

COASTAL CONSERVANCY

Staff Recommendation
December 3, 2015

CHILDREN'S DISCOVERY MUSEUM: BILL'S BACKYARD

Project No. 15-025-01
Project Manager: Laura Cholodenko

RECOMMENDED ACTION: Authorization to disburse up to \$322,818 to the Children's Discovery Museum of San Jose to create an outdoor nature-based play space adjacent to the Guadalupe River in the City of San Jose, Santa Clara County.

LOCATION: City of San Jose, Santa Clara County

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location](#)
 - Exhibit 2: [Project Site](#)
 - Exhibit 3: [Conceptual Design Plans and Photographs](#)
 - Exhibit 4: [Project Letters](#)
 - Exhibit 5: [CEQA Documentation](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred twenty two thousand eight hundred eighteen dollars (\$322,818) to the Children's Discovery Museum (CDM) of San Jose to design and install an outdoor nature-based play space adjacent to the Guadalupe River in the City of San Jose, Santa Clara County (Exhibit 1), subject to the following conditions:

1. Prior to the disbursement of funds, CDM shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and the roster of contractors to be retained for the project.
2. CDM shall install signs acknowledging the Conservancy and displaying its logo in accordance with a sign plan approved by the Executive Officer.

3. Prior to the disbursement of funds, CDM shall enter into an agreement with the City of San Jose authorizing the project on City property and protecting the public interest in the project pursuant to Public Resources Code Section 31116(c).
4. Prior to the disbursement of funds, CDM shall demonstrate that it has sufficient funds to complete project design, construction of infrastructure, and installation of major interactive features of the project.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the protection of resources in the San Francisco Bay Area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Children’s Discovery Museum of San Jose is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has independently reviewed and considered the Environmental Impact Report for San Jose Downtown Strategy 2000 (EIR), adopted by the City of San Jose (City) on June 21, 2005 and the City’s Addendum PP06-076 to the EIR, pursuant to the California Environmental Quality Act, attached as Exhibit 5 to the accompanying staff recommendation. The Conservancy finds, that the proposed project will not have a significant effect on the environment as defined by the CEQA Guidelines, 14 Cal. Code Regs §15382.”

PROJECT SUMMARY:

The proposed authorization will provide a \$322,818 grant to the Children’s Discovery Museum of San Jose (CDM) for preparation of final designs and installation of a 27,000 square foot (0.6 acre) outdoor nature-based play space at the Children’s Discovery Museum in the City of San Jose. The play space will enable children and their families to connect with nature through play and active hands-on learning. The play space will be named “Bill’s Backyard” to honor Bill Sullivan, the Museum’s past president and largest single donor. Bill’s Backyard will be an inviting garden that includes: 1) a large play structure with tunnels, a hill, and a tree fort that encourages children to climb, roll, and scurry like different animals, 2) unstructured play areas where children can build and create with natural materials, such as cobbles and branches, 3) raised planting beds for tasting and touching a variety of foods, 4) an outdoor classroom where nature investigations and facilitated activities can occur, and 5) trailhead-style information kiosks similar to those found at state and national parks (Exhibit 3). Bill’s Backyard will give families an opportunity to learn about local habitats, native plants and water conservation, and it will support children’s emotional and physical development by providing opportunities to be physically active and take ‘safe’ risks. Conservancy funding will be used for preparation of

engineering designs, site grading, and installation of utilities and paved pathways, to support the development and operation of the interactive, visitor-oriented components of the project.

The Children's Discovery Museum is located in the center of downtown San Jose, within a 10-acre park called Discovery Meadow owned by the City of San Jose. Discovery Meadow is part of the Guadalupe River Park, which runs along the banks of the Guadalupe River and includes a three mile river trail (Exhibit 2).

The greater downtown area (Exhibit 2) supports many low-income and ethnically diverse residential neighborhoods. Studies indicate that there is a lack of ethnic and socioeconomic diversity amongst people who engage in outdoor recreation and use protected natural areas (Outdoor Participation Report, 2014; National Park Service Comprehensive Survey of the American Public, 2011). In addition to improving health and well-being, use of parks and other protected lands promotes environmental stewardship and support for conservation. Land management agencies recognize that as the population becomes more diverse, continued support for protected lands will require support from more diverse groups of people. CDM has designed Bill's Backyard to inspire its diverse visitors to explore nature and support conservation by providing a safe and welcoming introduction to the habitats, plants, signs, and structures that are often found on protected lands.

