
Bird Safe Berkeley Requirements

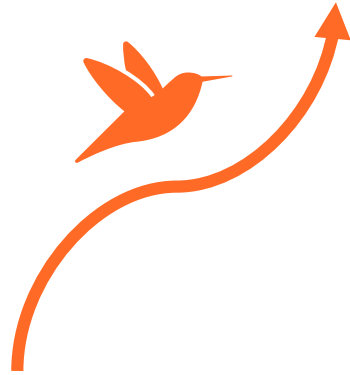
Justin Horner, Associate Planner
Planning Commission • March 1, 2023

Background

Community
Environmental
Advisory Commission
(CEAC)
Recommendation



City Council passes Bird
Safe Berkeley
Requirements Referral



Planning Commission Discussion (Mar 2, 2022)



DRC Presentation (Sept 15, 2022)



Planning Commission (Oct 19, 2022)



Subcommittee Meetings (Nov 4, 2022 and Jan 20, 2023)



Planning Commission Public Hearing (Mar 1, 2023)



Planning Commission

March 2,
September 15,
and October 19,
2022

1. General: Citywide requirements in municipal code based on latest science
2. Reasonability: Cost, availability, phase in, project tiers, historic buildings
3. Requirements: Unit of measurement, standardization, phase in
4. Exceptions: Small projects, small windows

Threshold	Sources
Façade with 50% or more transparent material	Alameda CEAC model ordinance
10,000 sf project size	Mountain View
12 sf minimum (window/transparent material)	Emeryville Alameda
24 sf minimum for glass structures	Alameda CEAC model ordinance
9 inches max. for exterior glazing treatments	Evanston

Consistency with Other Regulations



Summary of Ordinance

New BMC Sec 23.304.150
Bird Safe Building
Requirements

- A. Purpose
- B. Applicability
- c. Bird Safe Requirements



A. Purpose

(Adapted from CEAC Draft)

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.

Land Use	Applicable Locations (<u>Building Permit</u>)
<p>Non-Residential</p> <p>Larger Residential or Mixed Use (10,000 sf)</p>	<ol style="list-style-type: none"> 1. All continuous transparent materials of 12 sf or larger; and 2. 100 feet above grade
<p>Small Residential or Mixed Use (less than 10,000 sf)</p>	<ol style="list-style-type: none"> 1. Continuous transparent materials of 12 sf or larger; 2. 100 feet above grade; <u>and</u> 3. On an facade with transparent materials making up more than 50% or more of its square footage.

“Continuous” means the material is uninterrupted by a line, spacer, or mullion of at least ½” in width

B. Applicability – New Construction or Additions

Non-residential project

- Continuous transparent material of 12 square feet or more
- From ground to 100 feet above grade



Berkeley Way West, Downtown (source: UC Berkeley Capital Strategies)

Non-Residential Example

Residential project above 10,000 square feet

- Continuous transparent material of 12 square feet or more
- From ground to 100 feet above grade



Berkeley Way affordable housing, Downtown (Source: Nibbi Brothers General Contractors)

Non-Residential and Large Residential Example

Residential project
less than 10,000
square feet

- 50% or more
façade transparent
- Continuous
transparent material
of 12 sf or more



Weston Havens House, Berkeley Hills (source: UC Berkeley College of Environmental Design)

Small Residential or Mixed Use Example

Land Use	Applicable Locations
<p data-bbox="92 267 479 314">Non-Residential</p> <p data-bbox="92 398 865 515">Larger Residential or Mixed Use (10,000 sf or more)</p> <p data-bbox="92 573 846 690">Small Residential or Mixed Use (less than 10,000 sf)</p>	<ol style="list-style-type: none"><li data-bbox="923 251 1870 358">1. Continuous transparent materials of 12 sf or larger;<li data-bbox="923 425 1549 475">2. 100 feet above grade; <u>and</u><li data-bbox="923 540 1839 707">3. On an façade with transparent materials making up more than 50% or more of its square footage.

B. Applicability – New or Replacement Materials on Existing Building

Land Use

Applicable Locations

All Land Use types

Features include:

- Glass walls
- Noise or wind barriers
- Balconies
- Greenhouses
- Rooftop appurtenances

1. Continuous transparent materials of 24 sf or larger;
2. At any height from grade.

B. Applicability – New or Replacement Transparent Structures or Features



B. Applicability – New or Replacement Transparent Structures or Features

Alternative One: Apply 10,000 sf threshold between large and small projects to all projects, not just residential and mixed-use.

