

PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

April 24, 2020

VIA EMAIL (reema.mahamood@sanjoseca.gov)

Reema Mahamood, Planner III
Department of Planning, Building, and Code Enforcement
200 E. Santa Clara St, Third Floor Tower
San José, CA 95113

RE: DRAFT SEIR, CITYVIEW PLAZA PROJECT (HR19-016)

Dear Ms. Mahamood,

After reviewing the Draft Supplemental Environmental Impact Report for the Cityview Plaza Project (HR-016), the Preservation Action Council of San José [PAC*SJ] remains gravely concerned by the proposed demolition of numerous historic resources in the project area, including but not limited to the Bank of California at 170 Park Center Plaza, a Candidate City Landmark listed on the City's Historic Resources Inventory since 2000.

Interests of the Preservation Action Council of San José

For 30 years, the private not-for-profit PAC*SJ has been dedicated to the preservation of San Jose's architectural heritage. Through education, advocacy and events, we have supported the preservation and adaptive reuse of important buildings and sites including the First Church of Christ Scientist, Jose Theatre, Montgomery Hotel, the Century 21 Dome, and the River Street Historic District, among many others. We have previously commented on this project's Notice of Preparation in August 2019, as well as a previous EIR concerning this property in March 2018. We have also provided testimony to the San Jose Historic Landmarks Commission regarding the significance of the Bank of California on at least four occasions over the last five years.

Summary

CEQA regulations require that an EIR explore all reasonable, feasible project alternatives that would reduce or avoid negative impacts to historic resources, and that preservation

alternatives which meet most of the stated project objectives must be given full consideration. Unfortunately, this DSEIR clearly fails to consider numerous viable project alternatives that meet these criteria. Likewise, project alternatives that *are* included in the DSEIR lack sufficient detail to permit meaningful, informed analysis. For these and other reasons addressed in more detail below, PAC*SJ concludes that the DSEIR is fundamentally incomplete and we strongly oppose the approval of the Cityview Plaza Project as presented.

Incorporation by Reference

PAC*SJ formally incorporates by reference the comments of the National Trust for Historic Preservation and the California Preservation Foundation, partner organizations who have expressed similar concerns with the DSEIR.

Impact to Bank of California

As clearly documented in the City View Plaza Historic Resource Project Assessment (Archives & Architecture, May 2020, p. 34), the Bank of California building was designed in 1971 (completed 1973) by master architect César Pelli while chief of design at the internationally significant firm of Gruen Associates. It stands as an exceptional example of modern architecture and the Brutalist architectural style from the highly significant urban redevelopment era in downtown San José. Referred to variously (and inconsistently) in the DSEIR as *170 Park Center*, *Bank of California*, *Family Court*, *Sumitomo Bank*, and *Building 5*, the building is not only a Candidate City Landmark, but has been determined eligible for individual listing in the National Register of Historic Places under criterion A and C. It bears emphasis that, of all the potentially impacted buildings on the Cityview Plaza project site, the Bank of California was the lone established historic resource at the time of the project's inception, and therefore warranted a concerted, good-faith preservation effort from the very beginning of design development. As shown by the DSEIR's incomplete and flawed analysis of preservation alternatives, this good-faith effort has unfortunately not been demonstrated. For example:

- CEQA regulations require the exploration of alternative project locations that would avoid or substantially lessen adverse impacts to historic resources (Guideline §15126.6(f)(1)). While the project DSEIR does address the infeasibility of alternate locations for the entire 8.1-acre development site (DSEIR §7.4.1.1, p. 125), it fails to address the potential availability of an immediately adjacent development parcel (190 Park Center Plaza, APN #25941069) that could accommodate a relatively minor adjustment to the project site plan and allow for the preservation of the Bank of California *in situ* without any negative impacts to the Cityview Plaza project goals (see Fig. 1, "Preservation Alternative A"). Therefore, the DSEIR incorrectly concludes that "the lack of available land to support the proposed project within the downtown" (p.125) renders alternative project locations infeasible.

