

Supplemental Communications

(Received before 12pm March 1)

Communications

From: D P <dan@vintageberkeley.com>
Sent: Friday, February 10, 2023 10:31 AM
To: Wu, Grace; Williams-Ridley, Dee; Klein, Jordan; Buckley, Steven
Subject: The Elmwood Business Association's Endorsement of the Food/Wine Program at the Elmwood Theatre

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Dear Secretary Wu, Ms. Williams-Ridley, Mr. Klein and Mr. Buckley,

The Elmwood Business Association wishes to formally recommend that the City of Berkeley do everything in its power to approve the Elmwood Theatre's efforts to expand their offerings to include food and/or alcohol service.

The Elmwood Theatre is the Elmwood District's anchor tenant, and its survival is critical to the viability of the neighborhood and its businesses. We would further argue that with the rapid disappearance of many/most/all of Berkeley's other movie theatres -- many of which played an outsized role over the years in making Berkeley the cultural hotbed that it is -- that it's even *more* important to ensure we don't lose one of the city's last remaining neighborhood cinemas.

Additional offerings and flexibility seems crucial to their long-term viability/profitability, especially at a time of increased competition from at-home viewing opportunities. If the theater is interested in serving food, we urge the Planning Department to review the list of Food Establishments to determine if there's an available permit within the current quota. We also encourage the City to prioritize and expedite a review of the Theater's request to serve alcohol.

The Elmwood Business Association thanks you in advance for your timely consideration of this appeal.

Sincerely,

Dan Polsby
EBA Member, Former EBA President

--

*Dan Polsby
Vintage Berkeley
(510) 549-9501*

Communications

From: Evan Weissman <evan@weissfam.net>
Sent: Sunday, February 26, 2023 1:10 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: Opposition to Bird Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission,

The newly proposed Bird Safe Building Ordinance must be rejected and replaced with a better ordinance! The current proposal falls far short of meeting the Commission's order that it should reflect the best available science. Science clearly shows that glass and buildings pose a risk to birds, and are a significant factor in the massive decrease in bird populations in the US over the past decades. This risk must be mediated smartly and aggressively.

By only addressing buildings with windows greater than 12 sq feet, the proposed ordinance would exempt and ignore the majority of buildings. This shortcoming must be addressed. I strongly encourage you to reject this proposed ordinance and instead adopt the proposal offered by Golden Gate Audubon.

Best,
Evan Weissman

Communications

From: noreen@naturetrip.com <noreen@naturetrip.com>
Sent: Monday, February 27, 2023 3:47 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: RE: Re: March 1, 2023 Item 11 Bird Safe Ordinance - comments from Noreen Weeden

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Is it possible to submit these slightly updated comments instead?

Thank you

Noreen Weeden

From: noreen@naturetrip.com [<mailto:noreen@naturetrip.com>]
Sent: Monday, February 27, 2023 11:46 AM
To: 'gwu@cityofberkeley.info'
Subject: Re: March 1, 2023 Item 11 Bird Safe Ordinance - comments from Noreen Weeden

Please provide the attached comments to the Planning Commissioners for the March 1, 2023 Planning Commission for Item 11 on the agenda, Bird Safe Buildings.

Thank you,

Noreen Weeden

2023.02.27 Bird Safe ordinance comments

Berkeley Planning Commissioners
C/o Grace Wu
Planning and Development
1947 Center Street
Berkeley, CA 94704
gwu@cityofberkeley.info

Re: March 1, 2023 Item 11 Bird Safe Ordinance

Dear Commissioners;

Over 215 species of birds have been documented living in, or migrating to or through Berkeley. Birds are beneficial to us.ⁱ Bird building collisions in the U.S. are estimated at 1 million bird deaths per dayⁱⁱ adding up to a billion per year. In Berkeley up to 580,000 birds per year may die from bird building collisions. This is where your action is important.

In 2019 Community Environmental Advisory Commission (now Environment and Climate Commission) and the Berkeley City Council approved a proposed ordinance called Bird Safe Berkeley Requirements. This would *establish bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.*

In support of this ordinance, Golden Gate Audubon offered resources including a bibliography of bird building and lighting collision studies, a list of products that have been evaluated and rated for bird safety, the Planning Department contacts at local Bay Area Cities and the most up to date, recently approved ordinances. I have provided professional level Continuing Education Unit (CEU) training to over 220 local architects on bird safe building design.

Over 160 scientifically tested products are rated with a threat factor under 30.ⁱⁱⁱ New York City passed an ordinance effective in 2021 calling for a threat factor of 25 or lower.^{iv} One product, external insect screens, are effective and nothing new for residential buildings. When developers or architects incorporate bird friendly design elements up front, then cost is not a barrier. Berkeley has a Climate Action Plan and there are bird friendly glazing products which are thermal regulating thus adhering to the climate goals of reducing long term Heating Ventilating Air Conditioning (HVAC) resources as well as costs.

You will recall directing Planning Staff to prepare an ordinance to reflect the most recent, best available science yet the ordinance before you does not do so.

All glass over 2" x 2" – the size of a hummingbird – is dangerous to birds. All buildings with untreated glass are a potential threat to birds.

The alternative Berkeley Bird Safe ordinance proposed by Golden Gate Audubon is science based and effective in reducing these hazards to birds.

2023.02.27 Bird Safe ordinance comments

People that live in, work in, and visit Berkeley need to connect with nature into the future. I urge you to approve Golden Gate Audubon's recommended alternative which is scientifically informed for the highest protection for birds.

Thank you for your consideration of these comments,

Noreen Weeden

Noreen Weeden

Golden Gate Audubon Conservation Committee

ⁱ <https://www.audubon.org/news/what-do-birds-do-us#:~:text=Pest%20control%2C%20public%20health%2C%20seed,the%20ways%20birds%20benefit%20humans.>

And <https://www.birdlife.org/news/2019/01/04/why-we-need-birds-far-more-than-they-need-us/>

ⁱⁱ <https://www.fws.gov/library/collections/threats-birds>

ⁱⁱⁱ <https://abcbirds.org/glass-collisions/products-database/>

^{iv} https://www.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf page 7

Communications

From: Teresa Ely <TEly@ParksConservancy.org>
Sent: Monday, February 27, 2023 4:33 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: March 1, 2023 Item 11 Bird Safe Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To whom it may concern,

Attached is my letter in regards to the Bird Safe Ordinance meeting. Unfortunately, I cannot attend in person.

Teresa Ely
Banding Program Manager/Senior Biologist
Golden Gate Raptor Observatory
Golden Gate National Parks Conservancy
Building 1064 Fort Cronkhite, Sausalito, CA 94965
Personal Office: (415) 426- 5293 • GGRO General: (415) 426-5290
Working from home, the office, and in the field. Email preferred. Work hours vary.



Golden Gate Raptor Observatory
Golden Gate National Parks Conservancy
Building 1064 Ft Cronkhite, Sausalito, CA 94965
ggro@parksconservancy.org



Berkeley Planning Commissioners
C/o Grace Wu
Planning and Development
1947 Center Street
Berkeley, CA 94704
gwu@cityofberkeley.info

Re: March 1, 2023 Item 11 Bird Safe Ordinance

Dear Commissioners;

The Golden Gate Raptor Observatory (GGRO) is a program of the Golden Gate National Parks Conservancy since 1984. Our mission is the conservation and preservation of raptor populations through scientific research, outreach, and community involvement. The GGRO was formed to track the Golden Gate migration, an annual flight of tens of thousands of hawks, eagles, falcons, and vultures, birds collectively called "raptors". With the help of over 250 volunteer community scientists annually, we conduct long term studies of the seasonal movements of birds of prey along the Pacific Coast, particularly over the Marin Headlands, to further the understanding and preservation of raptor populations.

Specially trained staff and volunteers participate in a banding program where they trap, band, collect measurements and data on the health of raptors. When banded, hawks are subsequently encountered by humans and hopefully reported to the Bird Banding Laboratory. Then the GGRO receives a report of where the bird was found and what the circumstances were. Banding recoveries help us answer questions about raptor populations, their geographic range, how long they live, and their causes of injury and death.

Each year the GGRO receives reports of raptor injury and or death from bird building collisions. Typically, there is only a very small (under 2%) recovery data provided. Despite the low number of recoveries, it is evident that bird building collisions contribute to the death of raptors. The most recent [Pacific Raptor Report by the Golden Gate Raptor Observatory Issue 43 Fall 2021](#), reported five reports of dead raptors due to bird building collisions: (See pages 20-29). Over the year, our data has recorded death of window strikes of the following species: American Kestrel (1), Cooper's Hawks (120), Merlins (9), Peregrine Falcons (2), Red-shoulder Hawks (6), Red-tailed Hawks (126), and Sharp-shinned Hawks (70). Bird building collisions are clearly a deadly threat to hawks and other birds. Most concerning is the threat to a California State, fully protected species, such as the Peregrine Falcon.