The Children's Discovery Museum operates and maintains the museum facility, which is owned by the City of San Jose. CDM provides over 150 hands-on exhibits and educational programs that cut across disciplines of art, science, and humanities that are relevant to children of varying ages and backgrounds. Approximately 325,000 children and adults visit each year as families or as school and camp groups. The 52,000 square foot facility serves a diverse urban population centered in downtown San Jose and extending to the communities of Silicon Valley. CDM's flagship BioSITE program (Students Investigating Their Environment) engages students from over 20 elementary and 3 high schools in comprehensive mentorship and service learning curriculum of field-based study and environmental stewardship in the Guadalupe River watershed. CDM is committed to creating a welcoming environment for all people and has an open door policy: no one is turned away for lack of funds. In addition, the first Wednesday of each month is free admission and local libraries provide membership cards that can be checked out.

Site Description: The project is located in Discovery Meadow which is owned by the City of San Jose. The project site is adjacent to the museum building and is landscaped with grass and has a few trees. The Guadalupe River is within 100 feet of the project site. The river is surrounded by a narrow corridor of riparian forest. The City has agreed to allow CDM to expand the museum to include the proposed project on City property.

Project History: The Conservancy provided a grant to the City of San Jose for the creation of the Guadalupe River Park, opened in 2005, which provides residents with much-needed green space in an otherwise densely urban and concrete environment. Bill's Backyard will take advantage of its location within the Guadalupe River Park by bringing museum visitors outside, where they can see the river corridor and be inspired to use the trail and explore natural areas beyond the museum's boundary.

PROJECT FINANCING

Coastal Conservancy	\$322,818
Agilent Technologies Foundation	\$250,000
Community Fundraising Event 2015	\$160,000
City of San Jose	\$355,000
Santa Clara County	\$26,500
Institute of Museum and Library Sciences	\$11,000
Funding to be Raised	\$833,895
Project Total	\$1,959,213

The anticipated source of Conservancy funds for this grant is the fiscal year 2015/16 appropriation to the Conservancy pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), Public Resources Code Section 75001 et seq.

Proposition 84 allocates funds to the Conservancy's San Francisco Bay Area Conservancy Program for purposes of: "protection of beaches, bays and coastal waters and watersheds, including . . . projects and expenditures to promote access to and enjoyment of coastal resources of the state . . ." Public Resources Code Sections 75060 & 75060(c). The definition of the term "protection" in Proposition 84 includes: "those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, preservation and interpretation." Public Resources Code Section 75005(m). Proposition 84 defines the term "interpretation" as including: "a visitor serving amenity that educates and communicates the significance and value of natural, historical, and cultural resources in a way that increases the understanding and enjoyment of these resources and that may utilize the expertise of a naturalist or other specialist skilled at educational interpretation." Public Resources Code Section 75005(i). The proposed project is consistent with the goals and objectives of the San Francisco Bay Area Conservancy Program, as described in the "Consistency with Conservancy's Enabling Legislation" below. The proposed project will protect San Francisco Bay and the associated watershed of the Guadalupe River through interpretation, by providing an outdoor museum exhibit that educates visitors, through play, about the natural resources of the Bay Area. The proposed project will also promote access to and enjoyment of the resources of the Bay by providing a place where museum visitors can become comfortable with the features of outdoor parks, thereby encouraging their use of the many Bay Area parks. Accordingly, the proposed project is an appropriate use of Proposition 84 funds.

The Children's Discovery Museum is actively fundraising to acquire the remaining funds needed for the project. CDM intends to implement the project in three phases: 1) design, construction of infrastructure, and installation of major interactive features, 2) installation of smaller features, and 3) installation of the outdoor classroom and water catchment system. CDM expects to have all funds necessary for the first phase when groundbreaking begins in March 2016. It expects to have funds to complete the second phase by August 2016 and funds for the third phase by

December 2016. CDM has requested that the Conservancy begin funding the project before CDM has sufficient funds for all three phases; it asserts that completion of the first phase will help it raise funds for the second and third phases. Given that much of the benefits of the project will be achieved by completion of the first phase, Conservancy staff recommends that it commence disbursement of funds to CDM before CDM has sufficient funds for the entire project, as long as CDM has the funds necessary to complete the first phase and agrees to complete the entire project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165.