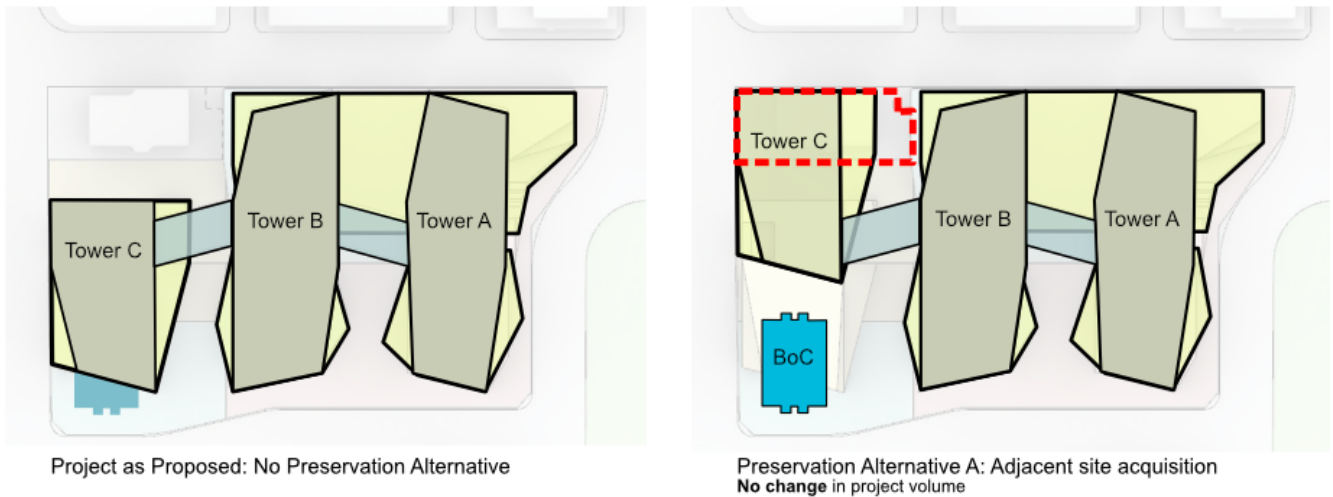


Figure 1: Preservation Alternative A: Adjacent site acquisition (rendering by PAC*SJ)

- As presented, the combined footprints of the three proposed towers occupy only 4.4 acres of the 8.1-acre site, representing a 10.7 FAR on a site zoned for 30. This relative lack of density suggests ample opportunity for alternative site layouts to accommodate the preservation of the Bank of California *in situ*. Yet the DSEIR completely fails to explore feasible alternatives to the proposed building footprints or massing. PAC*SJ's own initial analysis has identified at least one viable alternative site plan (Fig. 2, "Preservation Alternative B") that appears to accommodate virtually all of the proposed project goals with only minor modifications to the siting and massing of the new development.

