Burns, Anne M

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Wednesday, April 19, 2023 2:01 PM
To: Burns, Anne M
Subject: Bird Safe Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Anne Burns and DRC Members.

I was disappointed that the staff submission implied that residential buildings were on the same schedule for implementation as large commercial buildings by failing to note the phase in schedule.

The three points cited in the staff memo were thoroughly discuss and addressed by the Planning Commissioners. The weak and easy to circumvent proposed ordinance presented by Justin Horner was wholly rejected as inadequate and not worth consideration.

Since the 1970s we've lost almost 1/3rd of all birds in the U.S., that 3 Billion fewer birds. Collisions with window glass is the #2 killer of birds. Up to 1 billion in the U.S. alone, or almost 10% of all birds. Building of all heights and windows of all sizes are a threat.

There is a lot in the threat to the environment, biodiversity, habitat loss, ecosystem disruption that we cannot fix on a local level. The Birdsafe Ordinance is something we can do. It is the responsible action. We won't be the first with a birdsafe ordinance, but we can have an ordinance based on the latest science and be a model for our neighboring cities to follow.

The three cited items were addressed and thoroughly discussed by the commission.

1) Pricing & availability of materials
Response: All glass, all windows for large projects are a special order. NYC already has a similar ordinance in force. Research from Acopian Center for Ornithology at Muhlenberg College found bird safe glass adds insignificantly to the total cost of a medium-sized office building with estimates ranging from 0.17% to 0.38% additional cost. This is a very small insignificant cost to protect the bird population and biodiversity.
2) Potential negative impacts on design options
Response: structures with less glass achieve cost savings in use of materials and are more sustainable requiring less energy to operate over the life of the building.
3) Inclusion of residential structures
Response: residences and residential buildings under 10,000 square feet with less than 30% transparent materials are not included until 2025.
New or replacement transparent materials on existing residential buildings are not included until 2028.

kelly hammargren

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April 18, 2023

Design Review Committee, Planning and Development
1947 Center Street
Berkeley, CA 94704
To: aburns@cityofberkeley.info

RE: Bird-safe Building Ordinance

Secretary Burns and Committee Members:

The *2022 State of the Birds* report alerts us that almost 30% of all North American breeding birds, nearly three billion, have disappeared since 1970. Collisions with buildings are the second largest direct human-caused source of mortality for birds. Studies suggest nearly a billion birds are killed by windows every year in North America.

On March 1, the Planning Commission referred a Bird-safe Building Ordinance to the City Council that substantially meets the goals set by the Community Environmental Advisory Commission (now Environment and Climate Commission) in 2019. The Sierra Club strongly supports this ordinance. Research suggests that all glass, of every size, on every kind of building, presents significant risks to birds. There must be no exemption for glass based on its size. Ultimately, every building, everywhere must use bird-safe glass if we are to restore bird populations and all the ecosystem services that are provided by birds to historic levels.

Given that it has taken four years to bring this referral back to City Council, we support including all buildings in the ordinance, with a phase-in period for single-family dwellings with smaller amounts of glass. The phase-in, consistent with other recent ordinances, will allow suppliers time to make appropriate materials available for smaller contractors and allow for community education.

Thank you for your efforts to help pass a Bird Safe Ordinance that reflects recent science on reducing bird collisions, that will truly protect birds, and serve as an example for other cities. Bringing Berkeley into alignment with New York City, Washington DC, and the Mountain View North Bayshore Precise Plan.

Respectfully,

Melinda Howard-Herrarte
Chair, Northern Alameda County Group, Sierra Club San Francisco Bay Chapter

P.O. BOX 2663 | BERKELEY, CA | 94702 | INFO@SFBAYSC.ORG

Burns, Anne M

From: Robert Hall <bilgepump100@sbcglobal.net>
Sent: Wednesday, April 19, 2023 9:59 PM
To: Burns, Anne M
Subject: Adopt Bird Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear members of the City of Berkeley Design Review Committee,

I am writing to urge you to adopt the Bird Safe Building Ordinance to protect vulnerable birds. As you may know, birds are an integral part of our ecosystem and play a vital role in maintaining our environment. However, the rapid pace of urbanization has had a significant impact on their population, with millions of birds dying every year due to collisions with buildings. In fact, research suggests hundreds of thousands of birds die from window strikes in Berkeley every year.