We urge the Berkeley Planning Commission to pass the strongest bird safe building ordinance for the protection of hawks and other bird species.

Sincerely,

Teresa Ely

Banding Program Manager/Senior Biologist
Golden Gate Raptor Observatory a program of the Golden Gate National Parks Conservancy
TEly@parksconservancy.org

Communications

From: Planning Commission
Sent: Monday, February 27, 2023 5:06 PM
To: Wu, Grace
Cc:
Subject: RE: A few Planning Commission items

Follow Up Flag: Follow up
Flag Status: Completed

Dear Planning Commissioners,

Reminder that our Planning Commission meeting is this **Wednesday, March 1st 7:00pm in-person at the South Berkeley Senior Center** (2939 Ellis Street).

- **Agenda Packet (76 pages):** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-03-01%20PC%20Agenda_packet-edit_0.pdf
- **Health and Safety Protocols** (sent 2/14/23): <https://berkeleyca.gov/sites/default/files/documents/Health%20and%20Safety%20Protocols%20for%20Commissions%20Feb%202023%20v2.pdf>
- **Nominations and Elections:** Since there are multiple nominees for Chair and Vice-Chair, nominees should be prepared to speak on behalf of their own candidacy prior to roll call vote. The election will be by majority vote and occur in the order of the nominations. So far, three members have been nominated for Chair (in order): Elisa Mikiten; Savlan Hauser; and Jeff Vincent. Two members are nominated for Vice Chair: Savlan Hauser and Christina Oatfield. Additional members may be nominated at the meeting with a motion and a second.
- **Start/End Time:** The South Berkeley Senior Center confirmed that their programming and services end by 4:30pm. Alternative start times are 5:00 pm or 6:00 pm. Please come prepared to take action on deciding a start time, and potentially an end time.
- **We have a new email!** We will be directing emails to PlanningPC@cityofberkeley.info to consolidate communications and ensure that emails are addressed in a timely matter, particularly if the secretary is out of office.

Sincerely,

Grace

Grace Wu, AICP, LEED AP (she/her)
Principal Planner, Land Use Planning Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
E: gwu@cityofberkeley.info | P: 415-961-9518
<https://berkeleyca.gov/construction-development>
[Zoning](#) | [Permit Forms](#) | [Boards & Commissions](#)

From: Wu, Grace
Sent: Friday, February 10, 2023 5:08 PM
To: Wu, Grace <GWu@cityofberkeley.info>

Cc:

Subject: A few Planning Commission items

Dear Planning Commissioners,

A few items to share before the long weekend –

1. **March In-Person Meeting.** A reminder that our March 1st Planning Commission meeting will be at 7:00pm in-person at the South Berkeley Senior Center (2939 Ellis Street).
2. **Nominations and Elections.** I confirmed with the City Clerk that additional members may be nominated at or prior to our March meeting. The existing Chair and Vice-Chair will continue their role for the March meeting until a new Chair (and Vice-Chair) is elected. So far, three members have been nominated for Chair: Elisa Mikiten; Savlan Hauser; and Jeff Vincent. Two members are nominated for Vice Chair: Savlan Hauser and Christina Oatfield.
3. **Start/End Time.** The South Berkeley Senior Center confirmed that their programming and services end by 4:30pm. I will add an action item on the March agenda to vote on a start time and potentially adding an end time to the Commission’s bylaws. End time can be extended with a vote of the Commission.
4. **Health Protocols.** I have not received any communication from the Clerk’s office on health protocols for in-person Commission meetings. Will pass that information along if and when I receive it.
5. **Trainings.** There are several upcoming Planning Commissioner trainings offered, see below. Check with your councilmember for possible reimbursement.

Have a great weekend,

Grace

From: Institute for Local Government <info+ca-ilg.org@ccsend.com>

Sent: Tuesday, February 7, 2023 9:45 AM

Subject: Last Chance to Register: San Luis Obispo Planning Commissioner Training

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Regional Planning Commissioner Trainings

Last Chance to Register!

San Luis Obispo, Santa Barbara and Ventura Counties,

Training located in San Luis Obispo, February 17, 2023

ILG is hosting a series of regional planning commissioner trainings throughout the state in 2023. These sessions are offered **free of charge exclusively for city and county planning commissioners** and designed to benefit both new and seasoned professionals.

The interactive training sessions help planning commissioners better understand:

- Role of a planning commission
- How to work effectively with staff and the governing board
- Effective community engagement
- CEQA basics
- Required planning documents
- Local planning challenges and opportunities

In each training session, we reserve time to network and discuss local planning challenges and opportunities, specific for each given region. These trainings are designed to give participants the opportunity to engage with experts in the field and learn from fellow planning commissioners about best practices, emerging trends and lessons learned.

All sessions will run in-person from 9:30am to 4:00pm, with coffee and networking beginning at 9:00am. Please click on your region below for more information and to register. Must be a current planning commissioner or planning commission staff and pre-registered to attend.

Planning Commissioners who miss their county's training may attend a future session in a different county. Local Government agency staff not currently on a Planning Commission may attend these sessions if space allows. Priority is given first to Planning Commissioners and Planning Commission staff.

Please send an email to pctrainings@ca-ilg.org with any questions you may have.

Upcoming trainings:

- [San Luis Obispo, Santa Barbara and Ventura Counties, February 17, 2023](#)
- [Shasta, Trinity, Siskiyou, Lassen, Plumas and Modoc Counties, February 24, 2023](#)
- [Kern, Tulare, Kings and Fresno Counties, March 3, 2023](#)

- [Tehama, Glenn, Butte, Colusa, Yuba and Sutter Counties, March 10, 2023](#)

Past trainings:

- Sacramento and Yolo Counties, April 22, 2022
- El Dorado, Placer and Sierra Counties, April 29, 2022
- Calaveras, Tuolumne, Mariposa, Nevada and Amador Counties, May, 13, 2022
- San Joaquin, Stanislaus, Merced and Madera Counties, May 20, 2022
- Imperial County, June 16, 2022
- San Diego County, June 17, 2022
- Santa Cruz, San Benito and Monterey Counties, July 22, 2022
- Sonoma, Napa, Solano and Marin Counties, July 29, 2022
- Alpine, Mono and Inyo Counties, August 12, 2022
- San Bernardino and Riverside Counties, August 26, 2022
- Los Angeles County, September 12, 2022
- San Mateo and Santa Clara, October 7, 2022
- Humboldt, Mendocino, Del Norte and Lake Counties, October 14, 2022
- Alameda, Contra Costa San Francisco Counties, October 21, 2022
- Orange County, November 18, 2022

[Register Here](#)

These trainings are hosted by ILG in partnership with PlaceWorks and the California Department of Housing & Community Development.



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Communications

From: Maureen LAHIFF <lahiff@berkeley.edu>
Sent: Monday, February 27, 2023 4:48 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: Berkeley needs a solid bird-safer building ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Berkeley needs strong bird-safe building requirements to implement the ordinance approved by the City Council in 2019, back before COVID put all our lives on hold. Are you familiar with the phrase “best available technology”? That’s what we need to make our new buildings and major renovations safer for birds: the best recommendations for building to reduce bird collisions.

The ordinance that you are considering this week falls far short of the best science. Effective requirements will add little to the cost of construction. Golden Gate Audubon has done the work for you and I urge you to adopt their recommendations.

Berkeley has some great bird habitat – on our shoreline, in our parks, on campus, in the hills, and in the adjoining East Bay Regional Parks. We need to protect the birds that use it.

Although I cannot afford to live in Berkeley, I have worked on campus since 1990. My heart and community connections are here. I walk several times a week in the Berkeley Hills.

Thank you for considering my comments.

Maureen Lahiff

Communications

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Monday, February 27, 2023 4:56 PM
To: Wu, Grace <GWu@cityofberkeley.info>
Subject: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

RE: Item #11 Bird Safe Ordinance, March 1 2023

Dear Planning Commissioners and Staff,

We are all aware that Berkeley is taking active measures to address climate change, by building much-needed housing near transit to reduce GHGs. However, that's only half of the climate equation. Scientists are now sounding the alarm about the biodiversity crisis, too, which may pose an even greater threat. Bird populations are included in this crisis as we've lost almost 1/3rd of all birds since the 1970s.(1) Collisions with window glass is the second largest anthropogenic cause of bird deaths in North America, up to 1 billion birds per year.(2) For this reason, it is incredibly important that we get this right, that we pass a Bird Safe Ordinance that reflects recent science on bird safety, that will truly protect birds, and serve as an example for other cities.

Unfortunately, the ordinance as currently written is insufficient, outdated, and will not provide any real protection for birds. It seems to use an older approach based on window size, which is no longer recommended. For example, the proposal allows for untreated glass as large as 12 and 24 sqft. Very dangerous for birds!

Instead, I urge you to use the alternate language proposed by the Golden Gate Audubon Society (GGAS).

