



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** March 2, 2009

Approved

Date

3-10-09

COUNCIL DISTRICTS: 3 & 7  
SNI AREA: Washington

## SUBJECT

City Council resolution nominating a portion of the Washington Strong Neighborhoods Initiative (SNI) Area for designation as the Guadalupe/Washington 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 Washington SNI Area for designation as the Guadalupe/Washington 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 Washington SNI area.

## BACKGROUND

The proposed Guadalupe/Washington Conservation Area is generally bounded on the north by Interstate 280, on the east by the rear property lines of the commercial properties on the west side of South First Street, on the west by the Guadalupe River, and on the south by portions of Willow Street and the rear property lines of properties on the north side of

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Willow Street. The proposed Guadalupe/Washington Conservation Area is located within the Washington SNI Planning Area. Please see enclosed proposed Conservation Area map.

The City of San José, the Washington Area Community Coalition (WACC), and the community developed the Washington Neighborhood Revitalization Plan which was approved in 1998, the Strong Neighborhoods Initiative (SNI) Update of the original Plan was approved in 2002 and the Washington Neighborhood Improvement Plan Amendment was approved in 2008.

In the 2002 Action Plan Summary contained within the SNI Update are the following Action Items:

- 1.a. Preserve and enhance the existing strengths of Washington
- 1.b. Conduct a study to identify historic buildings and sites for inclusion in the City's Historic Inventory
- 1.c. Encourage developers to complement historic character and architecture of existing buildings

In 2006 to date, the City of San José hired Archives and Architecture to (1) prepare a context statement and possible multi-district boundary study for the Survey Area, (2) conduct additional historic research in the Washington area; (3) determine whether the area would qualify as a City of San José Conservation Area; and (4) determine the boundaries of any potential Conservation Area(s). The Survey Area was divided into Phases 1 & 2 north of Willow Street and these phases were surveyed in 2008. A subsequent Phase 3 contract for survey work south of West Alma Avenue was executed in February 2009 and anticipated completion is June 2009. The balance of the Survey Area has not been surveyed yet and no monies have been identified. Please see enclosed survey area map.

## ANALYSIS

### Background of the Survey Area and Proposed Conservation Area

The study by Archives and Architecture entitled *Washington Neighborhood Historic Context Survey* includes the following description of the history of the survey area:

- The Washington area was the home or place of business to a number of important personages that lend significance to individual properties. Some of the early local residents were James Lick, Frank and Martha Lewis, Andrew P. Hill, John Christian, Marcos and Ignatius Rancadore, Vito LaBue, the Spivey Brothers and others.
- The Washington historic residential neighborhood developed partially within San José's Original City of 1850 as a mostly single-family residential area between 1869 to about 1958.
- The Washington neighborhoods present a unique understanding of the visual aspects of neighborhood life over this historic period.
- This large, mostly single family residential area that contains some pockets of commercial use and an overlay of multi-family residential development that occurred during the 1950's, is diverse in both visual and demographic aspects.

- San José's broader history is represented by this extensive area, in a uniquely eclectic series of overlaid time periods. An eclectic ethnic Italian neighborhood existed in much of the study area during the first half of the twentieth century.

The following information from the *District Record* describes the proposed Guadalupe/Washington Conservation Area only. The *District Record* concludes that the proposed Guadalupe/Washington Conservation Area is a place which presents a unique and distinct experience of the visual aspects of neighborhood life in a community for most of the historic period during which it was developed. Although there have been some changes to the intensity of residential use in the central part of the neighborhood, and property owners continue to renovate their buildings in the area, most of these changes have not had an intrusive impact on the overall historic fabric. The properties within the proposed Guadalupe/Washington Conservation Area identified in the *District Record* constitute a conservation area that meets the criteria for such designation as defined within the City's Historic Preservation Ordinance, having the integrity and visual sense of a historic place. Although there are many properties within the proposed conservation area that do not contribute to the historic fabric of the neighborhood, the proposed conservation area as a whole possesses integrity of location, design, setting, materials, workmanship, feeling, and association. The proposed conservation area's streetscapes of primarily late nineteenth century and early twentieth century National, Queen Anne, Neoclassical, Craftsman, and Minimal Traditional cottages, and the area's similarity of scale and setbacks that, along with mature landscaping, provide a cohesive setting for houses, and the relatively consistent use of exterior finishes, convey a clear historical association with the development of the neighborhood. The proposed Guadalupe/Washington Conservation Area 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

