



August 5, 2021

Thai-Chau Le
Environmental Project Manager
thai-chau.le@sanjoseca.gov

Re: Gschwend Project Mitigated Negative Declaration: CP17-010/ER20-205

Dear Ms. Le,

The undersigned local environmental organizations have reviewed the July 12, 2021 Gschwend Residence Project (Project) mitigated negative declaration (MND) and submit the following comments for your consideration. We urge the City of San Jose (City) to deny the conditional use permit (CP17-010/ER20-205) for the Project which authorizes the construction of a 4,464-square-foot, two story single-family home, a 1,441-square-foot garage, retaining wall, well, septic field, and 0.27-mile driveway on a 17-acre property on the Santa Teresa ridge. The Project, as currently proposed, will inflict devastating impacts to biological resources, obstruct wildlife movement, and impair critical butterfly habitat.

The Santa Clara Valley Audubon Society's (SCVAS) mission is to promote the enjoyment, understanding, and protection of birds and other wildlife habitat by engaging people of all ages in birding, education, and conservation. The Sierra Club Loma Prieta Chapter's members and supporters work to protect and restore the quality of the natural and human environment. The California Native Plant Society Santa Clara Valley Chapter's mission is to protect, promote, and enhance native plant habitat through advocacy, education, restoration, and the application of scientific knowledge. Green Foothills' mission is to protect the open spaces, farmlands, and natural resources of San Mateo and Santa Clara Counties for the benefit of all through advocacy, education, and grassroots action. Together, our organizations represent thousands of Santa Clara County residents who care about the environment and wildlife in our valley and beyond.

The Project is located at the southern edge of the City, outside San Jose's Urban Growth Boundary (Green line), on a section of the Santa Teresa ridge that connects the Santa Cruz Range, Santa Teresa County Park, Tulare Hill, and the Diablo Range. The zoning – Agriculture - may accommodate a residence under certain circumstances, but the site is not suitable for a residential property. The property is delineated by the Coyote-Alamitos Canal - a Santa Clara Valley Water District easement which is classified as a Habitat Plan Category 2 Stream - to the north and is bordered to the south by PG&E property. Coyote Valley and Laguna Seca are located south of the ridge. The San Jose General Plan, Envision San Jose 2040, designates the site as "Open Hillside". A 0.26-mile-long driveway / access road to the home is planned, in part, within Santa Clara County's (County) jurisdiction.

Our organizations submitted comments in 2018 on a previous iteration of this Project (See 2018 Comment Letter, attached as Attachment 1.) Environmental conditions in the Project's vicinity have worsened since 2018, with a prolonged drought increasing fire danger and further threatening wildlife populations. The serious concerns we raised in the 2018 letter regarding the Project's potential impact to wildlife populations are even more concerning today. Since the Project as described in the IS/MND has not changed in any substantive way which would reduce the impacts to biological resources, the concerns raised in the 2018 comment letter remain unaddressed, are still valid, and are relevant to the City's review of the current Project.

We remain concerned that the current Project will significantly affect the environment in the following ways:

1. Section 3.2 PROPOSED PROJECT

The Project description is inadequate, as presented, because it omits certain elements that may impact the environment, such as a clear description of the driveway, lighting, gates, and fences, as described in greater details below.

- The MND lacks a clear depiction of the design for the driveway including new pavement, roadway expansion, retention walls, bulb-outs, graded areas, areas of permanent and temporary impact etc. is needed. Please note that, as provided, Figure 3-3 is incomprehensible:
 - The legend of Figure 3-3 does not include many of the elements that are shown in the figure. Furthermore, the figure is in black and white, small, and includes unspecified abbreviations.

- Figure 3-3 as provided cannot be deciphered by the layperson and thus, defeats the purpose of CEQA to inform the public with an adequate project description.
- Figure 2 of the Biological Resources Assessment shows a “Permanent Development Area” (Permanent Impacts plus 50' buffer) delineation that encroaches into the 35-foot required setback of the Coyote-Alamitos Canal and a grading area that encroaches into the 35-foot setback not far from the culvert before it goes under Santa Teresa Blvd. Details of any encroachment or project elements (temporary or permanent) should be fully described in the Project Description section.
- The MND does not describe any required or voluntary new lighting, especially where light may trespass into or may be visible from the Coyote-Alamitos canal. A baseline photometric study of the site should be conducted.
- The MND does not describe any gates, fences, walls, and other barriers to animal movement on the property should be provided and, as needed, mitigated.
- If lighting, fencing and other barriers to animal movement are not included, a Conditional Use Permit must include conditions that prohibits additions of such elements in the future.

