

NOTICE OF ENVIRONMENTAL APPEAL

TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER SP18-016	RECEIPT # 329731
TYPE OF ENVIRONMENTAL DETERMINATION (EIR, MND, EX) APPENDUM TO THE DOWNTOWN STRATEGY 2040 EIR, ENVISION SJ2040 GPER, SEIR & ADDENDA THERETO.	AMOUNT \$250.00
	DATE 3/4/2019
	BY R. Mahamood

TO BE COMPLETED BY PERSON FILING APPEAL

PLEASE REFER TO ENVIRONMENTAL APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE.

THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE FOLLOWING ENVIRONMENTAL DETERMINATION:
Patricia Curia

- REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):
- ① Height & massing do not comply with D.T. Guidelines
 - ② Project is not compatible with adjacent + close buildings
 - ③ Initial study didn't consider cumulative impacts

PERSON FILING APPEAL

NAME Patricia Curia	DAYTIME TELEPHONE 1408294-3599
ADDRESS 260 South 13th St CITY San Jose STATE CA ZIP CODE 95112	
SIGNATURE Patricia Curia	DATE 3/4/2019

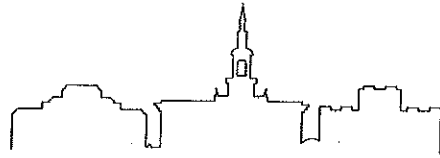
CONTACT PERSON
(IF DIFFERENT FROM PERSON FILING APPEAL)

NAME Brian Grayson	
ADDRESS 1650 Senter Road CITY San Jose STATE CA ZIP CODE 95112	
DAYTIME TELEPHONE (408) 9988105	FAX NUMBER ()
E-MAIL ADDRESS brian@preservation.org	

- The approval violates CEQA because the addendum is inadequate & fails to meet the criteria of CEQA and the CEQA Guidelines.
- A Supplemental EIR should be prepared prior to consideration of the project approval

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

- The City's findings approving the addendum & the project are not supported by substantial evidence **ps**



PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

February 27, 2019

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement
200 E Santa Clara Street – 3rd Floor
San Jose CA 95113

Item 3c – SP18-016

Dear Rosalynn:

The Board of Preservation Action Council of San Jose (PAC* SJ) first reviewed the 27 South First Street proposal in late 2017. The Board expressed their concerns at that time and has continued to have concerns since then.

While we appreciate the efforts the developer has made in refining the design and slightly lowering the building height, PAC* SJ cannot support the project as proposed. We do not feel the current height is appropriate given its proximity to the landmark Bank of Italy / Bank of America building and the Downtown Commercial National Register Historic District.

Between when it was built in 1926 and 1970, the Bank of Italy building was the tallest building between San Francisco and Los Angeles and has been a visual downtown landmark for over 90 years.

We continue to oppose the project as designed for the following reasons:

Height and massing:

The Downtown Design Guidelines and Historic Design Guidelines require that new construction be respectful of existing historic buildings and not overpower existing historic buildings. We believe the height and massing of this proposal directly across the street from one of our most iconic buildings does not comply with the guidelines. While positive design changes have been implemented by the developer at the street level, we do not believe the monolithic nature of the proposed building is sufficiently reduced by use of balconies as corners, and other techniques. Responding to feedback from the Historic Landmarks Commission (HLC), the height was reduced only 22 feet. The revised plans reviewed by the HLC in December 2018 still did not address the commission's previous comments that stated; 1) "The building size is overpowering around buildings that are relatively shorter in height", and 2) "The crown of the building is important to the historic context, so design should look at what is compatible to the area without overpowering the Bank of America. It will still be a 22-story building that is directly across the street from what is a 14-story City Landmark."

Adjacency and proximity:

The project documents justify the height and say it is "compatible" by citing the KQED building at S. 1st and West San Fernando and One South Market. While the KQED building is also adjacent to the Downtown Historic Commercial District, it is a long city block away from Bank of Italy and does not cast a shadow on it. One South Market also is not a good comparison as it is considerably farther away from the historic district.

The vast majority of buildings adjacent to the Bank of Italy building are of similar 14-story height.

We find fault with the findings in the EIR Addendum sections 4.1.2.1 and 4.1.2.2. This proposed project is not compatible or aesthetically harmonious with the historic character of the historic district. It will impact not only visual character but also scenic vistas of the Bank of Italy building that the community has cherished for generations.

Cumulative Impacts:

We also take issue with the findings in the Initial Study that do not take into consideration the impact to the historic fabric the cumulative impacts of many more potential buildings of 22 - 24 stories being constructed. The IS/Addendum incorrectly concludes that the implementation of the project would not result in any significant effects to the environment.

Therefore, we assert that required findings to approve the Special Use Permit Section E cannot be made.

As such, the orientation, location and elevation of the proposed buildings and structures are in fact NOT compatible and aesthetically harmonious with adjacent development or the character of the neighborhood.

We are supportive of new development downtown if it is designed to be responsive to the historic context. We don't believe that this proposal is responsive to the historic context.

Thank you for the opportunity to comment on SP18-016.

Sincerely,

Brian K. Grayson
Executive Director