Staff attended the Washington Area Community Coalition (WACC) meetings on March 13, 2008 to present the *Washington Neighborhood Historic Context Survey* and Phase 1 Survey work, on September 11, 2008 to present the Phase 2 Survey work and again on January 8, 2009 to present the proposed Conservation Area. At their January 8 meeting, the WACC voted unanimously to support the proposed Conservation Area. 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. Thirty-one ballots have been returned to-date, thirteen in support, three in opposition and fifteen unsure. Furthermore, a property owner meeting was held on February 25, 2009. All property owners within the proposed Conservation Area were invited. Ten property owners or representatives attended. Questions were raised about the permitting process required should a Conservation Area be established and any additional fees required. Staff described the process. Concerns were raised regarding the possibility of eminent domain taking place. Staff responded that there are no plans at this time to acquire any property through eminent domain and eminent domain is not part of this Conservation Area process. Another issue raised was the heavy traffic volume in the Guadalupe/ Washington neighborhood. Staff stated that traffic calming is not part of the Conservation Area process and suggested Department of Transportation be contacted. One

property owner asked if she will be required to disclose to a potential buyer that her property is in a Conservation Area should it be adopted. Staff responded that the process requires that the Conservation Area designation be recorded with the property at the Santa Clara County Recorder's Office. All public outreach on this proposal has been coordinated with the WACC.

The proposed Guadalupe/Washington 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 Washington SNI Area and the City as a whole.

#### Next Steps

The next step to establish a Conservation Area within the Washington 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 (500 feet from the boundaries of the proposed conservation area) 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 Washington neighborhood in the Washington 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 Washington 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

*Alternative: Council could decline to nominate the proposed Conservation Area.*

Pro: No further staff time devoted, could spend time on other efforts.

Con: Contrary to apparent community desire, Community Development Block Grant investment in survey efforts would be lost.

Reason for not recommending: Contrary to WACC 2002 Action Plan Summary to preserve historic character.

## 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. Staff attended the Washington Area Community Coalition (WACC) meetings on March 13, 2008 to present the *Washington Neighborhood Historic Context Survey* and Phase 1 Survey work, on September 11, 2008 to present the Phase 2 Survey work and again on January 8, 2009 to present the proposed Conservation Area. At their January 8 meeting, the WACC voted unanimously to support the proposed Conservation Area. 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. Thirty-one ballots have been returned to-date, thirteen in support, three in opposition and fifteen unsure. All property owners within the proposed Conservation Area were invited. Ten property owners or representatives attended. Questions were raised about the permitting process required should a Conservation Area be established and any additional fees required. Staff described the process. Concerns were raised regarding the possibility of eminent domain taking place. Staff responded that there are no plans at this time to acquire any property through eminent domain and eminent domain is not part of this Conservation Area process. Another issue raised was the heavy traffic volume in the Guadalupe/Washington neighborhood. Staff stated that traffic calming is not part of the Conservation Area process and suggested Department of Transportation be contacted. One property owner asked if she will be required to disclose to a potential buyer that her property is in a Conservation Area should it be adopted. Staff responded that the process requires that the Conservation Area designation be recorded with the property at

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the Santa Clara County Recorder's Office. All public outreach on this proposal has been coordinated with the WACC.