2. Sections 2.8 Project-Related Approvals, Agreements, and Permits and 3-3 3.3 APPROVALS/PERMITS

The Habitat Agency should be added to Project Related Approvals, Agreements, and Permits. In addition, consultation with Valley Water and with State and Federal wildlife agencies is warranted.

3. Section 3.2.3 Utilities and Infrastructure

We are concerned the Project may significantly affect the hydrological balance of natural springs and seeps on Tulare Hill and Santa Teresa County Park, as well as on Fisher Creek and Laguna Seca. These features provide critical water resources for plant life and wildlife in the region. A hydrological analysis is needed to assess the potential impact of the new well and of pumping water for this Project, including any new landscaping or farming operations on the property.

The interactions of groundwater with surface water and the effects of pumping wells are well-documented:

- In <https://www.e-education.psu.edu/earth111/node/929> we find, “Not only does the cone of depression draw water to the well, but if the pumping rate is large enough or pumping is sustained for a long time, it can reverse the natural hydraulic gradient hundreds of meters to several tens of km away from the well(s). In some cases, this may result in interception of groundwater that would normally feed a stream or river as baseflow, and even in the interception of streamflow itself by inducing infiltration in the stream bed or banks (Figure 35B). In other cases, large cones of depression (up to a few miles wide!) associated with industrial or municipal well fields may reverse regional topographically-driven hydraulic gradients and lead to problems like saltwater intrusion (Figure 35B).”
- Chapter 12, Springs and Wells, of ‘Part 650 Engineering Field Handbook National Engineering Handbook’ (USDA Natural Resources Conservation Service” on pdf pg. 27) Contains a list of considerations that should be undertaken before building a well. Has the project taken these into consideration? https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=32186_wba
- Sustained groundwater pumping has negative effects that should be evaluated. The study https://www.usgs.gov/special-topic/water-science-school/science/groundwater-decline-and-depletion?qt-science_center_objects=0#qt-science_center_objects states,

“There is more of an interaction between the water in lakes and rivers and groundwater than most people think. Some, and often a great deal, of the water flowing in rivers comes from seepage of groundwater into the streambed. **Groundwater contributes to streams** in most physiographic and climatic settings. The proportion of stream water that comes from groundwater inflow varies according to a region's geography, geology, and climate.

Groundwater pumping can alter how water moves between an aquifer and a stream, lake, or wetland by either intercepting **groundwater flow** that discharges into the surface-water body under natural conditions, or by increasing the rate of water movement from the surface-water body into an aquifer. A related effect of

groundwater pumping is the lowering of groundwater levels below the depth that streamside or wetland vegetation needs to survive. The overall effect is a loss of riparian vegetation and wildlife habitat.”

Additional evidence for the linkage between ground and surface water can be found here:

https://www.usgs.gov/special-topic/water-science-school/science/rivers-contain-groundwater?qt-science_center_objects=0#qt-science_center_objects

- More details about how streams interact with groundwater can be found in the study ‘Effects of ground-water development on ground-water flow to and from surface-water bodies’ https://pubs.usgs.gov/circ/circ1186/html/gw_effect.htm, showing that

“A pumping well can change the quantity and direction of flow between an aquifer and stream in response to different rates of pumping. Figure 13 of this document illustrates a simple case in which equilibrium is attained for a hypothetical stream-aquifer system and a single pumping well. The adjustments to pumping of an actual hydrologic system may take place over many years, depending upon the physical characteristics of the aquifer, degree of hydraulic connection between the stream and aquifer, and locations and pumping history of wells. Reductions of streamflow as a result of ground-water pumping are likely to be of greatest concern during periods of low flow, particularly when the reliability of surface-water supplies is threatened during droughts.

At the start of pumping, 100 percent of the water supplied to a well comes from ground-water storage. Over time, the dominant source of water to a well, particularly wells that are completed in an unconfined aquifer, commonly changes from ground-water storage to surface water. The surface-water source for purposes of discussion here is a stream, but it may be another surface-water body such as a lake or wetland. The source of water to a well from a stream can be either decreased discharge to the stream or increased recharge from the stream to the ground-water system. The streamflow reduction in either case is referred to as streamflow capture.

