

**From:** [Keyon, David](#)  
**To:** [Michael Lisenbee](#); [Karl Heisler](#); [Hill, Shannon](#)  
**Cc:** [Pete Choi](#); [Hillary Gitelman](#); [Linda S. Peters](#); [Elliott Schwimmer](#); [Shannon George](#)  
**Subject:** RE: Shadow Threshold  
**Date:** Tuesday, February 4, 2020 3:59:39 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Michael,

I see what you mean. The wording of the threshold is different from how the analysis was conducted. For past projects that shaded downtown parks we were concerned if the project would increase shade on 10% or more of the park area. Yet this is not how the threshold in Downtown Strategy 2040 reads. For consistency with past practice, let's use new shadow on 10% or more of the park area as the threshold of significance (For Guadalupe River Park, this is not going to be an issue because of the size/length of the park).

We have at least two Supplemental EIRs under review that include significant shade and shadow impacts (Cityview Plaza and Sobrato Block 8, both have shadow impacts on Plaza de Cesar Chavez). We need to update the shade/shadow threshold for Downtown Strategy 2040 to add clarification of what the 10% increase is measuring and the days/times the analysis is conducted.

Thank you,

## David Keyon

City of San Jose PBCE  
Principal Planner Environmental Review  
(408) 535-7898

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**From:** Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>  
**Sent:** Tuesday, February 4, 2020 1:43 PM  
**To:** Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>; Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>; Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lspecters@esassoc.com](mailto:lspecters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Shannon George <[sgeorge@davidjpowers.com](mailto:sgeorge@davidjpowers.com)>  
**Subject:** RE: Shadow Threshold

[External Email]

Hi David,

I took another look through the Downtown Strategy 2000 EIR, and I can see how the language isn't very clear and could be interpreted that way. Unfortunately we didn't make it any more clear in

Downtown Strategy 2040. But our understanding has always been that the City interpreted the threshold as a 10% increase in total area shaded (i.e., if 3% is currently shaded, 13% shaded would be significant), not a percentage increase over the existing percent that was shaded (i.e., if 3% is currently shaded, 3.3% would be significant).

I attached a couple excerpts from the Downtown Strategy 2000 EIR that seem to indicate that the first interpretation is what the City relied on. The EIR said that on March 21, increases in shadow on St. James Park from new development would be less than 10%. If you look at the figure showing shadow on that date, there's very little existing shadow on the park, and it all comes from structures on the park itself. The new shadow from the proposed development would at least double the existing shadow, but was still determined to be less than a 10% increase, indicating the conclusion was based on total area of the park that would be shaded.

Regards,  
Mike

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**From:** Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>  
**Sent:** Monday, February 3, 2020 4:53 PM  
**To:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>; Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lpeters@esassoc.com](mailto:lpeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>  
**Subject:** RE: Shadow Threshold

Hi Karl,

That is how I am reading it based on the wording in both the Downtown Strategy 2000 and Downtown Strategy 2040 EIRs.

Thank you,

## David Keyon

City of San Jose PBCE  
Principal Planner Environmental Review  
(408) 535-7898

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**From:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>  
**Sent:** Monday, February 3, 2020 12:34 PM  
**To:** Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>; Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lpeters@esassoc.com](mailto:lpeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>  
**Subject:** RE: Shadow Threshold

[External Email]

Meaning that 3% [existing] + 0.3% (10% of 3%) [new] = 3.3% [total] would be a significant effect, correct?

**Karl F. Heisler**

ESA | Environmental Science Associates

550 Kearny Street, Suite 800

San Francisco, CA 94108-2512

phn 415.896.5900 | fax 415.896.0332

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**From:** Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>

**Sent:** Monday, February 3, 2020 12:12 PM

**To:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>; Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>

**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lspeters@esassoc.com](mailto:lspeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>

**Subject:** RE: Shadow Threshold

Hi Karl,

I looked through the analysis performed for the Downtown Strategy 2000 EIR, which informed the threshold of significance for shade and shadow carried over to the Downtown Strategy 2040 EIR. Everything is based on an increase in existing shade and shadow. So if there is currently a 3% shadow coverage of a park at 10 a.m. on the winter solstice, then the significance will be based on a 10% increase of that 3% shadow rather than an additional 10% of the total park area.

Thank you,

**David Keyon**

City of San Jose PBCE

Principal Planner Environmental Review

(408) 535-7898

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**From:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>

**Sent:** Monday, February 3, 2020 9:39 AM

**To:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>

**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lspeters@esassoc.com](mailto:lspeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>

**Subject:** RE: Shadow Threshold

[External Email]

Shannon, David: We are still awaiting a definitive answer to my question:

Is the shadow threshold a 10 percentage point increase in shadow coverage on one or more of the six Downtown parks (i.e., from 3 percent shadow now to 13 percent shadow with the project)?

Thank you.

