

To: Envision San José 2040 4-Year Review Task Force  
From: Michael Hurley  
Vendome neighborhood  
Re: Opportunity Housing Suggestions  
Date: August 17, 2020

## I.

**No Opportunity Housing “conceptual policy framework” or “work plan” should be presented for City Council approval unless it requires that the Historic Resource Inventory be complete and updated with respect to all affected parcels prior to the acceptance of any application to alter or develop any such parcel.**

Chapter 13.48 of the San José Code expresses the City’s fundamental commitment to historical preservation, and mandates tools for implementation of that commitment:

### **13.48.010 Purpose and declaration of policy**

A. . . . it is deemed essential by the council of the city of San José that the qualities relating to the history of the city of San José and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved . . . . (emphasis added)

### **13.48.050 Historic Resources Inventory**

A. In order to help carry out the goals and policies of the city's general plan, and in particular, to further the purposes of this chapter, an inventory of potentially historical and/or architecturally significant structures shall be maintained. This inventory shall be designated as the historic resources inventory. (emphasis added)

B. The historic resources inventory shall serve as a resource document which can be used as a foundation for future designation of historic landmarks and/or districts, reviewing and evaluating proposed alterations or removal of structures and proposed development on sites identified therein. (emphasis added)

### **13.48.060 Historic preservation officer.**

A. Appointment. There shall be a city historic preservation officer within the department of city planning who is appointed by the director of planning. (emphasis added)

B. Duties. The historic preservation officer shall, among other responsibilities: (emphasis added)

1. Encourage and promote the preservation of historic landmarks, sites, and documents, and protect the interests of historic preservation through the environmental review process and through the development permit process;
2. Provide staff support to the historic landmarks commission, including acting as liaison between the commission and the public, city staff, and other historic preservation agencies;
3. Maintain an up-to-date historic resources inventory for the city of San José. (emphasis added)

At a June 17, 2017 meeting of the Rules Committee, Councilmembers Peralez and Rocha requested that the Planning Department develop and implement a strategy to survey structures potentially eligible for historic designation, and hire a staff member to implement the strategy. (At that time the Historic Resources Inventory was out of date, with little or no information on structures in many areas of the city, and with incomplete and sometimes inaccurate information about structures in some areas that had been surveyed.) At that meeting the Planning Department presented an initial historic resources survey strategy work plan that would include hiring a Historic Preservation Officer, updating and completing the historic survey for Downtown, prioritizing surveys of other areas subject to significant development interest, and placing all qualified structures on the Historic Resources Inventory.

On September 17, 2017 the Council approved the Planning Department's recommended historic survey strategy, appropriating \$487,500 to fund the survey and hire a Historic Preservation Officer for the period ending June 30, 2019.

After a decade of vacancy in the position an experienced preservation professional was appointed Historic Preservation Officer in April, 2018, and served until late June 2020. Since then, the position has once again remained vacant, and the historic survey process remains incomplete and unfunded.

With respect to ongoing plans for an Opportunity Housing program, only superficial attention has been directed to the issue of historical preservation, which has been deemed essential under Council policy. Included in the scope of review approved by the Council on June 11, 2019 is a directive that in exploring the concept of up to four units on current single-family parcels, it is required to "Specify that this would be sensitive to historic neighborhoods." In its February 27, 2020 overview memo, the Planning Department recommended allowing Opportunity Housing on properties on the Historic Resources Inventory ". . . so long as it 'adaptively reuses' the historic structure . . ." Similarly, its August 13, 2020 overview memo recommended considering "adaptive reuse of structures that are on or eligible for inclusion" on the Historic Resources Inventory, and also recommended considering "an age-based rule for older homes applying for Opportunity Housing if updates to the Historic Resources Index are not completed by the time of implementation," implicitly acknowledging that the inventory in its present state is incomplete, and is unlikely to be completed anytime soon.

In summary, contrary to requirements of the City Code, and contrary to a condition of the California State Historic Preservation Office's approval of San José as a Certified Local Government, the City during the past decade usually has not employed, and since late June 2020 does not employ a Historic Preservation Officer.

And contrary to requirements of the City Code, the City has not maintained an up-to-date Historic Resources Inventory that can be used as a foundation for evaluating proposed alteration or development of sites having the potential of historical designation.

## II.

**No application under an Opportunity Housing program should be approved if such approval could result in more than four units on a currently designated single-family parcel.**

The scope of the General Plan 4-Year Review approved by the City Council on June 11, 2019 includes exploring an Opportunity Housing policy that would allow redevelopment of currently designated single-family parcels in Residential Neighborhoods to “2-4 units per parcel.” In its February 20, 2020 overview memo, the Planning Department recommended “a policy framework to allow single-family residential parcels to develop up to four units as detailed in the scope of work.” The scope of work authorized by the Council regarding Opportunity Housing has never indicated any upper limit higher than four units for the redevelopment of such parcels under the Opportunity Housing program.

But discussion during the July 27, 2020 meeting seemed to suggest that under an Opportunity Housing program a currently designated single-family parcel could be redeveloped for as many as seven units where other state or local programs require or allow multiple units.

In its recommendations to the Council, the Task Force should state explicitly that in keeping with the approved scope of review it has not explored any circumstances under which approval of an Opportunity Housing application could result in more than four units on a currently designated single-family parcel in a Residential Neighborhood.