

**NOTICE OF PREPARATION OF A  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
SAN JOSE FOUNTAIN ALLEY MIXED-USE PROJECT**

FILE NO: H20-037; ER20-242  
PROJECT APPLICANT: PROJECT FOUNTAIN ALLEY LLC  
APN: 467-22-121

**Project Description:** Site Development Permit to allow the demolition of the existing surface parking lot and the construction of a 21-story mixed-use building with up to 194 residential dwelling units, approximately 31,959 square feet of ground floor retail, approximately 405,924 square feet of office space, and four levels of below-ground parking on a 1.25-gross acre site.

**Location:** West of Second Street, between East Santa Clara Street and West San Fernando Street, in the Fountain Alley area of Downtown San Jose.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Monday, June 14, 2021 at 6:00pm.

**Where:** This meeting will be held virtually over Zoom. Link to be made available on project webpage at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs)

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs), including the EIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Kara Hawkins, Environmental Project Manager  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-7852, e-mail: [Kara.Hawkins@sanjoseca.gov](mailto:Kara.Hawkins@sanjoseca.gov)

Chu Chang Acting Director  
Planning, Building and Code Enforcement

  
Deputy

05/14/2021  
Date

**NOTICE OF PREPARATION OF A  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
SAN JOSÉ FOUNTAIN ALLEY MIXED-USE PROJECT**

**May 2021**

**Introduction**

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the public of the environmental effects of a proposed project that an agency may approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of avoiding or reducing adverse impacts, and to consider alternatives to the project.

A Supplemental EIR (SEIR) is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare an SEIR to the Downtown Strategy 2040 Final EIR to address the environmental effects of San José Fountain Alley Mixed-Use Project.

An Initial Study (IS) will be prepared (which will be incorporated in the SEIR as an appendix) to focus the SEIR on potentially significant issues pursuant to CEQA Guidelines Section 15178. In accordance with Sections 15120 et seq. of the CEQA Guidelines, the EIR will include the following:

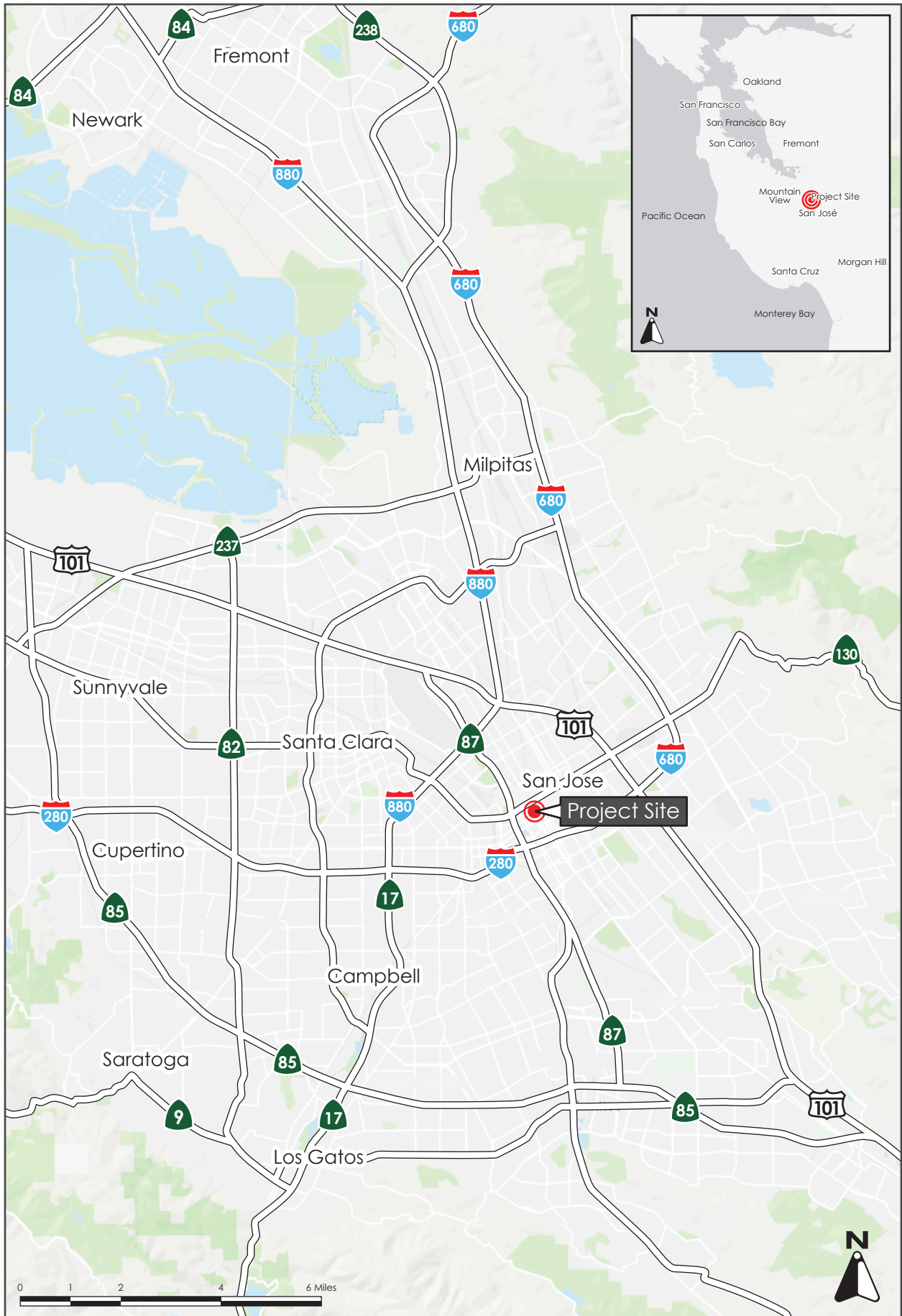
- A summary of the project;
- A project description;
- A description of the existing environmental setting, probable environmental impacts, and mitigation measures;
- Alternatives to the project; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth-inducing impacts of the proposed project; and (d) cumulative impacts.

