



COMMITTEE FOR  
GREEN FOOTHILLS



SIERRA  
CLUB  
FOUNDED 1892



Santa Clara Valley  
Audubon Society  
Established 1926

November 9, 2018

To Mayor Gillmor and Members of the City Council  
City of Santa Clara  
Via email <mayorandcouncil@santaclaraca.gov>

Dear Mayor Gillmor and Members of the City Council,

This letter represents the comments of the Sierra Club Loma Prieta, the Santa Clara Valley Audubon Society, and the Committee for Green Foothills with regard to the Tasman East Focus Area Specific Plan.

We request the following changes to the Specific Plan:

- A. **Riverfront Park:** Ensure that the River District Open Space Guidelines make clear that the 2.5 acres of dedicated parkland shall be a natural linear park that will “embrace the Guadalupe River as the central focus,” providing a connection to nature for residents and providing connectivity and contiguous habitat with trees and shrubs for birds and pollinators.
- B. **100’ riparian setback:** In line with paragraph A above, to create the riparian edge and protect migratory birds on the Guadalupe flyway, set buildings and hardscape, like parking and driveways, 100’ back along the river.
- C. **55’ height limit within 300’ of river:** For bird safety, to prevent unavoidable bird strikes, to allow space for flocks of migratory birds taking off and landing, on the river and at Ulistac, limit buildings to 55’ height within 300’ of the river.

## A. RIVERFRONT PARK

We are pleased to note that the Specific Plan includes explicit goals for a park along the riverfront and enhancing ecology due to proximity to Ulistac Natural Area:

### 05.2 Open Space Guidelines: River District:

- A. The park shall ... embrace the Guadalupe River as a central feature.
- D. The river district park should be designed to complement the adjacent Guadalupe River and Ulistac Natural Area.

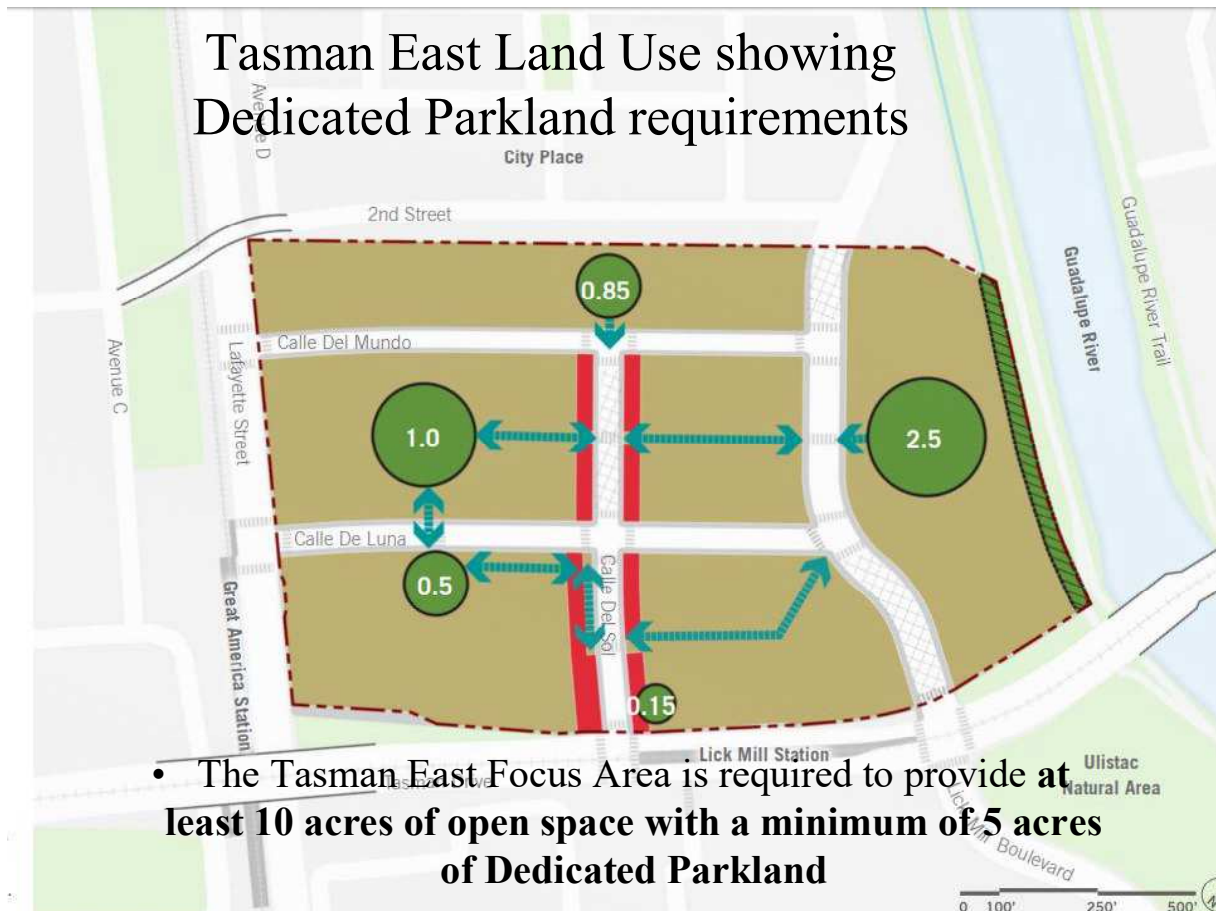
08.1 Ecology: ....The plan proposes a waterfront park that would provide access to the river and increase tree cover, creating contiguous habitat for migratory birds, butterflies and other pollinators

