

Int. No. 1482-B

By Council Members Espinal, the Speaker (Council Member Johnson), Rosenthal, Brannan, Koslowitz, Levin, Perkins, Dromm, Constantinides, Grodenchik, Rivera, Powers, Levine, Van Bramer, Reynoso, Lander, Ayala, Kallos, Chin, Louis, Menchaca, Moya and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to bird friendly materials

Be it enacted by the Council as follows:

1 Section 1. Section 28-101.4.3 of the administrative code of the city of New York is
2 amended by adding a new exception 20 to read as follows:

3 20. Where the alteration of a building includes the replacement of all exterior glazing, such
4 alteration shall comply with section 1403.8 of the New York city building code.

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6 § 2. Article 103 of title 28 of the administrative code of the city of New York is amended
7 by adding a new section 28-103.36 to read as follows:

8 § 28-103.36. Bird friendly design and construction requirements. The department shall issue,
9 and update as necessary, bird friendly building design and construction requirements. No later than
10 October 1, 2020, the department shall post on its website such requirements and information about
11 compliance with section 1403.8 of the New York city building code.

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13 § 3. Section 1402.1 of the New York city building code is amended by adding new
14 definitions of “BIRD FRIENDLY MATERIAL”, “BIRD HAZARD INSTALLATIONS” and
15 “FLY-THROUGH CONDITIONS” in appropriate alphabetical order to read as follows:

16 **BIRD FRIENDLY MATERIAL.** A material or assembly that has, or has been treated to have a
17 maximum threat factor of 25 in accordance with the American Bird Conservancy Bird Collision
18 Deterrence Material Threat Factor Reference Standard, or with the American Bird Conservancy
19 Bird-friendly Materials Evaluation Program at Carnegie Museum’s Avian Research Center test
20 protocol, or with a relevant ASTM standard.

21 **BIRD HAZARD INSTALLATIONS.** Monolithic glazing installations that provide a clear line
22 of sight on the exterior of buildings, including, but not limited to, glass awnings, glass handrails
23 and guards, glass wind break panels, or glass acoustic barriers.

24 **FLY-THROUGH CONDITIONS.** One or more panels of glass that provide a clear line of sight
25 through such elements creating the illusion of a void leading to the other side, including parallel

1 glass elements, at a distance of 17 feet (5182 mm) or less, or a convergence of glass sides creating
2 a perpendicular, acute or obtuse corner.

3 § 4. Section BC 1403 of the New York city building code is amended by adding a new
4 section 1403.8 to read as follows:

5 **1403.8 Bird friendly materials.** Bird friendly materials shall be required in accordance with
6 sections 1403.8.1 through 1403.8.4.

7 **1403.8.1 Exterior wall envelope.** The exterior wall envelope, and any associated
8 openings, shall be constructed with bird friendly materials up to 75 feet (22 860 mm) above
9 grade. Materials other than bird friendly materials shall not exceed an aggregate of 10
10 square feet (0.93 m²) within any 10 feet (3048 mm) by 10 feet (3048 mm) square area of
11 exterior wall below 75 feet (22 860 mm) above grade.

12 **Exceptions:**

- 13
14 1. Where ground floor transparency is required by the *New York City Zoning Resolution*,
15 transparent bird friendly material with a UV-reflective pattern and a maximum threat
16 factor of 27 shall be provided.
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18 2. In areas of special flood hazard and shaded X-Zones where flood resistant glazing is
19 proposed and ground floor transparency is required by the *New York City Zoning*
20 *Resolution*, transparent bird friendly material with a UV-reflective pattern and a
21 maximum threat factor of 36 shall be provided.

22
23 **1403.8.2 Bird hazard installations.** Bird hazard installations shall be constructed of bird
24 friendly materials regardless of their height above grade.

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26 **1403.8.3 Fly-through conditions.** Fly-through conditions located 75 feet (22 860 mm) or
27 less above grade shall be constructed with bird friendly materials.

28 **1403.8.4 Adjacency to green roofs.** The exterior wall envelope, and any associated
29 openings, installed adjacent to a green roof system on the same building shall be
30 constructed with bird friendly materials up to 12 feet (3658 mm) above the walking surface.

31 § 5. This local law takes effect one year after it becomes law and shall not apply to
32 applications for construction document approval filed prior to such effective date, except that the
33 commissioner of buildings may take such measures as are necessary for the implementation of this
34 local law, including the promulgation of rules, prior to such effective date.

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