
SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish Bird-Safe Standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are near or adjacent to large open spaces and/or water. When structures are located in such an area, the portion of the structure most likely to sustain bird-strikes requires facade treatments. Even if a structure is not located near a locational hazard, particular building features also may create a hazard for birds. Structures that create such a feature-related hazard are required to treat all of the feature-related hazard. While these controls do not apply retroactively, the purpose of these controls is to ensure that new construction is bird-safe and to decrease existing bird-hazards over time.

(b) **Definitions.**

(1) **Bird-Safe Glazing Treatment.** 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 window patterns should be at least 1/4 inch wide at a maximum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches.

(2) **Bird Hazard.** Specific circumstances that create a hazard for birds due to either the location of the building or due to specific building features that increase the risk of bird-building collisions as described under (c) below.

(c) **Controls.** The following Bird-Safe Standards shall apply to: 1) new construction, 2) building additions that create a Bird Hazard, or 3) the replacement of 50% or more of the glazing on an existing Bird Hazard. Additions to existing buildings subject to this subsection are required only to treat the new building addition. Bird Hazards consist of: 1) location-related hazards and 2) feature-related hazards and the standards specified below shall apply to structures that present these hazards. These controls shall apply to all structures subject to this Section regardless of whether the ownership or use is public or private.

(1) **Location-Related Standards.** These standards apply to buildings located inside of open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water (hereinafter an Urban Bird Refuge). These standards also shall apply to buildings less than 300 feet from an Urban Bird Refuge if such buildings are in an unobstructed line to the refuge. The standards are as follows:

(A) **Facade Requirement.** Bird-Safe Glazing Treatment is required such that the Bird Collision Zone, as defined below, facing the Urban Bird Refuge consists of no more than 10% untreated glazing. Building owners are encouraged to concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians. The Bird Collision Zone shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:

(i) The building facade beginning at grade and extending upwards for 60 feet, or

(ii) Glass facades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof.

(B) **Lighting.** Minimal lighting shall be used. Lighting shall be shielded. No uplighting shall be used. Event searchlights are prohibited on property subject to these controls.

(C) **Wind Generation.** Wind generators in this area shall comply with the Planning Department's permitting requirements, including any monitoring of wildlife impacts that the Department may require.

(2) **Feature-Related Standards.** Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100% of the glazing on Feature-Specific hazards.

(3) **Exceptions.** Certain exceptions apply to this Section as set forth below.

(A) **Certain Exceptions for Location-Related Standards to be Applied to Residential Buildings Within R-Districts.**

(i) **Limited Glass Facade.** Residential buildings within R- Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass are exempt from new or replacement facade glazing requirements included in Section 139(c)(1) Location-Related Standards.

(ii) **Substantial Glass Facade.** Residential buildings that are less than 45 feet in height but have a facade with surface area composed of more than 50% glass, shall provide glazing treatments as described in Section 139(c)(1)(A) for 95% of all large, unbroken glazed segments that are 24 square feet and larger.

(B) **General Exceptions for Historic Buildings.** Treatment of replacement glass facades for structures designated as City landmarks or within landmark districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment methods such as netting, glass films, grates, and screens are recommended. Netting or any other method demonstrated to protect historic buildings from pest species that meets the Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the requirement.

(C) **General Waivers and Modifications.** The Zoning Administrator may either waive the requirements contained within Section

139(c)(1) and Section 139(c)(2) or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the recommendation of a qualified biologist.

(Added by Ord. 199-11, File No. 110785, App. 10/7/2011, Eff. 11/6/2011; amended by Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

(Former Sec. 139 added by Ord. 414-85, App. 9/17/85; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 18-05, File No. 040731, App. 1/21/2005; renumbered as new Sec. 412.1-412.6 by Ord. 108-10, File No. 091275, App. 5/25/2010)

AMENDMENT HISTORY

Divisions (b)(1) and (c)(1)(B) amended; Ord. 56-13, Eff. 4/27/2013.