



HISTORIC LANDMARKS COMMISSION AGENDA

Action Minutes

Wednesday, October 1, 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 6:32 p.m.

PRESENT: *Vice Chair Ghalandari and Commissioners Bainiwal, Camuso and Cohen*

ABSENT: *Chair Royer and Commissioner Arnold*

In Chair Royer's absence, the meeting was chaired by Vice Chair Ghalandari

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).

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.**

Vice Chair Ghalandari introduced the item.

Dana Peak Edwards, San José Historic Preservation Officer, provided an overview of the project outlined in a PowerPoint presentation.

Vice Chair Ghalandari opened public comment.

Shawn Atkisson, Saint Claire Historic Preservation Foundation, commented that he is concerned the proposed text amendments would allow the City more deference to make decisions. He asked the Historic Preservation Commission (HLC) to take another look at the proposed changes because they lessen the value of historic preservation, the HLC, and the ability to control historical assets entrusted to the HLC on behalf of the public. Other comments were related to the Levitt Pavilion project which was not the subject of the hearing.

Susan Brandt-Hawley, attorney for the Saint Claire Historic Preservation Foundation, commented that she submitted a request to the HLC to defer the item and suggested that should be considered first. Staff stated such an action could be taken by the HLC following public comment and discussion. Ms. Brandt-Hawley commented there was inadequate public notice for a complicated and important change to the Historic Preservation Ordinance. She commented the proposal is a change and is not just a clarification; the text amendments change the import and definitions of the Historic Preservation Ordinance. Ms. Brandt-Hawley commented the proposal would reduce protections for historic resources and some historic resources may be lost. She inquired if it is necessary to reduce protections and apply the new findings provision citywide, or if could there be other ways to amend the Historic Preservation Ordinance, like for certain types of projects. Ms. Brandt-Hawley commented that the proposed amendments should be written in a way that would reduce environmental impacts to the extent feasible. She commented that the Addendum to the adopted final environmental impact reports for the Downtown Strategy 2040 and Envision San Jose 2040 General Plan does not require a public hearing or public notice which does not allow for public participation. Other comments were related to the Court of Appeal for the Sixth Appellate District decision in Sainte Claire Historic Preservation Foundation v. City of San José.

*Ben Leech, Executive Director of Preservation Action Council San Jose (PAC*SJ), referred to a comment letter that was emailed prior to the meeting. He commented that PAC*SJ is still reviewing the proposed changes, but they are less concerned about the changes to the definitions section than changes to Section 13.48.240. Mr. Leech commented the new action finding is an all-purpose, ill-defined exemption that would substantially undermine the intent of the Historic Preservation Ordinance and the protections it currently provides. He commented there is already an established hardship exemption with established criteria and process by which projects can be weighed. Mr.*

Leech commented that an all-purpose exemption would undermine that provision and there would be no reason to pursue a hardship case. He commented that the override provision raises a number of questions: what constitutes an overriding economic benefit? Is it a public benefit or just maximum profit for a private development (which has not been historically protected by hardship exemptions)? What constitutes a legal benefit, social benefit or “other” benefit which is so broad that it calls into questions what are we talking about, if we don’t know, how can we expect the City Council to know? At what point in the application process would an applicant invoke this overriding benefit argument? Would it go through the HLC or Planning Commission without knowing that might be a possible outcome? Or is there a clear process where at each step each body would weigh the claim? Mr. Leech commented that the CEQA landscape is changing significantly, and we can’t always assume that environmental review process is going to remain parallel. He commented there could be cases where what is currently a CEQA reviewed project might not be and the Historic Preservation Ordinance would be the only mechanism for evaluation of feasibility, alternatives, and potential mitigation. Mr. Leech commented that as the text amendments are written, none of those things are required in the City Council’s determination. He commented that there has been a lack of true community outreach and a public engagement process, and PAC*SJ is concerned about the unintended consequences of the proposed changes.

Mike Sodergren, PAC*SJ, commented the Planning Commission has been inserted into the process in the new finding in Section 13.48.240 and it seems like the HLC’s role in communicating what is historic and what is a detriment has been transferred to the Planning Commission which is not equipped to answer these questions. He commented that he has never seen the City Council deny a statement of overriding considerations under CEQA so it is unlikely that there would be a case where City Council would deny overriding benefits under the Historic Preservation Ordinance. Mr. Sodergren commented that it is presumptive not to do an updated EIR and the cumulative impact would likely be massive.