Pursuant to Section 31162, the Conservancy may award grants in the nine-county San Francisco Bay Area that help to achieve specific goals, including the goal of enhancing open space that is accessible to urban populations for recreational and educational purposes (Public Resources Code Section 31162(d)). The proposed project would create a new recreational opportunity for children and provide environmental education for both children and their parents, at a children's museum that is accessible to the urban population of San Jose as well as other Bay Area cities.

Pursuant to Section 31165, the Conservancy may award grants for projects that facilitate environmental education related to preservation of ocean, coastal, bay or watershed resources, including projects that are exhibits or events emphasizing coastal, watershed, or ocean resources education. Consistent with this section, the proposed project will provide environmental education about California's water resources and the natural and park resources of the San Francisco Bay through an outdoor interactive, nature-based museum space that allows children to learn through play.

The proposed project satisfies the criteria for determining project priorities under Section 31163 (c) in that it: 1) is consistent with the San Jose Downtown Strategy 2000, a local plan developed for the City of San Jose that calls for revitalizing downtown San Jose, 2) serves a large number of visitors each year representing a regional constituency from San Jose and the rest of Silicon Valley, 3) is ready for implementation in summer 2016, with completion by the end of 2016, 4) provides benefits that could be lost in that there are urban residents in need of outdoor play spaces that encourage use of parks, and 5) the grantee will be matching Conservancy funds at a 1:5 ratio.

**CONSISTENCY WITH CONSERVANCY'S 2013 STRATEGIC PLAN
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 12, Objective 12A** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will develop plans for a project that provides a recreational and educational facility in the form of a nature-based play space with interpretive signs and interactive learning exhibits.

Consistent with **Goal 12, Objective 12B** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will implement plans that provide a recreational and educational facility in the form of a nature-based play space with interpretive signs and interactive learning exhibits.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** Responding to Governor Brown's call-to-action to do everything we can to mitigate the effects of the drought, which prefaces the *California Water Action Plan*, CDM is designing Bill's Backyard to teach children the importance of water as a natural resource and to teach adults about drought-tolerant landscaping and water catchment systems (cisterns and rain gardens) that they can use at home. Consistent with *AB 857 State Planning Priorities* (Ch. 1016, Statutes of 2002; Government Code Section 13102), the project will improve underutilized land that is presently served by transit, streets, water, sewer, and other essential services, in an underserved area.
4. **Support of the public:** Bill's Backyard has garnered widespread support from a variety of public, non-profit, and individual contributors (Exhibit 4). The City of San Jose and its elected officials fully support the project, and the City has authorized CDM to construct, operate and maintain Bill's Backyard in Discovery Meadow.
5. **Location:** CDM is located in downtown San Jose within Discovery Meadow, a 10-acre park owned by the City of San Jose. Regional transit trains service the site and it is within one mile of a Caltrain station. The site is a short walk or drive from residential neighborhoods surrounding the central downtown area.
6. **Need:** CDM cannot raise sufficient funding to complete the project without Conservancy support.
7. **Greater-than-local interest:** CDM draws visitors from all over the City of San Jose as well as the rest of Silicon Valley. As a major destination in the heart of San Jose, and located within the Guadalupe River Park, CDM is positioned to introduce its substantial audience to the benefits of exploring regional parks, trails, and preserves by first engaging them in nature-based play within Bill's Backyard.
8. **Sea level rise vulnerability:** CDM is not within a tidally influenced area; therefore sea level rise is not a concern for the project.

Additional Criteria

9. **Urgency:** A community fundraising campaign that is currently underway would be jeopardized if project construction is not initiated as planned. The public is motivated by the project timeline which has advertised the project as opening in the summer of 2016, although certain elements will not be complete until the end of 2016.
10. **Resolution of more than one issue:** Bill's Backyard will provide a disadvantaged community with a unique opportunity to engage in outdoor activities, inspiring them to venture into other natural areas. The project will be designed to provide environmental education, increasing public awareness and understanding of Bay Area natural resources and conservation issues.
11. **Leverage:** Conservancy funds would be matched at a 1:5 ratio.
13. **Innovation:** The project is innovative in how it seeks to encourage broader community engagement in outdoor activities.
14. **Readiness:** If awarded Conservancy funding, CDM expects to start construction in early 2016. Fundraising will be ongoing and CDM expects to raise enough funds to complete all phases of the project by the end of 2016.
15. **Realization of prior Conservancy goals:** The proposed project would build on previous Conservancy investment in the Guadalupe River Park by exposing more people to the Park and encouraging greater use of the trail.
17. **Cooperation:** The City of San Jose, the site landowner, has contributed \$355,000 to the project for development of a sculptural fence that will surround the site. The San Jose Conservation Corps will partner with CDM for project management and construction-related needs and Our City Forest, a local non-profit organization, will propagate and plant all native plants featured on the outside perimeter of the fence.
18. **Vulnerability from climate change impacts other than sea level rise:** The project incorporates low-water use trees and shrubs and will include up to 3 cisterns that collect rainwater for site irrigation, thereby minimizing reliance on the municipal water supply.
19. **Minimization of greenhouse gas emissions:** Solar arrays will be installed on the roof of the outdoor classroom to supply electricity and provide a demonstration site for renewable energy technology.

