



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 26, 2007

Approved *Deena Arora* Date *3/28/07*

COUNCIL DISTRICT: 3
SNI AREA: Spartan Keys

SUBJECT

City Council resolution nominating a portion of the Spartan Keys Strong Neighborhoods Initiative (SNI) Area for designation as the Martha Gardens Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area.

RECOMMENDATION

The City Council adopt a resolution nominating a portion of the Spartan Keys SNI Area for designation as the Martha Gardens Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area, including necessary outreach to community members and property owners.

OUTCOME

Adoption of the Council Resolution will initiate the process to consider establishment of a Conservation Area in the Spartan Keys SNI area.

BACKGROUND

The proposed Martha Gardens Conservation Area is generally bounded on the north by Interstate 280, on the east by the property lines of the abandoned Southern Pacific Railroad alignment (approximately a continuation of South Fourth Street), on the west by the alley between South First and Second Streets, and on the south by Martha Street (see attached map). The proposed Martha Gardens Conservation Area is located within both the Martha Gardens Specific Plan Area and the Spartan-Keys SNI Planning Area.

ANALYSIS

The City of San José, the Spartan Keys Neighborhood Advisory Committee (NAC), Martha Gardens Specific Plan Advisory Committee (SPAC), and the community collaboratively

developed an *SNI Neighborhood Improvement Plan* and a *Specific Plan* for the East Gardner and Martha Gardens neighborhood areas, respectively. The *Martha Gardens Specific Plan* established Neighborhood Design Guidelines for the area. Within those guidelines is Policy 2.7, which states that: "the City should prepare an intensive and comprehensive level historic resources survey of the Victorian Neighborhood Sub-Area, to identify historically and/or architecturally significant resources in this area." Furthermore, Policy 2.8 within the Plan calls to: "Conduct a feasibility study to determine whether designating all or part of the Victorian Neighborhood Sub-Area as a Historic District is warranted."

In 2004, the City of San José hired Archives and Architecture to: (1) conduct additional historic research in the Martha Gardens area; (2) determine whether the area would qualify as a City of San José Conservation Area; and (3) determine the boundaries of the potential Conservation Area.

Background of the Martha Gardens Historic Residential Neighborhood

The study by Archives and Architecture entitled *Historic District Study* includes the following description of the history of the area:

- The Martha Gardens historic residential neighborhood developed within Reed's Addition of San José's Original City as a mostly single-family residential area between the mid-1870's to about 1940.
- The neighborhood shares its development pattern with some of the older neighborhoods around San José State University.
- The character of the neighborhood continues to retain an earlier sense of time and place reflective of residential development in the Original City.
- The neighborhood remains today primarily as a diverse mix of nineteenth century and early twentieth century single-family homes, residences converted to boarding houses, and post World War II multiple unit apartments.
- The Martha Gardens historic residential neighborhood has a geographically definable area of urban character and possesses a significant concentration and continuity of sites and buildings. The residential neighborhood has remained largely unchanged over the last 70 years except for a residential infill project that is presently under construction.
- The area is in the public consciousness as an aesthetically pleasing concentration of historic architecture, particularly along South Third Street.

The *Historic District Study* concludes that the proposed Martha Gardens Conservation Area identified within the Spartan Keyes SNI Area would meet the City's criteria for designation as a Conservation Area due to its existing historic neighborhood character. Although there are some properties within the proposed conservation area that do not contribute to the historic fabric of the neighborhood, the proposed Conservation Area has a distinctive character, and maintains a sense of cohesiveness through its urban typology, architecture, physical setting, preservation of original construction materials, and history.

The neighborhood as a whole would benefit by the designation as a Conservation Area in order to encourage future development to maintain integrity with the historic nature of the area and to encourage compatible new design to be consistent with the character-defining features of the existing historic neighborhood.

