



January 14, 2013

Planning commission,
City of Sunnyvale

Re: Discussion and Possible Action to Adopt Thresholds for Environmental Review and Design Guidelines for Bird-safe Buildings (Study Issue)

Dear Commissioners,

Santa Clara Valley Audubon Society and the Loma Prieta Chapter of the Sierra Club reviewed the staff report for tonight's Planning Commission meeting. Our organizations generally support urban high-density projects as environmentally preferable alternatives to suburban sprawl. Within that support, however, we also endeavor to ensure that such projects do not create specific hazards to the natural environment. To that purpose we wish to particularly address the issue of Bird Friendly Design.

We do not want to see our new and/or taller buildings compound the carnage to bird life that is currently being experienced within the existing built environment. We now know better. There are proven methodologies for reducing these losses that can be incorporated into new structures. We wish to point with pride to the Bird-Safe measures incorporated into the Facebook projects in Menlo Park as exemplary examples of beneficial cooperation between the applicant, environmental organizations, and the permitting authority.

For purposes of the agenda item at issue, we earnestly submit for your consideration the Oakland Bird Safety Measures (attached) as a template for an enlightened approach to the problem and we look forward to ongoing interface with the City of Sunnyvale to adopt a similar, if not identical, measure to protect diminishing natural resources.

On tonight's agenda, Staff report states that there is scant information as to the extent to bird collision with windows, and recommends that the City:

- requires environmental review for projects close to the bay or parks/open space of more than 1 acre, and
- adopt guidelines for Building and Site Design for projects in general.

We maintain that staff is wrong in stating "There are not clear facts or findings that demonstrate the impacts of building siting and design on bird safety". In fact, building siting and design are critical to bird safety.

In Sunnyvale, hundreds of cedar waxwings and individuals of other bird species died in the last decade in collision with one building (see attached story, “A Mirrored Forest”, pages 4-5 in the attached newsletter. Comment: the silhouettes did not stop the collisions). Here is a photo of the building, and the birds that was most commonly killed there (cedar waxwing):



Photo: Jan Hintermeister



Photo: Ashok Khosla

We appreciate the efforts by staff, but we strongly believe that the proposed actions (CEQA and Guidelines) are not sufficient, and that to be effective in protecting birds this issue should be codified. We recommend adopting the measures that were recently adopted in Oakland, CA: <http://www.goldengateaudubon.org/wp-content/uploads/Oakland-Bird-Safety-Measures.pdf>

Staff recommendations fall short:

CEQA

- Redevelopment is often exempt from CEQA
- CEQA review provides only general criteria, not design requirements

For example, CEQA review of Moffett Place analyzed Bird Collision in the EIR, but still allowed features that are known to be extremely risky to birds, such as a transparent glass wall all around a roof garden



Source: <http://www.jaypaul.com/Portfolio.aspx?Id=250>

Guidelines

Guidelines are not mandatory, and implementation is not transparent.

We ask the Planning Commission to recommend that council codify bird safe design into an ordinance.

Thank you,



Shani Kleinhaus,
Environmental Advocate
Santa Clara Valley Audubon Society



Mike Ferreira
Conservation Chair
Sierra Club, Loma Prieta Chapter