GGAS's alternate language reflects the latest science on bird-safety. It recognizes that every building, every window counts. It reflects newer ordinances that are recommended by the recognized authority on bird-safety, the American Bird Conservancy. Adopting the GGAS language will truly reflect Berkeley's goals of being an environmental leader addressing climate change and the biodiversity crisis.

Lastly, and on a happier note, birds benefit us urban dwellers in many wonderful ways. They help us destress, concentrate, and are associated with higher levels of happiness (in Europe, equivalent to an extra \$150/month!)(3,4,5). They visit us from thousands of miles away to grace us with their beauty and joy. They are a gift.

**Birds need our help! The deadly problem of window strikes is easily solved at minimal cost.
Please adopt the GGAS language and truly protect birds for generations to come.**

Thank you for your consideration.

Best regards,
Erin Diehm
Berkeley resident

-
- 1 "Nearly 30% of birds in U.S., Canada have vanished since 1970"
Cornell Chronicle, September 19, 2019
<https://news.cornell.edu/stories/2019/09/nearly-30-birds-us-canada-have-vanished-1970#:~:text=Cornell%20Lab%20of%20Ornithology%20Research%20published%20Sept.%202019,States%20and%20Canada%20over%20the%20past%2050%20years.>
 - 2 "Why Birds Hit Glass"
Glass Collisions: The American Bird Conservancy
<https://abcbirds.org/glass-collisions/why-birds-hit-glass/>
 - 3 "Natural high: why birdsong is the best antidote to our stressful lives"
The Guardian, May 4 2019
<https://www.theguardian.com/environment/2019/may/04/birdsong-antidote-to-stressful-lives-dawn-chorus-day>
 - 4 "The Surprising Health Benefits of Bird-Watching"
New York Times, December 12, 2022
<https://www.nytimes.com/2022/12/10/well/move/bird-watching-health-benefits.html>
 - 5 "Biological diversity evokes happiness: More bird species in their vicinity increases life satisfaction of Europeans as much as higher income"
December 4, 2020
<https://www.sciencedaily.com/releases/2020/12/201204110246.htm>

Communications

From: Glenn Phillips <gphillips@goldengateaudubon.org>

Sent: Monday, February 27, 2023 4:55 PM

To: Wu, Grace <GWu@cityofberkeley.info>; Christina Oatfield <christinaoatfield@gmail.com>; Alfred <mail@firstcultural.com>; Ben@bengould.org; Romain, Billi <BRomain@cityofberkeley.info>

Subject: Written comments for March 1 Agenda Item 11, Bird Safe Berkeley Requirements

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Attached please find written testimony and proposed alternate language for the ordinances.

Looking forward to my first in-person meeting!

Thank you for all you do!

-Glenn

Glenn Phillips (He, Him, His)
Executive Director
Golden Gate Audubon
2530 San Pablo Avenue, Suite G
Berkeley, CA 94702
gphillips@goldengateaudubon.org
510-221-4102



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www.goldengateaudubon.org



February 27, 2023

Planning Commission
Planning and Development
1947 Center Street
Berkeley, CA 94704
ATTN: Grace Wu

Dear Commissioners:

Golden Gate Audubon has been advocating for the protection of birds in Berkeley and across Northern California since our founding in 1917. We are grateful for the City of Berkeley's attention to the growing crisis of bird populations. The 2022 state of the birds report is sobering. Nearly 3 Billion North American birds have disappeared since 1970, almost 30% of all birds. Many of our most common and beloved birds are among the victims, over 180 Million Dark-eyed Juncos, over 20 Million Hermit Thrush, and nearly 8 Million White-crowned Sparrows, gone. Collisions are the second largest direct human-caused source of mortality for wild birds, with nearly a Billion birds killed by windows every year in North America, and these same species are among the most frequent victims. We must act now to reverse this trend.

In Berkeley, research suggests that between 100,000 and 600,000 birds die at windows every year, just from the currently existing buildings. With the current increase in construction, that number will continue to grow unless action is taken, and it will take decades to begin to lower the current unsustainable toll.

In 2019 Community Environmental Advisory Commission (now Environment and Climate Commission) and the Berkeley City Council unanimously approved a proposed ordinance called Bird Safe Berkeley Requirements. This would establish bird safety requirements for new construction and significant renovations (Chapter 23C.27 BIRD SAFETY) and additional language to minimize light pollution (Chapter 23C.28 DARK SKIES), for review and approval.

The proposed ordinance from the planning department fails to meet the goals set out by the Environment and Climate Commission. **Golden Gate Audubon strongly encourages the Planning Commission to refer an alternative proposed by Golden Gate Audubon to**

[GOLDEN GATE AUDUBON SOCIETY](#)

[2530 San Pablo Avenue, Suite G Berkeley, California 94702](#) *phone 510.843.2222*

fax 510.361.0140 web www.goldengateaudubon.org

City Council for approval. As written, the proposed ordinance will have no significant impact on reducing mortality from window collisions.

Central to the flaws of this proposal is a misunderstanding of the issue of window size. As I stated in my testimony to the Commission, collision risk increases exponentially when windows are larger than one square meter. That does not mean that there is not a significant risk for buildings with only smaller windows. While large buildings (greater than 20 stories) with larger windows have significantly more collisions. For smaller buildings, no correlation exists, and the vast majority of Berkeley's buildings are shorter than 20 stories tall. EVERY window is potentially deadly. While it is critical to address the most dangerous windows as quickly as possible, we cannot neglect the smaller ones that make up the vast majority of windows. Because there are far more residential buildings in Berkeley than commercial or industrial buildings, the ordinance must include residential buildings if it is going to have any real, positive impact on bird populations.

There is a precedent in Berkeley for phasing in requirements. Both the Building Emissions Saving and the Single Use Foodware and Litter Reduction Ordinance have included phasing-in of requirements. While the proposed phase-in is somewhat longer for the bird-safe ordinance, it will allow for community education and give local suppliers sufficient time to prepare for compliance.

A recent study from the Acopian Center for Ornithology at Muhlenberg College found that bird-safe glass adds insignificantly to the total cost of construction. "The monthly debt service on a medium sized office building (\$32,900) will only increase by about \$125 due to the cost of bird-safe glass." Estimates range from increased total costs of 0.17% to 0.38%, depending on the size of the project, assuming that bird-safe glass is 25% more expensive than the lowest-cost glass. Typically the glass itself represents less than 30% of the cost of a window. The reality is that developers very rarely use the lowest-cost glass in any case. In addition, simply by reducing the total amount of glass, developers can achieve both material cost-savings and long-term energy savings. Bird-safe glass will help align incentives for addressing climate change even as it directly addresses the biodiversity crisis.

Attached is an alternative to the ordinance proposed by the Planning Department which would substantially meet the goals outlined by the CEAC and the City Council, which would bring Berkeley into alignment with the City of New York, Washington DC, and the Mountain View North Bayshore Precise Plan, the three most effective existing ordinances.

Additionally, the proposed ordinance does not address Chapter 23C.28 establishing an ordinance to minimize light pollution (dark skies), as directed by the City Council. Golden Gate Audubon strongly recommends the adoption of Chapter 23C.28 proposed by the Community Environmental Advisory Commission and approved by the City Council with the addition of a requirement that all outdoor light sources shall have a maintained correlated color temperature of 3,000 Kelvin or less, the reduction of the exemption for low voltage outdoor lighting to 150 lumens or below, and the elimination of the exemption for

Late Communications
Planning Commission
March 1, 2023

sports fields (The Illuminating Engineering Society of North America has developed best practices for sports fields that meet or exceed the proposed standards.) An edited version of this document is also attached.

Thank you so much for your attention to this critical issue. The Planning Commission's dedication to bringing Berkeley into alignment with the best science and best practices shows Berkeley's commitment to protecting our community and our environment.

Sincerely,

A handwritten signature in blue ink that reads "Glenn Phillips". The signature is written in a cursive style with a blue highlight effect.

Glenn Phillips

Executive Director

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)	
Non-Residential		
New Construction or Addition	All transparent or reflective materials located between the ground and 100 feet above grade.	
New or Replacement Transparent or Reflective 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 50% transparent material are exempt through January 1, 2028	
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.	
Residential or Mixed Use		
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 materials located between the ground and 100 feet above grade. Buildings where every façade's total square footage consists of less than 50% transparent material are exempt through January 1, 2028
New or Replacement Transparent or Reflective Materials on Existing Building	Building with 10,000 sf or more gross floor area	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 50% transparent material are exempt through January 1, 2028

	Building with less than 10,000 sf gross floor area	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 50% transparent material are exempt through January 1, 2028
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.	