### **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**

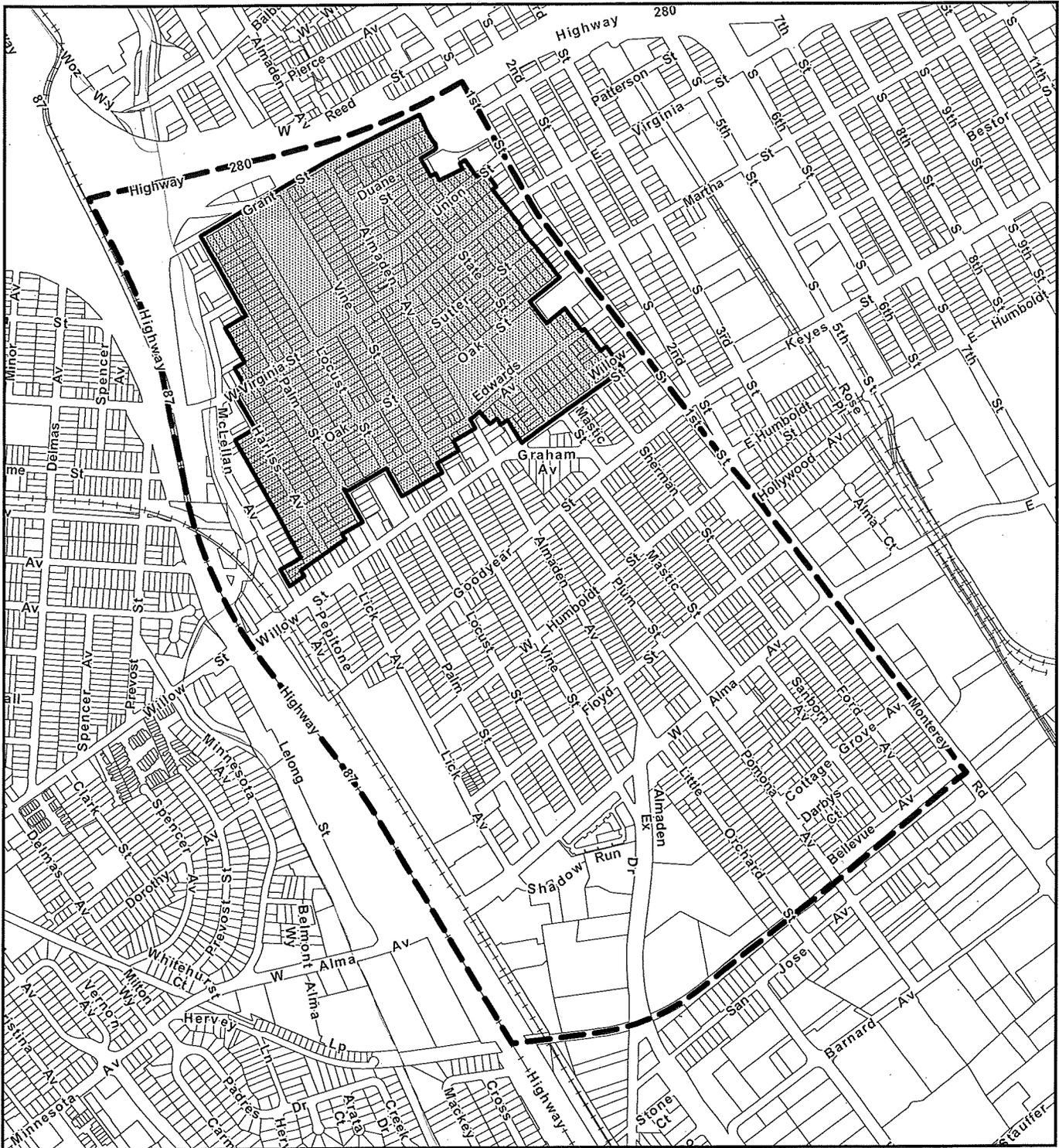
Under the provisions of Section 15307 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), historic district nominations are exempt from environmental review.

*Joe* *Akoni Danielsen*  
JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Akoni Danielsen, Principal Planner, at 535-7823.