In the long term, the cumulative stream- flow capture for many ground-water systems can approach the quantity of water pumped from the ground-water system. This is illustrated in Figure 14, which shows the time-varying percentage

of ground-water pumpage derived from ground-water storage and the percentage derived from streamflow capture for the hypothetical stream-aquifer system shown in Figure 13. The time for the change from the dominance of withdrawal from ground-water storage to the dominance of streamflow capture can range from weeks to years to decades or longer.”

Valley Water has recently provided a presentation that predicts potential decline in groundwater in South County and land subsidence in North County in 2021.

2021 Drought Impacts to Valley Water

4

Local water supplies are low

Imported water allocations are low

Limited Recharge and additional pumping may result in rapid decline of groundwater levels

Risk of dry wells especially in South County and resumed land subsidence in North County

valleywater.org



A hydrological analysis is needed to determine if the new well could reduce seasonal or year-round flows and water availability in local springs and seeps at Santa Teresa County Park and Tulare Hill, as well as Fisher Creek and Laguna Seca. The analysis should include successive dry years.

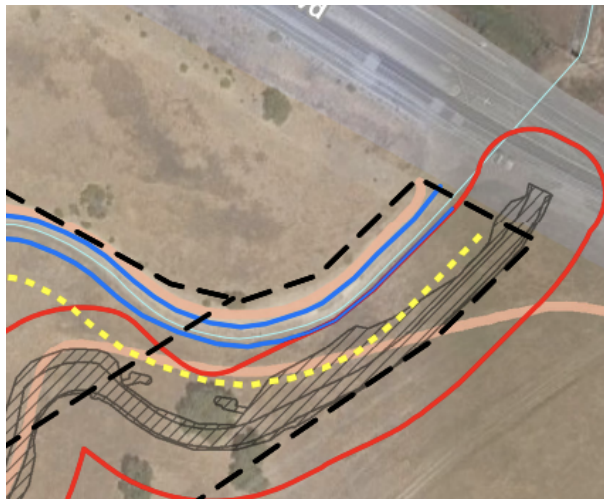
4. Impacts and mitigation measures:

4.1. Wildlife movement and riparian buffers

Evidence negates the MND’s conclusion that impacts to wildlife are significant but are mitigated to below a level of significance. First, the Coyote-Alamitos Canal’s importance as a wildlife corridor, especially the culvert under Santa Teresa Blvd., has been established in multiple studies, in our 2018 comment letter and in letters from the local community. The IS/MND acknowledges wildlife movement in the Coyote-Alamitos Canal, but underestimates the impacts of construction activities and permanent use and maintenance of the driveway and associated retaining walls, lighting and traffic will have on animal movement, and the potential for species to stop using the culvert and the canal in the vicinity of the driveway.

- The project encompasses the Coyote-Alamitos Canal. As such, the requirement for a minimum permanent setback of 35-ft should be mentioned in Section 2.7 HABITAT PLAN DESIGNATION.
- Figure 2 of the Biological Resources Assessment shows permanent impacts encroaching on the 35-ft setback, especially in the area closer to the intersection with Santa Teresa Blvd. and to the culvert under Santa Teresa Blvd. This is the bottleneck where wildlife are at greatest risk, and where preserving their movement and migration are in greatest need of protection. In this bottleneck, the Project's permanent impacts consume the entire setback on the south side of the canal.

Permanent impacts within the required 35-ft setback conflict with the Valley Habitat Plan, and should be considered significant and unavoidable impacts. This encroachment nullifies the finding that the project does not "Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan."



Partial screenshot taken from Figure 2 of the Biological Resources Assessment:

- Green line: top-of-the-bank
- Yellow line: 35-ft setback
- Red line: Permanent impact

The Biological Resources Assessment finds a significant yet mitigable impact related to the Project's potential to "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife

corridors, or impede the use of native wildlife nursery sites.” We agree that the impacts are indeed, significant, and because the mitigation measures are limited to reducing impacts to nesting birds, and not to maintaining the viability of this area as a wildlife corridor for animals moving through the landscape, the impacts to wildlife are not properly mitigated.

- The IS suggests that animals can move throughout the landscape, are not limited to the canal, and thus the impacts to overall wildlife movement are not significant. This evaluation is not based on observations of wildlife movement through the landscape, and it is particularly incorrect at the bottleneck where the property narrows and the driveway approaches Santa Teresa Blvd. We believe that significant and unmitigable impacts remain.