03.4 Sustainability Framework: Urban Forestry and Biodiversity. Redevelopment of this older industrial area presents an opportunity to improve the local ecosystem and enhance the biodiversity of the general area, particularly given the proximity of the riparian corridor and the natural open space of the Ulistac Preserve.

However, the Specific Plan is missing the guidelines that state how this goal is to be achieved. Therefore we request the following change to clarify intent:

Page 70, 05.2 River District (deletions in strikeout; additions underlined)

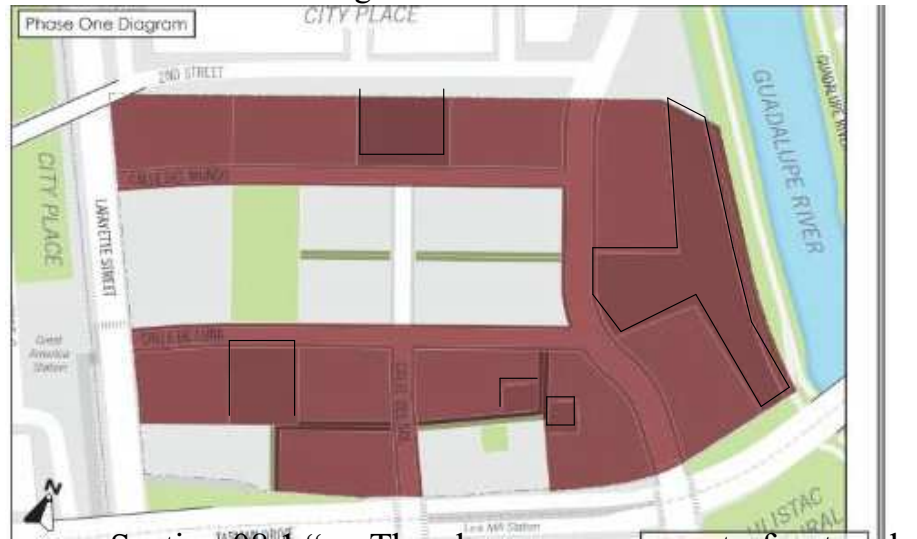
1. The park in the river District shall ~~maintain public access along the waterfront and be~~ designed to embrace the Guadalupe river as a central feature and provide a park along the riverfront for open space, increasing tree cover creating connectivity and contiguous habitat to Ulistac Natural Area for migratory birds, butterflies and pollinators
2. The park ~~may also provide a public outdoor amphitheater that can host concerts, movies, and other public events~~ shall provide for passive recreation in recognition of the proximity of sensitive wildlife habitat.<sup>1</sup>



<sup>1</sup> The photograph of water slides on page 70 should be removed, as it is incompatible with the concept of a passive recreation area.

