



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** December 8, 2020

Approved

Date

**12/11/2020**

**COUNCIL DISTRICT: 3**

**SUBJECT: APPEAL HEARING FOR THE PLANNING DIRECTOR'S APPROVAL OF THE HISTORIC PRESERVATION PERMIT (FILE NO. HP19-008) FOR THE ST. JAMES PARK CAPITAL VISION AND LEVITT PAVILLION PROJECT (PUBLIC PROJECT PP16-037).**

## RECOMMENDATION

- (a) Conduct a de novo hearing to consider the Appeal of the Planning Director's approval of the Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District consisting of approximately 7.6 acres in downtown San Jose. The St. James Park Capital Vision and Levitt Pavilion Project includes construction of a new Performing Arts Pavilion, café and restroom building, open air picnic pavilion and picnic grove, two dog parks, Meadow, playground, fountain, park office building, security lighting, perimeter fencing, transportation modifications and pedestrian and utility improvements.
- (b) Adopt a resolution denying the permit appeal and approving, subject to conditions, Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District, on approximately 7.6 acres in downtown San José.

## OUTCOME

The hearing before the City Council is a de novo hearing pursuant to Section 13.48.280 of the City of San José Municipal Code (SJMC). That means that the City Council hears the report from staff and comments and evidence presented by the applicant, the appellant and the public anew, and must make the required findings to support the City Council's determination whether to grant or deny the Historic Preservation Permit (HP Permit).

Denial of the appeal of the Director of Planning's approval of the HP Permit would allow the City of San José Department of Parks, Recreation and Neighborhood Services (PRNS) to move forward with the construction of the St. James Park Capital Vision and Performing Arts Pavilion Project. If the design of the project is modified and is not generally in accordance with the approved concept plans, an amendment to the HP Permit would be required.

Upholding the appeal and denying the HP Permit would mean the construction of the project would not be allowed to move forward at this time.

### **EXECUTIVE SUMMARY**

This is an appeal of the Director of Planning's approval of the HP Permit, File No. HP19-008, to allow physical and programmatic changes as part of the St. James Park Capital Vision and Performing Arts Pavilion Project on the approximately 7.6-acre park bordered by East St. James Street to the north, East St. John Street to the south, North First Street to the west, and North Third Street to the east, in downtown San José. A HP Permit is required because St. James Park is a contributing property to the St. James Square Historic District, a designated City Landmark Historic District.

On October 7, 2020, the Historic Landmarks Commission (HLC) recommended approval of the HP Permit, with additional conditions, to the Director of Planning. On October 28, 2020, the Director of Planning held a public hearing for the project and approved the HP Permit. Susan Brandt-Hawley, on behalf of Sainte Claire Club, filed a timely appeal of the HP Permit on November 9, 2020 (Attachment 1). The City Council must conduct a de novo hearing on the HP Permit appeal no later than forty-five days after the filing of the appeal.

The appeal asserts that the St. James Park Capital Vision and Performing Arts Pavilion Project, with the inclusion of the "oversized pavilion" and intensity of the proposed related events, is inconsistent with the Historic Preservation Ordinance. The appeal further asserts that the project's new structures and overall design are not in substantial conformance with the general character and surface treatment recommendations of the St. James Square Historic District Guidelines or the Secretary of the Interior's Standards for the Treatment of Historic Properties. Finally, the appeal asserts that the approval of the HP Permit, File No. HP19-008, for the St. James Park Capital Vision and Performing Arts Pavilion Project violates the mandates of the California Environmental Quality Act (CEQA) because the certified Final Environmental Impact Report (FEIR) for the project disclosed impacts to Cultural Resources. While the appellant raises violations of CEQA, the subject appeal is limited to the issues raised within the scope of the Historic Preservation Ordinance.

In the preparation of this memorandum, staff reexamined the project in its entirety against all applicable standards and concluded that the project meets the requirements of the Historic Preservation Ordinance and is consistent with the City Council certified FEIR pursuant to CEQA.

Staff recommends denial of the permit appeal and approval of the HP Permit, File No. HP19-008, for the St. James Park Capital Vision and Performing Arts Pavilion Project. The comments raised in the permit appeal do not negate any of the HP Permit findings and the project continues to be consistent with the goals and policies of the General Plan and Historic Preservation Ordinance.