Studies show that human activity decreases habitat quality and deters many wildlife species from using the landscape through many processes:

- <https://experts.illinois.edu/en/publications/human-footprint-and-human-presence-have-non-equivalent-effects-on;>
- [https://onlinelibrary.wiley.com/doi/full/10.1111/ecog.02801,](https://onlinelibrary.wiley.com/doi/full/10.1111/ecog.02801)

Light pollution, from just a single light to street lighting, disturbs migratory movement and can increase roadkill (<https://cescos.fau.edu/observatory/lightpol-Mammals.html>). Noise can also affect the way animals use habitat

(<https://www.sciencemag.org/news/2020/08/pandemic-stilled-human-activity-what-did-anthropause-mean-wildlife>).

The property encompasses Linkage #8 of the Santa Clara Valley Habitat Plan, Santa Teresa Hills to Metcalf Canyon. Photographic evidence (some are included in Mr. Mattioda’s letter, see Attachment 2) shows a large number of local mammal species using the culvert under Santa Teresa Blvd. and traveling along the Coyote-Alamitos Canal. The section of the canal closest to Santa Teresa Blvd. is critical to wildlife movement through Linkage #8. Yet this is the bottleneck where permanent impacts from the project intrude into the buffer - all the way to top-of-the-bank. The configuration of the property is not amenable to expanding the setback at this bottleneck and thus, the impact to wildlife movement is immitigable. We expect human presence, vehicles, vehicle lights at night, potential new lighting fixtures, and noise to interfere substantially with the movement of wildlife species and with this well-established native wildlife corridor.

The animals that are sensitive to human impacts (badger, for example) would suffer the greatest deterrence from using the culvert and the canal, and would most likely attempt to cross Santa Teresa Blvd. elsewhere, at the risk of being hit by vehicles. These species are also the ones in most need of gene flow and the underpass is one of our best opportunities to prevent the isolation of small populations and to maintain their genetic diversity.

This is one of the reasons why buffers, or setbacks, are required by the Habitat Agency. The setbacks serve to shield riparian corridors (which are usually used as wildlife movement corridors) from permanent impacts, including requirements such as vegetation management.

- The County Fire Department requirement of 30-50-ft vegetation clearance along the road precludes any potential mitigation to shield wildlife movement at the culvert and along the canal from the impacts of the new road (especially near the Santa Teresa Blvd. culvert). For example, screening vegetation and trees could not be planted along the canal to protect wildlife movement there from vehicle lights, noise, traffic, and other activity-related disturbance. The buffer is also meant to protect the canal from pollutants, including herbicides, tire residues, oils, and other road related pollutants.
- Since ongoing vegetation management within the 35-ft setback is required by the Fire Department, the impacts of the driveway along the Coyote-Alamitos Canal on wildlife movement in the canal cannot be buffered. The impacts of the driveway to wildlife movement through the culvert and along the canal must be considered permanent and unavoidable.

The proposed mitigations (MMBIO-2 and MM BIO-3) are limited to two measures that mitigate impacts to nesting birds. Thus, we expect significant, unavoidable impacts to wildlife movement.

4.2 Listed species

Mountain Lion

The mountain lion has recently been listed as a state candidate for listing under the threatened and endangered species list. The Central Coast North population of mountain lions (page 9 of the petition) <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline> contains the project area. Connectivity is crucial for expanding genetic diversity in this population, and a

great amount of effort is invested in restoring movement corridors for this species. The ability of the species to traverse roadways safely, as through culverts, (including Santa Teresa Blvd.) is critical to the persistence of mountain lions in California.

A petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171208&inline>

provides scientific information that identifies large culverts as key conservation measures for mountain lions. Studies of nocturnal patterns of movement suggest mountain lions tend to avoid areas with human disturbance including residential developments and two-lane paved roads.

As with other species, the Habitat Plan Linkage #8 is a critical movement corridor for the mountain lion between the Santa Cruz Mountains and the San Jose hillside. The culvert under Santa Teresa Blvd. is large enough to allow large mammals safe crossings (mature bucks have been observed to cross using this culvert).

- The IS should study and evaluate the importance of the Coyote-Alamitos canal and the culvert under Santa Teresa Blvd. for mountain lion movement.
- Since the mountain lion is not a covered species by the Valley Habitat Plan, consultation and permits from wildlife agencies are needed.