**Project Location**

The approximately 1.25-acre site is comprised of one parcel (Assessor's Parcel Number [APN] 467-22-121) located west of Second Street, between East Santa Clara Street and West San Fernando Street, in the Fountain Alley area of downtown San José. Currently, the site is developed with a surface parking lot. Regional and vicinity maps of the project site are shown in Figure 1 and Figure 2, respectively.

**Project Description**

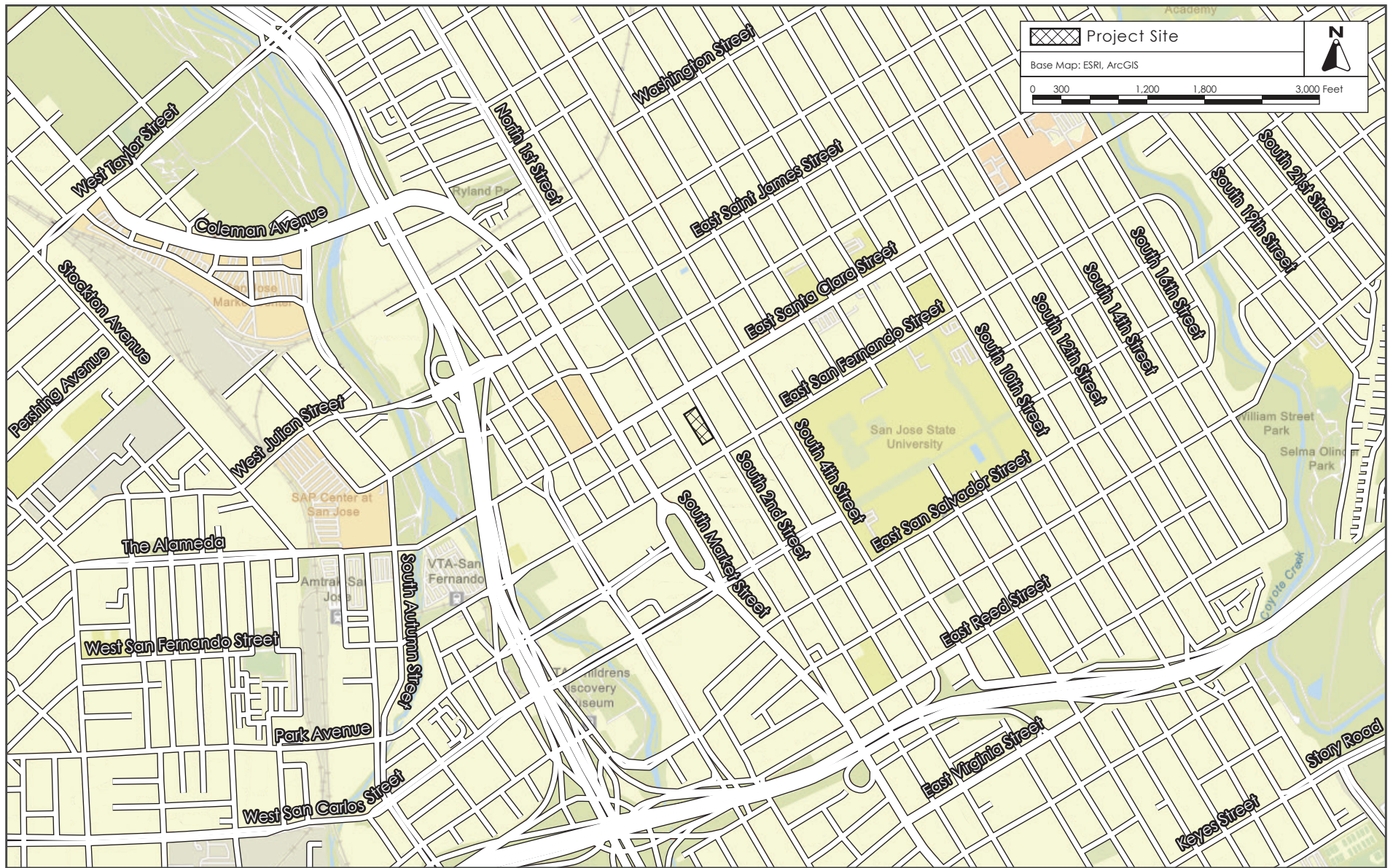
As proposed, the project would remove the existing parking lot and construct a 21-story mixed-use building with up to 194 dwelling units, approximately 31,959 square feet of ground floor retail, and approximately 405,924 square feet of office space. The building would have a maximum height of



