



HISTORIC LANDMARKS COMMISSION AGENDA

Action Minutes

Wednesday, November 5, 2025

Regular Meeting
Commencing at 6:30 p.m.

City Hall Wing
Wing Rooms 118, 119 & 120
First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Commission Members

Rachel Royer, Chair
Sara Ghalandari, Vice Chair
Harriett Arnold
Himat Baniwal
Lawrence Camuso
Steve Cohen

Christopher Burton, Director
Department of Planning, Building & Code Enforcement

AGENDA

ORDER OF BUSINESS

WELCOME

ROLL CALL *The meeting was called to order at 6:33 p.m.*

PRESENT: *Chair Royer, Vice Chair Ghalandari, Commissioners Arnold, Baniwal, Camuso and Cohen*

ABSENT: *None*

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Commission requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair. Staff will provide an update on the consent calendar. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

No Items

3. PUBLIC HEARINGS

Generally, the Public Hearing items are considered by the Historic Landmarks Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

- a. [PP25-005](#): San Jose Municipal Code Chapter 13.48 (Historic Preservation Ordinance) text amendments. Council District: Citywide. **CEQA:** Addendum to the certified Envision San José 2040 General Plan Final EIR (SCH #2009072096) and the Downtown Strategy 2040 Final EIR (SCH #2003042127). *Continued from 10/01/2025.*

PROJECT MANAGER, DANA PEAK EDWARDS

STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION RECOMMEND THAT THE CITY COUNCIL TAKE ALL THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION APPROVING THE ADDENDUM TO THE ADOPTED THE FINAL ENVIRONMENTAL IMPACT REPORTS (“FINAL EIR”) FOR THE DOWNTOWN STRATEGY 2040 AND ENVISION SAN JOSÉ 2040 GENERAL PLAN.**
- 2. APPROVE AN ORDINANCE TO AMEND SECTION 13.48.020 BY ADDING DEFINITIONS FOR ‘DETRIMENTAL,’ ‘HISTORIC INTEGRITY,’ AND**

‘SUBSTANTIAL ALTERATION’ AND CLARIFYING DEFINITIONS FOR HISTORIC DISTRICT AND LANDMARK; AND TO AMEND SECTION 13.48.240 BY REVISING (B) AND (C) TO CLARIFY THE APPLICATION OF HISTORIC PRESERVATION PERMIT FINDINGS AND BY ADDING (D) TO ALLOW THE CITY COUNCIL TO MAKE CERTAIN OVERRIDING FINDINGS WHEN WORK IS DETRIMENTAL TO A LANDMARK OR PROPERTY IN AN HISTORIC DISTRICT.

Chair Royer introduced the item.

Dana Peak Edwards, City of San José Historic Preservation Officer, provided a recap of the project to amend the Historic Preservation Ordinance first considered by the Historic Landmarks Commission (HLC) on October 1, 2025. She outlined the request by the HLC for staff to bring back modifications to the proposed amendments to: 1) clarify the meaning of “impair” in the definition of “substantial alteration;” 2) clarify that any project that complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (SIS) would not be a substantial alteration; and 3) limit the broad application of the override provision by providing clear boundaries, decoupling the finding from the California Environmental Quality Act (CEQA), and providing separate findings for demolition. Ms. Peak Edwards reviewed the modified language drafted by staff in response to the HLC’s request.

Chair Royer opened public comment.

Public speakers included: Fil Maresca, Dan Orloff, Grace Pugh, Edward Saum, Dan Vardo, Sally Schroeder, Susan Brandt-Hawly, Tara Branham, Shawn Atkisson, Laura Woford, Michelle Dreyband, Susanne St. John Crane, Ben Leech, Erin Fidler, Adrianna, Doug King, Julie Wiltshire, Karen Luebben, Veronica Bernal, Walter King, Maria Peters, Sally Zarnowitz, and Mike Sodergren. The following is a brief summary of the public comments, which are recorded in full [here](#).

Fil Maresca, expressed support of the recommended changes to the language of the Historic Preservation Ordinance as proposed by City staff. He stated that he lives and works within two blocks of St. James Park, his company has worked on scores of events and activations in the park over the years, and he is the current board chair of the Friends of Levitt Pavilion.

Dan Orloff, San Jose resident, expressed support of the adoption of the ordinance changes proposed. He stated he has been producing live music downtown for more than 40 years as a member of the Fountain Blues Foundation and San Jose Jazz, and he is currently a member of San Jose Rocks.

