



# BIRD SAFE BUILDING REQUIREMENTS

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## GENERAL INFORMATION

The City Council adopted [Berkeley Municipal Code Section \(BMC\) 23.304.150](#) for Bird Safe Buildings, effective July 27, 2023, to reduce bird mortality from collisions with windows and other transportation or reflective buildings or building features.

Bird Safe Requirements apply to *building permits* that include new or replaced windows or contain certain transparent or reflective materials.

## DEFINITIONS BMC 23.304.150(B)

**High-Risk Features** are transparent or reflective railings, awnings, windbreak or windscreen panels, acoustic barriers, skywalks, greenhouses, glass walls, rooftop appurtenances, balconies and exterior decorative panels, or signage.

**Lower Hazard Facades.** Facades where less than 30 percent of the façade area consists of transparent or reflective material.

## WHAT PROJECTS REQUIRE BIRD SAFE MATERIALS?

### Non-Residential Projects

- New Construction or Addition.** All transparent or reflective material located in the first 75 feet above grade.
- Existing Building.** New or replacement transparent or reflective material located in the first 75 feet above grade.
- High-Risk Features** at any grade.

### Residential or Mixed-Use Projects

- New Construction or Addition.** New or replacement transparent or reflective material located in the first 75 feet above grade on buildings with both 10,000 square feet or more of [gross floor area](#) and an [average building height](#) greater than 35 feet.
- Existing Building.** New or replacement transparent or reflective material located in the first 75 feet above grade on buildings with both 10,000 square feet or more of [gross floor area](#) and an [average building height](#) greater than 35 feet.
- High-Risk Features** at any grade.

## WHAT PROJECTS ARE EXEMPT FROM BIRD SAFEREQUIREMENTS?

- Existing windows or transparent or reflective materials,** including repairs.
- Projects that have vested under SB 330** prior to July 27, 2023, unless required by a Condition of Approval.
- Affordable Housing.** Residential and mixed-use projects where more than 50 percent of the residential floor area is subject to recorded affordability restrictions. The exemption also applies to associated High-Risk Features and non-residential portions of a mixed-use building.
- Historic Resources.** Designated landmarks or structures of merit (see [BMC Ch. 3.24](#)), including associated High-Risk Features.
- Existing Non-Residential Buildings where each façade is a Lower Hazard Façade.** High-Risk Features must still meet requirements.
- Existing Residential or Mixed-Use Buildings where each façade is a Lower Hazard Façade.** High-Risk Features must still meet requirements.



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## WHAT QUALIFIES AS A BIRD SAFE MATERIAL? Compliance paths are:

**Option 1: Threat Factor.** A product listed in the [American Bird Conservancy’s Database](#) with a Threat Factor of 30 or less; **OR**

**Option 2: Patterned Glazing Treatment.** Material that has all of the following:

- **Permanent patterning** that meets the specifications in [BMC 23.304.150\(C\)\(2\)\(a\)](#).
- **Visible light reflectance** of less than or equal to 15 percent.
- **Low-E coatings** located behind the pattern; **OR**

**Option 3: External screen, shutter, or shading device,** with no gap larger than 9 inches in any dimension.

ZONING PROJECT SUBMITTAL REQUIREMENTS (LAND USE ENTITLEMENTS)	
<input type="checkbox"/>	<b>Bird Safe Building Requirements Attestation:</b> For projects subject to Bird Safe Requirements, a completed and signed Bird Safe Requirement Attestation Form.
<input type="checkbox"/>	<b>Building Elevations:</b> For projects that include <u>existing buildings</u> , provide diagrams that show the percentage of façade area consisting of transparent or reflective material, such as windows, and High-Risk Features to document whether Bird Safe Requirements apply (see Example-Lower Hazard Façade Diagram, below).
BUILDING PERMIT SUBMITTAL REQUIREMENTS	
<input type="checkbox"/>	<b>Bird Safe Building Requirements Attestation:</b> For projects subject to Bird Safe Requirements, a copy of completed and signed Bird Safe Requirement Attestation Form.
<input type="checkbox"/>	<b>Bird Safe Product/Material Compliance:</b> Where bird safe materials are required, please indicate the compliance option(s) selected and the product name(s), including threat factor rating where applicable. Please label materials on plans and refer to Bird Safe Compliance Table (see Example – Bird Safe Compliance Table, below)
<input type="checkbox"/>	<b>Building Elevations:</b> For projects that include existing buildings, provide diagrams that show the percentage of façade area consisting of transparent or reflective material, such as windows and High-Risk Features to document whether Bird Safe Requirements apply (see Example: Lower-Hazard Façade Diagram, below).