REGIONAL MAP

FIGURE 1



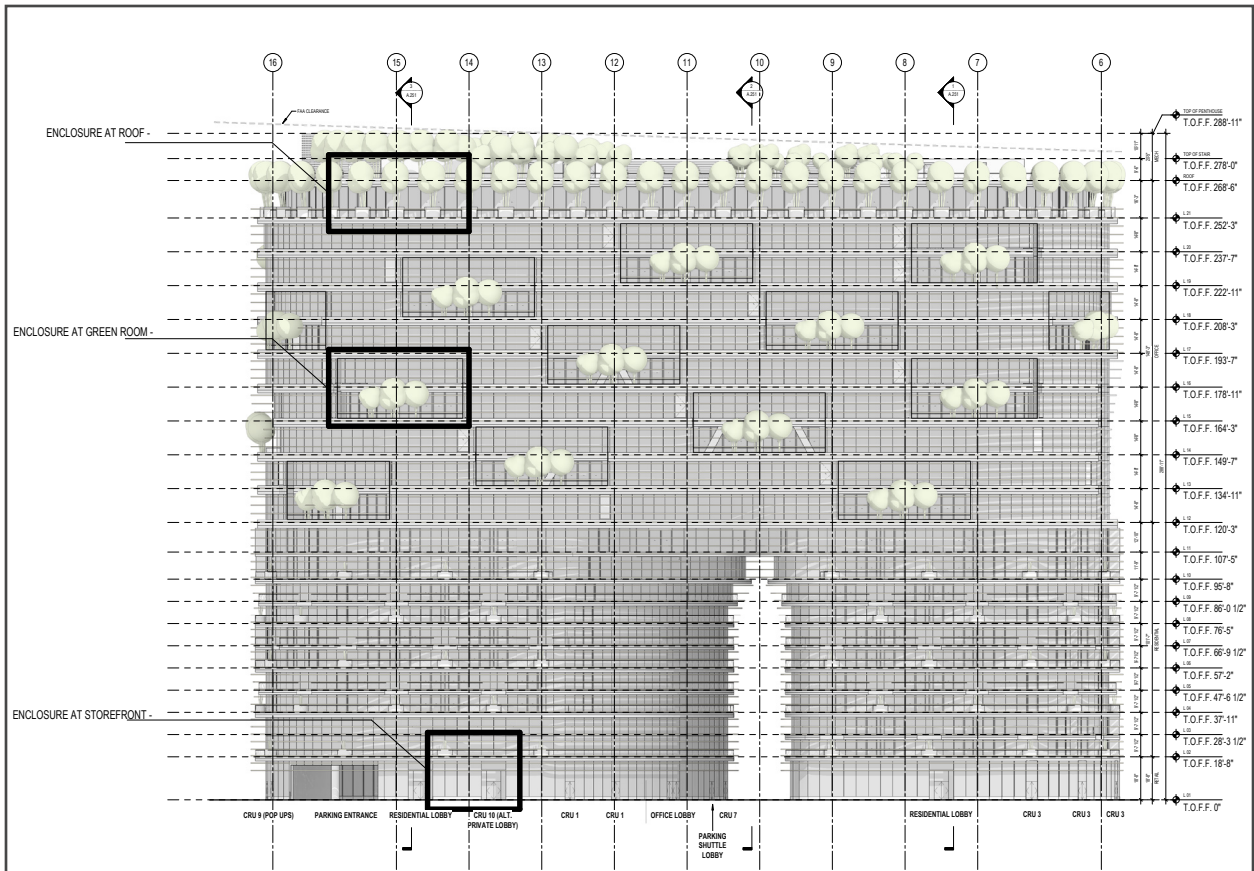


VICINITY MAP

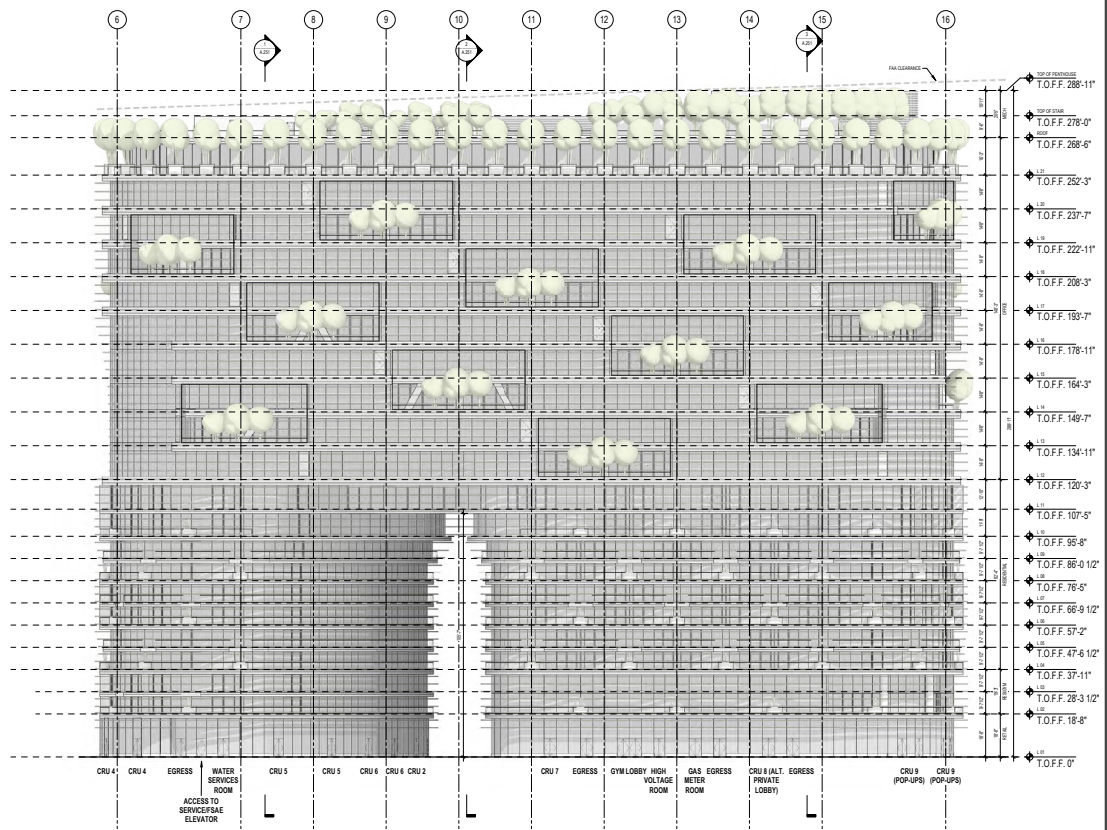
FIGURE 2





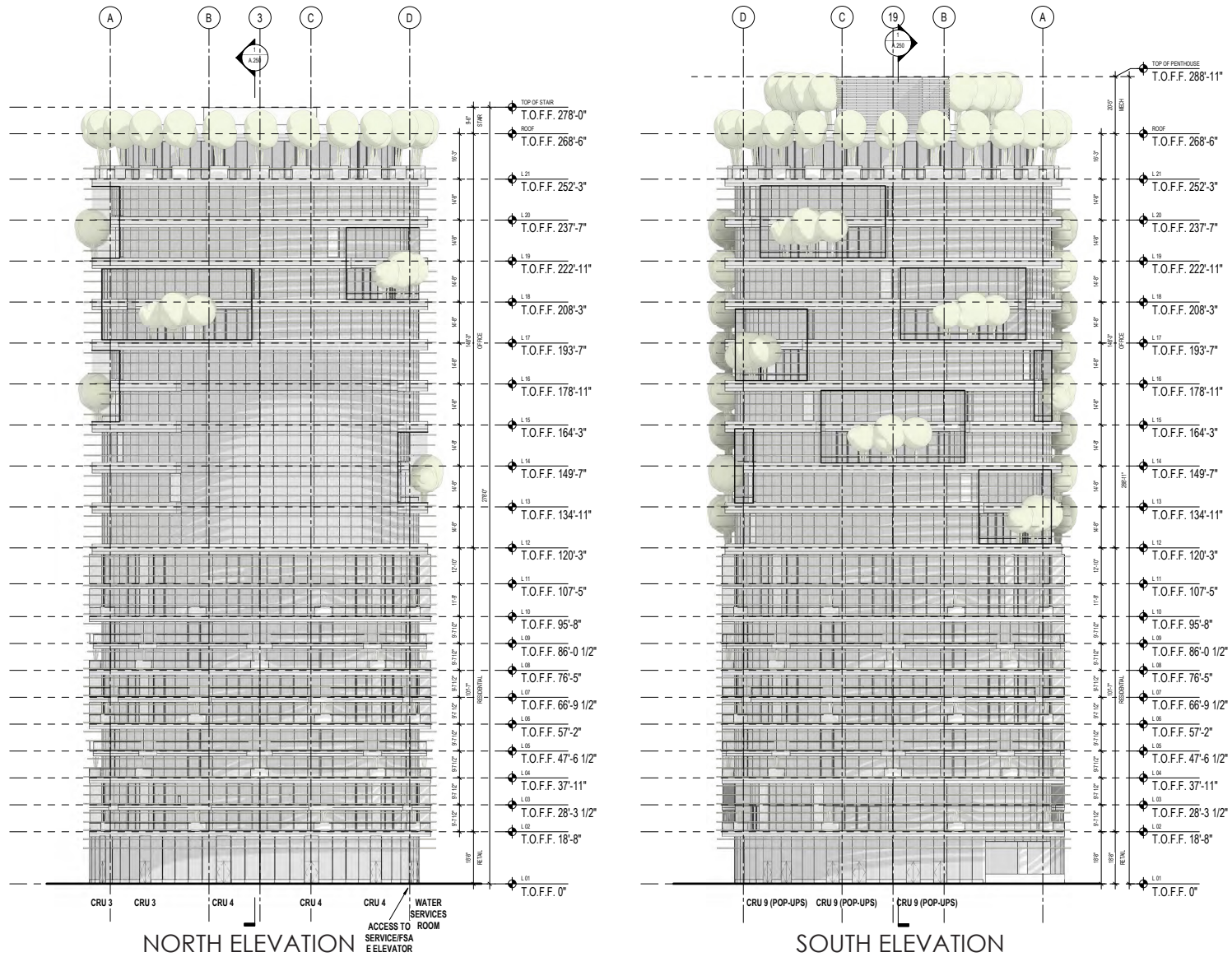


EAST ELEVATION



WEST ELEVATION





CONCEPTUAL ELEVATIONS - NORTH AND SOUTH

FIGURE 5



289 feet to the top of the penthouse. Refer to Figures 3 to 5 above for the conceptual site plan and elevations. The proposed dwelling units would be located on floors two to 11. The remaining floors (floors 12 to 21) would consist of office space. The building features an archway located at the center of floors one to 10 which would provide pedestrian connectivity from South Second Street and the alley. A plaza would be located beneath the archway on the ground floor surrounding the building and would consist of seating and landscaping.

The project proposes one level of below-grade for loading and three levels of below-grade parking with up to 292 parking spaces. Vehicular access to the site is proposed via one driveway along South Second Street. The site is not accessible from South First Street.

The site is designated *Downtown* under the City's General Plan and has a zoning designation of *Downtown Primary Commercial*.

### **Possible Required Project Approvals**

1. Site Development Permit
2. Vesting Tentative Map
3. Tree Removal Permit
4. Demolition, Building, and Grading Permit(s)
5. Department of Public Works Clearances

### **Potential Environmental Impacts of the Project**

The SEIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The SEIR will discuss the project's significant environmental impacts on the topic areas described below.

- **Aesthetics** – The proposed development would demolish the existing parking lot and construct a 21-story mixed-use building. The SEIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the development.
- **Air Quality** – The SEIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and thresholds.
- **Biological Resources** – Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The SEIR will address the loss of trees on-site and adjacent to the construction zone. Additionally, the SEIR will identify and discuss potential biological impacts resulting from construction and operation of the project and the project's consistency with the Santa Clara County Habitat Conservation Plan.