The Bird Safe Building Ordinance is a simple and effective solution to this problem. By requiring buildings to incorporate bird-friendly design features, such as window films, fritted glass, and netting, we can significantly reduce bird collisions and fatalities.

As a resident of nearby San Francisco, I have observed firsthand the impact of building collisions on bird populations. It is heart-wrenching to see injured and dying birds on the streets, and it is even more distressing to know that these accidents are preventable. By adopting the Bird Safe Building Ordinance, we can take a significant step towards creating a safer environment for our avian neighbors.

I understand that some may argue that incorporating bird-friendly design features will increase building costs. However, studies have shown that these features can be incorporated at minimal cost and often result in long-term savings due to reduced energy consumption and maintenance costs.

Furthermore, adopting the Bird Safe Building Ordinance will not only benefit birds but also enhance the aesthetic appeal of buildings. Bird-friendly design features can add a unique and innovative aspect to building design, making them stand out from the rest.

In conclusion, I urge you to adopt the Bird Safe Building Ordinance as a proactive step towards protecting birds and preserving our environment. Thank you for considering this important issue.

Sincerely,

Bob Hall

1946 Grove St. Apt. 6 , San Francisco, CA 94117

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Berkeley TOGETHER

HELP SAVE OUR BIRDS

By Attending the Design Review Committee Meeting

Thursday, April 20th, 7pm

North Berkeley Senior Center, 1901 Hearst Avenue

Agenda: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/April_2023_Linked.pdf

See Item V, Bird Safe.

3) Inclusion of residential structures

Response: residences and residential buildings under 10,000 square feet with less than 30% transparent materials are not included until 2025.

New or replacement transparent materials on existing residential buildings are not included until 2028.

DESIGN REVIEW COMMITTEE

Thursday, April 20th, 7pm

North Berkeley Senior Center, 1901 Hearst Avenue

Agenda: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/April_2023_Linked.pdf

See Item V, Bird Safe.

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About Berkeley Together

Berkeley has a long tradition of progressive movements. Over the years, Berkeleyans have fought for building with nature, saving the bay, neighborhood preservation, housing and school equity, undergrounding BART, context and scale in the built environment, clean water, parks and recreation. Berkeley Together strives to pursue a good and fair life for all—the best of Berkeley—in the face of new mandates and challenges.

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Since the 1970s we've lost almost 1/3rd of all birds in the U.S. That is 3 Billion fewer birds! Collisions with window glass is the #2 killer of birds. Up to 1 billion in the U.S. alone, or almost 10% of all birds. Building of all heights and windows of all sizes are a threat.

On March 1, 2023, the Planning Commission unanimously approved the bird-safe guidelines proposed by Golden Gate Audubon, based on the latest science. This represented five years of work that started with a city employee and the CEAC (Community Environmental Advisory Commission) in 2018.

The next step was for the proposed Ordinance to come to Council in June for final approval.

However, staff put the ordinance on the DRC agenda for this Thursday, naming 3 concerns and failing to note the phase in plan agreed on by the commission.

If the DRC agrees with staff, this could result in the basis for a companion report that would put a very weak easy to circumvent alternative based on the proposal from city staff that was rejected by the Planning Commission.

The three cited items were addressed and thoroughly discussed by the commission are:

1) Pricing & availability of materials
Response: All glass, all windows for large projects are a special order. NYC already has a similar ordinance in force. Research from Acopian Center for Ornithology at Muhlenberg College found bird safe glass adds insignificantly to the total cost of a medium-sized office building with estimates ranging from 0.17% to 0.38% additional cost. This is a very small insignificant cost to protect the bird population and biodiversity.