Badger

The only mitigation proposed for impacts to the badger is pre-construction surveys. Badgers are a very reclusive animal, shy of people and traffic. They are known to use culverts for safe passage. The new driveway and related activity plus the degradation of the area around the culvert are likely to cause badgers to abandon the area. This can cause fragmentation of their habitat, with population-wide adverse impacts.

Monarch Butterfly

In December 2020, the U.S. Fish and Wildlife Service found that listing the monarch butterfly was warranted. The monarch is now a candidate under the Endangered Species Act, slated to be listed in 2024 (<https://www.fws.gov/savethemonarch/SSA.html>).

In California, monarchs are included on the California Department of Fish and Wildlife's (CDFW) Terrestrial and Vernal Pool Invertebrates of Conservation Priority list

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(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>) and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan (<https://wildlife.ca.gov/SWAP>).

The U.S. Fish and Wildlife Service has recently developed, in consultation with the California Department of Fish and Wildlife and the Xerces Society, the attached conservation recommendations for the western monarch butterfly (see Attachment 5). The western population of the monarch butterfly is particularly vulnerable with less than 2,000 individuals observed at overwintering sites on the California Coast last fall (recent Xerces Society Western Count Data:

<https://xerces.org/blog/fifth-annual-western-monarch-new-years-count-confirms-continued-decline-in-western-monarch>.

The project site is located in Priority 1 Breeding and Migratory Habitat. Monarch butterflies breed and migrate across multiple generations each year throughout the western U.S. The early breeding zone is an estimated area in California where monarchs are likely to breed and/or lay their eggs on milkweed after departing the overwintering groves in mid-winter to early spring each year (See Figure 1, Priority Restoration Zones in California map, above). Early emerging milkweed species are likely a limiting factor on the landscape in the early breeding zone and may be associated with the severe population decline of western monarchs, and these plants are essential to successfully create the next generation of migratory butterflies.

For Priority 1 zone, the U.S. Fish and Wildlife Service recommends:

Enhance and maintain habitat in the Priority 1 early breeding zone of California, (Figure 1, above), by identifying and protecting existing habitat, and planting native, insecticide free early-emerging milkweed species (e.g., *Asclepias vestita*, *A. californica*, *A. eriocarpa*, *A. cordifolia*, *A. erosa*), and native, insecticide-free flowering plants that are available to monarchs from January-April, as appropriate for the project location (Nectar Planting Lists; Milkweed Seed Finder).

U.S. Fish and Wildlife Services Western Monarch Butterfly Conservation Recommendations,
April 29, 2021:

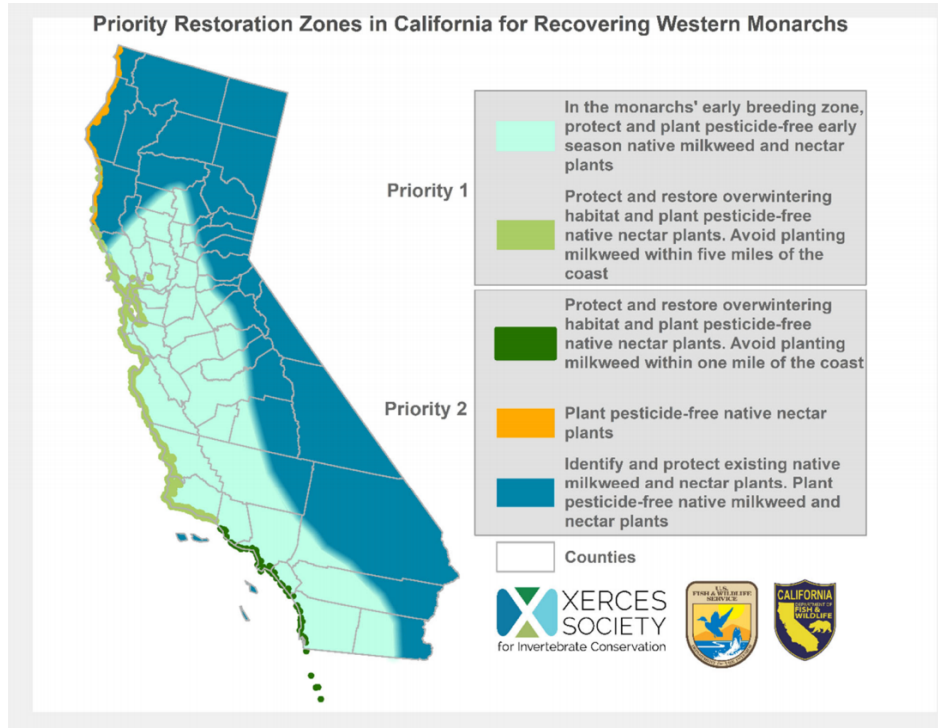


Figure 1. Priority Monarch Habitat Restoration Areas in California.