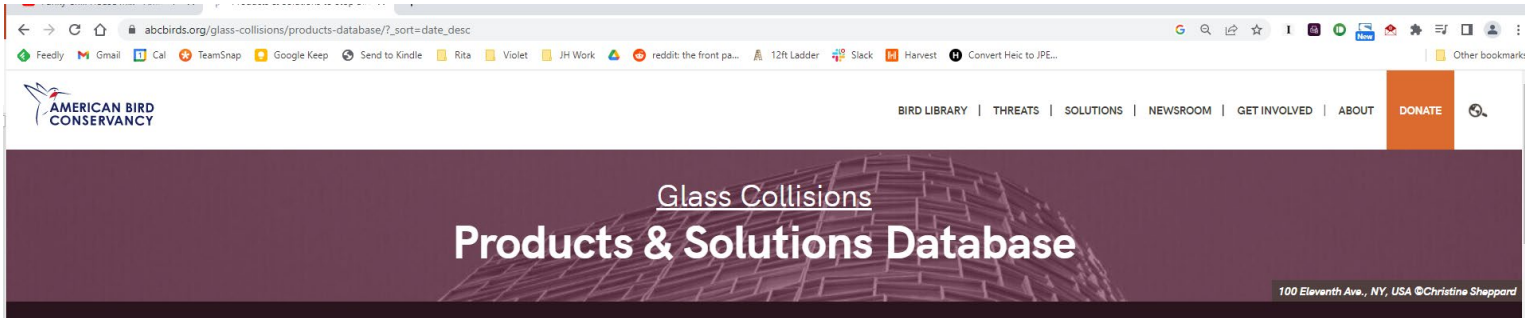
Alternative Two: Bird Safe requirements apply to materials 6 sf or larger and “continuous” material is uninterrupted by a spacer, line or other visible separator of at least 4” in width.

Alternative Three: Bird Safe requirements for small residential projects apply to materials 6 sf or larger on facades where 30% of the total square footage is made up of transparent materials.

Alternatives Included in Staff Report

C. Bird Safe Requirements

1. Threat Factor Rating (30 or less)
 2. External Glazing Treatment
 3. Patterned Glazing Treatment
 4. Biologist Certification
-



Kalwall®

Kalwall

Threat Factor: 2

non-reflective white surface

Product Line: Kalwall

[Website](#)

Color: white/off-white

Close

Product Name

Website/Contact Info



Guardian Bird1st™ 2x2" White Frit with ClimaGuard 1.0+ (S1)

Guardian Industries

Threat Factor: 20

6mm white dots, 2x2" offset or aligned, Double or Triple IGU. White Frit Pattern on S1 or S2 laminated to SunGuard SN 51 on S4, clear or low-iron glass.

ABC Approved: Yes Marker Type: Dot Pattern Product Line: Frit

[Website](#)

Color: white Evaluation Type: BirdVis and Prescriptive

Close

Threat Factor Rating & Description

1. Threat Factor of 30 or Less

Masonry



Solyx SX-BSFD Frost Dot Bird Safety Film



Aviprotek Pattern 213/Horizontal



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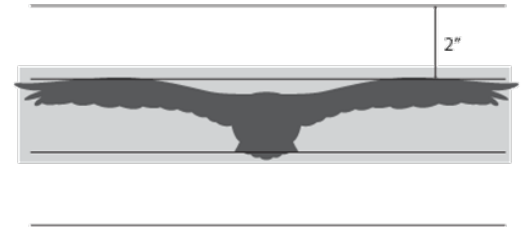
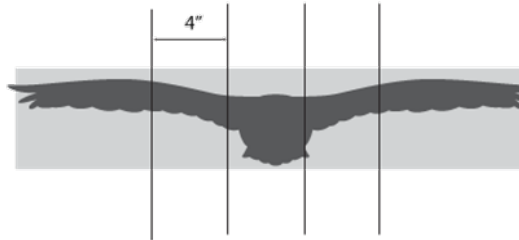
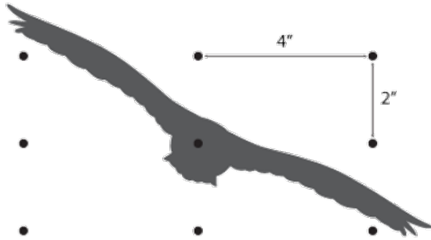
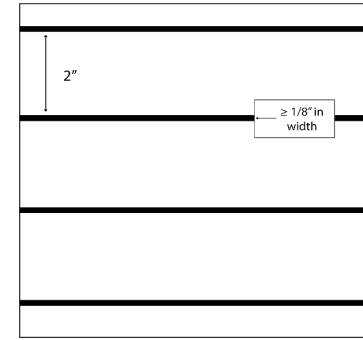
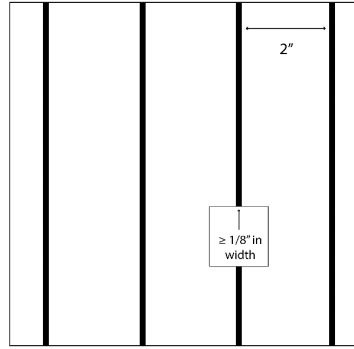
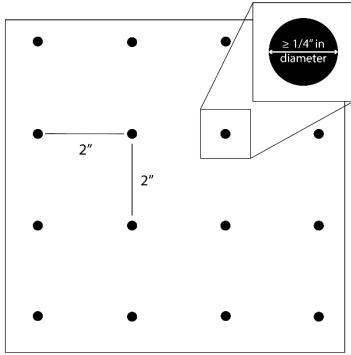
ACRYLITE Soundstop XT with Bird Guard



