

**From:** [Hill, Shannon](#)  
**To:** [Downtown West Project](#)  
**Subject:** FW: San Jose Water Company Building  
**Date:** Thursday, October 8, 2020 2:28:08 PM  
**Attachments:** [2 Height Map & Site Plan Delmas-FEIR 2004.pdf](#)  
[1 DelmasAveMixed-Use FEIR Devel Stds 2004.pdf](#)  
[3 2004 Aprvd-Devel-Stds DelmasMixedUse PDC02-046 Plans.pdf](#)  
[5 HP16-002 Plans 2016.pdf](#)  
[4 SitePlan&-DevelStds 2016 PD15-061.pdf](#)  
[6 HP16-002 excerpt 2016.pdf](#)  
[DelmasMixed-UseFEIR Apx-H Historic 2004.pdf](#)

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**From:** Karl Heisler <KHeisler@esassoc.com>  
**Sent:** Wednesday, May 6, 2020 10:54 PM  
**To:** Keyon, David <david.keyon@sanjoseca.gov>; Hill, Shannon <Shannon.Hill@sanjoseca.gov>; Arroyo, Juliet <Juliet.Arroyo@sanjoseca.gov>  
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**Subject:** San Jose Water Company Building

[External Email]

David, Shannon, and Juliet: With apologies for not providing this earlier, I wanted to get you all the attached Development Standards from the 2004 Delmas Mixed-Use Project, reapproved in 2016 as the Trammel Crow Company (TCC) project. I have been digging into this over the last several days to try to understand the source of the setbacks from the San Jose Water Company building that were approved by the City Council (twice). It appears that the original genesis for setbacks on the TCC project site was to avoid adversely affecting the Guadalupe River. Hence, the Development Standards (dated May 13, 2002; Attachment 1, page 5) included as an appendix to the FEIR focused on the setback from the river (and also included a setback from West Santa Clara Street to preserve views towards Downtown and a setback from West San Fernando Street, likely in deference to the Lakehouse Historic District to the south). Attachment 2 includes the height map and site plan from the 2004 FEIR.

However, by the time the Final EIR was published in 2004, it is clear that the plans and Development Standards had been revised (see Attachment 3). On page 2 of Attachment 3, Section 4.0, 4.0 Treatment of Existing San Jose Water Company Building, under D. Other Project Process or Design Standards, explicitly sets forth the setbacks from the SJWC building that were approved in 2004 and again in 2016. Page 3 of Attachment 3 shows a circular notch to provide for a setback at a fixed radius from the SJWC building; note that this does not appear in the EIR plans in Attachment 2. The circular notch became somewhat more pronounced in the 2016 approvals (see Attachments 4, 5, and 6), but the Development Standards narrative appears to be the same (compare Attachments 3

and 4), with three distinct setback zones from the SJWC building at 40 feet, 55 feet, and 100 feet.

Both the Historic Evaluation Report (EIR Appendix H, revised March 2003; also attached) and the 2004 EIR referred to the three setback zones from the SJWC building—with permitted heights of zero, 45 feet, and 70 feet (although the third setback zone allowed for some intrusion of taller buildings). Because there were no text changes in the Final EIR related to the setbacks, it appears clear that these setbacks from the SJWC building were already part of the project when the DEIR was published in June 2003.

I don't think the foregoing necessarily explains the WHY behind the approved setbacks from the SJWC building, but I do hope it sheds some light on the WHAT.

Please let me know if you have question.

**Karl F. Heisler**

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

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