The Project and its immediate vicinity contain patches of narrowleaf milkweed (*Asclepias fascicularis*) (evidence submitted by Mr. Andrew Mattioda in a letter to San Jose Planning Director on August 1st, and personal observations in and along the canal by Mr. Dave Poeschel, Dr. Merav Vonshak, and Dr. Shani Kleinhaus). Milkweed is an obligatory host plant for monarch butterflies, and the Narrowleaf milkweed is probably the single most important host plant for monarch butterflies in California (<https://calscape.org/Asclepias-fascicularis-/>). It is important to preserve areas where this species is abundant and likely used by monarch butterflies during migration.

The surveys conducted by LSA (December 30, 2016 and June 5, 2020) missed the milkweed on the site and its immediate vicinity. California native milkweeds have an unusually long winter dormancy and may not send up new shoots until the beginning of May (*California Native Plants for the Garden*, Bornstein, Fross, O'Brien (2007) pg. 62). It is possible the plants were not visible to an untrained eye on December 30, 2016, but the survey of June 5, 2020 should have identified the narrowleaf milkweed, even if it was not yet in flower. Missing such an important and abundant species during the survey puts in question the entire biological survey of 2020.

This is especially surprising given that in our 2018 letter, we highlighted the abundance of narrowleaf milkweed on the property.

- A new survey should be performed to identify plant species, at the appropriate time of year, including especially milkweed.
- The IS should evaluate the importance of milkweed on the property to monarch migration.
- Since the monarch butterfly is not a covered species by the Valley Habitat Plan, consultation and permits from wildlife agencies are required.

The designated home site on the property is positioned directly on a patch of milkweed - the host plant for monarch butterflies (as shown in Mr. Mattioda's letter). The elimination of this patch has a significant impact in this Critical Habitat Area.

- The IS and MND do not mention monarch butterflies. Due to the ubiquity of narrowleaf milkweed at the project site, analysis is required by CEQA and by both the San Jose and the County General Plans.
- Impacts to the monarch butterfly should be evaluated in context of the disastrous decline in monarch butterfly population in California and the new U.S. Fish and Wildlife Service recommendations which highlight the importance of critical migratory stepping stones and linkages, such as the Project site.

4.3 The San Jose and Santa Clara County General Plans

In our 2018 letter, we discussed some of the goals and policies of the two general plans. In addition,

The San Jose General Plan allows single residence homes on Open Hillside, but directs:

"... the Open Hillside designation limits uses within this area to those which can be conducted with very little physical impact on the land, which do not require urban facilities or services, and which will have minimal visibility from the Valley floor. **Specifically, new development is limited to projects that will not result in substantial direct or indirect environmental impacts upon sensitive habitat areas, special status species, geologic hazard avoidance or the visual environment.**" [Emphasis added]

The San Jose General Plan continues:

“The permissible implementation of these uses, consistent with other Envision General Plan policies, avoids areas of valuable habitat, areas of geologic sensitivity (landsliding, soil creep, earthquake faults), and areas important for watershed and percolation. Allowed development within the Open Hillside, including new structures, roadways, landscaping or agricultural activity, minimizes grading and ensures substantial open space and wildlife corridor protections. Consistent with Santa Clara County General Plan policies, as part of the development of Open Hillside lands, up to 90% of a site may be required to be preserved permanently as open space or conservation easement precluding future development.” [Emphasis added]

The IS and MND provide no mitigation for impacts to wildlife movement, and offer inadequate mitigation for impacts to listed species. The documents offer no assurance that future additional development will not occur. The IS/MND provides no permanent preservation or conservation easements to preclude future development. The Project should, at a minimum, provide mitigation by donating all the undeveloped land on the property to conservation by the Habitat Agency and the Open Space Authority.