Grace Pugh recommended the adoption of the new ordinance language so a project like Levitt Pavilion can move forward, She commented she has been attending the free concerts in St. James Park for a couple of years and was impressed by the caliber of bands that have performed at the temporary Levitt venue.

Edward Saum, an architect specializing in historic preservation for 25 years, planning and land use consultant for the Shasta Hanchett Park Neighborhood Association and former Historic Landmarks Commissioner and Chair, commented that the override finding has no tangible parameters and recommended the modified findings language in Option 2 which provides some additional parameters.

Dan Vardo, Art Boutiki (all-ages venue), urged that the amendments be passed. He commented that his venue is closing and the Levitt Pavilion can be that all-ages venue.

Sally Schroeder, over 20-year downtown resident and Friends of Levitt Pavilion board member, commented that the proposed ordinance updates provide the right balance between preserving San José’s history and enabling adaptive projects.

Susan Brandt-Hawly, litigating lawyer for the Saint Claire Historic Preservation Foundation, commented that it is not appropriate to consider an addendum for the proposed ordinance amendments because the proposal reduces protections for historic resources and the project needs a supplemental environmental impact report.

Tara Branham, Director of Patron Experience for Opera San Jose, expressed support for the proposed amendments which would give the City more flexibility to approve projects that would enhance the sharing of the arts through the community.

Shawn Atkisson, Saint Claire Historic Preservation Foundation, commented that the impetus for the proposed amendments is the St. James Park-Levitt Pavilion project and if the ordinance is amended as proposed there will be a challenge.

Laura Woford, a 35-year downtown resident and Friends of Levitt Pavilion board member, recommended adoption of the proposed ordinance change so the benefit project in a public park can move forward.

Michelle Dreyband, resident near St. James Park and Friends of Levitt Pavilion board member, recommended adoption of the proposed ordinance language.

Susanne St. John Crane expressed support of the Historic Preservation Ordinance change as proposed by City staff to get the public benefit project that is Levitt Pavilion moving forward.

Ben Leech, Executive Director of Preservation Action Council San Jose, noted he forwarded a comment letter in advance of the meeting. He commented that the ordinance change is not just about one project, but it will affect the regulation and protection of all city landmarks and city landmark districts. Mr. Leech expressed hope that language could be tailored to accomplish what the City wants to accomplish as well as protecting and giving clear guidance to the HLC and City Council about how historic preservation fits into the competing priorities of the city.

Erin Fidler, 13-year downtown San José resident, recommended the proposed ordinance language be adopted to realize the full potential of St. James Park.

Adriana, 8-year resident and board member of East St. James Community Center, commented that she is opposed to the Levitt Pavilion project because it is a public nuisance with noise (inadequate windows) and other issues, and it has been difficult to rent and sell the units.

Doug King, San José resident, spoke in support of the proposal or any policies that would make the Levitt Pavilion a reality. He noted the park was designated for notable events and gatherings and is more about the community and experience than bricks and mortar.

Julie Wiltshire, Naglee Park resident and attorney, recommended the proposed ordinance language be adopted. She commented she likes to walk to St. James Park and listen to live music and the development in San José helps to bring up the value of the city.

Karen Luebben, resident of 97 East St. James, commented that she has been impressed by the comments and consideration the HLC has given to the proposed ordinance changes that would denigrate the HLC's ability to express its opinions.

Veronica Bernal, born and raised in San José and a resident who lives across the street from St. James Park, commented that she is opposed to the ordinance changes even though she believes St. James Park does need programming and the city needs space for community. She commented that the existing programming is disruptive and noisy even though she has upgraded windows.

Walter King, downtown San José resident, commented that he often attends free music events downtown and the Levitt Pavilion will make it a better place to visit because it is currently not the best place to play. He commented that revamping St. James Park would make it safer.

Maria Peters, resident in front of St. James Park, commented that she opposes the Levitt Pavilion because of the decibel level of the concerts which in the past have been too loud and the garbage, trash, traffic and crime that would result from the events.

Sally Zarnowitz, Preservation Action Council San Jose, reiterated and supported the organization's position and expressed support for Option 2 of the modified ordinance language presented by staff. She commented that the initially proposed findings were broad and the HLC did a great job in requesting more specific findings. Ms. Zarnowitz noted no other cities have findings as broad as those first proposed. She commented that the Historic Preservation Ordinance can go beyond CEQA in terms of protecting landmarks and historic districts and not just disclosing impacts but coming up with solutions for projects that meet the Secretary of the Interior's Standards.

