



October 22 2018

Mayor Gillmor and members of the City Council  
Chair Jain and members of the Planning Commission  
City of Santa Clara  
1500 Warburton Ave  
Santa Clara, CA 95050

**Re. DRAFT Tasman East Specific Plan report**

Dear Mayor Gillmor, members of the City Council, Chair Jain & Planning Commission members,

Sierra Club Loma Prieta chapter (SCVAS) and Santa Clara Valley Audubon Society (SCVAS) have reviewed the DRAFT **Tasman East Specific Plan report, dated 24 September 2018** (TESP), and the associated Environmental Impact Report (EIR).

Previously, we have attended most of the study sessions, and have written a letter to the Planning commission, dated September 26, 2018. However, this is the first time that we have had the opportunity to review the entire updated draft report as a whole.

The 45-acre site is adjacent to two regionally important natural resources. **The Guadalupe River**, providing rich aquatic and riparian habitats, is the main artery of the most important watershed in the south bay area and constitutes a major migratory flyway for birds. The **Ulistac Natural Preserve**, 40 acres of natural habitat, is the only dedicated natural open space in the City of Santa Clara and it provides one of few places remaining on the valley floor for migratory birds to stop over, rest and refuel.

Given these important proximities, we are disappointed that the Plan does not make a special effort to integrate, expand and protect these resources to create a truly sustainable Specific Plan for Santa Clara residents, one that builds upon natural and landscape assets – the area’s “Natural Equity”. **We strongly encourage Santa Clara to protect the area within 300-ft from these landscape assets in a special “Habitat Overlay Zone”.**

We have been generally supportive of higher density housing development in Tasman East because of the need for housing generated by the proximity of the proposed City Place commercial development. We hope there is still time to make adjustments and incorporate a Habitat Overlay Zone (HOZ) that would better protect these important biological and landscape resources, and integrate these assets into the Plan to create a sustainable and ecologically designed district in proximity to such sensitive and valuable resources.

**What is a Habitat Overlay Zone (HOZ)?**

The City of Mountain View installed an HOZ as a defining feature of the North Bayshore Precise Plan (NBPP) <sup>1</sup> stating, “A Habitat Overlay Zone protects sensitive habitat by restricting building placement

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<sup>1</sup> [North Bayshore Precise Plan](#), City of Mountain View. Section 5 "Habitat and Biological resources"

adjacent to habitat locations, limiting new impervious surface, minimizing light pollution, and guiding landscape design. Bird safe design is required for all new construction". Thus, the implementation of an HOZ restricts certain types of development in the sphere of influence of an important natural asset, such as rivers, wetlands and natural parks.

- The NBPP includes a 200-ft HOZ setback from waterways, wetlands and other sensitive zones.
- In addition, the NBPP sets a maximum building height of 55 ft within the next 100 ft adjacent to the HOZ.
- Beyond that the building height can increase so long as the facades and lighting are designed with bird-safe design<sup>2</sup> principles.
- The NBPP allows over 9000 housing units, with parks and substantial open space and quality of life elements. The NBPP uses Transfer of Development Rights (TDR) to create open space and redirect development that would otherwise occur near creeks and open space to areas of less ecological sensitivity within North Bayshore.

TESP should do the same, setting development 200-ft back from such a major flyway as the Guadalupe River and limiting building heights to 55' within 100 ft of the HOZ, to a total of 300 ft. TESP could allow increased heights in the rest of the specific plan area. This will not change the densities. The River District will still be able to achieve proposed densities, along with the proposed amount of open space

### **Why implement an HOZ in the Tasman East Specific Plan?**

In Section 3.3.2.3 of the EIR (Migratory Birds), biological consulting firm H.T. Harvey and Associates recommends that no buildings taller than 55 be constructed within 300 feet of the top of bank along the Guadalupe River or the Ulistac Natural Area habitat on the southeast side of Tasman Drive. Like H.T. Harvey, we strongly believe that 300-ft clearance from tall buildings (over 55 ft) is needed to continue to allow **adequate aerial movement space for birds that are entering, exiting, or flying in between Ulistac Natural Area and the Guadalupe River** after implementation of the Specific Plan<sup>3</sup>.

H.T. Harvey and Associates further recommends bird-safe building treatments for all buildings within the Plan Area, a recommendation that we support. A different Consultant (WRA) did not see the need for limiting building heights to 55 feet within 300 feet of the Guadalupe River and the Ulistac Natural Area to avoid bird collisions. But the critical impact is not limited to bird collisions, but also the degradation of habitat by shadows and impairment of movement corridors along the Guadalupe river and at Ulistac Natural Area, and the deprivation of birds from a viable, sustaining habitat and a safe migratory flyway along the river.

While Disagreement among experts does not make an EIR inadequate, it certainly should shine a bright red light for decision makers who have an interest in creating an environmental sensitive community, with high quality of life and a truly sustainable future. We strongly recommend that Santa Clara takes the precautionary approach, possibly using such tools as TDR programs, to create a setback of 200 ft and limit the height of buildings to 55 ft within 300-ft of sensitive habitat, while encouraging taller buildings near Lafayette Street and the City Place employment centers.