2. *Exemptions*

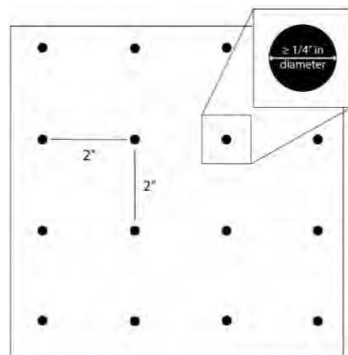
- a. The bird-safe building requirements do not apply to existing windows or other transparent materials that are not proposed to be replaced.
- b. Residential projects, including the residential portion of mixed-use projects, where greater than 75% of the units are subject to recorded affordability restrictions. New or replacement transparent Buildings or Features as described in **Table 1 - 23.304.XX** are not exempt.

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

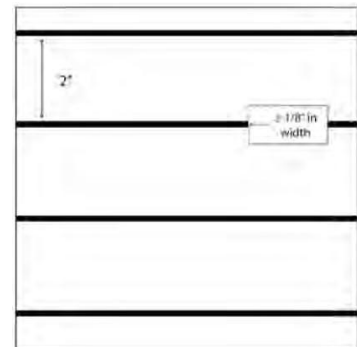
- 1. *Threat Factor Rating.* A product with an American Bird Conservancy Threat Factor Rating of 30 or less.
- 2. *Patterned Glazing Treatment.* The glass assembly must have all of the following characteristics:
 - a. Visible Light Reflectance from the Exterior $\leq 15\%$
 - b. Frit, ceramic ink, or 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: i). Continuous solid lines at least 1/8" wide, nowhere more than 2" apart, measured edge to edge. (see Figure 23.304.XXX, right) ii) 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 ≥ 0.20 square inches, which corresponds approximately with circles of diameter $\frac{1}{4}$ ".
- f. Patterns on side 1 or side 2 only.

Figure 23.304.XXX Patterned Glazing Treatment Requirements



Dots or Isolated Solid Shapes



Lines

-
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 nine inches in one dimension. Building integrated treatments include, but are not limited to, metal screens, shutters, fixed solar shading such as louvers, and exterior insect or solar screens.

Chapter 23C.28 DARK SKIES

The purpose of the Dark Skies ordinance is to ensure exterior light fixtures are pointed downwards and turned off whenever possible, minimizing light pollution, sky glow, and hazardous risks to birds, while ensuring adequate illumination for safety, security, and the enjoyment of outdoor areas, including travel on public roads.

23C.28.020 Applicability

The dark skies ordinance applies to any project that requires a building permit or electrical permit for

- A. New exterior lighting, including lighting fixtures attached to buildings, structures, poles, or self-supporting structures; or
- B. Additions or replacements of existing exterior light fixtures, including upgrades and replacements of damaged or destroyed fixtures.

23C.28.030 Exemptions

The following types of lighting are exempt from the requirements of this subsection:

- A. Emergency lighting. Temporary emergency lighting used by law enforcement or emergency services personnel, a public utility, or in conjunction with any other emergency service.
- B. Construction lighting. Temporary lighting used for construction or repair of roadways, utilities, and other public infrastructure.
- C. Lighting Required by Building Code or Other Regulations. Lighting for exit signs, stairs, ramps, points of ingress/egress to buildings, and all other illumination required for building codes, OSHA standards, and other permitting requirements imposed by state, or federal agencies.
- D. Signs. Signs and sign lighting.

{Note: Exemption for Sports Field Removed.}

- E. Neon, Argon, and Krypton. All fixtures illuminated solely by neon, argon, or krypton.
- F. Water Features. Lighting used in or for purposes of lighting swimming pools, hot tubs, decorative fountains, and other water features.
- G. Flag Lighting. Lighting used to illuminate a properly displayed United States flag and/or State of California flag.
- H. Holiday Displays. Seasonal and holiday lighting from October 15 through January 15 of

each year

I. Temporary Lighting. Temporary lighting allowed under a permit.

J. Historic Fixtures. Historic lighting fixtures or fixtures that exhibit a historical period appearance, as determined by the Planning Director.

K. Architecture, Historic Structures, and Public Art. Lighting on historic structures, special architectural features, public art, monuments, and other similar objects of interest shall be exempt if the lamps emit less than one thousand six hundred (1600) lumens per fixture and together draw less than one hundred (100) watts. However, the standards shall apply to new exterior additions to historic structures, and new construction on the site of historic structures, that are differentiated from the historic structures, if determined by the Planning Director to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

L. Low-Voltage Landscape Lighting. Low-voltage landscape lighting such as that used to illuminate fountains, shrubbery, trees, and walkways, provided that it uses no more than ten (10) watts and no more than one hundred and fifty (150) lumens per fixture, and is not directed toward the right-of-way.

23C.28.040 Standards

To minimize the harmful effects of light pollution, new construction and major renovation projects shall meet the following standards:

A. All outdoor light sources shall have a maintained correlated color temperature of 3,000 Kelvin or less.

B. Outdoor lighting shall be shielded and directed, with a full cut off fixture of no more than 2.5% of lamp lumens at or above 90°, and no more than 10% of lamp lumens at or above 80°.

C. Wherever feasible, require motion sensors or timers to prevent unnecessary energy use and light pollution.

D. Light shows and beams of light are not permitted during spring or fall migration seasons, roughly February 15 to May 31, and August 15 to November 30, respectively.

Communications

From: Janet Carpinelli <jc@jcarpinelli.com>
Sent: Monday, February 27, 2023 5:37 PM
To: Wu, Grace
Subject: Public Comment-Hearing 3/1/23 Commission Hearing 3/1/23 Agenda item 11. Bird Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

2/27/23

To:
PLANNING COMMISSION
City of Berkeley

Re: Commission Hearing 3/1/23 Agenda item 11. Bird Safe Building Ordinance

First: Your Agenda link to "Written Materials: Attached" for this item goes to a page with no material! and it was not on your Agenda PDF on "new" website!
Be that as it may I wish to address a few issues:

Before making any decisions, the City should consult a few Bird Safety experts — like Golden Gate Audubon which has been protecting birds in the Bay area for over 100 years, and see what rules other cities have enacted. Berkeley is a city that CAN DO THE RIGHT THING! Especially in light of our current Global Climate Crisis and Species Die-Off of birds and other creatures due to past and current humankind mis-steps!

Adopt the Golden Gate Audubon alternative proposal which has been shared with you!

<https://goldengateaudubon.org/wp-content/uploads/2023/02/Bird-Safe-Buildings-Proposed-Alternative.pdf>

Does your proposal meet the Planning Commission's own direction that the ordinance should reflect the best available science? Not yet—there are loop holes and confusing directions.

While almost all buildings are covered under your proposal, only contiguous transparent materials greater than 12 square feet without a minimum separation of 1/2" between panes are subject to requirements. This exception means that highly mirrored buildings ([like this one](#)) could be built under the ordinance, as long as each individual glass unit is no more than 12 square feet.

Even your proposed alternative (requiring no more than 6 square feet and 4" between panes) will still produce unnecessary bird deaths.

Based on current research, Berkeley's 46,816 residential buildings kill between 90,000 and 580,000 birds each year. Current science shows that:

- All glass is dangerous to birds, regardless of its size.
- All buildings pose risks to birds, regardless of location or use.

Late Communications
Planning Commission
March 1, 2023

—Bird Safety would have you closely study the Golden Gate Audubon alternative proposal, and adopt that as your preferred/recommended new Ordinance. It is better to cover all the bases now, rather than have to re-visit this in a few months or next year!

Please also see Portland, Audubon Bird-Safe Buildings recommendations::

<https://audubonportland.org/our-work/protect/habitat-and-wildlife/urban/reducing-wildlife-hazards/bird-safe-building/>

and City of Portland, Ordinance No. 190023

Effective Date: August 10, 2020:

Planning Administrative Rules-Bird-Safe Window List

https://www.portland.gov/sites/default/files/2020-01/birdsafe_final.pdf

Thank you for considering our birds and making a decision to strengthen Berkeley's proposed Ordinance now!

Adopt the Golden Gate Audubon alternative proposal which has been shared with you!

<https://goldengateaudubon.org/wp-content/uploads/2023/02/Bird-Safe-Buildings-Proposed-Alternative.pdf>

Sincerely,

Janet Carpinelli

Enthusiastic 48 year resident of Bay Area

Communications

From: Sandy Steinman <sandysteinman@gmail.com>
Sent: Monday, February 27, 2023 5:44 PM
To: Wu, Grace
Subject: Re: Bird-safe Building 23.304.150 ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

1. The ordinance as proposed does not meet the Planning Commission's direction that the ordinance should reflect the best available science.
2. All glass is dangerous to birds, regardless of its size.
3. All buildings pose risks to birds, regardless of location or use.
4. Strongly encourage the commission to recommend the alternative proposal provided by Golden Gate Audubon.

Abetted alternate proposal:

<https://goldengateaudubon.org/wp-content/uploads/2023/02/Bird-Safe-Buildings-Proposed-Alternative.pdf>

Sandy Steinman

1429 Acton Street
Berkeley, CA 94702

Communications

From: Delia Taylor <deliataylor@mac.com>
Sent: Monday, February 27, 2023 5:50 PM
To: Wu, Grace
Subject: Bird safe buildings

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

It's very important to make buildings bird sage and to diminish nighttime lighting for birds and insects. Please make it happen!

