RULES COMMITTEE: 12/3/25
ITEM: C.1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE

FROM: Mayor Mahan
Vice Mayor Foley
Councilmember Tordillos
Councilmember Mulcahy
Councilmember Cohen

SUBJECT: **Historic Preservation Ordinance Reform** **DATE:** November 13, 2025

Approved Date: 11/13/2025

RECOMMENDATION

1. Direct the City Manager to return to City Council by March 2026 with options and analysis for the following:
    a) Establish an enhanced outreach program for property owners of properties on the Historic Resources Inventory to inform them of relevant historic preservation regulations, including the San Jose Historic Preservation Ordinance.
    b) Establish an amnesty program for unpermitted construction on structures in the historic resources inventory that do not create health and safety hazards.
    c) Provide a legal framework for certain structures on the historic inventory to be demolished or removed from the inventory where substandard structures exist and/or where the historic features of the structure are no longer evident.

d) Modernize historic preservation regulations to allow for installation of windows and other building elements that support the City's climate, wildfire, safety, and energy efficiency goals.

2. Conduct analysis on the above in consultation with stakeholders including the Developers Roundtable, the Japantown Community Congress and the Preservation Action Council of San Jose (PacSJ).

BACKGROUND

In the 1880s and 1890s, thousands of Japanese immigrants came to the Santa Clara Valley and found a new home in San Jose. Later known as Issei, this first generation of Japanese-Americans in San Jose, as well as their descendants, became a key thread in the cultural and economic fabric of our city, particularly in the area that would become Japantown. Unfortunately, they were also victims of one of the worst civil liberty violations in California history when, during World War 2, they and their families were forced to leave their homes behind and relocate to internment camps. After the end of the war, these families emerged from incarceration with an understandable reluctance to engage with government processes, including when renovating or doing construction on their properties. As a result, many parcels in Japantown have unpermitted construction stemming from this period that has complicated redevelopment opportunities today.

While these challenges in Japantown have highlighted the problem most recently, it is not unique to Japantown. As a City we must ensure buildings have a legal pathway to come into compliance with the City's codes and ordinances without imposing undue burden on the owners and operators. Additionally, while a number of amnesty programs exist for residential dwelling units such as Accessory Dwelling Units (ADUs) on the state level, equivalent programs for commercial properties or other types of residential construction are more limited.

Property owners exploring redevelopment have received feedback from the City that they must preserve substandard elements, a requirement that sometimes makes it impossible to feasibly redevelop a property. For example, at 231 Jackson Street, owners of the parcel and their representatives received instructions that if the parcel were to be reused, the outer brick wall would need to be preserved. However, as shown in the picture below, properties like the one at 231 Jackson or at 681 N 5th Street are often blighted to the point that their historic characteristics are no longer visible. For this reason, a pathway towards allowing demolition in some circumstances may be necessary.

681 N 5th Street – historic property in blighted condition (Photo taken October 27th 2025)

Moreover, the City's current historical preservation regulations may force property owners to use antiquated building materials that are more expensive to maintain and cause buildings to be less energy-efficient or sustainable, hampering progress on the City's climate goals while imposing additional financial and logistical barriers for residents. This is particularly problematic for non-native English speaking property owners, who experience added administrative burdens while trying to navigate the labyrinth of local and state preservation rules. While the City has tools such as a GIS map that allows members of the public to view zoning designations, these tools can be challenging to use, particularly for older property owners.

Our historic resources and sites are invaluable: they connect us to our past, preserve communities, and enrich the urban landscape of San Jose. We have a responsibility to protect and restore them while minimizing the impact on our residents and business owners. City staff has been diligent in striking this balance, and it is our hope that the recommendations in this memo will help further the work. By providing clear legal pathways towards amnesty and greater flexibility around building elements like windows, we can reduce the risk of foreclosures or blight, while also supporting the City's goals on sustainability, energy efficiency, and wildfire risk reduction.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been

instructed not to have, any such conversation with any other member of the City Council or that member's staff.