## **BACKGROUND**

### **Project History**

The St. James Park Capital Vision and Performing Arts Pavilion Project began in 2002 when City Council directed PRNS to develop a preliminary design for the renovation of St. James Park, complete the environmental review of the proposed design, and identify operation and maintenance funding for this vision.

On April 20, 2016, the applicant, PRNS, began the environmental review process (File No. PP16-037) for the St. James Park Capital Vision and Performing Arts Pavilion Project.

### **Project Description**

The proposed design for the renovation and revitalization of St. James Park includes three concepts:

- **Historic Edge** – The historic edge would maintain the established heritage trees (which consist of palm street trees, one bur oak near the fountain in the contemporary core, and one bur oak in the garden walk) and would include a planting scheme around the perimeter of the park to recall the history of the park’s development from initial dense and assorted tree planting to the Victorian-era gardens. The edge would act as a buffer, shielding the new park core from surrounding streets.
- **Contemporary Core** – The contemporary core would include passive and active uses, including a playground, picnic grove, café, two dog parks, and a performing arts pavilion.
- **Monument Walk/Park Paseo** – The monument walk would include meandering paths connecting existing historic monuments within the park with the proposed performing arts pavilion. The path would organize the layout of the park by connecting and integrating the Contemporary Core with the historic edge, as well as providing access throughout the park.

The development of the park design, including the Performing Arts Pavilion, is at the 25% schematic design phase and the HP Permit analysis was based on the St. James Park 25% Design Narrative and the St. James Park 25% Design sets produced by CMG Landscape Architecture, et al, dated October 3, 2018. An updated sheet L9.13 - “Fountain Illustrative Drawings” was provided in July 2019; it is dated the same as the previous L9.13 sheet, but shows a flat-topped fountain, rather than a fish sculpture (Attachment 2). The schematic park design maintains the use of St. James Park as a public open space, restores the park’s tree canopy and meandering

pathways, retains two park monuments, and adds a café, patio, playground, and pavilion with programmatic events (described below). The performance area consists of a reserved lawn area and other amenities clustered in the southeast corner of St. James Park. Thus, the proposed park design would restore the vitality and sense of place to the park.

Physical changes in the park include the removal of existing components on site such as benches, trees, lawn areas and other similar structures, and would include the construction of the following:

- Approximately 4,000-square foot stage for the Performing Arts Pavilion with approximately 1,800-square foot single-story support building
- Approximately 1,250-square foot Café and Restroom Building
- Open Air Picnic Pavilion and Naglee Picnic Grove
- Two Dog Parks totaling up to approximately 7,000 square feet
- McKinley Meadow
- Plaza Playground
- New Fountain
- Approximately 1,750-square foot Park Office Building
- Security Lighting along the perimeter of the park and pedestrian pathway
- Perimeter Garden Fencing
- Transportation Network Modifications such as closure of North 2<sup>nd</sup> Street in a north-south roadway that currently bisects the site and is accessible to vehicles and the VTA Light Rail (LRT). Improvements to the existing VTA LRT platform would be implemented for greater safety and pedestrian circulation during park events
- Pedestrian improvements such as Monument Walk which consist of a paved walkway along the entire edge of the park
- Utility improvements
- On-site relocation of five trees and planting of 199 replacement trees (through a combination of native and non-native 24-inch box trees)

Programmatic changes include maintaining the existing park use (passive park uses and events) and adding programmatic elements, such as events at the Performing Arts Pavilion. The Performing Arts Pavilion could accommodate a variety of events, such as film festivals, concerts, and dance and theatre performances. In addition, implementation of the proposed project would allow commercial uses including the café, food, beverage, and merchandise vendors associated with events at the Performing Arts Pavilion, street performers, and a farmer's market, some of which may require a separate event or development permit.



**Figure 1: Proposed Project**

### **Review by the Historic Landmarks Commission and Design Review Subcommittee**

The project was brought before HLC on June 1, 2016 to comment on the Notice of Preparation for the Draft Environmental Impact Report (DEIR). Since the project would result in changes to a contributing property in a City Landmark Historic District (St. James Park Historic District), the project requires an HP Permit and evaluation by the Department of Planning, Building and Code Enforcement (PBCE).

