



Dedicated to Preserving San Jose's Architectural Heritage

August 11, 2020

Mayor: Sam Liccardo

City Council Members: Chappie Jones (D1); Sergio Jimenez (D2); Raul Peralez (D3); Lan Diep (D4); Magdalena Carrasco (D5); Dev Davis (D6); Maya Esparza (D7); Sylvia Arenas (D8); Pam Foley (D9); &, Johnny Khamis (D10)

Planning Building & Code Enforcement Director: Rosalynn Hughey

City of San Jose
200 E Santa Clara Street
San Jose CA 95113

Land Use Item 10.1(b) PP20-008 - Temporary Extension of Certain Land Use Permits and Certain Tree Removal Permits.

Honorable Mayor and City Council,

The Preservation Action Council of San Jose (PAC*SJ) has reviewed documents pertinent to Staff's recommendation to City Council in the context of its contribution to the preservation of San Jose's historical buildings and the stories associated with our dwindling inventory of historical places. Based on this review, we recommend that Council NOT accept Staff's Recommendation to automatically extend land use development permits by two years from the current expiration and that the Council challenge Staff's assertion that this decision is exempt from CEQA guidelines which state that "with certainty that there is no possibility that the proposal may have a significant effect on the environment" as inconsistent with its own language justifying the proposal.

Most of the projects that have been approved by the City for development of the past 24 months acknowledge the loss of and/or damage to San Jose's historic fabric. Statements of overriding consideration have been made in many cases to justify the loss. The City has consistently stated that the projects should be approved because they contribute to meeting the City's Goals as noted in the Envision San Jose 2040 General Plan, and they should not be delayed. And yet, Staff is now asking to the City to blindly authorize massive delays in projects without first using the powers of its Planning Director as noted in Section 20.100.500 (A) (1) of Zoning Ordinance to approve Permit Adjustments that total up to two years.

Staff does not cite any specific examples of developers requesting this carte blanche extension of permits. If requests are being made, those representing the public should ask why. Staff has not justified why all project permits should be granted automatic extensions without acknowledging specific (and general) Changed Circumstances. There should be some burden of responsibility demanded of developers who promised to deliver developments that will meet the City's Goals and will bring economic development to explain why a delay is needed. Is it reasonable to assume an impact of a global pandemic on projects? Yes! Should we work with developers to extend projects if the pandemic affects their ability to go forward? Yes!. Should we give everyone a 4-year pass on explaining why? No!

PAC*SJ wants to remind the Council that this decision could give developers a pass on developments for up to 6-years. The question is this. If a developer has lost their tenant or financing, or their design does not reflect new market requirements, do we want to delay development on the target site for 6-years?

Sincerely,

J. Michael Sodergren
Vice President-Chair of Advocacy Committee