# Tasman East Phase One

Conceptual Open Space shown in dark red  
Section 07.2 Phasing and Thresholds & in the EIR



- Section 08.1 “...The plan proposes a waterfront park that would provide access to the river and increase tree cover, creating contiguous habitat for migratory birds, butterflies, and other pollinators”

## B. RIPARIAN BUFFER ALONG RIVER:

From the Draft EIR *Appendix C: Biological Resources*

“The City of Santa Clara does not have an established policy regarding the widths of buffers that should be maintained between development and streams. However, a number of other jurisdictions and entities have evaluated suitable buffers, and the results of those evaluations are applicable to the Tasman East Focus Area Plan. For example, the City of San Jose’s Riparian Corridor Policy Study recommends setbacks of 100 ft from the portion of the Guadalupe River within the City of San Jose... and **determined that 100-ft setbacks are appropriate from perennial streams such as the Guadalupe River** in the northern portion of the VHP area. .... Therefore, impacts of encroachment into the riparian buffer would be significant for the Tasman East Focus Area Plan only if development (e.g., new buildings, parking areas, or other hardscape) or non-native landscaping were to be located within 100 ft of the baseline, or in areas where such development is already present, any closer to the baseline than existing conditions (i.e., the buffer ranges from approximately 95 ft to 100 ft).”

**We request that the following wording be included in the Specific Plan:**

Page 83, 06.2 Bulk and Massing: Guidelines

M. All buildings and hardscape shall be set 100’ back from the top of bank along the Guadalupe River.

**D. BUILDING HEIGHTS NEAR RIVER:**

From Draft EIR, *Section 3.3 Biological Resources, 3.3.2.3 Migratory Birds*

“ Depending on the design and location of the buildings in the Plan Area, some of **the birds using habitats on the site or flying through the site along the Guadalupe River and to native habitats at Ulistac Natural Area are expected to strike the buildings, resulting in injury or death. Considering the close proximity of the Guadalupe River and Ulistac Natural Area, relatively large numbers of birds, compared to other areas of Santa Clara and most of the remainder of the urban Santa Clara Valley floor,** are expected to fly past the site over the long term. Enough individuals of these common species can potentially strike the buildings over the long term to result in a significant impact.

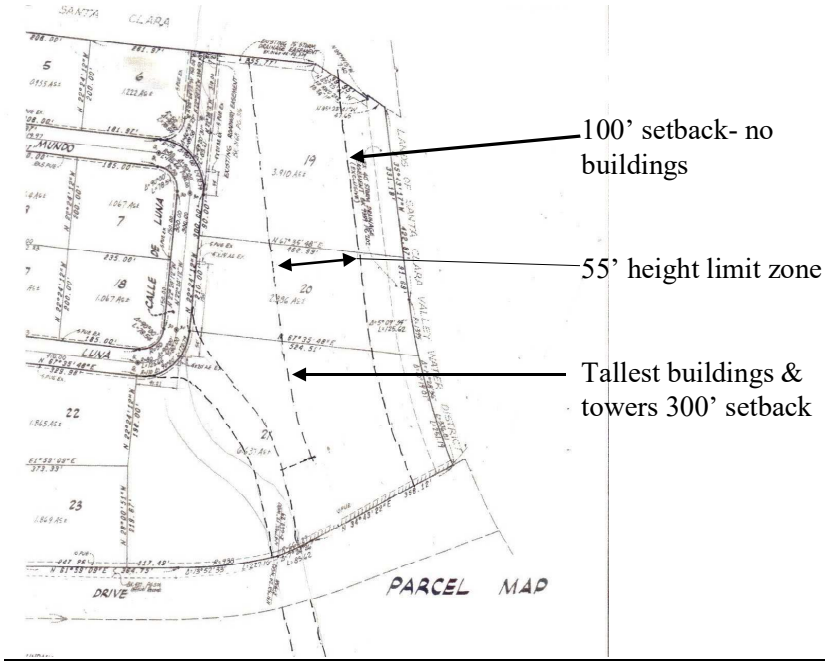
.....The biological consulting firm H.T. Harvey and Associates has recommended (in Appendix C) that **no buildings taller than 55 be constructed within 300 feet of the top of bank along the Guadalupe River or the Ulistac Natural Area habitat** on the southeast side of Tasman Drive. This distance is sufficiently broad 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 following implementation of the Specific Plan. H.T. Harvey and Associates further recommends bird-safe building treatments for all buildings within the Plan Area.