- **Cultural Resources** – The project site is located within the San José Downtown Commercial National Register Historic District (Historic District) and adjacent to contributing historic structures. The Historic District is comprised of 45 properties (27 contributing structures and 18 non-contributing properties) and is bounded by South First Street to the west, East Santa Clara Street to the north, South Third Street to the east, and East San Fernando Street to the north. The SEIR will address impacts to the Historic District and historic structures near the site, as well as impacts to potential subsurface archaeological resources from project construction.
- **Energy** – Implementation of the proposed project would result in an increased demand for energy on-site. The SEIR will discuss the increase in energy usage on-site and energy efficiency measures proposed by the project.
- **Geology and Soils** – The SEIR will describe the existing geologic and soil conditions and discuss the possible geological impacts associated with seismic activity and the existing on-site soil conditions.
- **Greenhouse Gas Emissions** – The SEIR will address the project’s consistency with the City’s 2030 Greenhouse Gas Reduction Strategy (GHGRS). Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will also be discussed.
- **Hazards and Hazardous Materials** – The SEIR will address existing hazards and hazardous materials conditions on and near the project site and will address the potential for hazardous materials impacts which may result from implementation of the proposed project.
- **Hydrology and Water Quality** – The SEIR will address the project’s impact to the storm drainage system. In addition, the SEIR will address the possible flooding issues (the site is not within a 100-year flood zone) and the project’s effect on storm water runoff quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).
- **Land Use** – The project site is located within downtown San José and is surrounded by residential and commercial land uses. The SEIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