Staff of PRNS provided an informational update on the proposed St. James Park Capital Vision and Levitt Pavilion Project (PP16-037) to the HLC on February 6, 2019 prior to making application for the HP Permit. On October 9, 2019, PRNS applied for a HP Permit (File No. HP19-008) for the St. James Park Capital Vision and Levitt Pavilion Project.

The St. James Park Capital Vision and Levitt Pavilion Project was considered by the HLC in public meetings on the following dates:

- June 1, 2016 for review and feedback on the Notice of Preparation for the DEIR for PP16-037
- February 6, 2019 for an informational update on PP16-037 to the HLC
- October 16, 2019 for review and feedback on HP Permit application HP19-008 by the Design Review Subcommittee of the HLC
- June 3, 2020 for a preliminary review and comments on the DEIR for PP16-037 and HP Permit (File No. HP19-008)
- October 7, 2020 for a formal recommendation on the HP Permit (File No. HP19-008) to the Director of PBCE

On October 7, 2020, HLC held a public hearing to consider a recommendation of the HP Permit to the Director of Planning; the HLC recommended the PBCE Director approve the HP Permit with additional conditions of approval to require the project be referred back to HLC when the design and details are 65% complete and to require a new HP Permit or HP Permit Amendment should the construction of the project be phased. Over the course of the various HLC public meetings and public hearing on the project, the HLC applauded the project's intention of activating the park and new interpretation so as not to present false historicism. HLC acknowledged that spirit of the Memorial Walk and retention of the statues and memorials embraces the history and placemaking of St. James Park, while engaging surrounding residents with the park's one-hundred-and-fifty-year history. The July 6, 2020 EIR comment letter from the HLC is attached to this memorandum (Attachment 3). A copy of the HLC staff report, associated attachments, and the Draft HP Permit are provided in Attachment 4.

At the Planning Directors Hearing on October 21, 2020, the hearing officer opened the public hearing for comments on the HP Permit. The hearing was continued to allow City Council to certify the FEIR to provide environmental clearance for the project. The timing of these procedures was required pursuant to Section 13.48.270 of the SJMC (Historic Preservation Ordinance), which states the Director of Planning shall act on HP Permit applications within fifteen days after receipt of the comments and recommendations of the HLC. In accordance with CEQA, an environmental clearance must be provided before a discretionary decision can be made on a project. Finally, in accordance with Section 21.070.030.b of the SJMC, for projects which the FEIR identifies one or more significant effects, the City Council must certify the FEIR. The City Council certified the FEIR on October 27, 2020 (Attachment 5) and approved the project in its entirety, with the adoption of a Statement of Overriding Consideration.

On October 28, 2020, the public hearing for the HP Permit was continued at the Planning Directors Hearing and additional public comments were received. The Director of Planning approved the HP Permit, File No. HP19-008, with the additional conditions of approval as recommended by the HLC, and the certification of the project's FEIR. The approved HP Permit is included in Attachment 6.

### **Historic Preservation Reports Prepared in Connection with the Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion Project**

An EIR was completed for the St. James Park Capital Vision and Levitt Pavilion Project. As part of the EIR, two historic reports were completed by Archives & Architecture, LLC—one dated August 12, 2019 and another dated December 11, 2019. The HP Permit application (File No. HP19-008) was reviewed based on the criteria of the SJMC and the historic reports provided for the EIR informed the framework for the design compatibility analysis.

### **Appeal of the Historic Preservation Permit**

On November 6, 2020, a timely appeal of the Planning Director's decision approving the HP Permit, File No. HP19-008, was filed by Susan Brandt-Hawley on behalf of the Sainte Claire

Club. The reasons for the appeal were included in the Brandt-Hawley letters dated October 20, 2020 and October 26, 2020, included in Attachment 1.

The reasons for appeal of the HP Permit are twofold:

1. As stated in the approved FEIR, the City Council is aware the implementation of this project could damage existing historic elements that would impact the historic integrity of St. James Park and the St. James Park Historic District; and
2. As the project has expressly determined in the FEIR that the impact would be significant, the project would then not meet the San José Municipal Code Chapter 13.48.240 as the project would be “detrimental” to a structure or feature of the park. Therefore, the City Council must deny the HP Permit.