Delia Taylor

Sent from my iPhone

Communications

From: Summer Brenner <summerbrenner@gmail.com>
Sent: Monday, February 27, 2023 5:51 PM
To: Wu, Grace
Subject: Please protect our birds!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission:

Berkeley needs to step forward and commit to bird safety glass. All glass is dangerous to birds, and all buildings pose risks to birds, regardless of location or use.

Please note that the Planning Commission's direction has asked that the CITY ordinance reflect the best available science.

I strongly encourage the commission to recommend the alternative proposal provided by **Golden Gate Audubon**. Let Berkeley be a real leader with regard to BIRD SAFETY GLASS.

Thank you.
Summer Brenner
Berkeley resident 40 years

Communications

From: Gael Alcock <gael@glotrans.com>
Sent: Monday, February 27, 2023 7:56 PM
To: Wu, Grace
Subject: Bird safe glass

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission,

Bird Safety glass is the only way to protect birds from flying into windows. The alternatives proposed by the developers, such as panels between windows, do not alert birds to glass. Birds see reflections of trees as trees.

The companies and builders say they can't afford the bird safe glass, and that it is not necessary.

If builders are not willing to preserve birds, they do not belong in a city which is a fly zone for many migrating species. The birds are not dispensable. They are dependent on our consideration, and we are dependent on their presence.

Sincerely,
Gael Alcock
Berkeley resident

Communications

From: christopher kroll <quercus40@gmail.com>
Sent: Monday, February 27, 2023 8:14 PM
To: Wu, Grace
Subject: Fwd: Fw: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: gwu@cityofberkeley.info <gwu@cityofberkeley.info>
Subject: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance
RE: Item #11 Bird Safe Ordinance, March 1 2023

Dear Planning Commissioners and Staff,
Please act to protect the birds that pass through Berkeley by revising the Bird Safe Ordinance using the language proposed by the Golden Gate Audubon Society (GGAS)

Unfortunately, the ordinance as currently written is insufficient, outdated, and will not provide any real protection for birds. It uses an older approach based on window size, which is no longer recommended.

Instead, I urge you to use the alternate language proposed by the Golden Gate Audubon Society (GGAS)

Birds need our help! The deadly problem of window strikes is easily solved at minimal cost. Please adopt the GGAS language and truly protect birds for generations to come.

Thank you for your consideration.

Christopher Kroll
Berkeley

Communications

From: William M Popper <wmpopper@gmail.com>
Sent: Monday, February 27, 2023 8:55 PM
To: Wu, Grace
Subject: Please review the two informative data based papers regarding Urban Avian Protection and Preservation

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Magnitude and correlates of bird collisions at glass bus shelters in an urban landscape

- Christine M. Barton ,
- Corey S. Riding ,
- Scott R. Loss

-
-
-



- Published: June 1, 2017
- <https://doi.org/10.1371/journal.pone.0178667>

<https://www.pnas.org/doi/pdf/10.1073/pnas.2101666118>

Bird-building collision risk: An assessment of the collision risk of birds with buildings by phylogeny and behavior using two citizen-science datasets

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6084936/>

Communications

From: Tish Brown <tishubrown@gmail.com>
Sent: Monday, February 27, 2023 9:11 PM
To: Wu, Grace
Subject: Birdsafe

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please improve guidelines. We are in a
bird extinction period and Berkeley can
do a lot better than this!!
Tish Brown

Sent from my iPhone

Communications

From: suzannemarr@yahoo.com
Sent: Monday, February 27, 2023 9:46 PM
To: Wu, Grace
Cc: Wengraf, Susan
Subject: Berkeley Bird Safe Ordinance - please do right by the birds and

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commission, I strongly urge you to pass a strong bird-safe ordinance, in spirit with what the city council sent to you, as as a good berkeley example to other cities for how to do it right.

I was saddened to hear that the planning commission's proposal is weaker, far weaker than what had been anticipated. Please bring it back up to snuff. Please hold the developers to reasonable and responsible bird safe requirements. I imagine that they will recoup their costs, so no need to worry.

I am doing my best to accept all the new housing placed in high rises for the many many incoming students and hopefully for our non-student citizens too, especially those with low or limited incomes. I know downtown will look way different in 5 years plus. However, more big buildings mean more bird strikes, unless you act now to be responsible and keep berkeley downtown bird safe. The birds will be subject to even more challenges given climate impacts. Berkeley does not need to add to that. You don't need to add to that.

I encourage you to follow the suggestions in the Golden Gate Audubon proposal, and follow the science, and make Berkeley proud, not ashamed.

Thank you

Suzanne Marr

Berkeley resident.

Communications

From: Jesse Greenspan <jgreens14@yahoo.com>
Sent: Tuesday, February 28, 2023 10:07 AM
To: Wu, Grace
Subject: Bird Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission,

I'm a Berkeley resident writing in support of a robust Bird Safe Building Ordinance, which will apparently be discussed at the commission's March 1 meeting. Windows are some of the top threats facing migratory birds today; research shows that up to 1 billion birds die each year in window strikes in the United States alone. Luckily, we have [many solutions](#) to the problem. In fact, after a lesser goldfinch sadly struck my living room window and died just after we moved into a new place in South Berkeley, we installed dots on the glass that have so far prevented any further strikes.

I strongly encourage the Planning Commission to put in place robust measures to prevent bird strikes when it comes to new construction and major retrofits. What the commission has proposed so far is not strong enough -- smaller windows as well as bigger windows should be covered. Berkeley should strive to be as environmentally friendly as possible, especially in cases like these, where relatively cost-effective solutions are available.

Thanks for taking the time to review my comments.

Best,
Jesse Greenspan

Communications

From: marilyn siegel <zemeralds@yahoo.com>
Sent: Tuesday, February 28, 2023 10:26 AM
To: Wu, Grace
Subject: Planning for Bird Safe Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am disappointed to hear that the Berkeley Planning Department has not considered the recommendations of Golden Gate Audubon Society in developing guidelines for buildings and renovations.

I am also very interested in the implementation of dark skies measures so that migrating birds not be interfered with.

I have lived in Berkeley 71 years and have always been proud of the environmental leadership shown by City government. Let's not drop the ball here. We have scientific data as to what poses a threat to our avian population and in my opinion therefore planning should reflect this.

Respectfully,
Marilyn Siegel

[Sent from Yahoo Mail on Android](#)

Communications

From: Mari Vlastos <marijean40@gmail.com>
Sent: Tuesday, February 28, 2023 10:34 AM
To: Wu, Grace
Subject: adopt Audubon bird safety measure!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

PLEASE adopt Audubon's Alternative Proposal for bird safety in our city! The visual blight for residents is bad enough from high density construction, but the death of innocent birds is unconscionable!

Mari Vlastos
1221 Queens Road, 94708

Communications

From: Sally HUGHES <sshughes@berkeley.edu>
Sent: Tuesday, February 28, 2023 10:44 AM
To: Wu, Grace

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please please pass a Bird Safety Building Ordinance. Our birds are suffering from multiple threats. One of the greatest sources of bird mortality is flying into glass.

Sally Hughes
2210 Sturat St.
Berkeley 94705

Communications

From: junk menagerie <vegan.taxidermy@gmail.com>
Sent: Tuesday, February 28, 2023 11:13 AM
To: Wu, Grace
Subject: Bird safe building

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I want the planning department to adopt the bird safe building ordinance as proposed by the Golden Gate Audubon Society: <https://goldengateaudubon.org/wp-content/uploads/2023/02/Bird-Safe-Buildings-Proposed-Alternative.pdf>

Please do NOT use the watered down version written by the Planning Department, which will not prevent bird strike deaths. The measures called for by the GGAS are not difficult to plan for or implement, nor substantially expensive enough to kill developments in Berkeley.

Thank you,
Aimee B.
District 1, Berkeley

Communications

From: Cameron Woo <cameronjwoo@gmail.com>
Sent: Tuesday, February 28, 2023 11:42 AM
To: Planning Commission
Cc: Burns, Anne M; Horner, Justin
Subject: Comment on new Bird Safe Ordinance proposed at March 1, 2023 Planning Commission Meeting

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Berkeley Planning Commission,

I am speaking as a private citizen of Berkeley and not as a member of the Berkeley Design Review Committee on which I currently serve—the comments that follow represent my own personal viewpoints and not those of the Berkeley DRC ...

I have reviewed the proposed Bird Safe Ordinance up for consideration by the Berkeley Planning Commission on March 1, 2023—and wish to state my opposition to a few elements of the proposed ordinance, these objections are:

1. The size parameters of 12 ft that would require bird-safe mitigation is much too large—I support requiring the size of any glass of 4 inches square or larger not separated by a .5-inch divider to require (the well-defined) bird-safe mitigation.
2. Please remove the ability for a biologist to approve any bird-safe mitigation as approved—please adhere to the standard approved mitigations and do not allow for these kinds of exceptions.
3. change the "carve out" exceptions to only applying to "100% low-income housing developments"—nothing short of 100% of low-cost housing use should be allowed as an exception to bird-safety.