Attachments:  
Proposed Conservation Area Map  
Survey Area Map

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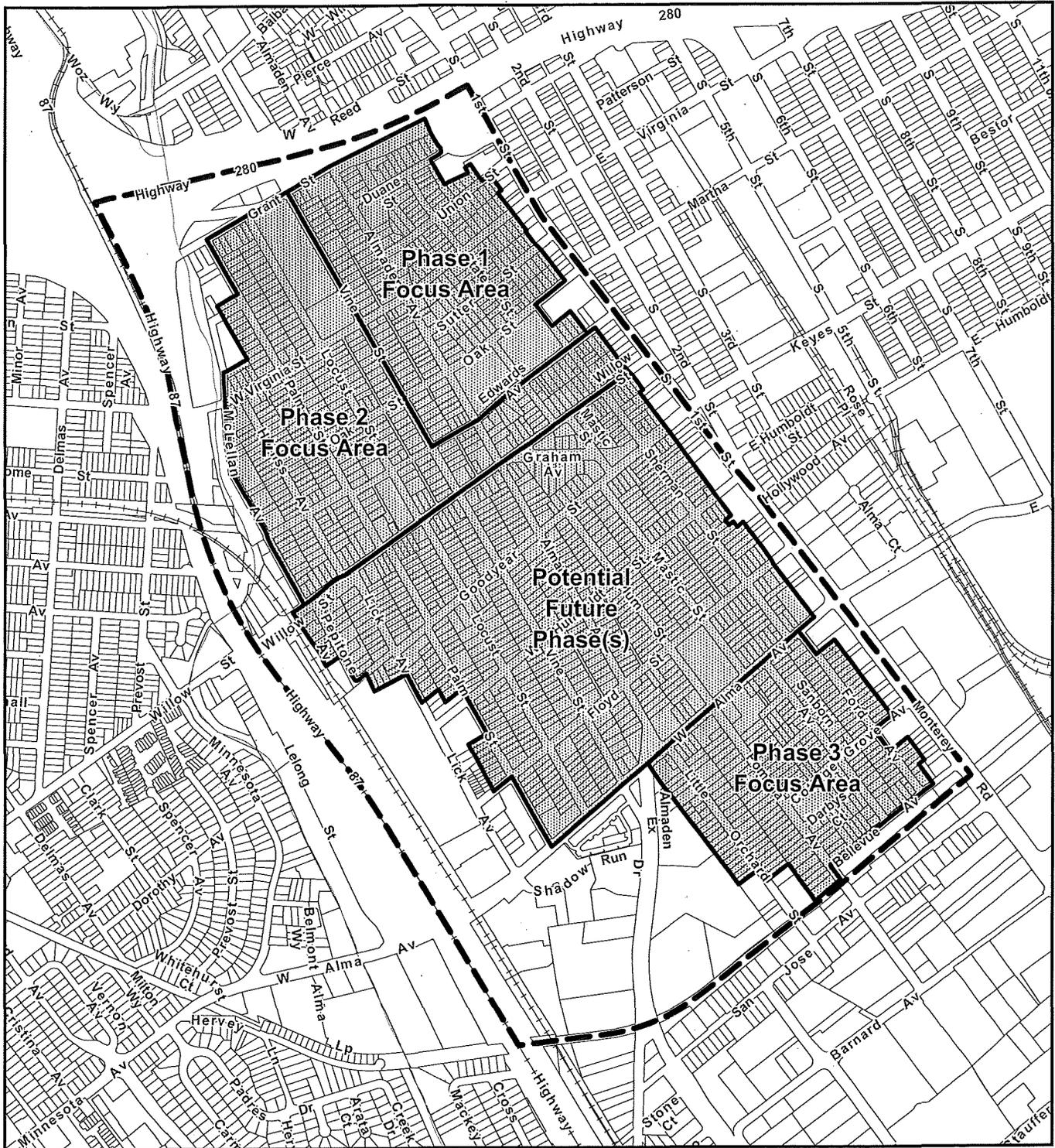


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Washington Conservation Area

Washington SNI Planning Area



# Washington Survey Area



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-  Washington SNI Planning Area

