

Historic Preservation Process
City Landmark Criteria and California Register Criteria
Stakeholders Meeting
Staff Notes
June 26, 2009

Question: Should the City Continue to Have its Own Criteria for City Landmarks, or Default to California Register?

Attendees' Comments:

- Criteria: Age
 - City Hall would qualify
 - Former City Hall? (Over 50)
 - Need to look at the age of the resource objectively and make the best argument.
 - City criteria doesn't have age requirement. What is the benefit of giving that up?
 - From a development perspective, a definite age requirement makes the process clear.
- Mills Act – using CA criteria alone – actually makes analysis more difficult for the consultant (need to be a landmark to qualify for Mills Act).
- What has changed to make this an issue?
 - *Director:* Council direction
- Mid-Century is becoming a focus.
- We haven't had a public discussion about changing criteria.
- Having a consistent, clear and predictable process is essential, but so is openness and honesty with regard to changing the process.
- What about Structures of Merit?
- Belief – Council is trying to make it harder to landmark a building.
- *Facilitator:* Goal here – to find out the different views of the many different interests in this meeting.
- How do the various goals and policies of the current and future GP crash into each other? Where do the policies on Historic Preservation rate compared to infill policies for instance?
- Goal of this group is to determine what the criteria should be. This group is advisory and recommendations and comments will be forwarded to Council.
- Our City criteria provide more opportunity to recognize locally significant sites that may not qualify for the California Register.
- We can make a case to keep our Criteria.
- The Weir Building was lost due to age requirement, which is the reason the age requirement was removed from the ordinance.
- CA Register and San Jose criteria are very similar.
- Even in CA Register criteria are used – it needs to be made applicable locally.

- *Facilitator:* Is 50 years the big issue?
- 50 years is a threshold to looking deeper but it shouldn't be an end.
- The California Register was not intended to be a Landmark program. The goal is to let each community determine what is locally important.
- There are listings in the CA Register that are not 50 years old (and the National Register).
- Even if time limit isn't added – City Council can still use time as an argument not to designate.
- Defaulting to CA Register and not having our own criteria is like saying we aren't big enough to determine what is important locally.
- Is there a way that we can address the Council's concerns without overhauling the entire process?
- CEQA – When does the City criteria come in to play when a property isn't CA and/or National Register eligible?
- Historic community is feeling threatened by this topic because it hasn't been made clear why this discussion is happening. We would welcome perspectives to better understand where the other side is coming from.
- Development Community would like a discussion about which criteria will be used...would like consistent, clear criteria.
- Is this discussion really about landmarks, or is it about Structures of Merit?
- Do people try to find out about a property before they buy it?
 - Yes, but it leads to more uncertainty. The development community would like to know the ground rules...believe that the consultant's opinion is subjective. Developers want to know the timeline, costs and process associated with developing a piece of property with a historic structure on it
- Developers really want to know how to avoid a fight. Doesn't matter if the criteria are strict, just as long as they are clear.
- Developers need to be proactive and determine the significance of a property early on – not wait until the public review process.
- When developers have a limited time to decide whether or not to pursue a site – they need clearer, consistent criteria to use to determine risk of pursuing property.
- When it comes down to 6 votes and the will of the City Council, the criteria may not matter as much as the weight of the Historic Preservation policies in the General Plan.
- Historic Preservation Policies are only as good as six votes on the Council.
- Everyone – developers and preservationists alike – would like clarity and consistency.
- City Council doesn't seem to be bound by clarity and consistency.
- If the City did proactive survey work and had an up to date inventory that reflected all historic resources in the city, clarity and consistency would result.
- Staff needs to be able to provide consultants with clear and consistent criteria to use for survey work.

- Not the level of certainty of the Building Code – that is not a practical expectation. A smoother process would help to reduce uncertainty and anxiety which leads to last minute panic.
- There are steps that can be taken to find out how important a property is early on. (Preliminary Review).
- Most developers do due diligence and have conversation with Joe about historic significance early on in the process.
- Planners are not historians.
- Not everyone does research early on.
- It seems as though the City Council and developers want black and white. We may only be able to provide grey.
- *Director:* True – we need to do survey work, but we’re not going to pay a consultant to look at 70’s buildings.
- Would be helpful to update City-wide context statement.
- Need guidelines consistent with General Plan.
- The process of conducting surveys can lead to awareness of more resources.
- If we use a 50 year requirement – that means we will have to look at most of the city in 10 years.
- Mid-century Modern Context Statement.
- Reality – life becomes more bureaucratic over time. Keep all thresholds. Should really focus on how 50’s and 60’s structures will be handled.
- Historic Landmarks Commission should meet more often in order to provide more feedback to prospective owners.
- Hitachi approached PAC early in process to get support.
- However, most developers don’t want to put their projects up for attack.
- The Planning Department needs to emphasize outcomes – Hitachi instead of Lowe’s
- Education seems to be the solution. Ignorance creates fear. Developers are afraid of Historic process because of IBM. They fear that if they let on to what they want to do, the preservation community will organize against them. Case Study: Lowe’s vs. Hitachi. Also fear F&G, F&W.
- There is a whole lot of communication that needs to happen here.
- Hitachi – up front about plans and willing to discuss.
- IBM/Lowe’s –the developer wasn’t willing to address the historic issues.
- PAC-SJ should do a case study of Hitachi vs. Lowe’s
- Who won the Lowe’s battle? No one.

- **Next Meeting – Non - Landmark Structures**
- **Timeline – will bring items of consensus forward to Council**