



April 16, 2026

David Keyon, Principal Planner
Cort Hitchens, Supervising Planner
City of San Jose

Dear Mr. Keyon and Mr. Hitchens,

The Santa Clara Valley Bird Alliance, the Sierra Club Loma Prieta Chapter, and Green Foothills thank you for the opportunity to review the proposed Draft Environmental Review Handbook and Draft Environmental Standard Permit Conditions. We offer the following comments and clarifications to better protect biological resources and to improve effectiveness and consistency.

As a threshold matter, these documents should make it clear that the guidance provided is not intended to set a cap or limit on the scope of environmental analysis or on the potential mitigation measures that could be required. This might be considered obvious, since thresholds of significance or other standards do not exist for every possible environmental impact, but it should be explicitly stated in order to avoid confusion.

Comments on the Draft Environmental Review Handbook

The handbook sets up a streamlined, threshold-based CEQA process that can miss real bird, fish, and wildlife impacts, especially in urban contexts. We believe the following impacts should be included:

1.1 Impacts to Wildlife Movement

The Handbook provides the following on page 22:

If the project is in an area with substantial wildlife movement, evaluate the impact of new roadways, fences, barriers, lighting, and human activity on wildlife movement (Note: This mainly applies to projects outside the UGB, such as Coyote Valley, or in areas with significant wildlife movement, such as riparian areas or areas north of Highway 237).

Threshold of significance: If a project would interfere substantially with the movement of any fish or wildlife species or with established wildlife corridors or impede the use of native wildlife nursery sites outside the UGB, near waterways/riparian corridors (within 300 feet), in the Coyote or the Alviso Planning Area even after compliance with local, State, and Federal regulatory requirements, a significant impact would occur.

This is incorrect. Much of Coyote Valley, including areas that are critical for wildlife movement, lies within the Urban Growth Boundary (UGB). Moreover, there are other areas in the city, such as the Almaden Valley Urban Reserve, which lie within the UGB and yet are important for wildlife movement. The threshold of significance included in this section must be revised so that it does not imply that it is not possible for a significant impact to wildlife movement to occur within the UGB or in other areas besides those specifically named here.

1.2 Artificial Light at Night (ALAN)

The Handbook addresses light and glare primarily in terms of aesthetic and land use compatibility, with limited consideration of biological impacts, even where projects are located near sensitive habitats. While the City's Design Standards and Guidelines include direction on architectural lighting, the Handbook does not require evaluation of the ecological effects of lighting or analysis of whether proposed lighting is consistent with these standards. As a result, outdoor lighting may comply with design review while avoiding meaningful environmental review.

This is a significant gap. Artificial light at night is a well-documented ecological stressor that:

- Disrupts bird migration, particularly for nocturnally migrating species
- Increases collision risk by disorienting birds and concentrating them in lit areas
- Alters behavior, sleep cycles, and reproductive success
- Reduces insect populations, affecting food availability for birds and other wildlife

Please require CEQA analysis to evaluate biological impacts of artificial light at night, particularly for projects near riparian corridors, wetlands, open space and all projects with substantial nighttime lighting (e.g., sports fields, industrial uses, data centers, parking lots). This should include:

- Explicitly referencing applicable Design Guidelines lighting standards as part of impact analysis and mitigation
- Incorporating performance-based measures where impacts are identified, including:
- Requiring:
 - Fully shielded, downward-directed lighting
 - Warm color temperatures (preferably $\leq 2700\text{K}$)
 - Lighting curfews for non-essential uses
 - Adaptive controls (timers, motion sensors, dimming)

Comments on the Environmental Standard Permit Conditions

We appreciate the inclusion of biologically relevant timing for pre-construction surveys in SPC BIO-1 (Nesting Migratory Birds) and offer the following comments on this measure.

2.1. Please clarify “protected species”

The current language refers to “protected bird species,” which may be interpreted as limited to special-status species. We recommend clarifying that the measure applies to all migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, not only listed species.

2.2. Add grading and ground disturbance explicitly

Ground disturbance can affect ground-nesting and low-vegetation nesting species. While grading is referenced in places, we recommend clearly and consistently including grading and other ground-disturbing activities throughout the condition.

For example, the proposed criteria apply the condition to projects that:

- Include vegetation removal (including tree removal); and/or
- Are located within 300 feet of natural habitats such as riparian areas, vegetated open space, or other undeveloped lands that may support nesting birds.

The applicability should be expanded to include projects that:

- Involve undeveloped land where ground disturbance that may affect nesting birds, including grading, trenching, excavation, and soil compaction.

2.3. Include disturbance from noise and lighting

The condition focuses on direct disturbance but does not explicitly address indirect disturbance from construction noise and artificial lighting. We recommend clarifying that buffer zones are intended to protect nesting birds from both direct and indirect disturbance, including noise and lighting. Where work occurs near active nests, activities within or adjacent to buffers should be managed to ensure they do not cause behavioral disturbance, for example by limiting high-noise activities or directing and shielding lighting away from nesting areas.

2.4. Clarify stop-work and adaptive management triggers

We recommend adding explicit language that:

- Work shall stop immediately if nesting birds exhibit signs of distress or altered behavior;
- Buffers shall be expanded as needed to eliminate disturbance; and
- Work may resume only once a qualified biologist determines that disturbance has ceased or the nest is no longer active.

2.5. Clarify sequencing of survey timing and permit issuance

The condition requires that the biologist's report be submitted prior to vegetation removal or issuance of demolition or grading permits (whichever occurs first), while also requiring surveys to be conducted within seven days prior to initiation of work. Because permits are often issued well in advance of construction, it is unclear how these requirements are intended to align.

Could you please clarify whether:

- Permit issuance is expected to be closely timed to construction start; or
- Survey reports should be updated closer to the start of work even after permits are issued?

Clarification would help ensure consistent implementation and avoid unnecessary re-surveys or delays.

Attachment D: Environmental Groups Public Comment Letter

These refinements would improve clarity, enforceability, and alignment with best practices, while ensuring consistent protection for nesting birds across project types.

Thank you for your consideration.

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Bird Alliance

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Green Foothills

Gita Dev, Chair, Conservation Committee
Sierra Club Loma Prieta