



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Proposed Commission Policy and Planning Code Amendment

HEARING DATE: JULY 14, 2011

Project Name: Standards for Bird-Safe Buildings
Case Number: 2010.0182TU
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Recommendation: **Approval with Modifications**

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POLICY DOCUMENT AND PLANNING CODE AMENDMENT

At a public hearing on June 23, 2011, the Planning Commission (hereinafter referred to as "Commission") approved Resolution Number 18383 announcing the Commission's intent to Initiate Amendments to the Planning Code (hereinafter Code) that would implement the draft policy document titled "Standards For Bird-Safe Buildings". Both the proposed Ordinance and the draft policy document would be considered for adoption on or after July 14, 2011.

The Department received over 2200 comments on the draft proposal. The Department has conducted outreach with relevant private-section professional organizations, building owners, public agencies and non-profits. (See a complete list of associated outreach under public comment.) In response to the comments, the Department revised the policy document and published the June 2011 Standards for Bird-Safe Buildings. Should the Commission choose to adopt this policy document, the Department has drafted the attached proposed Ordinance to implement the policies for Bird-Safe Buildings. Pursuant to Code Section 306.3, the Department has provided notice for a hearing to consider the Code amendments contained in the draft Ordinance on or after July 14, 2011.

The Way It Is Now: Planning Code & Policy Guidance

The existing Code does not include considerations of Bird-Safe design. The General Plan has policies seeking to protect plant and animal life in the City and to ensure balance among conservation, utilization, and development of San Francisco's natural resources.

The Way It Would Be: Policy Guidance

The proposed policy document would seek to achieve the following:

- Review applicable research of bird/building collisions;

- Apply this research to San Francisco's unique built environment;
- Increase education and awareness of structural hazards for birds;
- Establish controls to 1) reduce building-related hazards for San Francisco's resident and migrant bird species and 2) ensure that developers and architects are not surprised by costly last minute requests to address the issue during the design review and approval processes; and
- Encourage voluntary actions by building owners and occupants to reduce future bird/building collisions in San Francisco.

The Way It Would Be: Planning Code Amendment

The proposed Ordinance would create or amend the following existing Sections within the Code to achieve the following: a) reduce building-related hazards for San Francisco's resident and migrant bird species; b) establish consistent building standards for creating bird-safe buildings; and c) provide certain exemptions from these requirements.

- **Create Section 139 Standards for Bird Safe Buildings to:**
 - a. Identify geographical areas in San Francisco that due to the location may present increased hazards for birds. Certain treatments would be required in the vicinity of these areas.
 - b. Identify certain building features which in and of themselves create special hazards for birds.
- **Amend Section 145.1 - Street Frontages, Neighborhood Commercial, Residential-Commercial, Commercial, And Mixed Use Districts to**
 - a. provide for exceptions to the existing transparency and fenestration requirements for buildings near sensitive habitat.

REQUIRED COMMISSION ACTIONS

The proposed draft policy document titled, "July 2011 Draft Standards for Bird-Safe Buildings," is before the Commission so that it may adopt or not adopt the document as Commission Policy.

The proposed Ordinance is before the Commission so that it may approve or disapprove the proposed Planning Code Amendments.

RECOMMENDATION

The Department recommends that the Commission *adopt* the draft policy document and adopt the attached Draft Resolution to that effect.

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. Specifically, the draft Ordinance should be modified as follows:

- The requirements for bird-safe glazing as defined in §139(b)(1) should be revised to read "Bird-Safe Glazing Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to

birds. To qualify as Bird-Safe Glazing Treatment, vertical elements of the window patterns ~~shall~~ should be at least 1/4 inch wide at a minimum spacing of 4 inches, ~~and~~ or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches. ~~No qualified glazing shall have a visible light reflectance exceeding 10%.~~

BASIS FOR RECOMMENDATION

Vast evidence has demonstrated that bird collisions with buildings are real threat that can be significantly reduced through design. The issue of bird-safe design is increasingly of interest to the people of San Francisco and across the country. Bird-safe design has been raised as an issue during recent entitlement hearings and CEQA review. By defining the most hazardous conditions and codifying effective and appropriate controls, the Department seeks to decrease bird casualties and to increase certainty in the development process. Alternatives to codification could include adoption of design guidelines without requirements; further study of the issue; and/or implementation of the proposed certification. See attached draft policy document for more information. The modifications are recommended as 1) the intent was to require *either* vertical or horizontal patterns but not both and 2) in response to additional information from glass manufactures and architects about glass availability.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under Sections 15307 and 15308 of the CEQA Guidelines.

PUBLIC COMMENT

The Department received over 2200 letters and emails on this topic. The vast majority of the comments expressed support for the proposal. There were also questions and suggested edits to the policy document regarding technical glass specifications for bird-safe glazing, consistency with LEED standards, bird-safe treatment options/cost, integration with "Lights Out" programs, timing of policy implementation, qualifying for Bird-Safe Building Certification, and clarifications regarding scientific data. Staff A copy of the public comment is available at the Planning Department for review and will be brought to the adoption hearing. Department outreach on this topic includes but was not limited to: San Francisco's Building Owners Management Association (BOMA), the San Francisco Chapter of the American Society of Landscape Architects (ASLA); the San Francisco Chapter of the American Institute of Architects (AIA); California Business Properties Association (CBPA); San Francisco Urban Planning & Research (SPUR); San Francisco Commission on the Environment and Policy Committee; California Academy of Science; Livable City; the Sierra Club; Point Reyes Bird Observatory; San Francisco Animal Care and Control; the State of California Building Standards Commission's Code Advisory Committee; the San Francisco Department of Building Inspection's Code Advisory Committee (DBI CAC); the Port of San Francisco, the Recreation and Parks Department; the Department for the Environment; private architects, scientists, developers, land use attorneys, and journalists.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

Exhibit A: Draft Planning Commission Resolution: Recommending Approval of Amendments to the Planning Code and Adoption of the 2011 Standards for Bird-Safe Buildings

- Exhibit B: 2011 Standards for Bird-Safe Buildings
- Exhibit C: Draft Ordinance Creating Controls for Bird-Safe Buildings in the Planning Code
- Exhibit D: Map of Proposed Urban Bird Refuge Areas