In short, I strongly believe that Berkeley should lead on the issue of bird-safety and make their ordinance as strict as possible and not allow for "exceptions" and "work-arounds."

Thanks for your work on this subject ...

Sincerely,
Cameron Woo
Berkeley resident

Communications

From: pat kline <klinepat@gmail.com>
Sent: Tuesday, February 28, 2023 12:16 PM
To: Wu, Grace
Subject: birds and windows: March 1, City Planning meeting

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please incorporate and implement strong bird protections in City of Berkeley building ordinances particularly as regard windows. No corner cutting!

Pat Kline Berkeley

Communications

From: Sylvia Hawley <emetal@lmi.net>
Sent: Tuesday, February 28, 2023 12:54 PM
To: gwu@cityofberkeley.info.
Subject: Bird Safe Berkeley Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission,

As a life long Berkeley Resident and Golden Gate Audubon member I strongly urge you to adopt Golden Gate Audubon's Bird Safe Building ordinance recommendations.

With our bird populations in decline and the proliferation of glass fronted high rise buildings in Berkeley's downtown we need

the Planning Commission to provide real protection for birds from window strikes. Window Strikes are considered the 3rd largest threat to

birds in our state (Cal Fish & Wildlife Service 2017).

Please let's do something that reflects Berkeley's long term values of protecting our natural environment and wildlife and keep Berkeley

a beautiful and thriving place.

Thank you,

Sylvia Hawley

Concerned Berkeley Resident

Horticulturist

Golden Gate Audubon Member

Communications

From: Sally Nelson <sallynels7@gmail.com>
Sent: Tuesday, February 28, 2023 1:46 PM
To: Wu, Grace
Cc: All Council
Subject: Item 11: Bird-Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

March 1st, 2023

To Members of Berkeley's Planning Commission and Staff,

I strongly encourage you to recommend (and adopt) the alternative proposal provided by Golden Gate Audubon. The Bird Safe Building Ordinance as proposed does not meet the Planning Commission's direction that the ordinance should reflect the best available science. All glass is dangerous to birds. All buildings pose risks to birds, regardless of location or use.

Glass that is 12 square feet or 24 square feet is NOT immune to bird collisions. My own windows, with panes measuring 10" x 14" have been slammed into by birds.

I urge you to recommend the Alternative Ordinance authored by Golden Gate Audubon, that requires that 100% of new buildings and new construction have 100% of bird-safe glass from the ground level up to 100 feet above grade.

The loss of 3 billion birds in North America over the last 50 years is outrageous.

We are all contributing to the decline of our ecosystem, as seen by the world's diminishing numbers of birds and insects. We should be doing everything possible to contribute to the survival and thriving of the living non-human beings around us, even if only to ensure our own survival.

I strongly urge you to recommend and adopt the Alternative Ordinance authored by Golden Gate Audubon, and help protect our birds for generations to come.

With great concern,
Respectfully yours,

Sally Nelson
2200 McGee Avenue
Berkeley, CA 94703
sallynels7@gmail.com

Communications

From: jlamont@creekcats.com
Sent: Tuesday, February 28, 2023 1:53 PM
To: Wu, Grace; All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Harrison, Kate; Manager, C; Garland, Liam
Cc: Juliet Lamont; Dr. Phillip Nicholas Price; ctarr@goldengateaudubon.org; Lisa Owens Viani; tkelly kyotousa.org; Jane Kelly; gphillips@goldengateaudubon.org; nac@sfbaysc.org; Arthur Feinstein; cccrrefuge@gmail.com
Subject: Please Adopt Audubon Alternative for Berkeley's Bird Safe Building Ordinance! Current Planning Commission Proposal is Inadequate
Importance: High

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

City of Berkeley Planning Commission members, Mayor and Councilmembers, City Manager, and Director of Public Works:

We are writing to urge you to adopt the Golden Gate Audubon's alternative proposal for a Bird Safe Building Ordinance.

The Planning Commission's current proposal is not in any way adequate for providing protection for birds. It is imperative that we adopt a truly protective and effective ordinance; songbird populations are collapsing across the nation, as is biodiversity across all bird species. The parameters of effective ordinances have been developed through prominent bird protection organizations, and are the culmination of real science and knowledge about bird behavior. We should be looking to these experts for guidance and recommendations about bird-safe building ordinances. And we should embrace the responsibility of true leadership and stewardship in protecting birds and their habitat in our city, region, and globally.

Berkeley is located in a globally-recognized "biodiversity hotspot" - critical not only to resident bird populations, but for the millions of birds that migrate up and down the west coast every year. We are a key refuge for these species, many of which are in rapid decline, with loss of habitat, climate change impacts, toxics in the environment (pesticides, rodenticides, and more), and collisions with buildings all contributing to these declines. **Nearly 3 billion birds, 30% of the birds in North America, disappeared between 1970 and 2020. And collisions with glass is the #2 killer of birds, up to 1 billion birds per year.** Berkeley is part of that problem: based on current research, **Berkeley's 46,816 residential buildings kill between 90,000 and 580,000 birds each year.**

Truly protective bird-safe building ordinances are thus an important step in addressing and repairing the damage we have caused, and in rebuilding bird populations and species diversity.

The current Planning Commission proposal is inadequate on several points:

1. The ordinance as proposed does not meet the Planning Commission's direction that the ordinance should reflect the best available science.
2. All glass is dangerous to birds, regardless of its size. Therefore an effective ordinance needs to cover *all* glass sizes.
3. All buildings pose risks to birds, regardless of location or use. Therefore, the ordinance cannot exclude some buildings, and/or types of uses.

Specifically, while almost all buildings are covered under the current proposal, only contiguous transparent materials greater than 12 square feet without a minimum separation of 1/2" between panes are subject to requirements. This exception means that highly mirrored buildings, like the one pictured here, could be built under the ordinance, as long as each individual glass unit is no more than 12 square feet. This simply defeats the purpose of a bird safe ordinance.



Even a proposal requiring no more than 6 square feet and 4" between panes will produce unnecessary bird deaths.

The alternative developed and proposed by Golden Gate Audubon is based on comprehensive science, and recommendations developed by top-notch ornithological institutions and organizations. ***If Berkeley is going to be an environmental leader, then Berkeley needs to implement the birdsafe model ordinance that these organizations support: 100/100/100, where 100% of all new buildings (all sides) are built with bird-friendly materials (birdsafe glass) in the first 100 feet from the grade (ground) up.*** <https://abcbirds.org/glass-collisions/bird-friendly-legislation/> Moreover, there are easy solutions to making new buildings safe with 100/100/100. For example, existing homes and buildings can be made bird safe with external screens; full insect screens on the outside of windows is a simple first action that anyone can employ. Another alternative is adding a birdsafe film to windows. Solutions such as these are delineated in detail at the American Bird Conservancy website, <https://abcbirds.org/>

We must be leaders on the environmental front, in all arenas. And we must implement strong, comprehensive, and fully effective solutions if we are to have any chance of rebuilding bird biodiversity and populations. The City of Berkeley has built a reputation around its environmental activism and commitment. We urge the Planning Commission to show that this commitment is real - not just convenient talk.

Please reject the current birdsafe building proposal, and adopt the Golden Gate Audubon alternative instead.

Thank you!

Sincerely,

Dr. Juliet Lamont (former Chair and Vice-Chair, Sierra Club SF Bay Chapter)
Dr. Phillip Price (former Board member and Conservation Committee Chair, Golden Gate Audubon)
2249 Glen Ave.
Berkeley, CA 94709

Communications

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Tuesday, February 28, 2023 2:13 PM
To: Planning Commission; Wu, Grace
Subject: Bird safety in construction

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Commission members, It is my understanding that the Commission will likely vote on the proposed language for a bird-safe ordinance. Unfortunately, the guidelines currently being proposed **are insufficient and will provide virtually no protection for birds.**

1. The ordinance as proposed does not meet the Planning Commission's direction that the ordinance should reflect the best available science.
2. All glass is dangerous to birds, regardless of its size.
3. All buildings pose risks to birds, regardless of location or use.

The Golden Gate Audubon Society has submitted alternative language. **We need the Commission to adopt the GGAS language instead.** It is based on the latest science on bird-safety. See below for link and more info.

<https://goldengateaudubon.org/wp-content/uploads/2023/02/Bird-Safe-Buildings-Proposed-Alternative.pdf>

Thank you!
Larisa Cummings
2913 Newbury St
Berkeley 94703
510-435-9812

Communications

From: Elana Auerbach <elanarobyn@gmail.com>
Sent: Tuesday, February 28, 2023 3:46 PM
To: Wu, Grace
Subject: SAFE GLASS FOR BIRDS ~ it's a no brainer

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Commissioners~

Please lead the way to ensure a cityscape that's safe for the winged ones. I strongly encourage the commission to recommend the alternative proposal provided by **Golden Gate Audubon**.