Taking the precautionary approach will prevent many avoidable bird deaths near the richest bird resource of Santa Clara and the lower Guadalupe River.

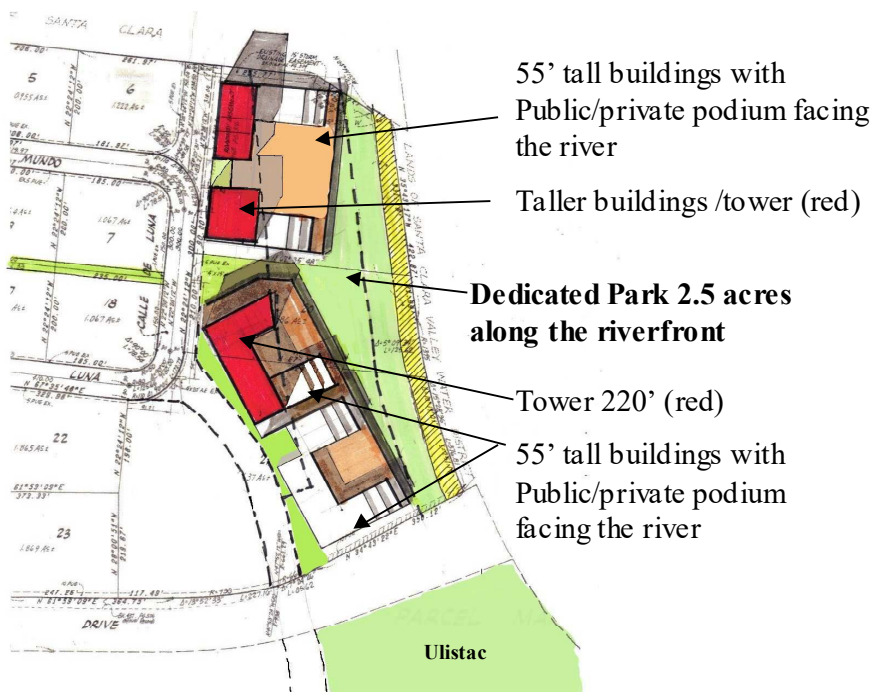
**We request that the following wording for a height restriction zone, along the river and Ulistac, be included to protect bird life along the migratory flyway and Ulistac:**

Page 80, 06.2 Bulk and Massing: Guidelines

N. No buildings taller than 55' shall be constructed within 300 feet of the top of bank along the Guadalupe River or the Ulistac Natural Area habitat. Beyond this, taller buildings shall be allowed with bird-friendly design.