2) Potential negative impacts on design options
Response: structures with less glass achieve cost savings in use of materials and are more sustainable requiring less energy to operate

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Burns, Anne M

From:	Erin Diehm <erindiehm@hotmail.com>
Sent:	Thursday, April 20, 2023 1:53 PM
To:	Burns, Anne M
Cc:	Sustainable Berkeley
Subject:	2023-04-20 DRC - Item V - Bird Safe - Public Comment
Attachments:	2023-04-20_DRC_Item V_Look Up Listen Be Very Concerned.pdf; 2023-04-20_DRC_Item V_The Crisis for Birds Is a Crisis for Us All.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Design Review Committee,

As you prepare to deliberate on Item V, the Bird Safe Ordinance, I send two articles (attached and linked below). They document the grave concerns frequently expressed in the scientific community about bird declines. These concerns are directly related to the impact of your decisions tonight and I hope the magnitude of the problem remains front-and-center during discussions.

TITLE: The Crisis for Birds Is a Crisis for Us All
https://www.nytimes.com/2019/09/19/opinion/crisis-birds-north-america.html
Summary of "the" mega study from 2019, September 19, 2019
One quote, "Nearly one-third of the wild birds in the United State and Canada have vanished since 1970, a staggering loss that suggests the very fabric of North America's ecosystem is unraveling... we need to address threats killing birds... collisions with buildings..."

TITLE: Look up, listen, and be very concerned. Birds are vanishing - and their crisis is our crisis
https://www.theguardian.com/commentisfree/2023/apr/17/birds-vanishing-crisis-40m-birds
Just 3 days ago, March 17 2023.
One quote, "Both in the long and short term,... birds are now shown to be on a dangerous downward trajectory... If birds continue to decline then so too shall the very network on which the human project depends. And we depend on this network in its entirety."

THE GOOD NEWS - you can do something to reduce unnecessary bird fatalities due to window collisions. **I urge you to support the proposed legislation that was unanimously approved by your fellow commissioners on the Planning Commission at their regular meeting on March 2, 2023.** Please don't undermine their good work. Please lead on climate and biodiversity and support the Planning Commission's proposed language.

Thank you for your service.

Best regards,
Erin

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Look up, listen, and be very concerned. Birds are vanishing – and their crisis is our crisis

Mark Cocker

https://www.theguardian.com/commentisfree/2023/apr/17/birds-vanishing-crisis-elm-tricks

More than elm trick have disappeared from UK's skies
Cockney sparrows are the canaries in the coal mine
Crisis is not just about rare species – it's about the birds we see every day
Conservation is a political issue – we need to vote for nature
Climate change is the biggest threat of all
Comments (1)

Mark Cocker: Birds are vanishing – and their crisis is our crisis

Ecologists are starting to listen for a sparrow of technicolour song in Britain's cities. Photograph: Ben Birchall/PA

TechDeathCult · 1 upvote/point · 1 hr ago 2014-08-19

Yes, I know that it is a bit of a stretch, but I was just commenting to myself on how it looks like a bit of a mix of the aesthetically-type of the week sound, if you understand what I mean.

Reply · Edit · Report

Dragonfeather · upvote/point · 1 hr ago 2014-08-19

Excellent points.

Reply · Edit · Report

nanoobject · 1 upvote/point · 1 hr ago 2014-08-19

Yes. Metal and Lower Square are pretty well thinking-type?

Reply · Edit · Report

> Show 3 more replies

Cinquefoil · 1 hr ago 2014-08-19

Such a shame.

I think there are many forces at play here. The number of people who consume over their food budget is very high, and food is a very cheap commodity. Food waste is a huge issue, and there are plenty of articles out there, for example http://www.ucsusa.org/food_and_agriculture/solutions/reduce-food-waste/index.html#.U9ZzZ3ZdVFA and perhaps, the number of people who are food insecure is also very high. Food is a very cheap commodity, and there are plenty of problems of obesity, poverty, health and economic access to food.

It doesn't inspire me with much optimism.

Reply · Edit · Report

Cinquefoil · 1 hr ago 2014-08-19

I'm not sure I'm a personal expert on this issue, but I am a scientific hunter. You made such a stir in the science question on my profile. I have an interest in the science of food, and I have a lot of friends who are food scientists. I'm not a food scientist myself, but I do have a degree in Biology that has an excellent nutrition minor, and just as I let the cat out of the bag, I am a scientific hunter. I don't know much about food, but I know how to find people who know a lot about food, and I know how to find the best information on the internet and in the scientific literature. I'm not a food scientist myself, but I know how to find the best information and people who are food scientists.