Mike Sodergren, Preservation Action Council San Jose, commented that the legal language proposed will not resolve the different positions of the City, Saint Claire Preservation Foundation and the Friends of Levitt Pavilion and the parties should get together to address the issues. He commented the proposal is a significant change that is inconsistent across the state. Mr. Sodergren commented the ordinance is being changed for one project and consideration should be given how to accommodate that project but also to protect the other 200 landmarks that could become vulnerable.

Chair Royer closed public comment and called for Commissioner questions and comments.

Commissioner Bainiwal inquired if there are standards or a checklist that would be applied to make the override findings because this is a new addition to the ordinance. He also inquired about other cities where such a provision has been applied. Senior Deputy City Attorney, Daniel Zazueta, responded that is what is being discussed tonight since the HLC expressed concern at the October meeting that the override is based on CEQA and is too broad. He stated that the proposed language was written to be broad on purpose and the City Council would need to make the findings that specific overriding economic, legal, social, technological, or other benefits of a project outweigh the detrimental effects on the landmark or property in a historic district. Mr. Zazueta commented that if more parameters are put on the finding, it would allow more subjectivity and challenges to be a part of the process. He commented that it is up to the HLC what it would like to advise the City Council on the Historic Preservation Ordinance amendments.

Commissioner Cohen commented that the hardship section of the Historic Preservation Ordinance doesn't have any parameters, nor would the override findings which are subjective and without guardrails. He suggested that to make the override finding more specific and to protect the historic resources, the HLC should develop a set of parameters for City Council consideration. Manira Sandhir, Planning Deputy Director, stated that staff has proposed two options that provides those parameters that are more well defined for HLC consideration. She noted that if the HLC would like to see changes or additions to the language those changes could be added to the HLC's motion.

Vice Chair Ghalandari thanked staff for their response to the HLC's numerous comments at the October meeting. She stated that her concern at the last hearing was that the override proposal is too broad, essentially mirroring CEQA and that could cause confusion. She stated she wanted to see specific findings that would differentiate the ordinance findings from CEQA and limit the application, and that was done in staff's response to the HLC's comments with Option 2. She noted that Option 1 included the following language for private projects and why was that language not included in Option 2:the project provides a clear, measurable benefit to the community and is necessary to achieve a specific public purpose that cannot be reasonably accomplished through preservation, relocation, or adaptive reuse that outweighs...." Staff responded that language could also be included in Option 2 as part of the

HLC's recommendation to City Council. Vice Chair Ghalandari commented that the endless cycle of CEQA litigation that results in project delay harms the community and threatens and stops projects that have a public benefit with activation and safety. She commented this is a problem at the local and state levels and if the City does not have the mechanism to approve these types of projects through our own local ordinances, then it's going to be stripped away at the state level. Vice Chair Ghalandari expressed appreciation for the thought that staff put into the revisions and commented that they address her previous concerns to tighten up the language and add parameters.

Mr. Zazueta commented that the CEQA language was used to be broad on purpose because the additional findings create more opportunity for litigation. He noted that the Public Resources Code language has 50 years of precedent from case law and CEQA litigation that's held up the test of time. Mr. Zazueta commented that it is up to the decision makers to weigh the actual public benefits rather than pigeonholing the City Council into specific findings that may invite more subjectivity and need to define other terms.

Chair Royer commented that the potential noise associated with Levitt Pavilion is a CEQA concern and not part of the findings of the Historic Preservation Ordinance.

Commissioner Bainiwal expressed concern about overlapping CEQA with the Historic Preservation Ordinance and wondered if additional problems could arise from that and whether additional terms need to be defined to provide clarity.

Commissioner Cohen clarified that the hearing is not about Levitt Pavilion, but the Historic Preservation Ordinance and all future projects. He expressed concern that the override would provide the City Council more leverage and discretion to be subjective without parameters since the City does not have a strong history in its support of historic preservation.

Commissioner Camuso echoed the comments of Commissioner Cohen and commented that the override is so broadly written, even with the options, it would completely circumvent and undermine the purpose of the Historic Preservation Ordinance. He commented that the Levitt Pavilion is the reason for the ordinance amendments and he is opposed to any options to change the permit findings.

