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Thank-you for the opportunity to comment on the Supplemental EIR for Boston Properties Almaden Tower project.

1. Shade Impacts

The shade impacts of the towers on the adjacent parkland was dismissed as not significant because it was less than 10% of the Guadalupe River Park. The EIR revealed there would be shade all morning and noon throughout the year. The impact on Discovery Meadows and the Children’s Discovery Museum and its “Bill’s Garden” outdoor education amenity were not quantified.

What acreage was used to compute this percentage? Please include a table and itemize.

Many properties near the river are not parkland—private property owners have graciously allowed public access to their properties. A major owner of this acreage is the Santa Clara Valley water district (SCVWD or Valley Water). For example, all of Arena Green East is owned by Valley Water. (Example APN 259-37-057).

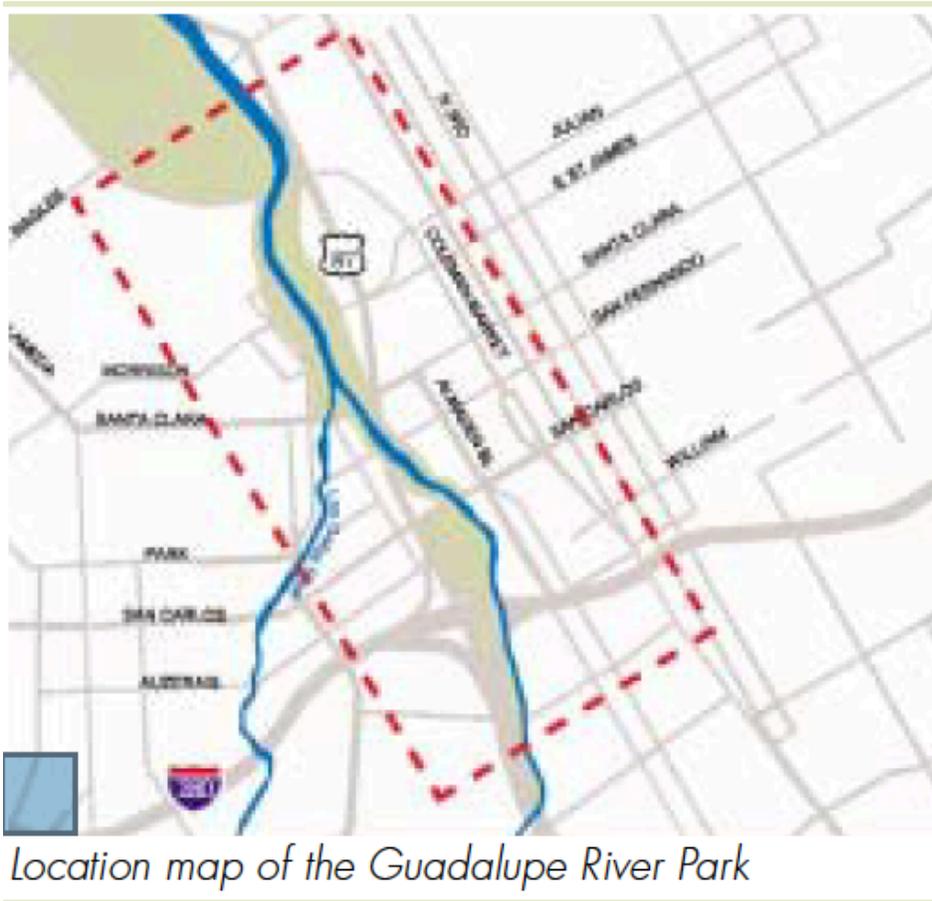
Some of the City’s pre-existing street network remains within the open space; it was never vacated and restricts the use of some parcels. Those streets are not parkland; their management and use remains controlled by departments other the PRNS, the manager of parkland. An example is St. Paul Street within Arena Green West.

Further, Columbus Park pre-dates the Guadalupe River Park Concept. It is excluded from the 2002 Guadalupe Park Master Plan which cuts off at Taylor Street. It is maintained as a separate element with its own park master plan and gains advantages from this status in its relation with the FAA. It should not be included in any calculation because it is not part of the 2002 Guadalupe River Park Master Plan.

The northern portion of the open space beyond Taylor Street is called “Guadalupe Gardens” is not a park either nor was it included in the 2002 Guadalupe River Park Master Plan. The deeds are held by the airport, it has never been developed, and never dedicated as chartered park land. It is criss-crossed by streets that have never been vacated.

The Guadalupe Gardens land that is south of Taylor Street and north of Coleman Avenue is held primarily by the airport. Each individual parcel has its own story as it was acquired over multiple years with a mixture of airport support funding. From time to time, the airport asks the Guadalupe River Park Conservancy to pay rent for the lands that the GRPC programs and provides care. Although individual amenities have been developed and dedicated, the deeds

for the land belong to the Airport Department and the parcels are not parkland. The roads and airport lands should not be included in the percentage.



2002 Guadalupe River Park Master Plan. Page 13.

2. The shade impacts on turf were not explained. Discovery Meadows is planted with a turf species that allows for high traffic use. It does not thrive in shade.

This allows for activation by public and private partners. In 2019, PRNS reports over 180,000 visitors to downtown came for events at Discovery Meadows. Activation of the parks is considered a key strategy to meet the four goals of Cultural Opportunities of the Envision 2040 General plan. (VN-4.1, 4.2, 4.3, 4.4, 4.5). These land use goals are not discussed in the SEIR.