With your help, Berkeley will lead with regard to BIRD SAFETY GLASS.

Thank you~
Elana Auerbach

Communications

From: Morton D. PALEY <mpaley@berkeley.edu>
Sent: Tuesday, February 28, 2023 3:52 PM
To: Wu, Grace
Cc: ggas@goldengateaudubon.org
Subject: bird safety ordinance

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The proposed bird safety ordinance is far too weak. All exterior glass surfaces should be covered by such an ordinance in order for it to be effective.

Morton D. Paley

Communications

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Tuesday, February 28, 2023 4:41 PM
To: Wu, Grace; All Council
Cc: Sustainable Berkeley Coalition; bca-steering-committee@googlegroups.com; mcgeespauldingnbsinaction-announce@lists.riseup.net
Subject: Planning Commission #11 Bird Safe Ordinance, March 1, 2023 Agenda

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To Members of the Planning Commission and City Staff,

Request

I ask that you adopt the alternative Bird Safe Ordinance provided by the Golden Gate Audubon Society. The Audubon Society recommendations are written to the best latest science, 100/100/100 = 100% of all new construction with 100% bird friendly materials including bird safe glass from the ground/grade up to 100 feet.

All the way to the top of tall buildings would be wonderful.

Window size defined as safe without treatment by the Audubon Society

The ordinance from staff as written will not protect birds. As I heard Monday evening from the Director of the Golden Gate Audubon Society any window larger than 4" in any direction is a threat to birds.

Certified Biologist

I am greatly concerned by the "certified biologist" exception in the staff proposal and plead that the "certified biologist" be removed from any bird safe ordinance. We should all know by now that climate deniers with degrees can be found to push fossil fuels. Sadly, can we feel confident that there is no "certified biologist" who is willing to do the same on bird safety?

Affordable Housing

I understand that an affordable housing exception may be included. Please add the affordable housing project exception is added to the five year phase in suggested for single family homes. Please add that any affordable housing project exception applies to projects with affordable units that are for households in the very low income and low income HUD defined income ranges with a minimum of 75% affordable units.

Protect Birds & We Protect the Earth

The Audubon bumper sticker is "Protect Birds & We Protect the Earth." Addressing climate change without addressing protecting birds, nature, ecosystems and habitat will not save the planet.

Bird Collision and Interior Treatment of Windows

I had a bird collision on my front double-pane window and found the dead bird in my yard. The experience was devastating. I have blinds/levolors on the inside of that window on the inside of my house which demonstrates that internal curtains and blinds do not protect birds. It is the glass reflection on the outside that is the danger.

Personal Action Response

Late Communications
Planning Commission
March 1, 2023

The bird safe film to apply to that window has arrived. (I found the resource at American Bird Conservancy <https://abcbirds.org/>). If anyone wants to help we can all learn together how to apply the bird safe film. I am looking at Sunday afternoon March 12 (rain cancels). I could use help/volunteers Send an email to kellyhammargren@gmail.com

I have three other windows that I am in the process of replacing with double hung windows with full screens.

Concerned Berkeley Resident,
Kelly Hammargren

Communications

From: Jan Ruchlis <janruchlis@gmail.com>
Sent: Tuesday, February 28, 2023 5:31 PM
To: Erin Diehm
Cc: Planning Commission; All Council; Manager, C; City Clerk; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; Glenn Phillips; mcgeespauldingnbsrination-announce@lists.riseup.net; bnc50@berkeleyneighborhoodscouncil.com; Sustainable Berkeley; bca-steering-committee@googlegroups.com
Subject: Re: [mcgeespauldingnbsrination-announce] Fw: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance

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Thank you Erin for laying it out so consisely. I hope you will be listened to and action will be taken.
Jan Ruchlis

On Feb 28, 2023, at 5:19 PM, Erin Diehm <erindiehm@hotmail.com> wrote:

Resending.

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Monday, February 27, 2023 4:56 PM
To: gwu@cityofberkeley.info <gwu@cityofberkeley.info>
Subject: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance

RE: Item #11 Bird Safe Ordinance, March 1 2023

Dear Planning Commissioners and Staff,

We are all aware that Berkeley is taking active measures to address climate change, by building much-needed housing near transit to reduce GHGs. However, that's only half of the climate equation. Scientists are now sounding the alarm about the biodiversity crisis, too, which may pose an even greater threat. Bird populations are included in this crisis as we've lost almost 1/3rd of all birds since the 1970s.(1) Collisions with window glass is the second largest anthropogenic cause of bird deaths in North America, up to 1 billion birds per year.(2) For this reason, it is incredibly important that we get this right, that we pass a Bird Safe Ordinance that reflects recent science on bird safety, that will truly protect birds, and serve as an example for other cities.

Unfortunately, the ordinance as currently written is insufficient, outdated, and will not provide any real protection for birds. It seems to use an older approach based

on window size, which is no longer recommended. For example, the proposal allows for untreated glass as large as 12 and 24 sqft. Very dangerous for birds!

Instead, I urge you to use the alternate language proposed by the Golden Gate Audubon Society (GGAS).

GGAS's alternate language reflects the latest science on bird-safety. It recognizes that every building, every window counts. It reflects newer ordinances that are recommended by the recognized authority on bird-safety, the American Bird Conservancy. Adopting the GGAS language will truly reflect Berkeley's goals of being an environmental leader addressing climate change and the biodiversity crisis.

Lastly, and on a happier note, birds benefit us urban dwellers in many wonderful ways. They help us destress, concentrate, and are associated with higher levels of happiness (in Europe, equivalent to an extra \$150/month!)(3,4,5). They visit us from thousands of miles away to grace us with their beauty and joy. They are a gift.

Birds need our help! The deadly problem of window strikes is easily solved at minimal cost. Please adopt the GGAS language and truly protect birds for generations to come.

Thank you for your consideration.

Best regards,
Erin Diehm
Berkeley resident

1 "Nearly 30% of birds in U.S., Canada have vanished since 1970"
Cornell Chronicle, September 19, 2019
<https://news.cornell.edu/stories/2019/09/nearly-30-birds-us-canada-have-vanished-1970#:~:text=Cornell%20Lab%20of%20Ornithology%20Research%20published%20Sept.%2019,States%20and%20Canada%20over%20the%20past%2050%20years.>

2 "Why Birds Hit Glass"
Glass Collisions: The American Bird Conservancy
<https://abcbirds.org/glass-collisions/why-birds-hit-glass/>

3 "Natural high: why birdsong is the best antidote to our stressful lives"
The Guardian, May 4 2019
<https://www.theguardian.com/environment/2019/may/04/birdsong-antidote-to-stressful-lives-dawn-chorus-day>

4 "The Surprising Health Benefits of Bird-Watching"
New York Times, December 12, 2022
<https://www.nytimes.com/2022/12/10/well/move/bird-watching-health-benefits.html>

5 "Biological diversity evokes happiness: More bird species in their vicinity increases life satisfaction of Europeans as much as higher income"
December 4, 2020
<https://www.sciencedaily.com/releases/2020/12/201204110246.htm>

Late Communications
Planning Commission
March 1, 2023

To unsubscribe: <<mailto:mcgeespauldingnbrsinaction-announce-unsubscribe@lists.riseup.net>>
List help: <<https://riseup.net/lists>>

Communications

From: julianna dickey <julianna@lmi.net>
Sent: Tuesday, February 28, 2023 6:01 PM
To: Wu, Grace
Subject: Item 11: Bird-Safe Building Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Members of Berkeley Planning Commission,

I am writing to urge you to adopt the alternative proposal provided by Golden Gate Audubon.

If the city is looking to protect birds, the way to do it is to do it. Half-way measures don't mean much when many birds' lives are at stake. Many people think that too many birds' lives have already been lost to the poor planning of cities everywhere.

Perhaps at an earlier time we didn't realize the significance of what we were doing. But now the numbers have come out and the loss of birdlife is staggering. The number one killer of birds is glass in buildings.

If we are seriously thinking about doing something meaningful, let's do it right. The requirement, as in the Alternative Ordinance, states that 100% of new buildings and new construction have 100% of bird-safe glass from the ground level up to 100 feet above grade. That would be doing it the right way.

Berkeley can show the way to the rest of the country in taking on this meaningful action.

Thank you for seriously thinking about the rights that other creatures, who cannot speak for themselves, are entitled to. We also must ponder how much these birds add to our quality of life.

Julianna S. Dickey
Berkeley

Communications

From: Nancy Schimmel <nancy@sisterschoice.com>
Sent: Tuesday, February 28, 2023 7:18 PM
To: Wu, Grace
Subject: Item #11 Bird Safe Ordinance, March 1 2023

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I agree with this letter and hope you will take the information therein into account in your decisions.