COMPLIANCE WITH CEQA:

The proposed project is located in downtown San Jose. The City of San Jose has determined that the proposed project is consistent with the San Jose Downtown Strategy 2000 (Strategy 2000), which establishes a vision for redevelopment of the downtown, with strategies and actions for achieving the vision. The City adopted a Program Environmental Impact Report for Strategy 2000 pursuant to 14 California Code of Regulations Section 15168 on June 21, 2005 (EIR). The City subsequently prepared Addendum PP06-076 to the EIR (Addendum) to specifically include the proposed project in the EIR. The Addendum and website address for the EIR are provided in Exhibit 5.

The proposed project is consistent with the intent as well as the specific strategies and actions outlined in Strategy 2000, which calls for environmentally sustainable development and integrating the downtown area with its natural setting, features and strengths, including the Guadalupe River. The EIR identifies potentially significant environmental impacts due to implementation of Strategy 2000 in the areas of: land use, transportation, air quality, shade and shadow, vegetation and wildlife, geology, cultural resources, hazards, hydrology and flooding, and utilities and infrastructure. Mitigation measures are identified in the EIR to avoid, reduce or mitigate all of the possible significant environmental of the larger (Strategy 2000) project evaluated in the EIR. However, the proposed project, which is a type of activity contemplated by Strategy 2000, does not have any potentially significant effects and thus, the City has not required any of the EIR mitigation measures to be carried out in connection with the proposed project. The following explains why no particular mitigation measures are required for the proposed project.

Cultural Resources: A record search conducted by the California Native American Heritage Commission did not identify Native American cultural resources within the Strategy 2000 area. Other record searches have identified both historic and prehistoric archaeological sites. The specific location of most archaeological sites within the Plan area are not identified in the EIR, although it is noted that prehistoric sites may lie buried beneath flood-deposited soils. The proposed project will require a minimal amount of excavation, conducted primarily to remove the grass and grade the site. Soil disturbance is expected to be limited to the top 2 feet of the soil surface, which has been highly modified due to landscaping and previous residential development on the site. Therefore, no buried archeological resources are likely to be uncovered by the project.

Vegetation and Wildlife: The project site is currently landscaped with grass and is used for recreational purposes; therefore, it does not provide habitat for listed species or other sensitive biological resources. The project site is adjacent to the Guadalupe River, but project development will not directly affect the river or riparian corridor. In general, wildlife in the riparian corridor adjacent to the museum is habituated to high levels of disturbance due to proximity of the freeway, trail, and Discovery Meadow (Figure 2 in Exhibit 2). Because the project site is small and within a highly disturbed area, impacts to wildlife resources are not anticipated.

Hazards: The project is unlikely to expose construction workers and/or the public to hazardous materials from soil contamination. First, there will be a minimal amount of soil disturbance. Second the project site was a residential neighborhood in the past, and is not known to have been used for industrial land uses that would have introduced hazardous materials.

Hydrology and Flooding: The site is less than one acre and will therefore not require a State Water Pollution Prevention Plan. Sedimentation into the Guadalupe River will not occur since project grading will be timed to occur during dry periods and if necessary, measures such as use of silt fences will be implemented. The site is protected by a levee that provides 100-year flood protection; therefore, there is minimal potential for flooding.

Conservancy staff has independently reviewed and considered the EIR and project specific Addendum, and concurs with the City's Addendum finding that construction of Bill's Backyard is adequately considered by the Downtown Strategy 2000 and the EIR. Staff recommends that the Conservancy find that there is no substantial evidence the proposed project will have a significant effect on the environment as that term is defined by the CEQA Guidelines, 14 Cal. Code Regs §15382. Upon the Conservancy's approval of the project, Staff will file a Notice of Determination.