The Downtown Strategy called out the use of individual parks as critical to the Downtown for programming and activation. Discovery Meadow was considered key to the downtown strategy. The Downtown Strategy discussion revolved around maintaining high quality venues for activation and vibrancy in the Downtown Core.

Please clarify the impact of year-round morning shade from the project on the turf. Please provide specifics of which, if any, other turf species can hold up to high traffic with only

afternoon sun. How will the shading affect the amount of mud in the turf area? How will it change the temperature profile through the year of the venue space? Please clarify how the changes in the environment might make the site less attractive for venue operators.

Please describe alternative mitigation landscaping so that the venue can maintain year-round outdoor programming for cultural events—public and private.

3. The SEIR does not acknowledge this project's shade impact on Bill's Garden of the Children's Discovery Museum. nor does it discuss any mitigation to the destruction of the viability of their program. Bill's Garden was built with private philanthropic money in order to broaden the Discovery Museum's activities into the natural world through outdoor STEM activities. The General Plan includes many policies on diversity, social equity, and education. Environmental policies such as water, recycling, and air quality, and include strategies to use community partners to provide education on these issues. The Children's Discovery Museum—on city-owned parkland—is one such community partner.

Please clarify the impacts of the year-round shade impacts on the living instructional space at Bill's World? What will be the temperature impacts each morning at 9 am when children are expected to arrive for their field trips? How will the environment be modified? Will the garden still grow the instructional materials?

Community members report that Boston Properties has acknowledged this impact and has reached out to the Children's Discovery Museum with mitigation proposals. Why is this not included in this SEIR? If Boston Properties subsequently sells the entitlement or chooses not to provide any compensation, how will the Children's Discovery Museum be compensated for the effective loss of this natural world instructional space due to the shade impacts? For what reason is mitigation not included in the SEIR? Will there be a separate Community Benefits agreement in the final development standards?

4a. Riparian impacts in Park.

The Guadalupe River Park Master Plan 2002 identify objectives for the park. They included:

- The enhancement of the Guadalupe River as both a valuable riparian habitat and a natural resource to be enjoyed by the greater San Jose community and visitors alike
- A balance between human access to the river and maximum protection of the riparian habitat

The year-round shade will impact the riparian habitat. Riparian habitat is acknowledged to be sensitive. The SEIR states that there will be a significant cumulative impact.

How will the shade impact to the park be mitigated? How will the park system be compensated?

4b. Riparian Setbacks.

While Envision 2040 sets a 100 foot setback and San Jose's Riparian policy study allows 30 foot setbacks in Downtown where they existed previously. The Santa Clara Valley Habitat Conservation Plan sets a minimum 35 foot setback. Where is there a provision that allows 0 foot setback? The parking garage will be at the top of bank. Above ground, there will be emergency vehicle access that dead-ends at West San Carlos.

The SEIR claims the 0 ft. setback is appropriate for financial feasibility reasons. What data does the applicant have to provide in order to qualify for 0 foot setbacks? How is this determination made? Can any applicant simply affirm, "I need 0 feet setback to make money." What policy or standard protects the riparian habitat and the community from private actions that thwart the environmental policies of the City? To what extent do overall market conditions figure in the analysis of whether feasibility problems are related to site specific conditions or market conditions? Since this project was given an exemption that will cause significant environment impacts in shade and riparian, please explain how this decision is made.

4c. Riparian setbacks. No feasible alternative.

What alternatives were evaluated? The SEIR does not describe any alternatives. In another part of Downtown, the City ceded a portion of the street to the developer. The City is pursuing a policy of down-sizing and right-sizing its streets. Was the use of a portion of Almaden Road one of the alternatives considered? If not, for what reason?

5. Hydrology. De-watering. Riparian.

The SEIR does not address the risk of dewatering of the Guadalupe River. The project proposes placing a parking garage at the top of bank. The Guadalupe River in this area was historically a series of meandering interconnected streams. As the water table dropped, the meandering streams dropped below the street level. However, water is present. The Hydrology report discusses at great length construction strategies to make the parking garage dry. It does not discuss the risk of dewatering the Guadalupe River.

The Geotechnical Reports states the ground water varied from about 14 to 17 feet during the time of analysis and following seasonal trends. How does this compare to the depth of the channel of the Guadalupe River at this site. And how did the water table level compare to the water level within the channel? This analysis was not conducted.

Citizen scientists have observed there are small areas where water seeps through the side of the bank; it appears to be a spring and not a drain pipe.

Was any attempt made to determine whether water in the upper water table (14 to 17 foot depth) was flowing into the Guadalupe River? If not, for what reason?

Under what conditions does the Guadalupe River come at risk of dewatering due to the pumping of water from the parking garage? How large will the pump flow be and how does that compare to water flows of the river at this spot?

6. Guadalupe River Trail.

The Guadalupe River Trail master plan calls for connection from Woz Way to an undercrossing at West San Carlos. The plans appear to show that the utility lane will end before West San Carlos. Is this intended to be trail access? Or will it be closed to the public? Will the project be building the undercrossing? If it is not being built, for what reasons are they not conforming to the master plan?

7. Valley Water land. The Assessor Parcel map suggests that this project is being built on Valley Water land, that is APN 264-28-162. Where in the narrative of the SEIR is this discussed? The project appears to straddle APN 264-28-178. This is a little confusing on the assessor map. There is a double-headed arrow from the 178 parcel to a little narrow triangular piece that goes towards parcel 22. This is Valley Water land. How has this been addressed in the SEIR? For what reason did the water district have this land? How does it affect the project? It does not appear to be addressed in the SEIR.

Thank-you,

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