- **Noise and Vibration** – Noise levels in the project area are primarily influenced by vehicular noise on surrounding roadways, primarily South Second Street, the light rail trains on South First Street and South Second Street, and aircraft flyovers from the Norman Y. Mineta San José International Airport. The SEIR will discuss noise and vibration that would result from the construction and operation of the proposed project (including noise from project-generated traffic) and its impact on nearby sensitive receptors. Noise levels will be evaluated for consistency with applicable noise standards and guidelines. Additionally, the SEIR will evaluate the effects of vibration during project construction on nearby historic buildings and adjacent buildings of conventional construction.
- **Population and Housing** – The SEIR will discuss the consistency of the project with planned growth within the City. The project is currently developed with a parking lot and would not displace any residents.
- **Public Services** – The proposed project would increase the employee and resident population of the City which could result in an increased demand on public services, including schools, police and fire protection, libraries, and recreational facilities. The SEIR will address the availability of public facilities and services and the project’s potential to result in adverse physical impacts to the service facilities.
- **Transportation** – The project site is located within the downtown area and transportation impacts in the area were previously evaluated in the Downtown Strategy 2040 Final EIR. The SEIR will evaluate the project’s transportation impacts pursuant to Senate Bill 743 and the City’s Transportation Analysis Policy (Council Policy 5-1). The project’s consistency with programs, plans, ordinances, or policies addressing the circulations system (including transit, roadway, bicycle, and pedestrian facilities) will be discussed in the SEIR.
- **Tribal Cultural Resources** – The SEIR will discuss the project’s potential for impacts to tribal cultural resources under Assembly Bill 52.
- **Utilities and Service Systems** – Implementation of the proposed project could result in an increased demand on utilities and service systems compared to existing conditions. The SEIR will examine the impacts of the project on utilities and service systems, including the sanitary sewer and storm drainage systems, water supply, and solid waste management.
- **Wildfire** –The proposed project is located within a developed area of San José. The SEIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- **Other CEQA Sections** – In addition to the resource sections noted above, the SEIR will address the project’s impacts on Agricultural Resources and Mineral Resources consistent with the CEQA checklist. The project’s Significant Unavoidable Impacts and potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the development area will also be identified in the SEIR. The SEIR will also provide alternatives to the proposed project which could reduce project impacts identified in the environmental document.



In conformance with the CEQA Guidelines, the SEIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX (408) 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



May 25, 2021

City of San Jose  
Planning, Building & Code Enforcement  
Attn: Kara Hawkins  
200 E Santa Clara St  
San Jose, CA 95113

SUBJECT: Notice of Preparation of a Supplemental Environmental Impact Report for the Fountain Alley Mixed-Use Project

Dear Kara Hawkins,

The Santa Clara County Parks and Recreation Department's (County Parks Department) has received the Notice of Preparation of a Supplemental Environmental Impact Report for the Fountain Alley Mixed-Use Project.

The County Parks Department functions to provide a sustainable system of diverse regional parks, trails, and open spaces that connects people with the natural environment and supports healthy lifestyles while balancing recreation opportunities with natural, cultural, historic, and scenic resource protection. The County Parks Department is also charged with the planning and implementation of the Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan (adopted by the Board of Supervisors on November 14, 1995).

The proposed project does not impact the Countywide Trails Plan and therefore the County Parks Department has no comments at this time. If you have any questions, please email me at [kelly.gibson@prk.sccgov.org](mailto:kelly.gibson@prk.sccgov.org)

Sincerely,

*Kelly Gibson*

Kelly Gibson  
Assistant Planner

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith





**TAMIEN NATION**  
**OF THE GREATER SANTA CLARA COUNTY**  
**P.O. BOX 8053, SAN JOSE, CALIFORNIA 95155**  
**(707) 295-4011 TAMIEN@TAMIEN.ORG**

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June 1, 2021

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Thai-Chau Le, Environmental Project Manager  
200 East Santa Clara Street, 3rd Floor Tower  
San José CA 95113-1905  
Phone: (408) 535-5658  
Thai-Chau.Le@sanjoseca.gov

Sent Via Email to: Thai-Chau.Le@sanjoseca.gov

RE: Notice of Preparation (NOP) of a Supplemental Environmental Impact Report for the San Jose Fountain Alley Mixed-Use Project.

Dear Mr. Thai-Chau Le:

Thank you for the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report received on May 24, 2021 for the San Jose Fountain Alley Mixed-Use Project at West of Second Street, between East Santa Clara Street and West San Fernando Street, in the Fountain Alley area of Downtown San Jose. We appreciate your effort and wish to respond.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. Therefore, we have a cultural interest in the proposed project area. We would like to be involved in the early stages of the project and monitor any subsurface testing performed by the archaeological firm in preparation of the cultural resources study. When applicable, please send us a formal notification, project plans and when available, the cultural resource study.

Please refer to identification number TN-20210524-02 in any correspondence concerning this project. Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Quirina Geary', written in a cursive style.

Quirina Geary  
Chairwomen



## Hawkins, Kara

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**From:** KKLLC Admin <admin@kanyonkonsulting.com>  
**Sent:** Monday, June 7, 2021 8:20 AM  
**To:** Hawkins, Kara  
**Subject:** Fountain Alley Mixed-Use Project

[External Email]

To Whom it may concern,

My name is Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter dated : May 24 2021

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a recorded and potentially eligible cultural site, we recommend that a Native American Monitor and an Archaeologist be present on-site at all times. The presence of a monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, along with Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting, LLC believes in having a strong proponent of honoring truth in history, when it comes to impacting cultural resources and potential ancestral remains. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after. Doing so has the strong potential to impact cultural resources and disturb ancestral remains. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences.

