



December 8, 2020

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Re: DOWNTOWN WEST MIXED-USE PLAN (GOOGLE PROJECT, Project)

The Santa Clara Valley Audubon Society (SCVAS) thanks you for the opportunity to provide comment on the Draft Environmental Impact Report (DEIR) for the Downtown West Mixed-Use Plan Project. SCVAS was founded in 1926, and is one of the largest National Audubon Society chapters in California. SCVAS' mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. SCVAS has engaged in the protection of riparian and aquatic ecosystems in Santa Clara Valley for decades. Our members have a strong interest in projects that could impact creeks, rivers, and other biological resources. We advocate for the protection of creeks and riparian ecosystems and preservation of wildlife linkages, bird-safe design, reduction of light pollution, fish passage and habitat improvements.

Here are our comments:

1. Bird Collision

Glass facades of buildings located within 300-ft of the creeks create a hazard to migratory birds. The Project and its associated EIR will comply with the City's Design Standards, but we believe that these standards are not strict enough and ask for 90% all building facades and 100% of other transparent structures within 300-ft to include visual cues to reduce bird collisions to a less than significant level. Google applies this standard in Mountain View, and can do the same here.

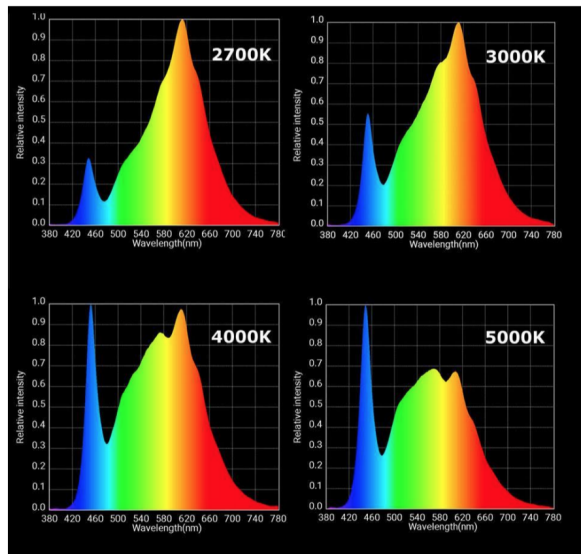
2. Artificial Light at Night (ALAN) interferes with all biological function

The incremental and cumulative impacts of outdoor Artificial Light at Night on all living organisms, ecosystems, natural phenomena and human health are pervasive and indisputable¹. Emerging science shows that the most damaging light is in the blue wavelength. Since LED lighting has a pronounced peak at the hazardous wavelengths (see figure below), the International Dark Sky Association recommends that light temperature in all lighting should not

¹ A meta-analysis of biological impacts of artificial light at night. 2020. Dirk Sanders et al. Nature Ecology & Evolution November 2020 <https://www.nature.com/articles/s41559-020-01322-x>

exceed 3000K². Others (Softlight) recommend that outdoor lighting should not exceed 2700K to protect both ecosystems and human health, especially that of light-sensitive neurodiverse populations.

The project and the EIR provide standards and mitigations to reduce the impacts of light on the riparian corridor. We ask to add a mitigation measure that limits outdoor lighting temperatures to 3000K, and to 2700K within 100-ft of the creeks. This mitigation should reduce impacts to vegetation, bird and fish migration, aquatic insects and wildlife movement along the creek.



LED emits a spike of blue wavelength light, which is more pronounced at temperature higher than 2700K.

3. Nesting Birds

Mitigation Measure BI-1e identifies the nesting season for most birds as February 1 through August 15 (inclusive). The mitigation suggests avoidance of construction during the nesting season, but offer the possibility of nesting surveys if construction is conducted during the nesting season. In the thick riparian forest on the site, identifying nests is not a feasible mitigation and it is likely that:

- Bird nests in the thick riparian vegetation will be missed
- Or
- Nesting birds will be found and delay the progress of the project

To avoid harming nesting migratory birds, in-channel construction activities, including channel dewatering, would be limited to the dry season outside of the nesting season, thus it should occur only August 15 through October 15.

4. Valley Habitat Plan

The Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan (VHP) requires a minimum of 35-ft riparian buffer to protect the waterways, water quality and their riparian ecosystems from a large scope of construction impacts as well as activities along

² <https://www.darksky.org/our-work/lighting/lighting-for-citizens/3k/>

waterways. The Project as proposed is inconsistent with the minimum setback requirements of the VHP. This conflict should be recognized as a significant, unavoidable impact. Hopefully, the project can be modified to avoid this impact.

We appreciate the opportunity to provide comments.

Thank you,

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