 11.11, PAGE 18, BUT NOT ENOUGH EMPHASIS?]** General Plan 2020 includes policy language that calls for completing an inventory of the city's historic resources. The updated General Plan should also include such direction; however, methods for accelerating the preparation of these inventories need to be identified. **[NO IDEAS FOR ACCELERATION]**

We hope that these recommendations and comments will be helpful in informing your discussion on historic preservation goals, policies, and implementation actions for

General Plan 2040. Please do not hesitate to use the HLC as a resource in your future deliberations.

Sincerely,

Patricia Colombe, Chair  
San Jose Historic Landmarks Commission