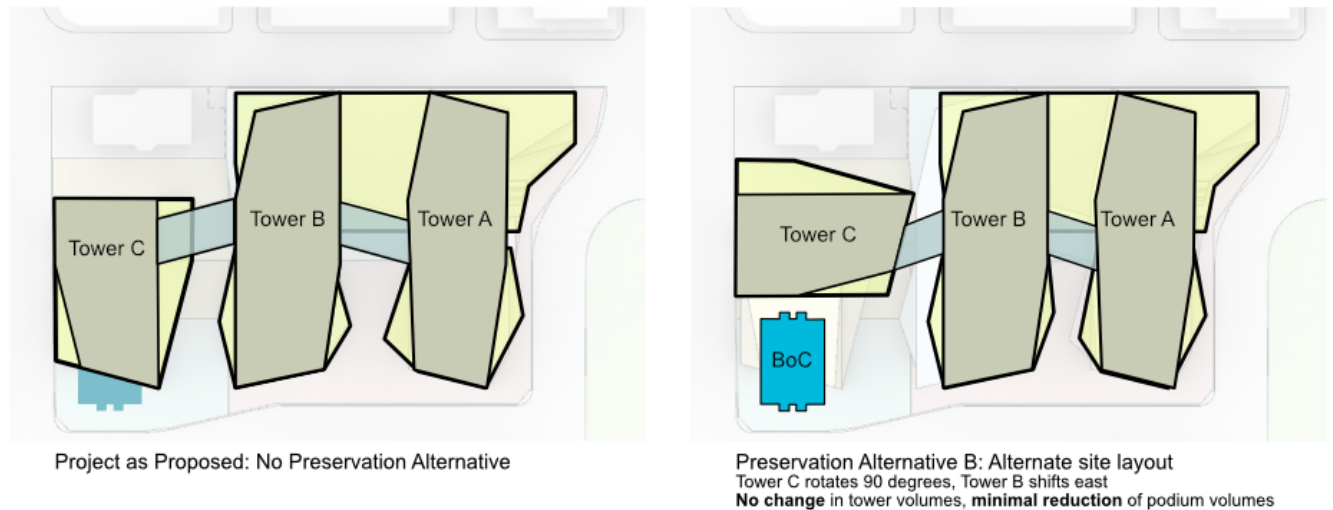


Figure 2: Preservation Alternative B: Alternate Site Layout (rendering by PAC*SJ)

- CEQA Guidelines state that, in evaluating project alternatives, an EIR “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” (Guideline §15126.6(d)). In its cursory exploration of the preservation of the Bank of California (“Preservation Alternative 6” §7.4.1.6, p. 130), the DSEIR includes the unexplained and unsupported claim that the “preservation of the Sumitomo Bank [Bank of California] building would also require retention of the existing tower immediately north of the bank building (150 Almaden Boulevard). By retaining both buildings, only two of the three proposed towers could be constructed.” The DSEIR completely lacks sufficient evidence to support this conclusion, and does not demonstrate why a slightly reduced third tower cannot feasibly be constructed (see Fig. 3, “Preservation Alternative C”).

