



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** June 16, 2020

**TO:** Christine Daniel, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Regarding Bird-Safe Building Standards (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

### RECOMMENDATION

The Planning Commission recommends that the City Council adopt the first reading of the attached ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code by adding Article 8 to Chapter 4, and amending Article 7 of Chapter 4, regarding bird-safe building design.

### BACKGROUND

On October 2, 2018, the City Council directed staff to schedule a Council discussion on bird-friendly design guidelines to reduce bird collisions with buildings. On February 5, 2019, the Council held a discussion on the topic and directed staff to schedule a Planning Commission study session. On September 26, 2019, the Planning Commission held a study session and recommended adopting standards in the Planning Regulations to apply citywide. On November 5, 2019, the Council held a study session and directed staff to prepare an ordinance putting standards in the Planning Regulations and applying them citywide. The Council staff report from the November 5, 2019 study session is attached for reference. On April 23, 2020, the Planning Commission held a public hearing on the proposed standards and then voted unanimously to recommend City Council adoption of the code changes set forth in the attached ordinance.

### DISCUSSION

The attached ordinance adds a new Article 8, "Bird-Safe Buildings", and amends Article 7, "Other Site Development Regulations", in Chapter 4, "Site Development Regulations" in the Planning Regulations at Title 9 of the Emeryville Municipal Code.

The new Article 8 sets standards that apply to new construction, window replacement, and glass structures. The bird-safe glazing requirement applies to contiguous glass areas of 12 square feet or more. Bird-safe glazing treatments must be used in 90% of the glazing on any building façade or glass structure and glass near plants or water features. Bird-safe features can be external screens; translucent glass; glass covered

with patterns that are within 2 inches vertically or 4 inches horizontally (the 2 by 4 rule); grates, nets or cords meeting the 2 by 4 rule; grooved glass block; or equivalent treatments approved by the Planning Director. Alternatively, applicants may submit a plan prepared by a qualified biologist that includes layering and recessing of glass, angled or faceted glass, louvers or grates not meeting the 2 by 4 rule, overhangs or awnings, clear glass block, grilles, glass with photovoltaic cells, or plant placement. Interior lighting requirements include automatic light shutoff systems in non-residential spaces and window coverings as part of all building construction projects. Site design requirements include no mirrors near landscaping and vent grates meeting the 2 by 4 rule.

The amendments to Article 7 address outdoor lighting. They repeal the exemption of spotlights, search lights and lasers for special events, limit lights that highlight architectural features or art to one 100-watt bulb or equivalent, limit security lighting to 8 feet above the ground, and prohibit spotlights, searchlights, lasers, beams, floodlights, and mercury vapor lights.

## **FINDINGS**

Emeryville Municipal Code Section 9-7.1305 provides that the City Council, in approving amendments to the Planning Regulations, must make the following findings:

- (a) The proposed amendment is consistent with the General Plan.
- (b) The proposed amendment is necessary for public health, safety and welfare or will be of benefit to the public.
- (c) The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.
- (d) For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

In the Planning Commission's view, these findings can be made, as detailed in the attached draft Ordinance.

## **ENVIRONMENTAL REVIEW**

The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) ) under the "common sense exemption" at CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendment may have a significant effect on the environment.

## **FISCAL IMPACT**

This ordinance will not have a fiscal impact on the City.

## **STAFF COMMUNICATION WITH THE PUBLIC**

As noted above, the Planning Commission considered the proposed amendments to the Planning Regulations at a public hearing on April 23, 2020 and voted unanimously to recommend that the City Council adopt them.

## **CONCLUSION**

Staff recommends that the City Council take the following actions:

1. Introduce the Ordinance after a motion to read by title only.
2. Take public testimony regarding the Ordinance.
3. Adopt the first reading of the Ordinance.

**PREPARED BY:** Diana Keena, Associate Planner

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



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Christine Daniel, City Manager

## **ATTACHMENTS**

- Staff report from November 5, 2019 City Council Study Session
- Proposed Ordinance