



Public

Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

April 20, 2023

To: Design Review Committee

From: Anne Burns, Senior Planner - Design Review

Subject: Bird Safe Ordinance – Presentation of Recent Planning Commission Motion / Design Review Committee (DRC) Recommendations Requested

Justin Horner, one of our Planners that has been working on the Bird Safe Ordinance, will be presenting the Planning Commission's recent recommendation (attached), as well some research about cost and availability.

In addition to any comments you would like to offer generally, if the DRC were to be able to consider the following questions, it would be very helpful:

- 1) Both the Planning Commission and staff expressed concern about the **cost and availability** of bird safe materials, and how these issues could affect the cost and timeline for proposed projects, particularly housing projects. Could you please share any thoughts or experience you have securing bird safe materials, in light of these concerns?
- 2) Requiring bird safe materials will limit the range of materials available for **project design** and construction. Are there any adverse consequences on how proposed projects can be designed, given the new limitation on available materials?
- 3) Nearly all bird safe ordinances that staff reviewed exempt single-family homes and smaller residential projects. The Planning Commission recommendation would apply to all projects in the city. There is a concern that smaller project sponsors, including individual homeowners, may have more difficulty securing compliant materials compared to larger project teams. Are there any special considerations staff and the City Council should keep in mind when considering how this requirement would impact **smaller project sponsors and property owners**?

Attachment

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**23.304.150 Bird Safe Buildings.**

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent buildings or building features known to increase the risk of bird collisions.

**B. Applicability.**

1. *Applicability.* The bird safe building requirements apply to the following types of projects based on the primary land use when such projects require a building permit.

**Table 1 - 23.304.XX. Bird Safe Building Requirement Applicability**

Project Type	Applicable Building Location(s)	
<b>Non-Residential</b>		
New Construction or Addition	All transparent or reflective materials located between the ground and 100 feet above grade.	
New or Replacement Transparent Materials on Existing Building	All transparent or reflective materials located between the ground and 100 feet above grade  Buildings where every façade's total square footage consists of less than 30% transparent material are exempt through January 1, 2025.	
New or Replacement Transparent Buildings or Features	All transparent material, including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances. No exemptions for these high hazard features.	
<b>Residential or Mixed Use</b>		
New Construction or Addition	Building with 10,000 sf or more gross floor area	All transparent or reflective materials located between the ground and 100 feet above grade.
	Building with less than 10,000 sf gross floor area	All transparent or reflective located between the ground and 100 feet above grade.  Buildings where every façade's total square footage consists of less than 30% transparent material are exempt through January 1, 2025.
New or Replacement Transparent Materials on Existing Building	Building	All transparent or reflective materials between the ground and 100 feet above grade.  Buildings where every façade's total square footage consists of less than 30% transparent material are exempt through January 1, 2028.

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New or Replacement Transparent Buildings or Features	All transparent material, including but not limited to, freestanding glass walls, noise or wind barriers, skyways, balconies, greenhouses, and rooftop appurtenances. No exemptions for these high-hazard features.
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2. *Exemptions.*

- a. The bird safe building requirements do not apply to existing windows or other transparent materials that are not proposed to be replaced.
- b. Residential projects, including the residential portion of mixed-use projects, where greater than 50% of the units are subject to recorded affordability restrictions are exempt from the provisions of this section until January 1, 2025, except that. New or Replacement Transparent Building Features as described in Table 1 – 23.304.XX are not exempt.

**C. Bird Safe Requirements.** Any regulated continuous transparent material must meet at least one of the following conditions:

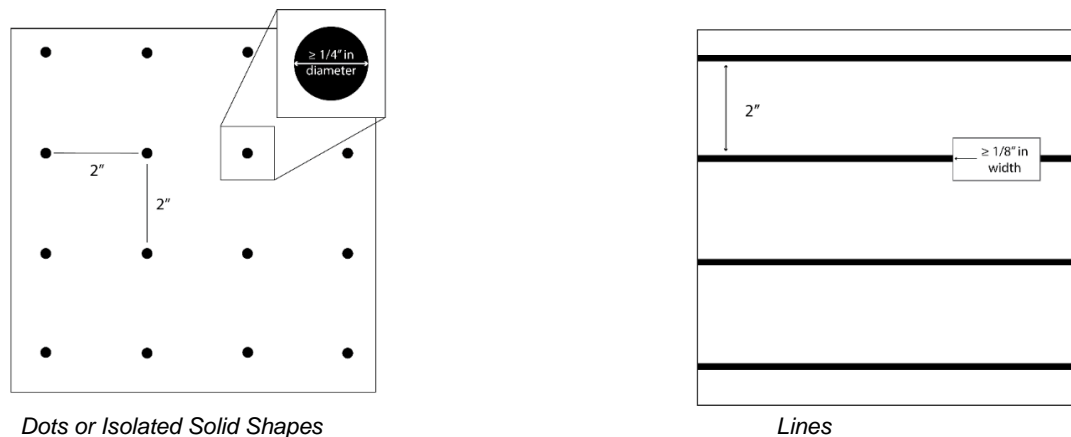
- 1. *Threat Factor Rating.* A product with an American Bird Conservancy Threat Factor Rating of 30 or less.
- 2. *Patterned Glazing Treatment.* The glass assembly must have all the following characteristics:
  - a. Visible Light Reflectance from the Exterior  $\leq$  15%;
  - b. Frit, ceramic ink, or other marker types must be opaque (or have a Visible Contrast Level  $>$  .0 from BirdVis app (<http://3.140.67.204:3838/> Luro, 2021)
  - c. As viewed from Surface 1, all low-e coatings must be behind the pattern;
  - d. Clear or low-iron glass;
  - e. A pattern that is made up of one of the following elements or a combination:
    - 1. Continuous lines at least 1/8" wide, nowhere more than 2" apart, measures edge to edge (see Figure 23.304.XXX, right);

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2. Circular, square, or irregular solid shapes that are nowhere more than 2" from another shape, measured horizontally or vertically, (edge to edge) or 2.83" diagonally (see Figure 23.304.XXX, left). Each shape must have a minimum area of  $\geq 0.20$  square inches, which corresponds approximately with circles of diameter  $\frac{1}{4}$ "; and

f. Patterns on side 1 or side 2 only.

**Figure 23.304.XXX Patterned Glazing Treatment Requirements**



3. *External Screens, Shutters, or Shading Devices.* 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. Building integrated treatments include, but are not limited to, metal screens, shutters, fixed solar shading such as louvres, and exterior insect or solar screens.