



# Request for Policy Analysis (Council Referrals)

Department Planning, Building & Code Enforcement Rules Date 12/03/25 Item C.1  
 Department Rep. Name/Ext. Chris Burton Councilmember Sponsorship Tordillos, Foley, Cohen, Mulcahy  
 Policy/Ordinance Subject Historic Preservation Improvements Mayor Mahan

Staff Recommendation											
<input type="checkbox"/> GREEN	Adopt based on tradeoffs outlined on next page	<input checked="" type="checkbox"/> YELLOW	Defer to a later designated date or the annual Budget Process	<input type="checkbox"/> RED	Recommend Council not adopt nominated idea	<input type="checkbox"/>	NEEDS CLARIFICATION OR MORE TIME TO EVALUATE				
Staff Evaluation											
Is this already underway in a department work plan?				Is this time critical or an emergency?				Will this require substantial resources, staffing, budget, strategic support, or reprioritizing existing work plan?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Criterion to Determine Scale of Project Complexity											
Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.											
a. Low Complexity is a sum of 6 or less. b. Medium Complexity is a sum of 7 – 9. <span style="float: right;">Total Score = 12</span> c. High Complexity is a sum of 10 or greater.											
Scoring Criterion			<b>Low Complexity</b>			<b>Medium Complexity</b>			<b>High Complexity</b>		
	Estimated Duration		6 – 9 months <input type="checkbox"/> = 1			9 - 18 months <input checked="" type="checkbox"/> = 2			More than 18 months <input type="checkbox"/> = 3		
	(Internal)		Can easily be absorbed into existing work plan <input type="checkbox"/> = 1			Planned work (future) <input type="checkbox"/> = 2			Work not currently proposed <input checked="" type="checkbox"/> = 3		
			Have staff with required skillset/knowledge <input type="checkbox"/> = 1			Have staff with required skillset/ requires moderate research <input checked="" type="checkbox"/> = 2			Do not have staff with required skillset/requires significant research <input type="checkbox"/> = 3		
			Less than or equal 2 staff required <input type="checkbox"/> = 1			3 - 4 staff required <input checked="" type="checkbox"/> = 2			More than 5 staff required <input type="checkbox"/> = 3		
(External)		1 Additional department; no community outreach required <input type="checkbox"/> = 1			2 Other departments Involved; some community outreach required <input type="checkbox"/> = 2			3 or more departments and/or external partners involved; significant community outreach required <input checked="" type="checkbox"/> = 3			
DEPT. Required	<input type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input type="checkbox"/> OEDCA	<input type="checkbox"/> ESD	<input type="checkbox"/> Fire	<input type="checkbox"/> HR	<input type="checkbox"/> IT	<input type="checkbox"/> PRNS	<input type="checkbox"/> Police	<input type="checkbox"/> Retirement
	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input checked="" type="checkbox"/> CMO – Budget	<input type="checkbox"/> Community Energy	<input type="checkbox"/> Finance	<input type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> PBCE	<input type="checkbox"/> PW	<input type="checkbox"/> DOT

CMO Approval: /s/ Lee Wilcox Date 12/2/2025

**Analysis**

**Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.**

GREEN LIGHT: The Administration can implement this nominated idea under its current work plan. Item should be sent to Council to add to department work plan. (1) How will the idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Council Focus Area or to a department work plan, including strategic support? (3) What is the minimum viable scope to move the idea forward and reduce its complexity?

YELLOW LIGHT: Administration recommends Council defer this nominated idea to a later designated date or the annual Budget Process due to (describe cost implications, workload impacts, or other factors)

Currently in process and going to City Council in December 2025 is the adoption of design standards for Eichler neighborhoods which is a neighborhood-driven project with objective design standards specific to Eichler Mid-Century modern design to streamline review of exterior changes requiring a Single Family House Permit. Also going to City Council in December 2025 are amendments to the Historic Preservation Ordinance to provide the City Council flexibility in approving development projects that will be detrimental to a designated city landmark or historic district.

Continued on next page.

RED LIGHT: The Administration recommends Council not to adopt this nominated idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).

