

**From:** [Keyon, David](#)  
**To:** [Downtown West Project](#)  
**Subject:** Fw: Shadow Threshold  
**Date:** Thursday, August 20, 2020 10:36:53 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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## David Keyon

Principal Planner, Environmental Review  
City of San Jose  
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**From:** Keyon, David  
**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 <[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

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

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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)>  
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**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**

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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 <[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,

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**

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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 <[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]

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**

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**From:** Karl Heisler

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

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**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**

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**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)>

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**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

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

**Sent:** Friday, January 31, 2020 1:35 PM

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**Subject:** Shadow Threshold

[External Email]

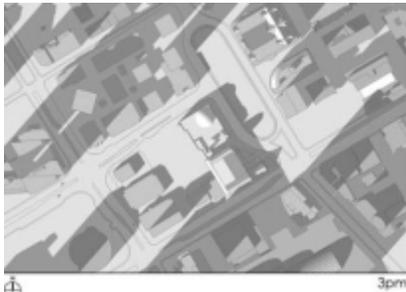
Shannon, David: We have a follow-up question with respect to the shadow scope of work. I realize that I had been interpreting the 10 percent threshold to be asking whether the project would shade 10 percent or more of a park. However, the wording of the threshold (it asks whether the project would result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

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*Celebrating 50 Years of Work that Matters!!*

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