Artificial Light At Night (ALAN) lighting is widely recognized as a significant impediment to wildlife movement through the landscape. The impacts of lighting are pervasive and affect biological function and behavior in almost all living things. The following studies show how ALAN harms all ecosystems and ecological networks:

- The book “Ecological Light Pollution” shows how light pollution affects foraging, reproduction, communication, and other critical behaviors in wildlife. ALAN also disturbs interspecific relations that have evolved dependent upon light and dark cycles, which then disrupts ecosystem integrity
(<https://esajournals.onlinelibrary.wiley.com/doi/full/10.1890/1540-9295%282004%29002%5B0191%3AELP%5D2.0.CO%3B2>)
- ALAN affects ecology relations between flowers, pollinators, and predators
(<https://www.nature.com/articles/s41467-021-24394-0>)
- A review that draws together wide-ranging studies performed over the last decades that catalogue the effects of artificial-light-at-night (ALAN) upon living species and their environment. Numerous examples are given of how widespread exposure to ALAN is perturbing many aspects of plant and animal behaviour and survival: foraging, orientation, migration, seasonal reproduction, colonization and more. We examine the potential problems at the level of individual species and populations and extend the debate to the consequences for ecosystems.

<https://www.frontiersin.org/articles/10.3389/fnins.2020.602796/full>

- Isolated (rural) and mobile (e.g., vehicle headlight) sources of ALAN may have both very widespread and important biological influences.

<https://academic.oup.com/icb/advance-article/doi/10.1093/icb/icab145/6309306>

- Cold, harsh white light with high Correlated Color Temperature (CCT) is a main driver for species disturbance. The International Dark Sky Association released new outdoor lighting guidelines this year, outlining that outdoor lighting fixtures should have a CCT of no more than 2200K (common industry now has a low temperature of 2700K) in order to protect wildlife

<https://www.darksky.org/values-centered-lighting-resolution/?eType=EmailBlastContent&eId=e18a9f9f-e20c-469d-9cea-fc43510d1c14>).

- A United Nations report highlights the many biological and ecological impacts of ALAN, and outlines guidelines to help preserve ecosystems, species and our night sky (<https://www.iau.org/static/publications/dgskies-book-29-12-20.pdf>).

These studies show that new light sources can impose adverse impacts on the biological resources.

- The IS should conduct a baseline photometric study at the project site.
- The IS should provide a lighting plan for the entire site and discuss any new lighting in detail, including a discussion of Correlated Color Temperature (CCT).
 - Light trespass into the canal and the 35-ft setback should be avoided, or recognized as a significant unavoidable impact.
 - Will new lighting be installed at the driveway intersection with Santa Teresa Blvd?

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The photographs below were taken on Santa Teresa Blvd. at the entrance to the Project site. (Photographs taken by Gregory Peck on August 4th at 4:15AM without camera correction for low light. Thus, the photos represent what people, and animals see at this time)

- A. Santa Teresa Blvd. entrance to Project site



- B. Santa Teresa Blvd. looking towards Tulare Hill



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- C. Looking from the project site towards San Jose



- D. Looking from the project site towards Morgan Hill



The photographs show how dark the site is at this time, and why a photometric study is needed to evaluate any new lighting impacts to wildlife movement.

5. In a letter dated October 27, 2017 (see Attachment 3, PRA-1), San Jose planner Rina Shah explains the myriad reasons why City Staff planned to recommend to the Planning

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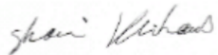
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Commission early denial of this project. Even with some changes to the project, the City's concerns with impacts to biological resources remain valid and significant.

6. We attended a public meeting in 2017 that attracted dozens of participants and over 100 comments (see Attachments 3 and 4, PRA-1 and PRA-2). We ask for additional public outreach and a new public meeting to reveal the project to neighbors and stakeholders.

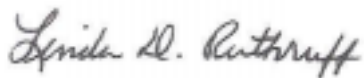
We thank you for the opportunity to comment on this Mitigated Negative Declaration. We ask for community meetings and for a full EIR to be prepared for this Project. We believe we can make a fair argument, based on substantial evidence and in light of the whole record, that the Project as a whole would have significant, unavoidable impact to the environment.



Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Audubon Society



Dave Poeschel, Open Space Committee Chair
Sierra Club Loma Prieta Chapter



Linda Ruthruff, Conservation Chair
California Native Plant Society, Santa Clara Valley Chapter



Alice Kaufman, Legislative Advocacy Director
Green Foothills