Commissioner Arnold commented that she understands there is concern that the City Council would not adhere to the modified override language in Option 2 that the City Council would be required to state in the resolution the unique circumstances justifying approval and shall not establish precedent for future departures from historic preservation standards. She inquired if there is an opportunity to do more work on Option 2 that would be favorable to the Commission because she did not hear an expression of faith that the process would go well in the future. Ms. Sandhir commented that staff has put together two options for the HLC's consideration and are seeking an HLC recommendation to City Council and noted that the HLC may tweak the language in the options to fold into the motion.

Commissioner Cohen made a motion to send the Historic Preservation Ordinance amendments back to staff to get the language where it should be. The motion was not seconded.

Vice Chair Ghalandari commented that she closely reviewed the modified language prepared by staff and staff has done a good job addressing the concerns of the commission. She inquired if there is something deficient in the language that needs to be discussed. Vice Chair Ghalandari commented that she previously suggested adding language from Option 1 into Option 2 because it ties the private project override findings to a specific public purpose.

Vice Chair Ghalandari made a motion to move forward with Option 2 incorporating the following language from Option 1: "...the project provides a clear, measurable benefit to the community and is necessary to achieve a specific public purpose that cannot be reasonably accomplished through preservation, relocation, or adaptive reuse that outweighs..." She

clarified that the motion includes adding Secretary of the Interior's Standards conformance to the definition of "Substantial Alteration" and also adding the proposed definition for "Impair." The motion was seconded by Chair Royer and approved by the HLC (4-2, Commissioners Camuso and Cohen opposed).

4. PLANNING REFERRALS

No Items

5. GENERAL BUSINESS

No Items

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

7. OPEN FORUM

Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to: (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Larry Ames, longtime creek, trail and park advocate, discussed the Coyote Creek Trestle located at Story Road and Center Road, the last railroad trestle remaining in the city. He commented that it is part of the Western Pacific track that looped around San José in 1922 and broke a monopoly that Southern Pacific had for decades. Mr. Ames commented the City has done an engineering report on the trestle and studied alternatives to demolition. He commented he is bringing the project to the HLC so the Commission can ask for input on the trail project. Mr. Ames understood that the project is scheduled to be brought to the HLC before the end of the year. He recommended that the City leave the bridge in place and construct a new bridge adjacent to the trestle. Chair Royer requested the item be agendaized on the December 3rd HLC agenda.

Mike Sodergren, Preservation Action Council San Jose, commented on the demolition by neglect work done by former HLC member Anthony Raynsford. He recommended moving forward with that proposed amendment to the Historic Preservation Ordinance. Chair Royer requested the item be agendaized on the December 3rd HLC agenda, along with a status report on recent City Council direction on blighted properties.

Edward Saum seconded the comment on demolition by neglect and informed the HLC that Larry Ames recently published a book about lessons learned trying to save the Willow Glen trestle.

Commissioner Cohen requested that the Hardship subcommittee of the HLC be activated and thanked staff for holding the 2025 HLC Annual Retreat. He also mentioned Mills Act compliance and recommended that property owners not be held to specific items on their contract 10-year plan but the focus be on the broad purpose of the Mills Act and ensuring that in general money is spent on the preservation of the building. Commissioner Cohen also discussed 401 South 3rd Street where unpermitted work was conducted (removal of windows). He inquired what could be done when unauthorized work is underway. Commissioner Cohen requested the HLC hear from Code Enforcement why there is such a time lapse between the complaint and inspection/investigation. He recommended prioritization of historic properties. Ms. Sandhir commented that there could be tools the City might use so contractors do not do these types of things to historic resources. Mr. Cohen

commented he would like to hear from someone in Code Enforcement to talk about priorities. Ms. Sandhir stated that she would connect with the Code Enforcement team so staff can report back on the process.

8. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

i. [Correspondence Received October 10, 2025.](#)

Written correspondence was received by the HLC.

b. Report from Committees

i. Design Review Subcommittee:

1) No meeting held on October 16, 2025. The next meeting is scheduled for Thursday, November 20, 2025 at 11:00 a.m.

2) Appoint Chair of the Design Review Subcommittee

A motion was made by Commissioner Cohen to appoint Commissioner Royer as Chair of the Design Review Subcommittee. The motion was seconded by Commissioner Camuso and unanimously approved 6-0.

c. Approval of Action Minutes

i. **Recommendation:** [Approve Action Minutes for the Historic Landmarks Commission Meeting of October 1, 2025.](#)

A motion was made by Commissioner Cohen to approve the Action Minutes for the October 1, 2025 HLC meeting. The motion was seconded by Commissioner Baniwal and unanimously approved 6-0.

d. Status of Circulating Environmental Documents
No Items

ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.