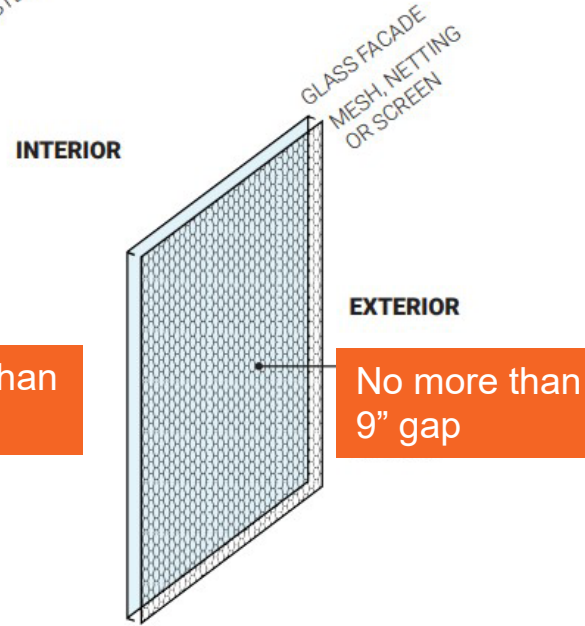
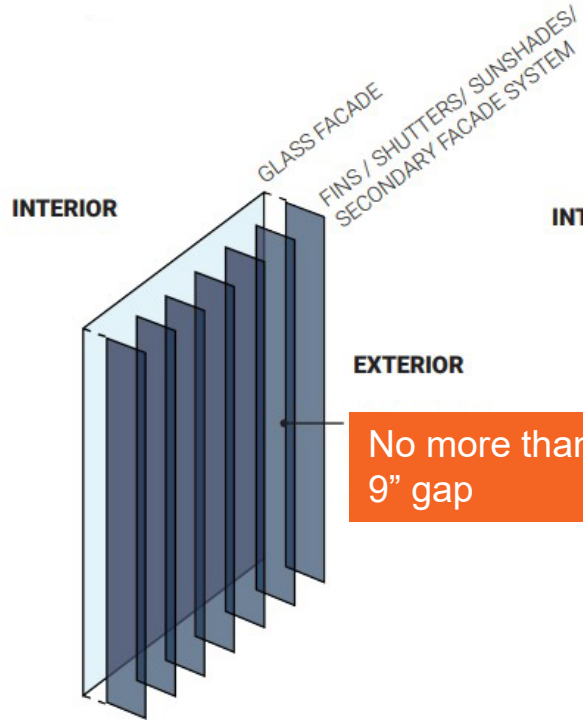
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Aviprotek Pattern 215

1. Threat Factor of 30 or Less



2. Patterned Glazing Treatment



3. External Screens, Shutters, or Shading Devices

4. Biologist Certification

- Qualified biologist can submit analysis stating that alternative methods can perform as well as standard compliance method
- Qualified biologist defined as California State Personnel Board's associate biologist:
 - BS from a four-year college
 - Four years of professional experience

Phasing and Availability

- Proposed ordinance does not include future phase-in dates.
 - Do not want to precommit future City Councils far into the future
 - Process to amend Zoning Ordinance
- Lack of product availability locally is a concern, particularly for smaller projects.
 - No Berkeley-based businesses carry bird safe window products

Unique Berkeley Elements

- 100 feet above grade
- 100% of eligible materials
- No automatic exemptions for smaller projects
- No historical resource exemption
- Exemption for affordable housing

Next Steps

- Planning Commission Recommendation
- City Council Adoption
- Supplementary Public Information Materials

	Staff Proposal	Staff Report Alternative Proposal	GG Audubon Society
Project Size	1. All non-residential 2. Residential and mixed use 10,000 sf or more 3. Residential and mixed use less than 10,000 sf	1. Projects 10,000 sf or more 2. Projects less than 10,000 sf	1. All non-residential 2. Residential and mixed use 10,000 sf or more 3. Residential and mixed use less than 10,000 sf
Size of Transparent Material	12 sf of uninterrupted material ½” visible interruption	6 sf uninterrupted material 4” visible interruption	All transparent material
Smaller Projects	12 sf of uninterrupted material 50% of façade transparent	6 sf of uninterrupted material 30% of façade transparent	All transparent material If all façades are less than 50% transparent, exempt until January 1, 2028
Size of Transparent Buildings and Building Features	24 sf or larger	6 sf or larger	All
Affordable Housing Exemption	50% deed-restricted	(no alternative)	75% deed-restricted
Patterned Glazing Treatment Compliance Path	Specifications included in Ordinance	(no alternative)	Specifications included in GGA proposal
Biologist Certification Compliance Path	Included	Not included	Not Included
Phase-In Period	None	None	Small projects and replacement materials, if all façades are less than 50% transparent, exempt

End