## **ANALYSIS**

The appeal asserts that the HP Permit would impact the integrity of St. James Park and the St. James Park Historic District because the FEIR identified significant impacts. Thus, the appellant states that the finding that the project would not be detrimental to the historic district cannot be made. However, within the context of historic resources environmental review for the purposes of CEQA, the FEIR was reviewed against the standards set forth in Public Resources Code Section 21084.1 and its implementing guideline at 14 CCR Section 15064.5, rather than the applicable standard for HP permits in Section 13.48.240 of the San José Municipal Code.

Section 13.24.240 requires the Director, or City Council on appeal, to “consider the comments and recommendations of the historic landmarks commission as well as hear and consider all evidence presented to... it at the public hearing.”

Moreover, the Director or City Council on appeal, “shall consider, among other things the purposes of this chapter, the historic architectural value and significance of the landmark or of the district, the texture and material of the building or structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping, and the relationship of such features to similar features of other buildings within an historic district, and the position of such buildings within an historic district, and the position of such building or structure in relation to the street or public way and other buildings or structures.” SJMC 13.48.240A.

To issue an HP permit, the Planning Director, or City Council on appeal, must find that the proposed work:

- will not be detrimental to a historic district or to a structure or feature of significant architectural, cultural, historical, aesthetic, or engineering interest or value; and
- is consistent with the spirit and purposes of this chapter.

The following analysis assesses and reiterates staff’s findings in accordance with Section 13.48.240 by reviewing HLC comments and recommendations, as well as reviewing the Project for historic integrity, compliance with design guidelines and standards and other relevant aspects of Section 13.48.240.

## **National Register of Historic Places Significance**

The St. James Square Historic District is listed in the National Register of Historic Places. The National Register of Historic Places is established by the National Historic Preservation Act of 1966 as “an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. Properties listed in the National Register of Historic Places are not subject to the Historic Preservation Ordinance. The St. James Park Capital Vision and Levitt Pavilion Project requires an HP Permit under Section 13.48.210 of the SJMC because St. James Square Historic District is a City Landmark District, not because it is listed in the National Register.

## **Historic Integrity**

As described in the project’s FEIR and outlined in the HLC Staff Report (Attachment 4), many historic features of St. James Park have been lost or altered over time, and new features have been consistently added since 1980, following the evaluation of St. James Park in 1979 for listing in the National Register of Historic Places. These changes include:

- Loss of the north/south pedestrian axis path.
- Partial loss of the diagonal axis paths and modification of the diagonal axis paths to a curved layout (recalling an earlier period of development).
- Disruptions to the undulating perimeter path including the removal of the northeast quadrant, paving changes near the children’s playground, and the blocking of its continuity at the Saint James Station platform.
- Change in character of the informal planting scheme, specifically the loss of the tree canopy.
- Removal of the more formal ornamental landscaping around the central focus of the historic fountain.

Due to the many changes and loss of character-defining features to the park over the years, the National Register status of the St. James Square Historic District may need to be reevaluated in conjunction with the State Historic Preservation Office and the Keeper of the National Register to determine if the park maintains enough integrity to continue to be a contributor to the St. James Square National Register Historic District. However, St. James Park itself is the central and key component of that historic district, without which the district would lose its essence.

Despite the changes that have occurred over time, the landscape setting of St. James Park has been enhanced by the cultural associations that the park has gained in more contemporary periods. The human use of the square and park over its years of existence as a center of public life and leisure, as a forum for political discourse, for events of community importance, and as a site of commemoration, make it one of San José’s most important historic places, even though it



lacks substantial integrity to its original form. The St. James Park provides a cultural and social reference point for San José's past within the city center.

The project's historic reports assessed the St. James Park Capital Vision and Performing Arts Pavilion Project in relation to the seven aspects of historic integrity including location, setting, design, materials, artisanship, feeling and associations. The report stated that the project preserves the park's *location*; mostly preserves the *setting* provided by the park to the historic district; the *design* is mostly in keeping with the historic design intent (as a reinterpretation of the park) though the park support buildings would not be fully compatible; there are few *materials* or examples of *artisanship* extant to preserve; the *feeling* of the park would generally be preserved with some historic features restored and others reinterpreted but as a modern park with roots in the mid-1800s; the *feeling* of the park would be preserved with respect to its role as the central focus of the St. James Square Historic District; and the *associations* would generally remain intact.

