City of Emeryville
CALIFORNIA

MEMORANDUM

DATE: February 5, 2019

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Direction on Development of Bird-Safe Building Standards**

RECOMMENDATION

Staff requests that the City Council provide direction as to whether and how Emeryville should adopt bird-safe building standards.

BACKGROUND

At the City Council meeting on October 2, 2018, then Mayor Bauters requested that the Planning Commission study bird-friendly design guidelines in Emeryville in the next 6-12 months. Following discussion, the Council directed that the matter be brought to the Council for discussion and direction at a future meeting. This report is responsive to that Council direction.

While staff is not aware that bird strikes and other bird safety issues related to building design have been significant problems in Emeryville, they have been raised as concerns in the urban environment generally. According to the U.S. Fish and Wildlife Service (FWS), collisions with building glass are estimated to kill between 365 million and 988 million birds annually in the United States, with a median annual estimate of 599 million. This makes building collisions the second greatest source of direct mortality of birds. The greatest threat to birds, according to FWS, is cats, accounting for a median annual estimate of 2.4 billion bird deaths per year. Other threats cited by FWS, and their median estimates of bird mortality, include collisions with motor vehicles (214.5 million bird deaths per year), poison (72 million), collisions with electrical lines (25.5 million), collisions with communication towers (6.6 million), electrocutions (5.6 million), oil pits and evaporation ponds (750,000), and collisions with wind turbines (234,000). In addition, habitat loss is thought to pose by far the greatest threat to birds, both directly and indirectly; however, its overall impact on bird populations is very difficult to directly assess. (Source: https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.)

According to the Golden Gate Audubon Society (GGAS), in 2011, San Francisco became the first city in the nation to adopt bird safe building standards. On July 14, 2011, the San Francisco Planning Commission adopted “Standards for Bird-Safe Buildings”. This was followed by an ordinance codifying bird-safe building standards in the San Francisco Planning Code, passed by the Board of Supervisors on September 27, 2011 and signed by the Mayor on October 27, 2011. GGAS further notes that the City of Oakland’s planning

Attachment 1

staff added Bird Safety Measures to their standard building permit requirements in June 2013, Richmond approved Bird Safe Standards in 2016, and Alameda approved Bird Safe Building Standards in 2018. Other cities that have passed bird-safe building standards, according to GGAS, include Sunnyvale and Palo Alto, while Portland, Oregon, and Highland Park, Illinois, are currently considering them.

According to San Francisco's Standards for Bird-Safe Buildings (the "Standards"), glass and lighting are the two primary types of building-related hazards for birds, and there are two categories of these hazards: "location-related" hazards, and "feature-related" hazards.

Location-related hazards pertain to the "Bird Collision Zone" of buildings within 300 feet of an "Urban Bird Refuge". The "Bird Collision Zone" is the portion of building most likely to sustain bird strikes. It begins at grade and extends upwards for 60 feet. This zone also applies to glass façades directly adjacent to large landscaped roofs of two acres or larger, and extends upward 60 feet from the level of the roof. An "Urban Bird Refuge" is an open space two acres or larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, water features or wetlands; open water; and green rooftops of two acres or larger.

A feature-related hazard is a feature that creates hazards for birds in flight unrelated to the location of the building. Feature-related hazards include free-standing clear glass walls, skywalks, greenhouses on rooftops, and balconies that have unbroken glazed segments 24 square feet and larger.

In both cases, the Standards include glass and façade treatments, lighting treatments, and provisions for wind generators. Glass and façade treatments include fritted and frosted glass, angled glass, ultra-violet glass, film and art treatment of glass, external screens, architectural features, and netting. Lighting treatments include standards for lighting design and lighting operations. Concerning wind generators, the Standards notes: "While it is unreasonable to believe that these small urban systems would cause the annihilation of birds … a certain amount of caution is prudent in the absence of established scientific research. …The only clear way at present to learn whether small urban wind generators will harm birds is to allow the installation of a few, and to monitor the interactions with animals, if any."

DISCUSSION

Should the City Council wish to move forward with this topic, based on the experience of other cities, there appear to be a number of ways that Emeryville could consider adopting bird safe building standards. One option for action would be to rely on the CEQA process to identify potential bird hazards of proposed new projects on a case-by-case basis. Alternatively, staff could develop bird safety measures that could be included in projects' conditions of approval, similar to what Oakland has done. Another possibility would be to add bird safety measures to the Emeryville Design Guidelines, which are implemented

through the design review process (all new and modified buildings require design review in Emeryville). Finally, an ordinance amending the Planning Regulations to codify bird safe building regulations could be considered, similar to what San Francisco has done.

Either the CEQA option or the standard condition of approval option would be implemented by staff upon the direction of the City Council. An amendment to the Emeryville Design Guidelines requires passage of a Resolution by the City Council following a recommendation from the Planning Commission. Similarly, an amendment to the Planning Regulations requires passage of an Ordinance by the Council following a recommendation from the Commission.

CONCLUSION

Staff recommends that the matter be referred to the Planning Commission for a study session to weigh the various options. Staff would then bring the Commission's recommendation from the study session back to the Council for further direction.

APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:

Christine Daniel, City Manager