As previously stated, our goal is to **Honor Truth in History**. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that **#HonorTruthinHistory**. This will make all involved aware of the history of the indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

**Potential Approaches to Ingenious Culture Awareness/History:**

--Signs or messages to the audience or community of the territory being developed. (ex. A commerable plaque or as advantageous as an Educational/Cultural Center with information about the history of the land)

-- Commitment to consultation with the native peoples of the territory in regards to presenting messaging about the natives/Indigenous history of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc)

-- Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.

Best Regards,

Kanyon Sayers-Roods

Creative Director/Tribal Monitor

Kanyon Konsulting, LLC

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**To:** Kara Hawkins, City of San Jose

**Date:** 6/14/2021

**Subject:** Fountain Alley Mixed-Use Project (H20-037)  
SEIR Scope Meeting Comments

This project is proposed in the middle of the San Jose Downtown Commercial National Register Historic District, adjacent and near 27 contributing structures, including nine city landmarks.

The proposal is overwhelming and incompatible in relation to our historic resources. The horizontally massive structure will loom over our smaller historic buildings on S. 1st and 2nd Streets, rendering them as afterthoughts that don't belong. Are we ignoring the Downtown and Historic District Design Guidelines? What happened to compatibility of shape and bulk in relation to adjacent historic buildings, or ensuring that horizontal emphasis doesn't clash with vertical adjacent resources?

Building masses should not dwarf adjacent historic buildings. Alternatives to this project should include how this huge building might be broken down into smaller masses to prevent overwhelming our historic structures.

Finally, the SEIR must not only address the Fountain Alley Project's negative impacts to individual historical buildings, but also consider the total aesthetic impact to our historic district and Downtown San Jose.

Thank you for the opportunity to comment,

Gayle Frank  
San Jose, CA



June 21, 2021

City of San José Department of Planning, Building, and Code Enforcement  
200 E. Santa Clara St., 3<sup>rd</sup> Floor  
San José, CA 95113

Attn: Kara Hawkins

By Email: [kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)

Dear Kara,

VTA appreciates the opportunity to comment on the Notice of Preparation (NOP) for the Fountain Alley Mixed-Use project at 35 S 2<sup>nd</sup> Street in downtown. VTA has reviewed the document and has the following comments:

#### Land Use

VTA applauds the proposed land use change for this site. VTA typically supports densification of land uses especially near transit as it may result in increases in ridership and vibrancy in an area. We look forward to working with the City and the developer to make sure this project works for everyone in downtown San José.

#### Light Rail Impacts

VTA is concerned about how this project would impact our light rail facilities including light rail tracks that run along 2<sup>nd</sup> Street and our southbound Santa Clara Station, located adjacent to the northeast side of the proposed development. This project should have zero impacts to the light rail system. We understand this may not be realistic, and therefore, the scope of work (SOW) for the Environmental Impact Report should include any analysis for impacts to the light rail system:

- Potential risks for moving light rail Overhead Contact System (OCS) poles to accommodate the widening of the driveway onto the site (if needed)
- Increases in auto and pedestrian traffic and heavy machinery across VTA tracks during construction and after the project has opened
- Mitigation efforts to protect our facilities including OCS poles and wires during construction and after the project has opened

We would be happy to work with your team as the scope of work is being developed to identify the analysis that should be conducted for this effort.

As you are aware, the California Public Utility Commission (CPUC) requires sign-off prior to any construction beginning. The City or the Developer must submit a GO88-b to CPUC before VTA will issue permits for construction.

VTA appreciates the City's understanding and patience with us as we grieve after the shooting incident

at our Guadalupe Yard on May 26, 2021. Many of those who died were involved with light rail operations and maintenance and we have not yet begun to hire replacements for the staff we lost. It may take up to two years to hire and train new staff on the intricacies and understanding of our light rail system. This could lengthen review times and increase the time it takes to implement changes.

#### Bus Impacts

Second Street in downtown San José is part of the Transit Mall, which offers bus only lanes along this segment of the roadway. The SOW should analyze potential impacts to our bus operations after the project is complete including an increase in drivers parking their vehicles in our bus stops or waiting in the bus only lane to turn right into the project driveway (preventing our operators from using the bus only lane as intended). The SOW should also consider any impacts to our bus operations during construction such as possible lane closures or alternative routes.

#### Construction Staging

As VTA has a significant presence around the proposed project, the SOW should state where construction staging will be located to ensure the project does not impact VTA transit service.

#### Downtown San José Light Rail Safety Enhancement Project

VTA is perusing the expansion of the railing project along the Transit Mall including adjacent to this proposed project. Please continue to coordinate with VTA as both projects progress.

Thank you again for the opportunity to comment on this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or [lola.torney@vta.org](mailto:lola.torney@vta.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lola Torney', written in a cursive style.

Lola Torney  
Transportation Planner III

SJ2038

## Hawkins, Kara

---

**From:** Jourdan Alvarado <JAlvarado@valleywater.org>  
**Sent:** Tuesday, June 22, 2021 12:10 PM  
**To:** Hawkins, Kara  
**Cc:** Colleen Haggerty; Michael Martin; Sunny Williams  
**Subject:** RE: Public Review Notice of Preparation for an SEIR: Fountain Alley Mixed-Use Project

[External Email]

Dear Ms. Hawkins:

The Santa Clara Valley Water District (Valley Water) has received the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the proposed Fountain Alley Mixed-Use Project located along Second Street, between East Santa Clara Street and West San Fernando Street, received by Valley Water on May 24, 2021.

The project is large enough to require the preparation of a Water Supply Assessment (WSA). The City of San José (City) will need to request that the San Jose Water Company prepare a WSA consistent with the requirements of SB610.

The proposed parking garage appears to extend four stories underground and is likely to encounter shallow groundwater. Valley Water recommends that a detailed analysis of construction dewatering be conducted, including estimating dewatering volumes/durations and evaluating related impacts. A construction dewatering system should be designed such that the volume and duration of dewatering are minimized to the greatest extent possible. We also recommend that the geotechnical investigation identify the foundation design and waterproofing that will avoid the need for permanent dewatering after construction is complete.