Example – Bird Safe Compliance Table

Label	Compliance Path	Type/Product Name	Threat Factor Rating (if known)
WIN-1	3	External insect screen	1
WIN-2 to WIN-7	1	Solyx SX-BSFH Bird Safety Film	10
WIN-3 to WIN-10	1	ORNILUX Mikado Adv N34	23
HRF-1	1	Natureholic Bird Tape 4	10

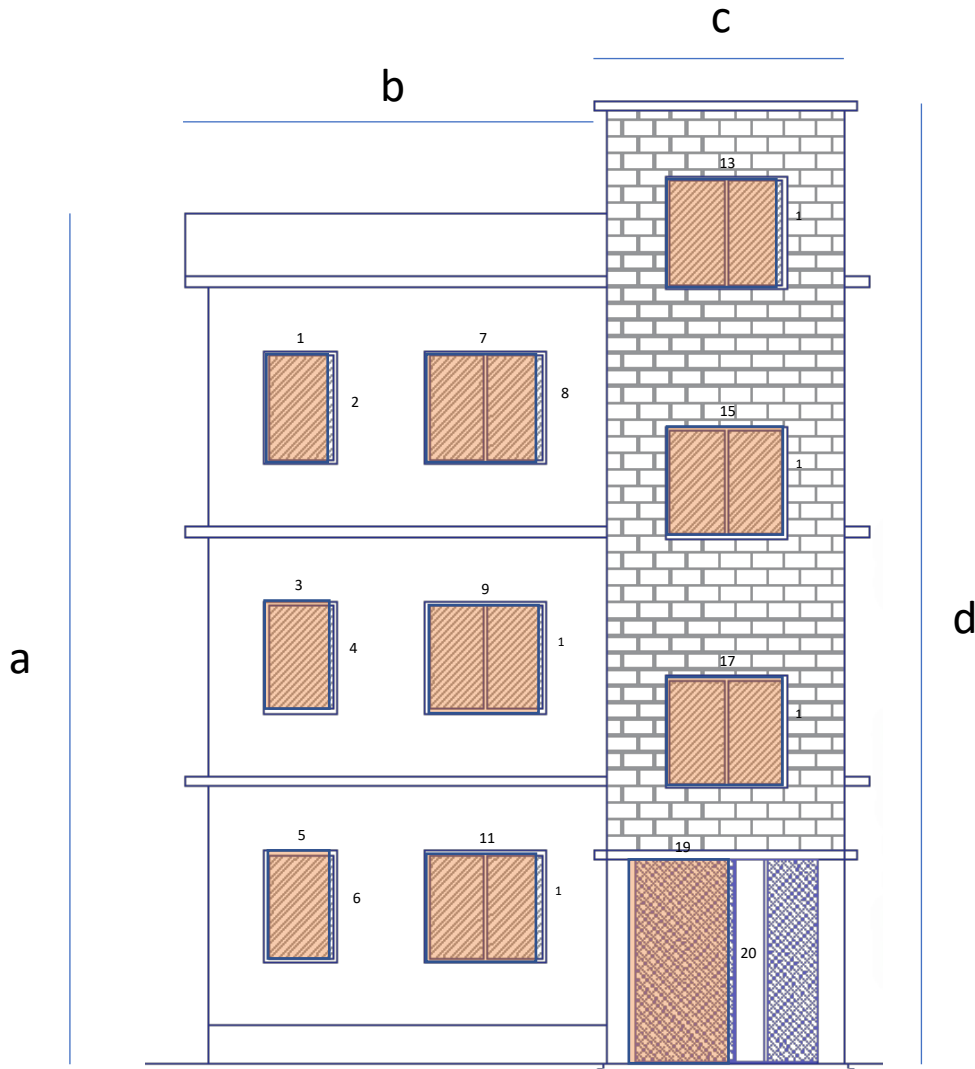


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## Example: Lower-Hazard Façade Diagram



$$\frac{\text{Total Transparent Area (Orange)}}{\text{Total Façade Area (a)(b) + (c)(d)}} = \frac{[(1)(2) + (3)(4) + \dots (19)(20)]}{(a)(b) + (c)(d)}$$



100 = Percentage of Façade that is transparent (Less than 30% = Lower Risk Façade)