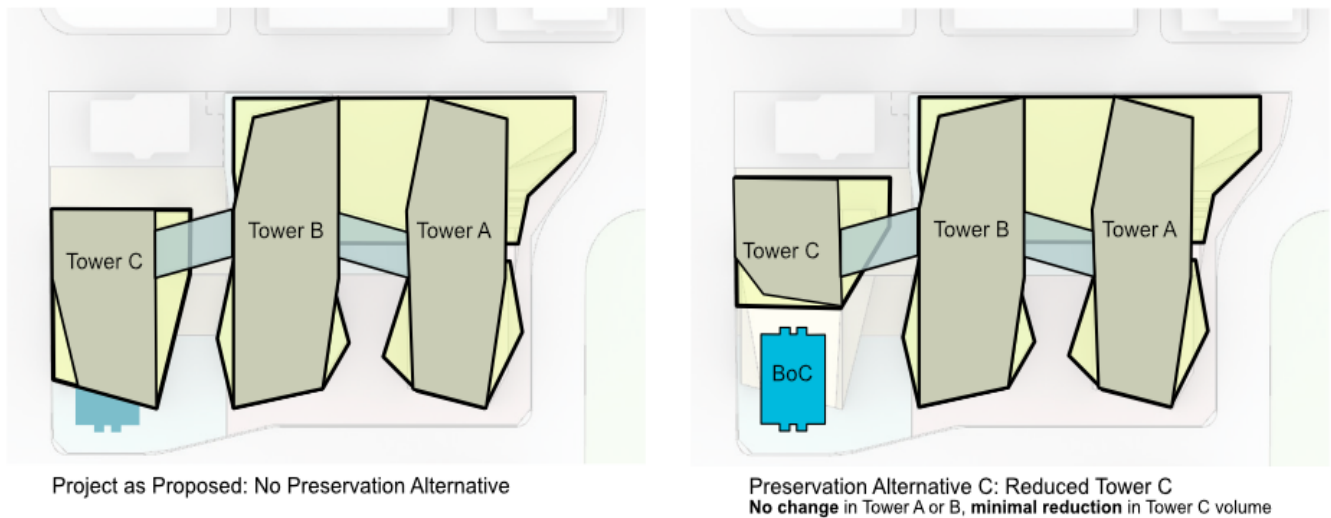


Figure 3: Preservation Alternative C: Reduced Tower C (rendering by PAC*SJ)

- CEQA Guidelines further state that feasible project alternatives must be considered “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” §15126.6(b). Even the DSEIR’s questionable analysis of “Preservation Alternative 6” concedes that “the loss of approximately 605,958 to 1,211,916 square feet of office space would not, by itself, be inconsistent with the project objectives” (§7.4.1.6, p. 130). While we challenge the veracity of the lost square footage figures, we strongly concur that a majority of the proposed project goals can nevertheless be met without demolishing the Bank of California. Therefore the DSEIR’s ultimate rejection of Preservation Alternative 6 is flawed and unwarranted.

Impacts to Other Identified Historic Resources

In addition to the Bank of California building, the project DSEIR and its associated Historic Resource Project Assessment (Appendix E) have rightly identified numerous additional historic resources on the proposed project site that were not initially recognized at the project's outset. These include:

Candidate City Landmarks (Individual)

- Wells Fargo Bank (121 S. Market St.): Skidmore, Owings & Merrill, 1969
- Bank of America (125 S. Market St.): Gruen Associates, 1969-71
- United California Bank (177 Park Ave.): Gruen Associates, 1971

Candidate City Landmark Districts

- Park Center Plaza (1969-1973), 5 contributing buildings

Structures of Merit

- Landmark Building and Pavilions (100 W. San Fernando St.): Gruen Associates, 1969

We strongly concur with the Historic Resource Project Assessment that these buildings and their associated features are significant architectural and historic resources that merit preservation. Given the magnitude of potential loss to historic resources on this site, any project approvals must be accompanied by an extremely robust Historic Resources Mitigation Action Plan that takes the full spectrum and volume of impacted resources into account, as outlined in our mitigation recommendations below.

Mitigation Recommendations

- The Historic Resources Mitigation Action Plan must include the *in situ* preservation of the Bank of California as part of its scope, as it is demonstrably feasible and would help mitigate the loss of the remainder of the site's historic resources.
- The mitigation measures outlined in MM CUL-1.1 (pp. viii-xi) do not meet CEQA standards for "rough proportionality." This single project proposes the elimination of an entire Candidate City Landmark District and the loss of the majority of downtown San José's exemplary and representative examples of Urban Redevelopment-era commercial architecture. Because this era of architecture is only now reaching an age of recognized historical significance, there is an urgent need for additional survey efforts and context statements for both downtown San Jose and the City at large. An appropriate scope of mitigation should include financial support for these efforts.
- Likewise, because the project is proposing the demolition of a significant number of buildings associated with the banking industry in San Jose, an appropriate

mitigation scope should include financial support for the survey efforts addressing bank structures, particularly post-World War II banks, across San José.

- The scope of any proposed documentation, commemoration, and interpretive programming must include all contributing elements of the Candidate City Landmark District (structures of merit, landscape features, public art, etc), not just the four specifically identified candidate city landmarks. We also strongly encourage Candidate City Landmark District's proposed period of significance to be extended to c.1985 to include the Heritage Bank Building (150 Almaden Blvd) and numerous pieces of public art within the district boundaries.
- Given the site's proximity to a number of highly significant City Landmarks and civic spaces, including but not limited to the San José Museum of Art, Plaza De César Chávez, the Civic Auditorium, and the Center for Performing Arts, appropriate mitigation measures would include financial contributions to support the historic preservation of these adjacent resources.