Therefore, staff concluded that the historic integrity of St. James Park would not be substantially degraded, and the project would not be detrimental to the site or the historic district.

### **Design Guidelines and Standards**

Section 13.48.250 of the SJMC refers to Design Criteria and states the HP Permit application must be reviewed in accordance with the approved standards and guidelines. The standards and guidelines applicable to the project site are the Secretary of the Interior's Standards for the Treatment of Historic Properties (General Plan LU-13.7) and the St. James Square Historic District Guidelines (adopted October 17, 1989). The Downtown 2004 Draft San José Downtown Historic Design Guidelines were never formally adopted by City Council and are strictly used to inform environmental analysis conducted in accordance with CEQA.

The St. James Park Capital Vision and Performing Arts Pavilion Project was assessed by Archives & Architecture, LLC for historic resources impacts under CEQA. Below is a summary of the assessment against each set of guidelines and/or standards:

#### Secretary of the Interior's Standards

The Secretary of the Interior's Standards for Rehabilitation (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to rehabilitation, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. The assessment, prepared by Archives & Architecture, LLC, found the project to be consistent with Standards 1, 4, and 10; and partially consistent with Standards 2, 3, 5, 6, and Standard 9. Standards 7 and 8 were not applicable and therefore not analyzed. The project would be compliant with three standards and partially consistent with the remaining applicable standards.

### St. James Square Historic District Guidelines

The St. James Square Historic District Design Guidelines - New Building Guidelines were written to provide guidance for infill buildings at the perimeter of the park. The goals of St. James Square Historic District Design Guidelines include the preservation of the historically significant structures in the St. James Square Historic District and the compatible integration of existing and new buildings. St. James Park is a cultural landscape, and it is difficult to apply these guidelines to a park setting. The rehabilitation guideline that most directly references the park is the guideline addressing the park to building relationship (the "Landscape Guideline").

The Landscape Guideline provides the following:

- Maintain the existing setback of the historic structures
- Emulate existing landscaping themes and patterns

The historic analysis found the project to be consistent with the Landscaping Guideline and partially consistent with the General Character Guideline, Fenestration Guideline, Materials Guideline, Detailing Guideline, and Color Guideline. The Site Layout/Setbacks Guideline, Building Form and Scale Guideline, and Signs Guideline were found not to be applicable to the project. The project would be compliant with the landscape guideline and partially consistent with the remaining applicable guidelines.

### **Historic Preservation Ordinance and Historic Preservation Permit Findings**

The project site, St. James Park, is a contributing property to the St. James Square Historic District, a designated City Landmark Historic District. As such, the St. James Park Capital Vision and Performing Arts Pavilion Project requires the issuance of an HP Permit under Section 13.48.240 of the SJMC. As set forth above, this section requires the Planning Director, or City Council on appeal, find that the proposed work:

- Will not be detrimental to an historic district or to a structure or feature of significant architectural, cultural, historical, aesthetic, or engineering interest or value; and
- Is consistent with the spirit and purposes of this chapter.

In three separate hearings, the HLC and the Planning Director found that the St. James Park Capital Vision and Performing Arts Pavilion Project would not be detrimental to the St. James Square Historic District, as a City Landmark Historic District, and is consistent with the spirit and purposes of the Historic Preservation Ordinance for the following reasons:

- The project preserves the park's location within the St. James Historic District and downtown San José;
- The project preserves and continues the site's historic use as a community park, while some of the individual uses within the park will be new or altered. Restored, altered, or reinterpreted historic uses in the project include the tall shade canopy, border walkways, botanical plantings, and a fountain focal point. Existing non-original uses that the project would relocate and alter or alter within their existing settings are the playground, the monuments, and the transit station. New park elements included in the project would be

the concert stage and pavilion, two dog parks, and the support buildings. The new uses would require some alteration to original fabric of the St. James Park; however, they are generally supportive of the continued and improved use of the site as a public open space in downtown San José. Because the use of the park would continue to preserve the open space and public use of St. James Park, which is the center focal point of the St. James Park Historic District, the project is compatible with the Secretary of Interior's Standards for Rehabilitation;