## Analysis (Continued)

In addition, this fiscal year staff will be preparing and issuing a Request for Qualifications to update the City's list of historic resource consultants and Master Agreements. This is an internal list that was created in 2020 to facilitate historic preservation projects like historic resource surveys for urban villages and historic reports for environmental review. It is also utilized by other departments such as DOT and PRNS for their own projects. This work will update the qualified consultant list and streamline processes when historic resource evaluation is required. Staff is also developing a monitoring and compliance program for existing Historical Property Agreements (Mills Act Contracts). The City of San Jose holds 84 Mills Act contracts that provide a substantial reduction in property taxes for owners in exchange for preserving the historical and architectural integrity of the property. The contracts between the City of San Jose and property owners require inspections every five years to ensure the property owners are upholding their preservation obligations. Staff will be developing a program to audit and inspect all contracted properties in five-year cycles and propose the nonrenewal of contracts out of compliance in accordance with state law and the City's Mills Act ordinance. This work is anticipated to be completed in the next nine months. There is also ongoing work to update the Historic Resources Inventory (HRI) by making available historic reports and documentation for listed properties on the City's publicly-accessible GIS HRI and updating historic preservation program web pages to improve clarity and transparency. Staff is also working with the Environmental Review and Citywide teams to streamline review through guidelines and ordinances, like the ministerial housing ordinance and SB 9 allowing additional housing units on historic properties beyond ADUs.

Adding the recommendations to the Historic Preservation Officer's work plan would impact the above-outlined work and the review of development (and environmental review) projects with mandated clocks and deadlines.

To achieve additional streamlining for the Historic Preservation program, staff recommends a comprehensive Historic Resource Inventory (HRI) clean-up. This would entail hiring a historic resources consultant to document and evaluate properties currently classified on the HRI as "Identified Structures" and stand-alone "Contributing Structures" not located in a historic district or conservation area, and reevaluating the eligibility of properties currently classified on the HRI as "Candidate City Landmarks" and "Candidate City Landmark Historic Districts". This would provide greater clarity on the status of "Identified Structures" and stand-alone "Contributing Structures" listed in the HRI by removing those that are ineligible or reclassifying eligible properties, and provide the basis for City Council to formally designate eligible properties as City Landmarks and City Landmark Districts. Designating landmarks would provide local control for historic resources instead of deferring to state legislation that often removes a local jurisdiction's ability to make its own determinations in this area. In addition, designation requires the Office of the Recorder for Santa Clara County to record the City Council resolution which would provide disclosure to potential buyers of the status of the property and clarify the appropriate permit route and environmental review path when exterior modifications are proposed. As part of this work, an outreach component could be included to inform owners of property listed on the HRI of the related requirements when exterior modifications are proposed. The cost of this work is anticipated to range between \$200-250k.

Establishing an amnesty program for unpermitted construction would require consultation with the Building division which enforces local, state and national building codes.

There is an existing legal framework for the consideration of demolition in the Planning and Building processes. Buildings that are a threat to public health and safety can be approved for demolition by the Building Official and this also cited in the Historic Preservation Ordinance in Section 13.48.210(E). Properties are listed on the HRI for their historical significance, which can be cultural, historical and/or architectural. Many buildings, like those in Japantown, have cultural significance and their historic features are less important. So removing those from the HRI would not be recommended. When development is proposed, properties that are not designated landmarks or located in a city landmark district are documented and reevaluated if their documentation is more than five years old. If a property has lost its historic integrity (historic features) and no longer has any historic significance, it would not be considered a historic resource and could be demolished. Select demolition has been approved for properties listed in the HRI that are in conservation areas or individually listed when documentation is provided that conditions are substandard and the structure cannot be reasonably renovated. When a property retains historic significance, the planning process allows for the consideration in a public hearing of demolition in the development review process. In addition, the City Council will consider an override for projects detrimental to designated landmarks and districts as part of the Historic Preservation Ordinance amendments on December 2, 2025.

The purpose of design review when exterior changes are proposed to historic resources is to maintain their historic character and significance. Windows, and other building elements are often character-defining features to be retained and preserved. Existing guidelines already allow flexibility when removing, replacing and adding windows on the side and rear elevations with substitute materials when the design matches the original in dimension, profile and finish and also allow the replacement of windows to comply with building codes like egress. Climate goals are achieved by preserving materials and buildings that retain embodied carbon. Low-tech historic windows that were made to be durable and easily maintained represent real energy and resource conservation over time. Studies have demonstrated that retrofit measures can achieve performance results comparable to new replacement windows. Therefore, staff would recommend the dedication of resources like grants, trade services and workshops to support homeowners in the repair and retrofit of original features and materials. Currently, there are limited resources to do this work from the federal government, but staff could research further or explore partnership programs with non-profit organizations.