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Monday, February 27, 2023 4:56 PM
To: gwu@cityofberkeley.info <gwu@cityofberkeley.info>
Subject: Planning Commission - March 1 2023 - Item #11 - Bird Safe Ordinance
RE: Item #11 Bird Safe Ordinance, March 1 2023

Dear Planning Commissioners and Staff,

We are all aware that Berkeley is taking active measures to address climate change, by building much-needed housing near transit to reduce GHGs. However, that's only half of the climate equation. Scientists are now sounding the alarm about the biodiversity crisis, too, which may pose an even greater threat. Bird populations are included in this crisis as we've lost almost 1/3rd of all birds since the 1970s.(1) Collisions with window glass is the second largest anthropogenic cause of bird deaths in North America, up to 1 billion birds per year.(2) For this reason, it is incredibly important that we get this right, that we pass a Bird Safe Ordinance that reflects recent science on bird safety, that will truly protect birds, and serve as an example for other cities.

Unfortunately, the ordinance as currently written is insufficient, outdated, and will not provide any real protection for birds. It seems to use an older approach based on window size, which is no longer recommended. For example, the proposal allows for untreated glass as large as 12 and 24 sqft. Very dangerous for birds!

Instead, I urge you to use the alternate language proposed by the Golden Gate Audubon Society (GGAS).

GGAS's alternate language reflects the latest science on bird-safety. It recognizes that every building, every window counts. It reflects newer ordinances that are recommended by the recognized authority on bird-safety, the American Bird Conservancy. Adopting the GGAS language will truly reflect Berkeley's goals of being an environmental leader addressing climate change and the biodiversity crisis.

Lastly, and on a happier note, birds benefit us urban dwellers in many wonderful ways. They help us destress, concentrate, and are associated with higher levels of happiness (in Europe, equivalent to an extra \$150/month!)(3,4,5). They visit us from thousands of miles away to grace us with their beauty and joy. They are a gift.

Birds need our help! The deadly problem of window strikes is easily solved at minimal cost. Please adopt the GGAS language and truly protect birds for generations to come.

Thank you for your consideration.

Best regards,

Erin Diehm
Berkeley resident

1 "Nearly 30% of birds in U.S., Canada have vanished since 1970"
Cornell Chronicle, September 19, 2019

<https://news.cornell.edu/stories/2019/09/nearly-30-birds-us-canada-have-vanished-1970#:~:text=Cornell%20Lab%20of%20Ornithology%20Research%20published%20Sept.%2019,States%20and%20Canada%20over%20the%20past%2050%20years.>

2 "Why Birds Hit Glass"

Glass Collisions: The American Bird Conservancy

<https://abcbirds.org/glass-collisions/why-birds-hit-glass/>

3 "Natural high: why birdsong is the best antidote to our stressful lives"

The Guardian, May 4 2019

<https://www.theguardian.com/environment/2019/may/04/birdsong-antidote-to-stressful-lives-dawn-chorus-day>

4 "The Surprising Health Benefits of Bird-Watching"

New York Times, December 12, 2022

<https://www.nytimes.com/2022/12/10/well/move/bird-watching-health-benefits.html>

5 "Biological diversity evokes happiness: More bird species in their vicinity increases life satisfaction of Europeans as much as higher income"

December 4, 2020

<https://www.sciencedaily.com/releases/2020/12/201204110246.htm>

Communications

From: loisy@aol.com
Sent: Wednesday, March 1, 2023 5:34 AM
To: Wu, Grace
Subject: Please support Golden Gate Audubon's Bird Safe Buildings alternate ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the City of Berkeley Planning Commission:

As a biologist who has done wildlife rehabilitation, I am acutely aware of the extremely high bird mortality from collisions with windows, and buildings in Berkeley should have strict codes regarding all glass and window surfaces, which could considerably reduce bird collisions and mortality if the Golden Gate Audubon's guidelines are put into place, rather than the totally ineffective and wildlife-killing planning department proposal that does not meet the Planning Commission's direction to use the best available science to reduce the number of bird deaths from Berkeley's building boom.

Thank you for your consideration.

Sincerely,
Lois Yuen
Berkeley

Communications

From: Linda Zagula <lindazagula@gmail.com>
Sent: Wednesday, March 1, 2023 8:54 AM
To: Planning Commission
Subject: Bird-Safe Berkeley Ordinance

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Regarding the Bird-Safe Berkeley Ordinance, the currently proposed language is inadequate for protecting our birds!

The Commission should adopt the Golden Gate Audubon Society language instead.

Please note the following:

1. The ordinance as proposed does not meet the Planning Commission's direction that the ordinance should reflect the best available science.
2. All glass is dangerous to birds, regardless of its size.
3. All buildings pose risks to birds, regardless of location or use.

Again, I strongly encourage the commission to recommend the alternative proposal provided by Golden Gate Audubon.

Thank you,

Linda Zagula

[1211 Allston Way](#)

[Berkeley, CA 94702](#)

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Linda



Bringing community together to build a more equitable, regenerative, and self-reliant future for Berkeley. www.transitionberkeley.org

March 1, 2023

Planning Commission
City of Berkeley

Re: Bird Safe Building Ordinance (23.304.150)

Dear Planning Commission,

People in Berkeley love birds, from the tiny hummingbirds, colorful finches and chattering mockingbirds found in backyards, ducks and pelicans found by the bay, as well as the dramatic falcons breeding on top of the UC Berkeley campanile.

Birds are beautiful and an important part of our habitat, but like other wildlife species, their numbers are dramatically dropping. Scientists estimate that we have 3 billion less breeding birds than we did 50 years ago. One of the main causes of death for birds is from striking glass windows on buildings. In Berkeley it is estimated (by Golden Gate Audubon) that between 90,000 and 580,000 birds die every year from striking residential buildings. That's the bad news, but the good news is that we can do something to reduce bird deaths.

The current Bird Safe Building ordinance, as proposed, doesn't provide enough protection for birds, according to more recent science on bird safety.

All glass on buildings is very dangerous to birds, no matter the size. They can't see glass and will try to squeeze through spaces including untreated glass as small as 2"x 4".

We encourage the commission to adopt the [American Bird Conservancy's Model Ordinance of 100/100/100](#) which means 100% of all glass and other building materials should be bird friendly in the first 100 feet of 100% of all new buildings.

Please also consider the [recommended proposal](#) provided by Golden Gate Audubon.

Transition Berkeley, an organization committed to supporting habitat through educational events and by installing native pollinator gardens in parks, schools, churches and public places, urges the Planning Commission to make the Bird Safe Building Ordinance as stringent as possible.

By drafting stronger science-backed requirements for the Bird Safe Building ordinance millions of birds will be saved within our city. These bold measures will help inspire other cities to follow suit and together will make life easier for our fine feathered friends to safely get to where they need to go for decades to come.

Warm regards,

Bonnie Borucki, Linda Currie, Pierre Thiry, and Ayako Nagano

Members of the Board

Transition Berkeley.org

Email: info@TransitionBerkeley.org

Communications

From: Paul Cambon <paul.cambon@som.com>
Sent: Tuesday, February 28, 2023 8:09 PM
To: Horner, Justin <JHorner@cityofberkeley.info>
Subject: Re: City of Berkeley Bird Safe Glass Ordinance

Hi Justin,

I hope this is getting to you on time. I've been serving on jury duty this week so I've been burning the candle at both ends. Unfortunately, I will not be able to attend the meeting, but I've written out my comments below. Please forward as you see fit:

General Comment:

In general, Architects and the clients they represent prefer planning codes to be as simple and straightforward as possible. Exemptions or multiple paths of compliance, while they may have good intentions, often complicate the design decision making process and make it difficult for cost estimating and project planning. New building design teams should be confident that by following the planning code their project will receive planning approval and not be required to meet additional criteria that is overly burdensome.

Applicability and Table 1 (pages 3-4)

I think creating different requirements for land use types does not help the purpose of the ordinance. It would be more simple if requirements were determined by building size and area of transparent material only. Land use should not be a factor if the sole intent of the ordinance is for the protection of birds. A bird does not know the difference between an office building and a residential one. I prefer the "Alternative Option - Building Size" approach on page 5.

Table 1, "New or Replacement Transparent Materials on Existing Building" Requirements

A diagram illustrating a code compliant transparent surface size would be helpful. Is there a clear definition in the BMC that defines the facade of the building? Is the 50% measured over a continuous vertical surface all in the same plane or is 50% taken off an entire building facade (example: an overall building elevation which could have walls on multiple planes). You could, in theory, have a wall with large windows greater than 12 sf if they were located on a wall with just under 50% transparent material. These windows could be just as dangerous to birds as a similar sized window on new construction.

Biologist Certification (page 8)

I prefer Alternative Option - Removing this path of compliance. This opens up a wide interpretation, increased documentation from all parties, and will make the planning process for new construction more cumbersome.

That's it! Thank you again for reaching out.

Best,
Paul Cambon