Reply · Edit · Report

Cinquefoil · 1 upvote/point · 1 hr ago 2014-08-19

Science: http://www.theguardian.com/environment/2013/aug/19/uk-500-million-wildlife-boost-tobacco

Reply · Edit · Report

AnonymousAnomaly · 1 upvote/point · 1 hr ago 2014-08-19

I'm sorry, but this absolutely reminds me of Gaiman and the dream of an unseen force that destroys food and plants to do with the loss of wildlife in bacteria. There are still too many questions to be answered, but I'm sure that there is a lot of research being done on the effects of pesticides and crop science, but it is very, very, very,

chemstar 17 Apr 2022 17:46

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Jeremy 17 Apr 2022 17:46

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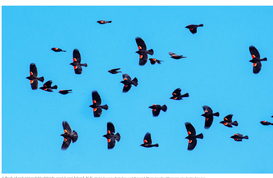

https://www.nytimes.com/2019/09/19/opinion/crisis-birds-north-america.html

OPINION

The Crisis for Birds Is a Crisis for Us All

The mass disappearance of North American birds is a dire warning about the planet's well-being.

Sept. 19, 2019 | 6 MIN READ

A flock of red-winged blackbirds over Long Island, N.Y. Vicki Jaron, Audubon and Beyond Photography/Museum, via Getty Images

Give the article
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By John W. Fitzpatrick and Peter P. Marra
Dr. Fitzpatrick is the director of the Cornell Lab of Ornithology. Dr. Marra is the director of the Georgetown Environment Initiative.

Sign up for the Opinion Today newsletter Get expert analysis of the news and a guide to the big ideas shaping the world every weekday morning. Get it sent to your inbox.

Nearly one-third of the wild birds in the United States and Canada have vanished since 1970, a staggering loss that suggests the very fabric of North America's ecosystem is unraveling.

The disappearance of 2.9 billion birds over the past nearly 50 years was reported today in the journal Science, a result of a comprehensive study by a team of scientists from seven research institutions in the United States and Canada.

As ornithologists and the directors of two major research institutes that directed this study, even we were shocked by the results. We knew of well-documented losses among shorebirds and songbirds. But the magnitude of losses among 300 bird species was much larger than we had expected and alarmingly widespread across the continent.

What makes this study particularly compelling is the trustworthiness of the data. Birds are the best-studied group of wildlife; their populations have been carefully monitored over decades by scientists and citizen scientists alike. And in recent years, scientists have been able to track the volume of nighttime bird migrations through a network of 143 high-resolution weather radars. This study pulls all of that data together, and the results signal an unfolding crisis. More than half our grassland birds have disappeared, 717 million in all. Forests have lost more than one billion birds.

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Much of the loss is among common species. The red-winged blackbird population has declined by 92 million. A quarter of all blue jays have disappeared, along with almost half of all Baltimore orioles. These are the birds we know and love, part of the land life that makes North America lively, colorful and filled with song every spring. While it remains vital to save the most endangered of these birds, the loss of abundance among our most common species represents a different and frankly more ominous crisis.

A male Baltimore Oriole. Jacek Wudarzyński/Science Source, via Getty Images Plus

Birds are indicator species, serving as acutely sensitive barometers of environmental health, and their mass declines signal that the earth's biological systems are in trouble. Unfortunately, this study is just the latest in a long line of such mounting evidence.

A changing climate, a changing world

Climate change around the world: In "Postcards From a World on Fire," 100 stories from individual countries show how climate change is reshaping reality everywhere, from dying coral reefs in Fiji to disappearing oases in Morocco and far far beyond.

Story continues below advertisement

A study in Germany, for instance, reported a midsummer decline of 62 percent in the biomass of flying insects over the past quarter century. Forty percent of the world's amphibians are in danger of extinction, according to the International Union for Conservation of Nature. Stocks of bluefin tuna are down to the last 2 percent of their historic population, and the United States' Atlantic cod fishery recently hit a low. A United Nations report this year warned that about a million animal and plant species face extinction. That's "more than ever before in human history," according to the report.