### **Why plan a linear park along the river?**

An expansion of the setback from the creek to 200 ft will help Santa Clara towards its goal of providing more actually usable parkland to residents of Tasman East, within their neighborhood, and also provide

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<sup>2</sup> [Bird Safe Design Standards](#), City of San Francisco

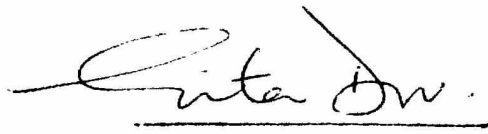
<sup>3</sup> City of San Francisco: "**establishment of requirements for the most hazardous conditions**"; ([pg. 28 of Standards for Bird-Safe Buildings](#)) also notes that buildings located inside of, or within a clear flight path of less than 300 feet from an Urban Bird Refuge create special issues.

habitat and open space connectivity. This shortfall was also highlighted in the comments made by the San Jose Parks and Community Services Department.

- If the setback along the river is widened to 200 ft as part of the required open space, this zone will create about one acre of usable linear parkland that, hopefully, will extend to connect with a similar linear riverside parkland strip in City Place, in the future.
- This will allow the City to provide more access to natural open space and parkland for residents, on site, rather than paved paseos and plazas that provide no nature experience and little support for habitat. Given the proximity of a wide and scenic natural river frontage, this is an easy solution. Again, tools like TDR may be useful in helping facilitate a lower height limit zone along the river.

With these changes, we are looking forward to being able, once again, to support the Tasman East Specific Plan. We are available to assist in any way in making these critical revisions expeditiously<sup>4</sup>.

Respectfully submitted,



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### **Specific Review Comments on the DRAFT Tasman East Specific Plan Report dated 24 September , 2018**

**03.5 Land Use Framework and 03.7 Open Space Framework:** The diagram shows The River District, an open space requirement of 2.5 acres within it and a City easement along the river. We recommend that this diagram be changed to include a 200' setback from the edge of the river bank, shown as open space.

**04 Street Design Guidelines: Urban Canopy.** Because of its adjacency to the Ulistac Natural Preserve and the Guadalupe riparian corridor, it would be useful to emphasize the importance of using native trees, shrubs and planting on this site, in order to extend and improve habitat for pollinators, beneficial

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<sup>4</sup> Please also see our letter of 9/26/18: We continue to ask for modification to MM BIO 3.1- see below. However, in that letter we did not adequately address setbacks and building heights, an important element of concern - hence we provide this letter to complete our comments. Here are some of our previous recommendations:

- MM BIO – 3.1. Interior landscaped areas behind glass (such as in courtyards and atria, corners of buildings and plantings behind glass balustrades) are extremely hazardous to birds as they create a deadly attraction all year long, not only during migration season. We ask that you replace the word “reduce and eliminate...” with “prohibit visibility of internal landscaped area behind glass”. This is very important, as planners and designers often incorporate interior plantings and atria, being unaware of the risk to birds.
- Exterior shades are excellent in reducing light pollution if drawn at night. Please consider adding External Shades to the menu of mitigations for reducing light pollution.

insects, birds and other creatures along the river. Consider including a mention of the *Urban Habitat Design Guidelines*<sup>5</sup> as a reference for designers and developers.

**05 Open Space Design Guidelines: Dedicated parkland Locations and Program:** Include a 200-ft riparian setback along the Guadalupe River that would be a linear park along the river

**05.2 River District:** The photographs include one image of wide public amphitheater steps cascading down to the river, for public gatherings such as concerts, and one showing water slides in an entertainment park setting. These potentially noisy activities are not really appropriate for this location. It would be better, next to Ulistac Natural Preserve, to include images of passive outdoors activities like walking, jogging, bird-watching, bird photography groups, etc

**05.2 River District:** The Standards section should be revised to remove item C. “*The park may also provide a public amphitheater that can be used to host public concerts, movies and other public events.*” This kind of potentially loud activity is not appropriate adjacent to the Ulistac Natural Preserve. Active and noisy entertainment may be more appropriate further north along the river, adjacent to public entertainment venues in City Place. Instead in sections B) and C) it would be useful to emphasize quiet activities along the riverfront to enhance habitat and respect the proximity of existing wildlife habitat. We agree with the “*Guidelines*” D, E & F

**05.2 River District: 06 Building Design Guidelines, 06.1 Building Design** should prominently feature Bird-Safe Design Guidelines *in Building Scale and Organization* and *Fenestration and Materials*. This is critically important to avoid bird deaths due to collisions with buildings and should help ensure that MM BIO – 3.1 is implemented.

**06.2 Bulk and Massing:** This section can include the restrictions of a Habitat Overlay Zone to provide a 200-ft setback along the Guadalupe River, a height limit of 55-ft within 300-ft from the top of the river bank, and taller buildings further away from the river and from Ulistac Natural Area.

**Appendix, 08.1 Existing Conditions:** The last paragraph in this section currently has a tiny section with the title ECOLOGY. These five sentences are very important and should be prominently included in the main body of the report in order to inform the design. We suggest that this paragraph be moved into Section 2.1 Vision.

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<sup>5</sup> [Urban Habitat Design Guidelines](#) based on H.T.Harvey's “*Integrating Nature into the Urban Landscape*”