

Fw: Agenda Item 10.3: SB79 Historic Impact Analysis

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 3/16/2026 11:32 AM
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From: Ben Leech <[REDACTED]>
Sent: Monday, March 16, 2026 11:22 AM
To: City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Sandhir, Manira <Manira.Sandhir@sanjoseca.gov>; Peak, Dana <Dana.Peak@sanjoseca.gov>
Subject: Agenda Item 10.3: SB79 Historic Impact Analysis

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Please find our comment letter re: tomorrow's City Council Agenda Item 10.3 attached. Thank you in advance for your consideration.

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Ben Leech
Executive Director
Preservation Action Council of San Jose
42A S. First Street
San Jose, CA 95113
[REDACTED]



PAC* SJ
PRESERVATION ACTION
COUNCIL OF SAN JOSE

March 16, 2026

San José City Council
200 E. Santa Clara Street
San José, CA 95113

VIA EMAIL (city.clerk@sanjoseca.gov)

Re: Agenda Item 10.3: Analysis on Senate Bill 79 and Assembly Bill 130, Historic Resources and Policy Recommendations

Dear Mayor Mahan and City Council Members,

As the largest nonprofit preservation advocacy organization in Santa Clara County, Preservation Action Council of San Jose (PAC* SJ) continues to speak up for saving San Jose’s unique fabric, while simultaneously continuing to support significantly increased density as the city evolves to meet current and future growth. We believe that historic preservation is one in a toolbox of foundational planning tools for building a distinctive and sustainable city, open to all. In that context, we are watching closely as the City considers how to treat historic resources in light of the complexity of the recently passed Senate Bill (SB) 79 legislation, which provides upzoning in transit-oriented development (TOD) areas (areas located within one-half mile of transit stops), many of which contain especially high concentrations of historic resources.

We wholeheartedly support the Planning Director’s February 23, 2026 memorandum regarding the Council direction from January. We strongly concur with the recommendations to consider a draft ordinance that would add a definition for “demolition” for historic resources applicable to Assembly Bill (AB) 130 projects in Title 20 (Zoning Ordinance) of the San José Municipal Code. This is a practical and efficient way to address potential historic resource impacts from projects eligible for SB 79, which can be used in conjunction with Assembly Bill (AB) 130. AB 130 takes historic resources into consideration, by providing a new statutory exemption under the California Environmental Quality Act (CEQA) – limited to residential projects in urban areas that do not include demolition of a historic resource. However, the definition of demolition found in most zoning ordinances does not align with the widely accepted

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definition of loss of a historic resource. As noted in the memorandum, a project could significantly alter a historic resource by removing its façade, form, and other character-defining features, and still qualify for a statutory exemption under AB 130 because the project would not technically result in “demolition” (currently defined in the zoning ordinance as removal of more than 50% of exterior walls). Therefore, under SB 79 and AB 130, prominent buildings that define the City’s historic downtown core and neighborhood business districts could be substantially altered without any CEQA review. The addition of a specific definition for demolition of historic resources under AB 130 is an intelligent and efficient first action.

Because TOD areas have large concentrations of historic resources, SB 79 legislation includes a provision allowing cities to temporarily exempt sites with designated historic resources. That is why, as a second action, we urge the Council to take advantage of that provision and follow Council member Mulcahy’s March 12 memorandum recommendation directing Staff to return to Council by December 2026 to enact a temporary delay of SB 79 for historic resources in Historic Districts and Conservation Areas. As Council Member Mulcahy rightly notes, “Unlike individual historic resources, historic districts and conservation areas represent intact neighborhood contexts where the collective character of streets, homes, and public spaces contributes to their significance.” Focusing SB 79’s exemption allowance on these established, Council-designated areas is fully in line with the intent of the legislation and would significantly reduce the need for staff time and resources required for implementation (see Fig. 1).