All these statistics together underscore the pervasive character of the Anthropocene, the new geological epoch defined by the planet's natural systems being altered profoundly by human behavior. How deeply will these losses have to cut before society declares, "Enough!"?

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We can do better, and we must, if only in our own self-interest, because trouble for birds means trouble for us as well.

Staggering Losses of the Most Abundant Birds

A selection of common species.

	For every 10 birds in these species in 1970, the number lost since then:	Remaining
Eastern meadowlark	7	
Loggerhead shrike	7	
Chimney swift	7	
Grasshopper sparrow	7	
Horned lark	6	
Bobolink	6	
Wood thrush	6	
Green heron	5	
Common grackle	5	
Yellow-billed cuckoo	5	
Baltimore oriole	4	
Barn swallow	4	
Indigo bunting	3	
Red eft	2	

Graphics by Bill Marsh/The New York Times | Source: Decline of the North American avifauna, in the journal Science; study covered continental birds and did not include Hawaiian species. Photo: Delcom and James Zumbrennen for the Peterson Library, Cornell University

The fate of meadowlarks affirm an example. These yellow-breasted songsters of America's wide open landscapes depend on healthy grasslands that play an important role in fostering water runoff. But in the last half-century, 73 million eastern meadowlarks and 65 million western meadowlarks have vanished as grasslands have been lost and water in many communities has become contaminated by agricultural runoff.

Fortunately, it's not all bad news. Populations of North American ducks and geese have grown by 36 percent since 1970, according to the Science paper, and this is not an accident. During the first half of the 20th century, hunters became deeply concerned about declines in duck populations every bit as severe as those we're witnessing among common songbirds today. The United States and Canada responded with laws to protect wetlands and collaborated with Mexico to safeguard migrating waterfowl. Conservation management became increasingly driven by science. Private philanthropy, especially by Ducks Unlimited, generated significant financial support for wetlands acquisitions. Millions of additional acres of wetlands were restored and protected by the federal and state governments. The result: Waterfowl populations are booming.

Across the Continent, Birds in Collapse

Percentage change in bird populations since 1970, by United States and Canadian breeding habitats.

	Portion of all birds lost:
Only habitat with lost increase:	Wetlands
	Coasts
	Arctic tundra
	Eastern forest
	Grassland
	Boreal forest
	Western forest
	Found in multiple habitats
	Found in several forest types
	Arctic tundra
	Found in several forest types
	Wetlands
	Coasts
	Grassland
	Boreal forest
	Western forest
	Eastern forest
	Arctic tundra
	Found in multiple habitats
	Wetlands

By The New York Times | Source: Decline of the North American avifauna, in the journal Science; study covered continental birds and did not include Hawaiian species.

That success in waterfowl management can point the way forward. We need bold, landscape-scale conservation campaigns across North America that are comparable with those that brought back the ducks. These efforts do not require hitching up land in grand wildlife preserves. Conservation programs under the federal Farm Bill on private lands in the Upper Midwest helped grow duck populations while providing protection from floodwaters and keeping drinking water supplies safe. Expanding the scope of those Farm Bill conservation programs would produce more of these benefits. Moreover, a bipartisan measure in the House called the Recovering America's Wildlife Act would direct some $14 billion a year in federal dollars to invigorate underfunded state and tribal wildlife habitat conservation programs.

Story continues below advertisement

Habitat loss has been the main cause of bird declines, and efforts to reduce development in wild lands and suburban sprawl should remain at the forefront of conservation efforts. Additionally, we need to address other threats killing birds. Feral and pet cats roaming outdoors cause huge bird mortality every year, as do collisions with buildings, communications towers and power lines. Recent evidence shows that pesticides, like neonicotinoids, may be directly or indirectly responsible for killing large numbers of birds. What's also worrisome is that scientists are only now beginning to assess the ravages of the changing climate on bird populations.

More People, Fewer Birds

Another way to assess the decline: a rough estimate of how many birds there were for every person in Canada and the United States in 1970 and in 2018.