**SITE DIAGRAM OF RIVER DISTRICT SHOWING SETBACKS**



**A DIAGRAM OF RIVER DISTRICT – SHOWING RIVERFRONT PARK WITH 55' TALL BUILDINGS AND POTENTIAL TOWER LOCATIONS**

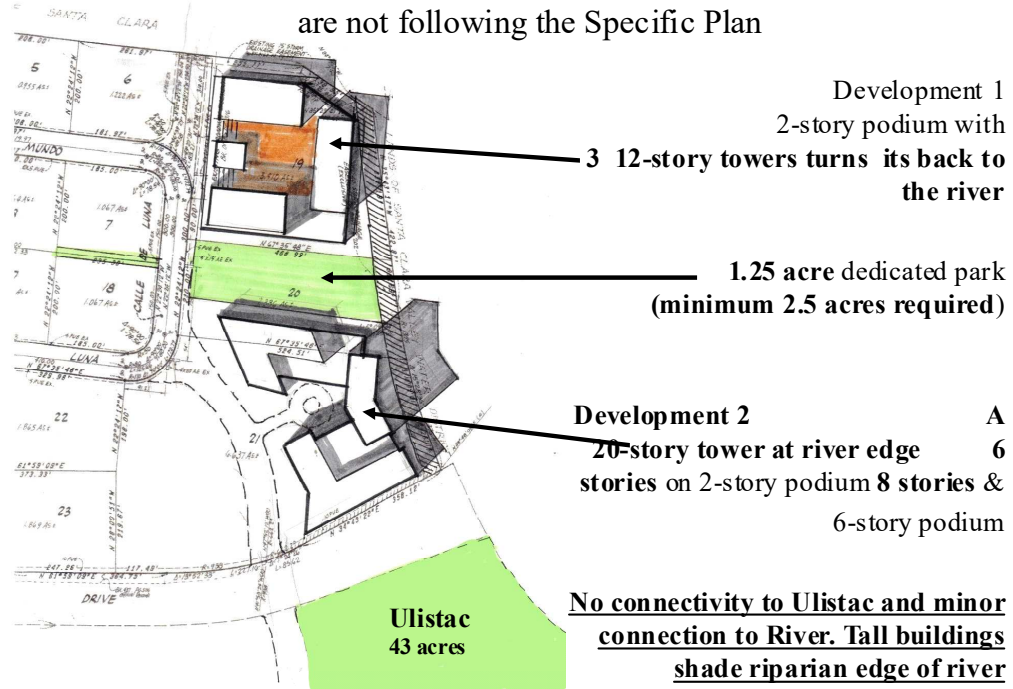


**Early Development Proposals submitted for Design Review to Planning Department do not follow the Specific Plan:**

Although the City Council is considering only the Specific Plan at this time, not the individual development proposals that have been submitted, the designs of these early proposals are a clear indicator of the kinds of proposals that may get approved, unless the current wording in the Specific Plan is modified.

**River District – Early Proposed Developments**

are not following the Specific Plan



Tasman East - Development One



• 3 12-story towers complex turns back to river

Tasman East – Development Two



20-story tower on river– 6-story on podium – 8-story tower block

As can clearly be seen, these proposals are a far cry from the vision of the Specific Plan, which calls for a “waterfront park” along the river.

- The projects are not “*embracing the Guadalupe as its central focus.*” They turn their backs to the river.

- 1.25 acres of dedicated parkland instead of the required minimum of 2.5 acres and little river focus.
- Little or no visibility of public/private open space that is to be publicly accessible. The podiums are 2-stories off the ground and not easily accessible by the public.
- Towers next to the river shade the river and riparian edge, degrading existing riparian habitat and discouraging birds and wildlife
- Glass windows and bright lights of buildings right next to the river will result in extremely high bird strikes and degrading of wildlife and Ulistac.

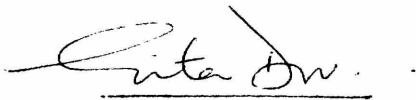
Our recommendations for revisions to the language of the Specific Plan are designed to ensure clarity so that development proposals such as these will not be brought forward for approval.

Once the Specific Plan is approved, development proposals under the Specific Plan may not come before the City Council or the Planning Commission.

This makes it vital that, if the City Council wishes to ensure that the vision for a Riverfront Park and connectivity to Ulistac is implemented, specific language requiring such a park is added to the Specific Plan at this stage.

We look forward to the Specific Plan being a model for a Transit Oriented District while also enhancing wildlife and ecology.

Respectfully,



Gita Dev, Sustainable Land Use Committee  
Sierra Club Loma Prieta



Shani Kleinhaus, Environmental Advocate  
Santa Clara Valley Audubon Society



Alice Kaufman, Legislative Advocacy Director  
Committee for Green Foothills