Responding to the March 13 memorandum from Councilmembers Tordillos, Campos, Cohen and Kamei, PAC* SJ has long acknowledged the need for a comprehensive update of the City’s Historic Resources Inventory and we strongly support future funding to undertake this effort. But in response to their concerns that exempting historic resources from SB 79 upzoning in and around San Jose’s historic downtown core, we note that many of our centrally located historic districts and individual historic resources are already zoned Downtown Commercial, a higher density than allowed under SB 79. A more significant issue for us is SB 79’s potential impacts to our important neighborhood business districts within SB 79’s TOD areas, including Japantown’s Jackson and Taylor Streets, Calle Willow, Alum Rock Avenue, and portions of The Alameda and East Santa Clara Street (see Fig. 2). PAC* SJ remains concerned that significant properties not currently listed on the Historic Resources Inventory could be demolished without CEQA review because they do not count as “historic structures” under SB 79 or AB 130, and that increased development pressures via SB 79 could destabilize traditionally scaled commercial corridors and displace small businesses. We therefore strongly



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encourage the City to prioritize historic resource survey work, especially within TOD areas, to ensure that historic properties are accurately identified, evaluated, and designated – maximizing rehabilitation and reuse opportunities while encouraging contextual infill development through the adoption of future Transit-Oriented Development Alternative Plans better tailored to our local context.

As cities throughout California express confusion over SB 79 requirements and as opposition to much of the bill is becoming increasingly hardened, legal challenges and legislative clean-up bills make the timing of SB 79 rollout unpredictable. The Department of Planning, Building, and Code Enforcement has taken an expedient but sensible approach to local implementation, and we appreciate the opportunity to support its and Councilmember Mulcahy's recommendations for both immediate action and future work prioritization.

Sincerely,

[REDACTED]

Ben T. Leech
Executive Director
Preservation Action Council of San José

[REDACTED]

Sally Zarnowitz, Architect, LEED AP
Vice President and Advocacy Chair
Preservation Action Council of San José

cc:

Chris Burton, Director, Planning, Building & Code Enforcement
Manira Sandhir, Deputy Director, Planning, Building & Code Enforcement
Dana Peak Edwards, Historic Preservation Officer



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Figure 1: Historic resources (blue) clustered within Council-designated Local Historic Districts and Conservation Areas, with SB 79 TODs outlined in red. Individual HRI-listed properties not in historic districts shown in grey.

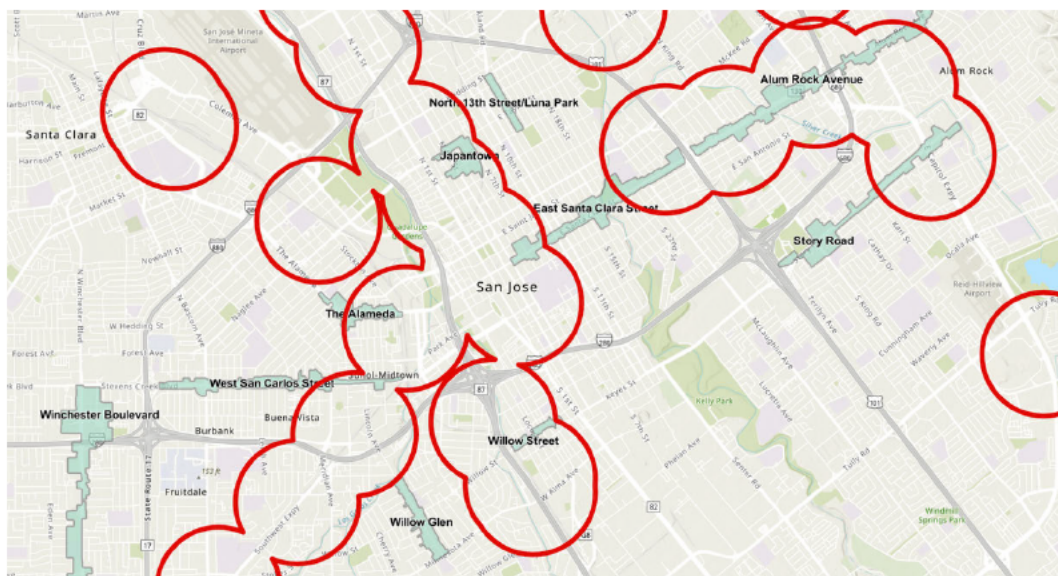


Figure 2: General Plan-designated Neighborhood Commercial Corridors in green with SB 79 TODs outlined in red.