Valley Water records do not show any wells on the project site (APN: 467-22-121); however, it is always possible that a well exists that is not in Valley Water records. To avoid impacts to groundwater quality, any wells found on-site that will not be used must be properly destroyed in accordance with Ordinance 90-1, which requires issuance of a well destruction permit. Property owners or their representatives should call the Wells and Water Measurement Unit at (408) 630-2660 for more information regarding well permits and registration for the destruction of wells.

According to the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) 06085C0234H, effective May 18, 2009, the entire site is located within Zone D, an area in which flood hazards are undetermined, but possible.

Valley Water does not have any right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.

We appreciate the opportunity to comment on the NOP and would also appreciate the opportunity to review the SEIR document when it becomes available. If you have any questions, or need further information, please contact Colleen Haggerty at (408) 630-2322, or by e-mail at [CHaggerty@valleywater.org](mailto:CHaggerty@valleywater.org). Please reference Valley Water File No. 30985 on future correspondence regarding this project.

Thank you,  
**JOURDAN ALVARADO, CFM**  
ASSISTANT ENGINEER II (CIVIL)  
Community Projects Review Unit



**SANTA CLARA VALLEY WATER DISTRICT**

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

Clean Water · Healthy Environment · Flood Protection

---

**From:** Hawkins, Kara <Kara.Hawkins@sanjoseca.gov>

**Sent:** Monday, May 24, 2021 11:22 AM

**Subject:** Public Review Notice of Preparation for an SEIR: Fountain Alley Mixed-Use Project

**NOTICE OF PREPARATION OF A  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE  
SAN JOSE FOUNTAIN ALLEY MIXED-USE PROJECT**

FILE NO: H20-037; ER20-242

PROJECT APPLICANT: PROJECT FOUNTAIN ALLEY LLC

APN: 467-22-121

**Project Description:** Site Development Permit to allow the demolition of the existing surface parking lot and the construction of a 21-story mixed-use building with up to 194 residential dwelling units, approximately 31,959 square feet of ground floor retail, approximately 405,924 square feet of office space, and four levels of below-ground parking on a 1.25-gross acre site.

**Location:** West of Second Street, between East Santa Clara Street and West San Fernando Street, in the Fountain Alley area of Downtown San Jose.

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A **joint community and environmental public scoping meeting** for this project will be held:

**When:** Monday, June 14, 2021 at 6:00pm.

**Where:** This meeting will be held virtually over Zoom. Link to be made available on project webpage at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs)

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City of San Jose  
Department of Planning, Building and Code Enforcement  
Attn: Kara Hawkins, Environmental Project Manager  
200 East Santa Clara Street, 3rd Floor Tower



San Jose CA 95113-1905  
e-mail: [kara.hawkins@sanjoseca.gov](mailto:kara.hawkins@sanjoseca.gov)

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**From:** [John Frolli](#)  
**To:** [Hawkins, Kara](#)  
**Subject:** Fountain Alley Mixed-Use project (H20-037)  
**Date:** Thursday, June 24, 2021 3:30:43 PM

---

[External Email]

Kara,

re: The Fountain Alley Mixed-Use project (H20-037)  
SEIR Scope Meeting public comments

This letter is to restate my comments made earlier at the June 14th public scoping meeting. It's my feeling that the proposed building is vastly over scale and unresponsive to San Jose Downtown Historic District. The sheer scale and design of the building are incompatible with the neighborhood and set a very dangerous precedent for future developments that can turn to this building as an example of what was allowed previously. My basic point is there needs to be more sensitivity and thoughtfulness in and around our historic landmark buildings. These are protected historic resources and should be treated as such.

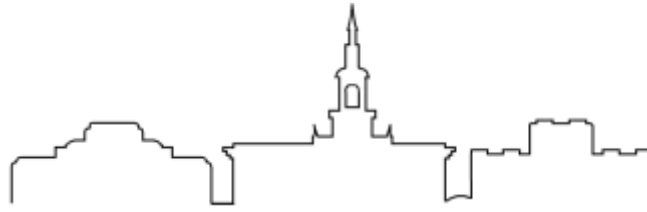
With it's over massing and the lack of porosity (which was so greatly emphasized in the presentation for the design of the building's base), my comment was that the building seemed heavy handed for it's site. I still believe this even now as I look at the impact it is going to have on the smaller historic buildings in it's shadow.

I think the project needs a lot of refinement and we can do better than this. Please take into consideration my comments and those of the other preservationists that have voiced their concerns for the impact that this building will have on our historic resources in the downtown district.

Thank you for the opportunity to express my opinion.

John Frolli, AIA  
Historic Architect  
San Jose, CA

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# PRESERVATION ACTION COUNCIL OF SAN JOSE

*Dedicated to Preserving San Jose's Architectural & Cultural Heritage*

June 24, 2021

City of San Jose  
Department of Planning, Building & Code Enforcement  
Attn: Kara Hawkins, Environmental Project Manager  
200 E Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113

**EIR Scoping Input for Fountain Alley Project**  
**FILE NOS: H20-037, and ER20-242**

The Preservation Action Council of San Jose (PAC\*SJ) has reviewed the documents currently available for this proposed project and is responding to the Notice of Preparation (NOP) provided by the City of San Jose for a Supplemental Environmental Impact Report (SEIR) for the project known as the Fountain Alley Project. We are hereby providing the following comments regarding scope and content that should be included in the formal analysis of any project proposed within San Jose's Downtown Commercial Historic District in general, let alone this massive project. As currently designed, this project will exert an extreme environmental impact on San Jose's Downtown Commercial District in specific.

PAC\*SJ respectfully reminds the lead agency for this project to represent the interests of the citizens of San Jose in protecting all other property owners and the public in general over the interests of one property owner looking to the City for project approval.