Community Review Process

The *Historic District Study* was distributed to the Spartan Keyes Neighborhood Advisory Committee (NAC), and presented and discussed at its February 13, 2007 meeting. At this meeting, members of the Spartan Keyes NAC indicated support for the designation process as long as there was property owner support. The Department of Planning, Building and Code Enforcement sent all property owners a notice of the proposed Conservation Area and a survey, requesting feedback on their level of support for the proposal. Seven ballots have been returned to-date, six in support and one unsure. Furthermore, a property owner meeting was held on March 8, 2007. All property owners within the proposed Conservation Area were invited. Ten property owners or representatives attended. All property owners that attended were generally supportive of the proposed Conservation Area. Questions were raised about the permitting process required should a Conservation Area be established. Staff described the process. Property owners were also interested in any financial incentives offered through the new designation. Staff described how property owners would be able to use the State Historic Building Code – that may allow for some monetary savings. Also, some property owners may be able to qualify for City Landmark status, which would provide property tax relief through the Mills Act Historical Property Contract. All public outreach on this proposal has been coordinated with the Spartan Keyes NAC.

The proposed Martha Gardens Conservation Area is consistent with several General Plan policies intended to support historic preservation. The proposed Conservation Area would promote a greater sense of historic awareness and community identity and enhance the quality of urban living in the Spartan Keyes SNI Area and the City as a whole.

Next Steps

The next step to establish a Conservation Area within the Spartan Keyes SNI Area is for City Council to nominate the area for designation as a Conservation Area in accordance with the process as set forth in Section 13.48.630 of the San José Municipal Code and to direct Planning staff to initiate the Conservation Area designation process.

Once any additional public outreach on the proposed Conservation Area is completed, the Conservation Area Ordinance (Municipal Code Chapter 13.48, Part 5) requires the proposal to first be referred to the Historic Landmarks Commission and then to the Planning Commission for reports and recommendations to the City Council. The Landmarks Commission, Planning Commission and subsequent City Council meetings are public hearings requiring public notice (300 feet) and publication in a newspaper of general circulation. Finally, the City Council will hold a public hearing and by written resolution approve, conditionally approve, modify and approve, or deny the designation.

The findings required by Sections 13.48.620 and 13.48.630B.4 of the Municipal Code for City Council designation of a Conservation Area are:

- a) The neighborhood or area has a distinctive character conveying: (1) a sense of cohesiveness through its design, architecture, setting, materials or natural features; and (2) its history; or
- b) The neighborhood or area reflects significant geographical or developmental patterns associated with different eras of growth in the City.

CONCLUSION

The community identified the need for conducting a historic resources survey of the Martha Gardens Victorian neighborhood in the Spartan Keyes SNI Area and conducting a feasibility study to determine if all or part of the neighborhood should be a designated historic area. The next step toward accomplishing the community's goal for preservation is for the City Council to adopt a resolution initiating the proposed portion of the Spartan Keyes SNI Area for designation as a Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. The *Historic District Study* was distributed to the Spartan Keyes Neighborhood Advisory Committee (NAC), and presented and discussed at its February 13, 2007 meeting. At this meeting, the Spartan Keyes NAC indicated support for the designation process as long as there was property owner support. The Department of Planning, Building and Code Enforcement sent all property owners a notice of the proposed Conservation Area and a survey, requesting feedback on their level of support for the proposal. Six ballots of support and one unsure have been returned to date. Additional comments included a request for two way streets, lower density, permit parking, and the availability of low cost loans for repair and rehabilitation.

A property owner meeting was held on March 8, 2007. All property owners within the proposed Conservation Area were invited. Ten property owners or representatives attended. Ballots were also available at the meeting for those property owners who chose to vote at that time. All property owners that attended were generally supportive of the proposed Conservation Area. Questions were raised about the permitting process required should a Conservation Area be established. Staff described the process. Property owners were also interested in any financial incentives offered through the new designation. Staff described how property owners would be able to use the State Historic Building Code – that may allow for some monetary savings. Also, some property owners may be able to qualify for City Landmark status, which would provide property tax relief through

HONORABLE MAYOR AND CITY COUNCIL

Date: March 26, 2007

Subject: Conservation Area

Page 5

the Mills Act Historical Property Contract. All public outreach on this proposal has been coordinated with the Spartan Keyes NAC.

COORDINATION

This project was coordinated with the San José Redevelopment Agency, and Department of Parks, Recreation and Neighborhood Services in addition to other City departments.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Under the provisions of Section 15307 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), historic district nominations are exempt from environmental review.


for JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Principal Planner, Stan Ketchum at 535-7876.

Attachments:
Proposed Conservation Area Map