

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the Palo Alto Municipal Code to Adopt Bird Friendly Design Standards

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations

The City Council finds and declares as follows:

- A. On November 13, 2017, the City Council adopted the 2030 Comprehensive Plan, and it included a policy encouraging bird-friendly design, and a program to develop guidelines for bird-friendly building design that minimizes hazards for birds and reduces the potential for collisions.
- B. On January 29, 2024, the City Council selected four City Council priorities, one of which is the Climate Change & Natural Environment – Protection & Adaptation, and included an objective to “approve a bird safe glass and wildlife light pollution protections ordinance.”
- C. On February 14, 2024 and July 18, 2024, the Architectural Review Board conducted study sessions and provided feedback on the draft ordinance.
- D. On August 14, 2024, the Planning and Transportation Commission recommended City Council to adopt the draft ordinance.
- E. The Bird-Friendly Design Ordinance is essential to reduce bird mortality rates by reducing the possibility of bird collisions with buildings, thereby contributing to a healthier and more resilient environment for all.
- F. The Bird-Friendly Design Ordinance provides clear and consistent standards, streamlining the approval process by reducing the need for case-by-case review of individual projects.

SECTION 2. Section 18.40.280 (Bird-Friendly Design Standards) of Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) of the Palo Alto Municipal Code added to read as follows:

18.40.280 Bird-Friendly Design Standards

- (a) Purpose. The intent of this chapter/section is to establish bird-safe design standards for glass to minimize hazards for birds and to reduce the potential for collisions.
- (b) Definitions.
 - (1) “Bird Sensitive Area” means (A) areas east of Highway 101, (B) areas west of Foothill Expressway, or (C) 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 Hazard Installations are defined as monolithic glazing and/or glass panels that provide a clear line of sight through such elements, including, but not limited to: (A) Glass awnings, (B) Glass handrails and guards, (C) Glass wind break panels, (D) Glass acoustic barriers, (E) Parallel glass elements with a distance of 17 feet or less between them, or (F) Glass elements within 12 feet of a glass corner (perpendicular, acute, or obtuse).
 - (4) “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. For the purposes of this section, the following projects shall comply with the bird-safe building design requirements set forth in this section:
- (1) All newly constructed structures and buildings within the Bird Sensitive Area
 - (2) Substantial Remodel, as defined in Section 16.14.070 of the Code, within the Bird Sensitive Area
 - (3) Any new or replacement fenestration or Bird Hazard Installations, including Fly-through Hazard and Fly-through Conditions, that is unbroken and 24 square feet or larger, regardless of their height above the existing grade
- (d) Bird-Friendly 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 obscured 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, insect 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-Friendly Treatment Location. All applicable structures or 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-friendly building design. The alternative compliance shall be subject to Director approval.
- (g) 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
- (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.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

*** NOT YET APPROVED ***

SECTION 4. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment and Section 15308, as an action by a regulatory agency to protect the environment.

SECTION 5. This ordinance shall be effective on the thirty-first day following its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Mayor

APPROVED AS TO CONTENT:

City Manager

Director of Planning & Development
Services