

#### 18.40.280 Bird Safe Design Standards (new section)

- (a) Purpose. The intent of this chapter/section is to establish bird-safe design standards to minimize hazards for birds and to reduce the potential for collisions.
- (b) Definitions.
- (1) “Bird Sensitive Area” means areas that are within 300 feet of waterways; within 300 feet of any open water larger than one acre; or within 300 feet of public and private parks and open space larger than one acre and dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands.
  - (2) “Bird-Safe Treatment” means permanent treatment to glass that provides visual cues to birds and reduces the likelihood of bird collisions.
  - (3) “Bird-friendly Material” means a material or assembly that has, or has been treated to have, a maximum threat factor of 25 in accordance with the American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard, or with the American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum’s Avian Research Center test protocol, or with a relevant American Society for Testing and Materials (ASTM) standard.
  - (4) “Bird Hazard Installations” mean monolithic glazing installations that provide a clear line of sight on the exterior of buildings, including, but not limited to, glass awnings, glass handrails and guards, glass wind break panels, or glass acoustic barriers.
    - (A) “Fly-through Hazard” means one or more panels of glass that provide a clear line of sight through such elements creating the illusion of a void leading to the other side for a fly-through condition.
    - (B) “Fly-through Conditions” means open pathway for flight through and between site structures. Fly-through conditions exist in the following two circumstances:
      - When the distance between parallel glass is 17 feet or less.
      - Within 12 feet from a corner where there is convergence of two glass sides creating a perpendicular, acute, or obtuse corner.
  - (2) “Threat Factor” refers to the Material Threat Factor system developed by the American Bird Conservancy and a team of architects in 2010. Materials are assigned a score between 1 and 100 representing the level of risk the material poses in causing bird collisions, the lower the score, the lower the collision risk.
- (c) Applicability. All newly constructed buildings or properties being altered or renovated that require a separate planning approval shall comply with the bird-friendly building design elements and features set forth in this section.
- (d) Bird-Safe Treatments. At least one of the following Bird-Safe Treatments shall be incorporated into a building elevation according to Section 18.40.280(d):
- (1) Fenestration and Glazing. Patterns that are etched, fritted, stenciled, silk-screened, or otherwise permanently incorporated into the transparent material shall be on an exterior glass surface.
    - (A) For patterns using dots or other isolated solid shapes, each dot or shape must be at least a 1/4 inch in diameter and be no more than 2 inches apart in any direction.
    - (B) For patterns using If the pattern utilizes lines, they must be at least 1/8 inch in width and spaced no more than 2 inches apart.
    - (C) Frit, ceramic ink, or other marker types must be opaque and permanent.
  - (2) Exterior Features. Panes with exterior screens, shutters or shading devices installed permanently over windows, structures, or building features such that there is no gap larger than 9 inches in one dimension. Exterior features

include, but are not limited to, metal screens, shutters, window grilles, fixed solar shading such as louvres, and exterior insert, brise soleil, or solar screens.

- (3) Threat Factor. A weighted average of all the Threat Factors of materials on a building elevation, including non-glass materials, must meet 15 or less.
- (e) Bird-Safe Treatment Location. All applicable buildings shall incorporate one of the Bird-Safe Treatments listed in Section 18.40.280(c) to conform to the following standards:
  - (1) No less than 90 percent of a building elevation between the existing grade and 40 feet above the existing grade shall incorporate one of bird-safe treatments listed in Section 18.40.280(c).
  - (2) No less than 60 percent of a building elevation between 40 feet above the existing grade and top of the building height shall incorporate one of bird-safe treatments listed in Section 18.40.280(c).
- (f) Alternative Compliance. Property owners or applicants may request an alternative compliance to requirements established in Sections 18.40.280(d) and 18.40.280(e), recommended in a report by a qualified biologist or ornithologist to meet the requirements and intent of this section. The qualified biologist or ornithologist shall have a degree in wildlife biology or specialization in ornithology and have experience in bird-safe building design. The alternative compliance shall be subject to Director approval.
- (g) Bird-Safe Design Standards. All projects shall:
  - (1) Use building materials with a reflectance level of 20 percent or below for all building façade and exterior when using reflective materials.
  - (2) Bird Hazard Installations, including Fly-through Hazards and Conditions, shall be constructed of Bird-friendly Materials regardless of their height above the existing grade.
  - (3) Lighting. All projects shall comply with the outdoor lighting requirements pursuant to Section 18.40.250 of the Municipal Code.
- (h) Exemptions. The following types of projects shall be exempt from Section 18.40.280(d):
  - (1) Any historic structure located within the City's Historic Districts or listed on the City's Historic Inventory or the State or National Historical Registers including new additions
  - (2) First floor retail storefronts up to 14 feet in height
  - (3) 100% affordable housing projects as defined in Section 18.32.030
  - (4) Single-family homes outside of the Bird Sensitive Area
- (i) California Building Code. All windows, doors, or other features must comply with the requirements of the California Building Code including the fire hazard severity zone regulations in California Green Buildings Standards Code (CALGreen). Should a conflict exist with the provisions of this section, the standards in the California Building Code shall prevail.