

**From:** [Peak, Dana](#)  
**To:** [Downtown West Project](#)  
**Subject:** Fw: Downtown West Project Question  
**Date:** Tuesday, May 25, 2021 3:11:30 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**Dana Peak Edwards**

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**From:** Peak, Dana <Dana.Peak@sanjoseca.gov>

**Sent:** Monday, February 22, 2021 4:26 PM

**To:** Karl Heisler <kheisler@esassoc.com>

**Cc:** Becky Urbano <BUrbano@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Hillary Gitelman <hgitelman@esassoc.com>; Linda S. Peters <lpeters@esassoc.com>

**Subject:** Re: Downtown West Project Question

Hi Karl,

All good here. So nice to have the spring weather and the thought of warmer weather ahead!

I have discussed briefly with David and Shannon. The reference was included in the draft CEQA document for the Diridon Station Area Plan Amendment.

I have since learned that when Caltrans transferred the commuter rail service known as Caltrain to the Peninsula corridor Joint Powers Board (JPB) in the 1990s it included a preservation covenant for all historic stations on the line. There are 6 of them, including Cahill (Diridon) Station. The covenant holder is the South Bay Historical Railroad Society.

I haven't had time to search, but perhaps the covenant is an appendix to both the CalTrain Electrification and High Speed Rail compliance documents available online?

Thank you for providing the updates on the project - ever evolving!

**Dana Peak Edwards**

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**From:** Karl Heisler <KHeisler@esassoc.com>

**Sent:** Saturday, February 20, 2021 3:29 PM

**To:** Peak, Dana <Dana.Peak@sanjoseca.gov>

**Cc:** Becky Urbano <BUrbano@esassoc.com>; Keyon, David <david.keyon@sanjoseca.gov>; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Hillary Gitelman <hgitelman@esassoc.com>; Linda S. Peters <lpeters@esassoc.com>

**Subject:** Downtown West Project Question

[External Email]

Dana: I hope all is well with you. I have one question about a point you raised in review of the draft First Amendment to the Downtown West EIR: you made reference in Master Response 1 to a possible conservation easement applicable to Diridon Station (historic SP Depot) and that demolition of the building, if proposed, would have to be approved by the state legislature. Can you point us to where we might find this easement? I am not able to track it down through existing documentation that we have.

Also, I want to bring to your attention three project revisions that we have learned about since your review. First, the project applicant has informed us that the three existing residences on West Julian Street—that together comprise a CEQA historical resource—are now proposed to be relocated as a group to the east side of Barack Obama Boulevard (formerly South Autumn Street) immediately north of the VTA tracks. An existing non-historic building at 56 Barack Obama Blvd. (project Block D12) that is not a Structure of Merit would be demolished to make room for these residences. They will be repurposed for non-residential use. Second, instead of relocating the Patty's Inn building (Structure of Merit) to Block D13 (74 Barack Obama Blvd.), immediately south of the VTA tracks, the project applicant instead proposes to relocate the existing residence at 35 Barack Obama Blvd. (also a Structure of Merit) to Block D13. Patty's Inn would be demolished. However, and third, the project applicant now proposes to pay the relocation cost (equivalent to the cost of demolition) for any Structure of Merit for which someone identifies an appropriate receiver site.

That last revision is relevant to another of your comments concerning the City conditions of approval related to Structures of Merit. We do set forth these conditions on Draft EIR page 3.3-60, in the discussion of the 2014 DSAP EIR (and explain on page 3.3-58 that these and other DSAP EIR measures are applicable to subsequent projects in the DSAP area). As you point out, these conditions are also set forth in the Downtown Strategy EIR. We will clarify in the First Amendment that these conditions from the Downtown Strategy EIR would apply to the Downtown West project.

Thank you for your continuing assistance with this project.

**Karl F. Heisler** (*he/him*)

Senior Technical Associate

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***Note that I am working remotely – call or text my mobile at (415) 377-5303.***

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