



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 14, 2009

COUNCIL DISTRICT: 3 & 7
SNI AREA: Washington

SUBJECT

CA09-001. Consideration of a proposed Conservation Area historic designation encompassing the area 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 Willow Street on an approximately 84 acre site.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the subject area as the Guadalupe/Washington Conservation Area, excluding Assessor Parcel Numbers 264-36-122 (32 Union Street), 264-36-104 (21 Sutter Street), and 264-36-069 (24 Sutter Street).

OUTCOME

Designation of the Conservation Area will establish the Guadalupe/Washington Conservation Area in the Washington Strong Neighborhoods Initiative (SNI) area.

BACKGROUND

On May 13, 2009 the Planning Commission held a public hearing to consider a City Council-initiated Conservation Area historic designation in the area described above.

The Director of Planning, Building and Code Enforcement recommended approval of the subject area as the Guadalupe/Washington Conservation Area, excluding Assessor Parcel Numbers 264-36-122 (32 Union Street), 264-36-104 (21 Sutter Street), and 264-36-069 (24 Sutter Street), to the Planning Commission and City Council.

Commissioner Do stated this is an economically disadvantaged area in the City and asked if any additional permitting would be required through the Conservation Area process. Staff responded that the proposed Conservation Area designation would affect primarily the single-family houses by the requirement of a Single-Family House permit. Ms. Linda Cortez, Guadalupe/Washington

Neighborhood Association Treasurer and member of the Washington Area Community Coalition (WACC), spoke in support of the proposed designation. No other members of the public spoke.

Commissioner Jensen stated how impressed she was with the WACC and congratulated the neighborhood on all the great work which they have accomplished. Chair Zito asked why staff was asking to remove the three commercial properties as indicated in staff's recommendation. Staff responded that after reassessment of the three parcels originally included in the survey, located at the eastern boundary of the proposed Conservation Area, it had been determined, in collaboration with the historic consultant, that these three commercial properties were inadvertently left within the boundaries and do not qualify to be included in the proposed Guadalupe/Washington Conservation Area.

Commissioner Do moved to forward the recommendation to approve the Conservation Area designation to the City Council.

The Planning Commission then closed the public hearing.

POLICY ALTERNATIVES

Alternative: Council could decline to approve 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)**

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-five ballots have been returned to date, sixteen in support, four 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. Some phone calls have been received by staff and one person was unsure, and one person expressed opposition and subsequently sent in a ballot.

A public hearing notice for the project was published in a local newspaper. A public hearing notice was also mailed to all property owners and tenants within 500 feet of the subject site, including Spanish translation.

State of California Tribal Consultation Guidelines:

Not applicable.

COORDINATION

This project was coordinated with the Department of Parks, Recreation and Neighborhood Services, City Manager's Office, Redevelopment Agency and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

The proposed project is consistent with the San José 2020 General Plan's Urban Conservation/ Preservation Major Strategy, which addresses the preservation of historic resources as a strategy due to their inestimable character and interest, and with the Historic, Archaeological and Cultural Resources Goal to preserve historically significant structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living. More specifically, the proposed Guadalupe/Washington Conservation Area is consistent with Historic, Archeological and Cultural Resources Policies #1, 4, and 6. Policy #1 states: "*Because historically or archeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development*

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review process.” Policy #4 states: “Areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.” Lastly, Policy #6 states: “The City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end.” In addition, the Discretionary Alternate Use Policy of the General Plan provides flexibility for sites with historic resources and is intended to enable preservation of the City’s historic buildings.

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.

Jw Akoni Daniels
JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Attachments:

May 6 Historic Landmarks Commission staff report

May 13 Planning Commission staff report

*Washington CD (*Study, District Record and Department of Parks and Recreation (DPR) forms*)

*Given the size of this attachment it will be made available on the City’s website for the June 2, 2009 Agenda at www.sanjooseca.gov/clerk/agenda.asp and a printed copy is available for public viewing in the Office of the City Clerk.