- The project preserves significant character-defining features of St. James Park, including the historic palm trees along North First Street, the monuments and most importantly, the historic focal point of the St. James Square Historic District, which is the landscaped character and spatial understanding of the park. The project maintains the park as the focus of the historic district through the design of the diagonal pathways and rich plantings and provides continuity with repetitive plant materials;
- The project's design respects the historic design intent as a reinterpretation of St. James Park, with a botanically organized understory including many new trees which would restore the park's tree canopy that has been mostly lost and diagonal walkways. The project design provides large-scale pathways and organizing motifs that are compatible with the bulk and scale of the historic district's proportions;
- The project differentiates its design from the original St. James Park design and represents modern materials and designs. There are no new landscaping elements that might be mistaken for original features. The pathway paving, pavilion, dog parks, playground, fountain, and other park elements, such as site furniture, are all proposed to be differentiated; and
- The project preserves the essential form and integrity of the park's history and the design is reversible.

## **CONCLUSION**

Staff's response to the appellant's grounds for appeal is that the proposed design will not further diminish the integrity of the site because significant changes to St. James Park have already occurred over time. Even though St. James Park lacks substantial integrity to its original form, the landscape setting of the park has been enhanced by the cultural associations that St. James Park has gained over time. The human use of the square and park over its years of existence, as a center of public life and leisure, as a forum for political discourse, for events of community importance, and as a site of commemoration, makes it one of San José's most important historic places. The St. James Park provides a cultural and social reference point for San José's past within the city center. The proposed project preserves the park's location, use, significant character-defining features, respects the historic design intent as a reinterpretation of St. James Park, differentiates the design from the original St. James Park design and represents modern materials and designs, and preserves the essential form and integrity of the park.

Considering all relevant aspects of Section 13.48.240, the proposed design for the St. James Park Capital Vision and Performing Arts Pavilion Project will not be detrimental to St. James Park or the St. James Square Historic District of which it is a part. Therefore, staff recommends denial

of the appeal of HP Permit, File No. HP19-008. The comments raised in the appeal do not raise any issues with the findings made in the HP Permit issued for the proposed project, and the project continues to be consistent with the goals and policies outlined in the Historic Preservation Ordinance of Chapter 13.48 of the SJMC.

### **Environmental Impact Report**

The City Council certified the FEIR<sup>1</sup> and adopted a Statement of Overriding Consideration on October 27, 2020 prior to approving the project in its entirety (Attachment 7).

### **EVALUATION AND FOLLOW-UP**

If the City Council upholds the Director of Planning's decision and denies the appeal and approves the HP Permit, the applicant could proceed with the renovation of the park in accordance with the approved schematic design. The project would be required to adhere to the approval conditions of the HP Permit and the Mitigation Monitoring and Reporting Program in the certified FEIR.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum would result in the physical renovation of an existing park in the downtown core. The project was analyzed, and measures are required to reduce physical impacts to the environment and to enhance existing amenities in a dense area. Therefore, the project would not conflict with the goals of Climate Smart San José.

### **PUBLIC OUTREACH**

Staff followed Council Policy No. 6-30: Public Outreach Policy. Notices for the public hearings before the City Council were distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report was also posted on the City's website, and staff was available to respond to questions from the public.

### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office and PRNS.

---

<sup>1</sup> CEQA review of historic resources is governed by Public Resources Code Section 21084.1 and its implementing guideline at 14 CCR Section 15064.5.

HONORABLE MAYOR AND CITY COUNCIL

December 8, 2020

**Subject: HP19-008 Appeal**

Page 13

**CEQA**

Determination of Consistency with the FEIR for the St. James Park Capital Vision and Levitt Pavilion, which was certified by City Council on October 27, 2020.

/s/

ROSALYNN HUGHEY, Director

Planning, Building and Code Enforcement

For questions please contact Robert Manford, Deputy Director, at [robert.manford@sanjoseca.gov](mailto:robert.manford@sanjoseca.gov).

**Attachments:**

1. Historic Preservation Permit Appeal Application
2. Project Plan Set, CMA Landscape Architecture, October 11, 2019
3. EIR comment letter from the HLC, July 6, 2020
4. HLC Staff Report and Draft Historic Preservation Permit, October 7, 2020
5. Council Memorandum, Approved EIR Resolution and Statement of Overriding Consideration, October 27, 2020
6. Approved Historic Preservation Permit, October 28, 2020
7. Notice of Determination for EIR