1970: **45** birds for every person in both countries

2018: **20**

Estimated total: **10 billion**
Canadians (U.S.): Canada continental population: 233,580,000

Birds: **7.1 billion (-29%)**
Population: 2018 (Jan.2018) (+63%)

By The New York Times | Source: Decline of the North American avifauna, in the journal Science; Census Bureau; Population Reference Bureau; Statistics Canada. U.S. population figures exclude Hawaii and U.S. island territories, which were not part of the continental bird survey.

What we need most is a societal shift in the values we place on living side-by-side with healthy and functioning natural systems. Natural habitat must not be viewed as something ancillary but as a crucial system that fosters human health and supports all life on the planet. The loss of nearly three billion birds signals a looming crisis that we have the power to stop. We call on all our lawmakers, political candidates and voters across the continent to place renewed value on protecting *our common home* — the great tapestry of natural systems we share with other species and must protect for future generations.

John W. Fitzpatrick is the director of the Cornell Lab of Ornithology. Peter P. Marra is the director of the Georgetown Environment Initiative and previously ran the Smithsonian Migratory Bird Center.

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From: Sharon Singer
To: Burns, Anne M
Subject: Tonight"s meeting, Item V, Bird Safe
Date: Thursday, April 20, 2023 2:37:47 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am a Berkeley voter and homeowner and am unable to attend the meeting tonight because I have covid.

I would like to urge you to forward the Bird Safe Guidelines to the council for final approval. There are many things we can do in our city to protect birds and they are all worthwhile. These mitigation efforts in new buildings (as well as retrofitting existing buildings) are a tremendous first step.

I am very strongly urging you to protect our birds as best as can be.

Sincerely,

Sharon Singer

From: Christina Tarr
To: Burns, Anne M
Subject: Bird Safe Building Ordinance
Date: Thursday, April 20, 2023 4:30:54 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi -

I'm surprised to see the Bird Safe Building Ordinance up for discussion at the Design Review Board when it passed the Planning Commission by a unanimous vote.

I'd like to address the issues raised by the Planning Staff.

1. Cost and availability of bird safe materials. A building with windows with screens on the outside (most double-hung windows) is bird safe. For those buildings with more expansive picture windows, bird-safe glass adds about 8% to the total cost of the window. While the glass itself may be up to 20% more expensive compared to the cheapest available glass, the cost of the glass only represents about 25% of the cost of the window. Importantly, ordinances such as our bird safe ordinance are the thing that will increase availability of materials and decrease costs as the market demand grows.

2. Range of materials for project design and construction. Hundreds of award-winning buildings have been designed and built that meet bird-safe standards, many without ever consciously considering bird safety. Like energy efficiency, and earthquake safety, this is just another challenge for talented and creative architects to consider.

3. Availability and cost of materials for residential construction. Materials are available, and not super costly. The staff report also fails to mention that residential requirements are phased-in, to give time for the market to catch up.

Golden Gate Audubon addressed all of these issues and convinced the Planning Commission to move forward. Berkeley is ready for a modern bird safety ordinance for construction in Berkeley, and the time to act is now, when we are seeing an unprecedented amount of giant buildings appearing all over the city. You are surely aware of the world-wide excitement caused by the Peregrine Falcons nesting on the UC Berkeley campanile. What a shame it would be if one of those birds smashed into one of those beautiful new buildings and died. Or any other bird, when it would be so easy to avoid. We've lost nearly 1/3rd of all the birds who once lived in the United States -- 3 billion birds -- and collision with glass is probably responsible for 1 billion of them (collisions with glass are the number 2 killer of birds.) As human population explodes and we consume more and more habitat (something we are trying to cut back as we build denser cities, which is great) it's on us to mitigate what we are doing. When there is a fairly easy and cheap fix -- bird safe buildings -- it really is on us to not let outdated thinking and bad architecture (giant columns of glass are a bit outmoded -- though we can build them with the right glass!) keep us from putting up buildings that will be energy efficient, beautiful, and good for people and birds.

Thanks so much,
Christina Tarr

--
Christina Tarr
VP, Golden Gate Audubon Society Board of Directors
1512 Spruce St.
Berkeley, CA 94709
christina.tarr@gmail.com
510-375-0520