Envision 2040 Goals

Finally, we conclude our comments with an analysis of the proposed Cityview Plaza project relative to the Envision San José 2040 General Plan and Downtown Strategy 2040. While the project does meet some of the stated objectives of these documents, namely by locating high density development on a downtown site near public transit, the project clearly conflicts with other major goals and policies of the Envision San José 2040 General Plan and Downtown Strategy 2040. For example:

- Despite DSEIR claims to the contrary, this project clearly does not support San Jose's Environmental Stewardship goals (see Project Objective #4, p.15). By proposing the complete demolition of 1,017,846 square feet of existing construction, one of the largest demolitions in the City's recent history, the project threatens to squander an enormous amount of embodied energy that would very likely never be offset by even the most efficient new construction. This is in direct conflict with General Plan policies LU-16.1 (*"Integrate historic preservation practices into development decisions based upon fiscal, economic, and environmental sustainability."*) and LU-16.2 (*"Evaluate the materials and energy resource consumption implications of new construction to encourage preservation of historic resources."*)
- The DSEIR claims that "approximately 500 tons of demolition debris would be hauled from the site and taken to a certified Waste Diversion Facility in compliance with the City's Construction and Demolition Diversion Program which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills" (p.14). This figure seems exceedingly low to us given the scale of

demolition proposed. We request that this claim be corroborated and adequately cited.

- The proposed project clearly conflicts with the majority of historic preservation goals and policies included in the General Plan, including the following:
 - Policy LU-13.1 Preserve the integrity and fabric of candidate or designated Historic Districts.
 - Policy LU-13.2 Preserve candidate or designated landmark buildings....
 - Policy LU-13.3 For landmark structures located within new development areas, incorporate the landmark structures within the new development....
 - Policy LU-13.4 Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
 - Policy LU-13.5 Evaluate areas with a concentration of historically and/or architecturally significant buildings, structures, or sites and, if qualified, preserve them through the creation of Historic Districts.
 - Policy LU-13.8 Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

- As proposed, the project represents an architectural “monoculture” of similarly-scaled, identically-detailed buildings whose full occupation of a prominent downtown superblock represents a net loss of architectural, historic, and programmatic diversity-- characteristics which are clearly valued in the Envision San José 2040 General Plan and Downtown Strategy 2040. By incorporating the historic and visually dynamic Bank of California Building into the current development plans, the Cityview Plaza project would better reflect the following goals:
 - Policy CD-6.6 Promote iconic architecture and encourage and incorporate innovative, varied, and dynamic design features (e.g., appearance, function, sustainability aspects) into sites, buildings, art, streetscapes, landscapes, and signage to make Downtown visually exciting and to attract residents and visitors.
 - Policy CD-6.7 Promote development that contributes to a dramatic urban skyline. Encourage variations in building massing and form, especially for buildings taller than 75 feet, to create distinctive silhouettes for the Downtown skyline.
 - Policy CD-6.8 Recognize Downtown’s unique character as the oldest part, the heart of the City, and leverage historic resources to create a unique urban

environment there. Respect and respond to on-site and surrounding historic character in proposals for development.

The very definition of the "Destination Downtown" envisioned by the 2040 General Plan is one of "an eclectic mix of historic architecture side by side to award-winning contemporary urban design" ("Major Strategy 9, Ch.1 p. 24). Rather than viewing the preservation of the Bank of California as an obstacle to progress, PAC* SJ believes strongly that the building is an asset with the potential to improve the ultimate success of the Cityview Plaza redevelopment. We thank you for the opportunity to advance these views.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Leech". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ben Leech
Executive Director
Preservation Action Council of San José

cc: Juliet Arroyo, Cassandra van der Zweep