Jeffrey Cherl, President of the Saint Claire Club, commented that he is a sixth generation Californian whose family came to San José when it was the capitol of California, and he is also a fourth-generation lawyer with his office around St. James Park. He commented that he has been going to the old courthouse for forty years. Mr. Cherl commented that the HLC is the check and balance with the charge to preserve the history of San José. He commented that changing the Historic Preservation Ordinance would give carte blanche to the City Council to do whatever they want with no restrictions. Mr. Cherl commented that would destroy the city even more than it already has been. He commented that the ordinance changes would allow St. James Park to be destroyed.

Karen Luebben, resident at 97 East St. James Street, provided comments related to the Levitt Pavilion project which was not the subject of the hearing.

Maria P, resident at 97 East St. James Street, provided comments related to the Levitt Pavilion project which was not the subject of the hearing.

Vice Chair Ghalandari closed public comment.

Commissioner Bainiwal commented that the provision for overriding findings in Section 13.48.240 seems like it would take the purpose of the HLC and make it redundant and irrelevant. He commented the finding doesn’t seem very concrete and there are no clear circumstances where it should be allowed or not. Commissioner Bainiwal commented that the provision seems to give the City Council a blank check to do whatever it wants with a historic building.

Vice Chair Ghalandari inquired about public notice for the proposed ordinance amendments. Ms. Peak Edwards responded that notice was provided in the newspaper and on the project website. Manira Sandhir, Deputy Director of Planning, stated that notice can be provided to those who commented at the hearing if contact information is provided on the speaker card and the upcoming Planning Commission and City Council hearing dates were shared in the meeting. Vice Chair Ghalandari inquired about the CEQA Addendum. She commented it is her understanding that addendums are a valid CEQA process that is part of the CEQA Guidelines and tiers off existing EIRs by providing analysis and a written document that is published as part of the packet for the approval process. Ms. Sandhir confirmed that an addendum is a valid CEQA document for actions of this type where it has been found that the ordinance amendments do not result in new significant impacts that were evaluated in prior EIRs from which the document tiers off. She noted that in the future there could be projects that need a Historic Preservation Permit and project-specific environmental analysis would be done at that time.

Commissioner Camuso commented the proposed override would be detrimental to preserving historic resources. He commented that he disagrees with the override provision and believes it is detrimental to and undermines historic preservation and the purpose of the HLC.

Vice Chair Ghalandari commented that she is concerned about how broadly the override provision was drafted. She noted that CEQA is a separate process from the Historic Preservation Ordinance and there's a reason why that is the case. Vice Chair Ghalandari commented that the city wants to provide certainty to those try to redevelop or adaptively a property and agrees with some of the proposed amendments that provide clarification. Vice Chair commented that some of the proposed language creates more questions, like "substantial alteration." She commented that the word "impair" in that definition is not defined and that property within a historic district should be clarified to be a contributing property or the historic district itself. Vice Chair Ghalandari suggested that it be clarified that any project that conforms with the Secretary of the Interior's Standards should be deemed not to be a "substantial alteration." She commented that the override finding was broadly drafted and is there a way to limit its application with specific findings. Vice Chair Ghalandari commented that it would be hard if the City is adopting a statement of overriding considerations on the CEQA front not to approve one for the Historic Preservation Permit and practically they should not be linked. She commented that the intent should be to provide City Council discretion in certain circumstances, but not in every circumstance, and the findings should be different for the demolition of a landmark, vs. a property in a historic district vs. alteration.

Commissioner Cohen agreed that the proposed amendments to the Historic Preservation Ordinance open up more questions. He commented that the proposal to amend the ordinance should have been brought to the HLC before the amendments were drafted. Commissioner Cohen inquired if the timeline would change if modifications could be considered and he recommended the proposal be tabled until it is thoroughly vetted by the community and the HLC. He commented that the words "hardship" and "detriment" undermine the purpose of the Historic Preservation Ordinance. Commissioner Cohen commented that the proposed amendments dilute any ability the HLC has to make a difference. He commented that the word "detriment" lowers the threshold of what the Planning Commission and City Council can do to bypass the Historic Preservation Ordinance. Commissioner Cohen commented that text amendments need to come back to the HLC before the project continues through the process.

