



SPUR

San Francisco | San Jose | Oakland

September 28, 2015

Harry Freitas
City of San Jose Department of Planning Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

RE: **City of San Jose's Design Review Process**

Dear Harry,

As you know, SPUR is very interested in San Jose's approach to design review, and we appreciate the effort that the city has undertaken this year to improve its process. We want to recognize this a hard thing to get right, given the complexity and subjective nature of design. We saw that the city released an RFQ for urban design review consultants and understand an updated one will be released shortly. In the last month or so, SPUR has been putting some additional thought into the city's proposed revamp of the ARC and the design review function, and we wanted to share our take on the proposal as we understand it. I spoke with Emily last week and understand that many points below are not precluded by the RFQ's parameters, but we agreed it still made sense to share SPUR's thoughts.

What we appreciate:

- Smart diagnosis of the issues with the current ARC process
- Stronger emphasis on urban design
- Expanded thresholds for review
- Two tiers of review as appropriate for projects' scale
- Explicit staff role to manage process and coordinate review comments

A few concerns and alternatives:

- We believe there is no one right way to tackle design review, so long as the feedback has a **consistent voice**. If a different consultant firm or set of firms is selected to work on each project rather than a single body reviewing all projects, then it is crucial that staff take on the role of bringing consistency across project reviews.
- Similarly, does design review need a public hearing or not? There are different ways to successfully review project designs and **provide transparency and opportunities for public input**. The current proposal does not assume a public presentation, which is a viable approach, as long as project information is easily accessed by the public, preferably via the city's website, and as long as there are opportunities to provide feedback to staff, perhaps by a specified deadline. However, our conversations with stakeholders indicate that this community highly values a public review setting—it shows the broader public that the city considers urban design and architecture to be significant, and it helps to educate the public about the practice of design—and a public discussion is one path towards transparency. On the other hand, a public hearing that does not take in and address public feedback may be problematic unless there are clear opportunities for the

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public to submit feedback to city staff. Civic groups like the Downtown Design Committee that weigh in on projects may continue to play an important role in the public discourse.

- We appreciate the increased focus on urban design, but for the higher-level review of significant projects, we still believe there is a role for **professional or peer review of the building's architecture** (aesthetic, formal and material considerations). As you know, that is a more subjective analysis, and we think it is important to involve **multiple voices**. Even with the best of architects, there can be widely ranging viewpoints on architectural merit, and holding a conversation among diverse design professionals can help determine the best path forward. A group discussion with (1) multiple aesthetic points of view, (2) expertise in different disciplines and product types and (3) both local and global experience can lead to a more insightful and balanced collective assessment than any individual opinion.
- We strongly recommend the city **develop a set of criteria** for review, for both the higher-level and lower-level review. It could include an urban design checklist and other requirements as we suggested in January (see attached). This can provide **greater consistency and predictability** in the evaluation by focusing the reviewers. For the lower-level review, we suggest that the to-be-hired urban designer should be tasked with overseeing review performed by DPW's architects.

The details of the process do matter, and we encourage staff to ensure that a clear and consistent message comes from the city. There are lingering concerns about the lack of "teeth" in the process and whether applicants can choose to ignore the feedback if they have sufficient political support. Whatever outside expertise is brought to bear in the review process, it is essential that staff be able to accurately convey the outside feedback and ultimately take responsibility for the design being recommended for approval. We are still very excited about the city's plans to hire an urban designer, and he or she could play a key role in this process to ensure consistency and provide a knowledgeable filter for outside reviewers' viewpoints, whether they are coming from a committee or a consultant firm. We also recommend bolstering the planning team with additional staff who have urban design and physical planning expertise.

As noted above, we are aware that a new RFQ for a consultant is already in process. Most of our comments are not in conflict with the version of the RFQ we saw, but we do encourage you to find a way to continue with architectural review of major projects and engage with the concerns that are still unresolved. It sounds like you have the flexibility to utilize the consultants in different ways. We appreciate your continued engagement to improve the quality of San Jose's built environment and the process to get to that outcome.

Thank you for considering our suggestions. Feel free to contact me if you have any questions.

Best,



Kristy Wang
Community Planning Policy Director

cc: Rosalynn Hughey, Emily Lipoma