As for the EIR process, the City notes in its 2/3/21 memo to the Historic Landmarks Commission that "only minor additions or changes would (will) be necessary" to justify the use of a supplemental EIR. It is not clear to PAC\*SJ that a massive development wholly contained within its Downtown Commercial Historic District makes a Supplemental District wide EIR fully "adequate." Was a project of this magnitude truly contemplated within the City last and only Commercial Historic District by the City prior to this project?

In general, PAC\*SJ supports infill development within downtown San Jose as described with the Envision 2040 Plan for the provision of commercial, retail, and residential space. PAC\*SJ's support for new development may include projects that are within historic districts as long as new projects do not directly or indirectly damage the setting, integrity,

prominence, public view, access, operational viability of the historic buildings and districts that fall within the immediate boundaries of proposed new projects. PAC\* SJ supports the preservation of buildings and districts that enable its citizens to enjoy a unique sense of place that pays tribute to San Jose's unique architecture and culture. PAC\* SJ seeks to ensure that buildings are not only preserved, but activated as this ensures a stewardship of our history and culture that would not otherwise be possible.

Given the absolute mass and scope of this project, PAC\* SJ requests that the analysis of the environmental impact to be both broad and focused. To this end, PAC\* SJ recommends that an environmental impact study be performed on each individual building within the Downtown Commercial Historic District, but also for the Historic District as a whole and of the cumulative impact to San Jose's downtown streets, neighborhoods and other nearby historic districts. PAC\* SJ's highest interest is in ensuring that all historic buildings and districts that are listed in or eligible to be listed in San Jose's Historic Resource Inventory are analyzed as unique and irreplaceable regardless of their listing on the City of San Jose's Historic Resources Inventory (HRI), and regardless of the classification of any buildings listed on the HRI, from Structure of Merit through eligible and Registered City, State and National landmarks.

The following is a partial (non-exhaustive) list of buildings, historic districts and neighborhood areas which are immediately adjacent to the proposed project's boundaries or are located in relative proximity to the proposed project for which PAC\* SJ would like a full historic/cultural environmental analysis on at least the following City landmarks that are within 100' of the project :

- 12 South First Street (Bank of Italy);
- 52-78 East Santa Clara Street (New Century Block);
- 34-36 South First Street (Knox-Goodrich Building);
- 27-29 Fountain Alley (Fountain Alley Building);
- 40-44 South First Street (El Paseo Court);
- 56-60 South First Street (Rea block);
- 66-72 South First Street (Letitia Building);
- 74-86 South First Street (Security Building/Ryland Block);
- 62-64 South Second Street (Jose Theater)

PACS\* SJ notes that there are many structures contributing to the unique character of the District including the above noted 9 City Landmarks per the 1983 National Register of Historic Places Inventory—Nomination Form including, by building number:

1. 12 South First St., Bank of America Building, 12-story building with\* - Renaissance detailing, 1926. H. A. Minton, Architect, noncontributing addition,
2. 28 East Santa Clara, St.; .Firato Delicatessen, two-story \*brick^commercial, stuccoed facade,

4. 50 East, Santa Clara St., Moderne Drug, three-story Moderne, c. 1937.
6. 27-29 Fountain Alley, three-story Italianate, c. 1889.
7. 33 Fountain Alley, three-story building with Classical Revival detailing, stuccoed brick, c. 1889.
10. 34 South First St., Knox-Goodrich Building, three-story Richardsonian Romanesque, c. 1889.
11. 42 South First St., El Paseo Court, two-story Spanish Colonial Revival with courtyard, c. 1920s.
13. 52 South First St., Berg's Clothing, three-story commercial with Romanesque details, c. 1890s.
14. 58 South First St., La Rosa Pharmacy, three-story brick commercial, facade modernized, c. 1870.
15. 68 South First St., Letitia Building, four-story Romanesque Revival, c. 1890.
16. 84 South First St., Security Building, three-story brick Romanesque Revival, c. 1890.
18. 87 South Second St., Landmark Square, three-story commercial with Romanesque details, c. 1907.
19. 83-85 South Second St., Dougherty Building, two-story Spanish revival, c. 1890.

In terms of the impact of this project, its mass and scale is immense and totally disproportionate to the Historic District. It is a project that will shadow and overwhelm everything else around it. It will be the focal point of the entire District, not due to its intrinsic design, but by its sheer mass alone and completely. The City has made clear through its recently updated Downtown Design Guidelines what they deem appropriate for the people of San Jose as noted in Section 4.2.4 of the Guidelines regarding Massing Standards & Historic Adjacency

- a. Relate Podium Level building massing to the scale of Historic Context buildings by breaking a large building into masses of similar scale to Historic Context buildings.
- b. Design buildings with rectilinear rather than curved and diagonal forms where rectilinear forms are typical of the Historic Context buildings.

There was clearly no effort by the developer's architect to do anything but ignore these two guidelines altogether.

PAC\* SJ requests that the scope and content of the analysis of the cultural and historic impact of this project include massing, shadowing, parking, vehicle and pedestrian traffic volume, and any other items that might cause direct and indirect impacts to a historic building's or district's historic status, physical integrity and economic impact. PAC\* SJ believes that this analysis needs to take into account anything that would affect operational viability of a historic resource. For example, if a retail building is preserved within the project boundary, but removes customer parking, the delivery of materials critical to the business, or other resources that are vital to meeting the establishment's

ability to host customers, those impacts need to be forecast and analyzed with just as much importance as the physical impact to the structural integrity of a building.

PAC\*SJ also recommends that building or areas that are eligible for City State, and/or National landmark status, should be analyzed relative to the impact of being preserved in place, or if moved to a similar, nearby setting of similar context.

The Downtown Design Guidelines and Historic Design Guidelines require that new construction be respectful of existing historic buildings and not overpower existing historic buildings. While PAC\*SJ often argues against developments with disproportionate massing to the surrounding historic buildings, and argues for leaving buildings in their current context whenever possible, we are most concerned with any analysis that calls for the direct demolition of a historic building as this is the ultimate disrespect of our history.

Sincerely,

J. Michael Sodergren  
Vice President, Advocacy