**Karl F. Heisler**

ESA | Environmental Science Associates

550 Kearny Street, Suite 800

San Francisco, CA 94108-2512

phn 415.896.5900 | fax 415.896.0332

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**From:** Karl Heisler

**Sent:** Friday, January 31, 2020 3:14 PM

**To:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>

**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lspecters@esassoc.com](mailto:lspecters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>; Michael Lisenbee <[mlisenbee@davidjpowers.com](mailto:mlisenbee@davidjpowers.com)>

**Subject:** RE: Shadow Threshold

Shannon: Regarding your question, yes, the 1.9% is the absolute percentage change, but I had assumed that you would calculate the change from existing conditions as a percentage of existing shadow: 1.9% increase divided by 5% existing = 38% increase over existing. That is, there is 38% more shadow than under existing conditions. (It might be easier to look at the actual numbers: 811,077 of shadow with the project compared to 586,284 square feet of existing shadow results in an increase of 224,793 square feet, which is 38% of the existing area shaded. Put another way, 811,077 square feet is 38% more shadow than the existing 586,284 square feet.)

Perhaps I am once again incorrect, as it sounds as though you are saying that a significant effect would only result if the 5% existing shadow coverage increased to 15% or more with the project. Is that the threshold?

Regarding trees, I don't believe they were included, but we will confirm.

Thank you, and I am sorry this is so convoluted.

**Karl F. Heisler**

ESA | Environmental Science Associates

550 Kearny Street, Suite 800

San Francisco, CA 94108-2512

phn 415.896.5900 | fax 415.896.0332

---

**From:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>  
**Sent:** Friday, January 31, 2020 3:04 PM  
**To:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>  
**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lpeters@esassoc.com](mailto:lpeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>  
**Subject:** RE: Shadow Threshold

Hi Karl,

Thanks for providing this summary. The threshold is the project's contribution over existing conditions. Side note on existing shadow, shade from trees cannot be subtracted from the total shadow on the park. I mention this because it has come up before. The threshold is for shadows cast by structures onto the park.

I may be misunderstanding something, but it seems odd that the increase in shadow from the project compared to existing conditions would be more than the absolute calculation regarding impacts to Guadalupe River Park. It seems the existing shadow (5%) should be subtracted from proposed project shadow (6.9%), assuming the areas overlap, so the increase would be 1.9% compared to existing conditions, correct?

Thank you,

Shannon Hill, Planner  
Planning, Building & Code Enforcement | Environmental Review Section  
City of San José | 200 East Santa Clara Street  
[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov) | (408) 535 - 7872

---

**From:** Karl Heisler <[KHeisler@esassoc.com](mailto:KHeisler@esassoc.com)>  
**Sent:** Friday, January 31, 2020 1:35 PM  
**To:** Hill, Shannon <[Shannon.Hill@sanjoseca.gov](mailto:Shannon.Hill@sanjoseca.gov)>; Keyon, David <[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>  
**Cc:** Pete Choi <[PChoi@esassoc.com](mailto:PChoi@esassoc.com)>; Hillary Gitelman <[HGitelman@esassoc.com](mailto:HGitelman@esassoc.com)>; Linda S. Peters <[lpeters@esassoc.com](mailto:lpeters@esassoc.com)>; Elliott Schwimmer <[ESchwimmer@esassoc.com](mailto:ESchwimmer@esassoc.com)>  
**Subject:** Shadow Threshold

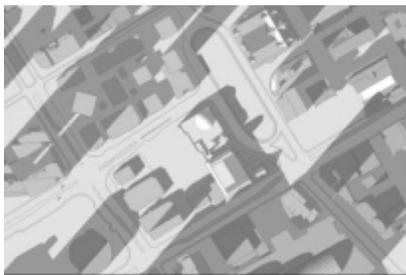
[External Email]

Shannon, David: We have a follow-up question with respect to the shadow scope of work. I realize that I had been interpreting the 10 percent threshold to be asking whether the project would shade 10 percent or more of a park. However, the wording of the threshold (it asks whether the project would result in "a 10 percent or greater increase" in shadow) actually appears to be raising the question of whether the project would increase the existing shadow by 10 percent or more:

- Would the project result in a 10 percent or greater increase in the shadow cast onto any one of the six major open space areas in the Downtown San José area?

The original Delmas Mixed-Use Project (TCC site) from 2004 used a 10 percent absolute coverage threshold, rather than an increase-based threshold. However, subsequent EIRs, including Downtown Strategy 2000 (2005), Downtown Strategy 2040 (2018), and Museum Place (2019) all appear to have used the 10 percent *increase* in shadow threshold. Despite the stated threshold, the Museum Place SEIR (page 26) stated the impact in absolute terms:

“The winter afternoon shadows would shade more than 10 percent of Plaza de César Chávez.” Existing shadow was not quantified, although it does exist. (The existing and project images from the EIR are below.)



Existing



Project

Note that, in the case of Guadalupe River Park, which is so large, the 10 percent increase threshold is substantially more conservative than the absolute coverage threshold. For example, if existing buildings cast shadow on 5 percent of a park at a particular time and the project would cast shadow on 6.9 percent of the park at that same time, the project would increase shadow by 38 percent ( $6.9 \div 5 = 0.38$ , or 38%), and this would be a significant impact.

Would you please confirm whether the correct threshold is whether the project would increase shadow, compared to existing conditions, by 10 percent or more, or simply whether the project would shade 10 percent or more of a given park.

Thank you.

**Karl F. Heisler**  
Senior Technical Associate

ESA | Environmental Science Associates  
*Celebrating 50 Years of Work that Matters!!*

550 Kearny Street, Suite 800  
San Francisco, CA 94108-2512  
phn 415.896.5900 | fax 415.896.0332  
[kheisler@esassoc.com](mailto:kheisler@esassoc.com) | [esassoc.com](http://esassoc.com)

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