Commissioner Cohen made a motion to defer the item to November 5, 2025, and requested staff bring back a new draft of the text amendments for HLC consideration, including term

definitions. Vice Chair Ghalandari made a friendly amendment to the motion which was accepted by Commissioner Cohen. Vice Chair Ghalandari requested that staff define what it means to impair in the definition of “substantial alteration” and to clarify that modifications made in conformance with the Secretary of the Interior’s Standards are not a substantial alteration. She also requested refinement of the language in Section 13.48.240 to include additional findings that are different than the CEQA findings for a statement of overriding considerations that apply to demolition of a landmark, which should have its own separate standards. Vice Chair Ghalandari recommended findings, in addition to hardship, that are more defined and have clear boundaries what is required for City Council to make this determination. Commissioner Bainiwal made a friendly amendment to allow the public to send in their input on the text revisions so that at the November 5th meeting staff can revise the text amendments in response to comments from the public and the HLC and request that the text amendments be posted on the project website. The motion was seconded by Commissioner Bainiwal. The motion was approved (4-0-2; Royer and Arnold absent).

- b. **PP24-012:** Eichler Neighborhood Objective Design Standards for exterior changes to Eichler houses listed on the San José Historic Resources Inventory that require a Single Family House Permit or other Planning permit that involves historic review. Council District: Citywide. **CEQA:** Exempt pursuant to Public Resources Code Section 21065, 14 Cal Code Regs. Sections 15060(c)(2) or 15378, 15061(b)(3) and 15331.
PROJECT MANAGER, DANA PEAK EDWARDS

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

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTIONS 15060(C)(2) OR 15378, 15061(B)(3) AND 15331.**
- 2. APPROVE AN ORDINANCE ADOPTING THE SAN JOSÉ EICHLER NEIGHBORHOOD OBJECTIVE DESIGN STANDARDS.**

Chair Ghalandari introduced the item.

Dana Peak Edwards, San José Historic Preservation Officer, provided an overview of the project outlined in a PowerPoint presentation.

Vice Chair Ghalandari opened public comment.

Ben Leech, PAC SJ Executive Director, expressed appreciation for all the work that followed the listing of Fairglens Additions on the National Register of Historic Places, including the preparation of the standards. He commented that the historic preservation community is trying to wrap its head around what objective design standards are in this new climate and this project has been an extremely worthwhile exercise to go through, benefiting a very unique collection of buildings. Mr. Leech suggested there could have been more slides in the presentation to detail why the standards are worthwhile. He expressed appreciation for the support of staff, the neighborhood and project consultants in a project that resulted in a net positive for the City.*

Vice Chair Ghalandari closed public comment.

Vice Chair Ghalandari made a motion to approve the staff recommendation. The motion was seconded by Commissioner Cohen and approved (4-0-2; Royer and Arnold absent).

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.

*Mike Sodergren, PAC*SJ, commented that he received an email from the City of Los Altos requesting PAC*SJ speak on proposed amendments to the city's historic preservation ordinance. He urged the city not to give away its local control in a time of state streamlining without at least understanding the impacts. Mr. Sodergren commented that local control could be taken away in the future and the City of San José needs to be careful to maintain its land use decisions. He commented that midcentury homes like those in Fairglens Additions seem to be treasured, but midcentury commercial buildings are frequently demolished.*

8. GOOD AND WELFARE

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

- i. Historical Landmarks Commission Annual Retreat October 10, 2025 from 1:00-5:00 p.m.

b. Report from Committees

- i. Design Review Subcommittee:

- 1) No meeting held on September 18, 2025. The next meeting is scheduled for Thursday, October 16, 2025 at 11:00 a.m.
- 2) Appoint one commissioner to the Design Review Subcommittee (Royer and Camuso currently serving).

Commissioner Cohen was appointed to the Design Review Subcommittee with a motion by Vice Chair Ghalandari Commissioner and second by Commissioner Bainiwal. The motion was approved (4-0-2; Royer and Arnold absent).

- 3) Appoint Chair of the Design Review Subcommittee

This item was deferred to the November 5, 2025 meeting because Chair Royer was absent.

c. Approval of Action Minutes

- i. [Recommendation: Approve Action Minutes for the Historic Landmarks Commission Meeting of September 3, 2025.](#)

The Action Minutes for the September 3, 2025 meeting of the Historic Landmarks Commission were approved (4-0-2; Royer and Arnold absent) with a motion by Commissioner Cohen and a second by Chair Ghalandari.

d. Status of Circulating Environmental Documents

No Items

ADJOURNMENT

The meeting was adjourned at 8:21 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.