



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** April 18, 2019

Approved

*D. D. S. L.*

Date

*4/19/19*

**COUNCIL DISTRICT: 3 & 6**

## SUPPLEMENTAL

**SUBJECT: FILE NO. GPT19-001 & PP19-018: CITY-INITIATED GENERAL PLAN TEXT AMENDMENT AND SAN JOSE DOWNTOWN DESIGN GUIDELINES AND STANDARDS.**

## REASON FOR THE SUPPLEMENTAL

The purpose of this supplemental memorandum is to provide additional staff analysis and recommend changes to the guidelines and standards for bird-safe design in Section 4.4.2.b of the San José Downtown Design Guidelines and Standards.

## BACKGROUND

On March 27, 2019, the Planning Commission held a public hearing to consider the City-initiated General Plan Text Amendment to Diridon Station Area Plan and the updated Downtown Design Guidelines. The Planning Commission recommended the City Council approve staff's recommendations with three changes to the updated Downtown Design Guidelines:

- (a) Section 1.1, map on page 3, change the label of Downtown core (2011 General Plan) on the map to "General Plan Downtown Growth Area."
- (b) Define "historic building" in Section 2.3, 1c on page 13, and in Section 4.2.4., Applicability, item c on page 38.
- (c) Section, 4.4.2.b, "City of San José Voluntary Bird-Friendly Building Design Fact Sheet" shall be mandatory for projects located in the design guidelines boundary.

The City developed a "Voluntary Bird-Friendly Building Design Fact Sheet" in 2014. This was part of Council consideration of the Diridon Station Area Plan. At that time, Council directed

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staff to develop options for implementing bird-safe building design standards in collaboration with environmental partners. After conducting research and stakeholder outreach, staff recommended proceeding with a citywide implementation of voluntary bird friendly measures and created the “Voluntary Bird-Friendly Building Design Fact Sheet” (see Attachment 1). The Fact Sheet includes four bird safety design guidelines to reduce bird collisions with buildings. The Fact Sheet was discussed at the March 27, 2019 Planning Commission meeting. As part of Recommendation (c) above, the Planning Commission recommended that the City Council add the four bird safety design guidelines in the Fact Sheet as mandatory standards in the San José Downtown Design Guidelines and Standards:

- (1) Reduce large areas of transparent or reflective glass.
- (2) Strategically place landscaping:
  - (a) Locate water features and other bird habitat away from building exteriors to reduce reflection.
  - (b) Reduce or eliminate the visibility of landscaped areas behind glass.
- (3) Reduce or eliminate spotlights on buildings.
- (4) Turn non-emergency lighting off at night, especially during bird migration season (February - May and August - November). Visit [www.pge.com](http://www.pge.com) for lighting control rebate opportunities.

Since the Planning Commission meeting, staff has considered the Commission’s recommendation for mandatory design elements in light of other goals in Downtown, including public safety and activation of public spaces. A mandatory design element prohibiting all exterior building lighting throughout Downtown for eight months of the year due to bird migration would compromise public safety in Downtown parks and open spaces. Additionally, a requirement for use of bird-safe glass throughout Downtown would increase the cost of development. Staff found in its research that the Urban Land Institute estimates that bird-safe glass adds approximately \$65 per square foot to the cost of a curtain wall, about a 40% increase over a conventional curtain wall. Such a measure could appear arbitrary in that it would apply to all Downtown sites, including those that are over half a mile from the nearest creek or river, in locations where bird safety problems have not been documented.

Based on the above, staff recommends that the City Council approves the Planning Commission recommendations with the following changes:

- (1) Make item #1, “Reduce large areas of transparent or reflective glass” applicable only to projects within 100 feet of a riparian corridor.
- (2) Make item #2, “Strategically place landscaping:
  - (a) Locate water features and other bird habitat away from building exteriors to reduce reflection.
  - (b) Reduce or eliminate the visibility of landscaped areas behind glass” applicable only to projects within 100 feet of a riparian corridor.
- (3) Make item #3, “Reduce or eliminate spotlights on buildings” applicable only to projects within 100 feet of a riparian corridor.

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- (4) Make item #4, “Turn non-emergency lighting off at night except during June, July, December and January due to bird migration” applicable only to projects within 100 feet of a riparian corridor and change “at night” to “between 2:00AM and 5:00AM.”

Additionally, upon further review of the document, staff is recommending the following minor editorial changes to provide enhanced readability:

- Additional definitions added to Section A.0, Glossary
- One addition to the “Exceptions to the Standards,” in Chapter 1, Introduction, Section 1.4
- Several minor editorial/clarifying changes throughout the document

A corrected redline version of the Planning Commission’s recommendation as it relates to Section 4.4.2.b of the proposed San José Downtown Design Guidelines and Standards is attached to this supplemental memorandum as Attachment 2. A redline version of staff’s recommendation as it relates to Section 4.4.2.b of the proposed San José Downtown Design Guidelines and Standards is attached to this supplemental memorandum as Attachment 3.

/s/

Rosalynn Hughey, Director

Planning, Building and Code Enforcement

For questions please contact Tim Rood, Planning Division Manager, at (408) 535-8122.

Attachment 1: City of San José Voluntary Bird-Friendly Building Design Fact Sheet

Attachment 2: Planning Commission Recommendation, Section 4.4.2.b

Attachment 3: Staff Recommendation, Section 4.4.2.b

# City of San José

## Voluntary Bird-Friendly Building Design

### Fact Sheet



Peregrine Falcon at San José City Hall

Designing a bird-friendly building does not have to add to the cost of construction. Retrofitting an existing building can often be done by simply targeting problem areas. Consider bird-friendly best practices early on in project development to meet your project budget and demonstrate environmental leadership.

#### THE IMPORTANCE OF BIRDS

Birds are essential for the healthy function of our local environment. The benefits birds provide include:

- plant pollination
- seed dispersal
- insect and pest control

#### BIRDS AND BUILDINGS

Birds can accidentally collide with buildings, causing a decline in the bird population.

##### Common Causes of Collisions:

- Reflective glass that birds perceive as trees, the sky, or another bird.
- Clear glass which shows habitat or sky
- Exterior spotlights which can cause birds to collide with structures, each other, or even the ground.
- Interior lighting at night that can attract birds.



#### BIRD-FRIENDLY BUILDINGS

These best practices can reduce bird collisions with buildings and are particularly important for buildings near bird habitat, such as open spaces and water.

- Reduce large areas of transparent or reflective glass.
- Strategically place landscaping:
  - Locate water features and other bird habitat away from building exteriors to reduce reflection.
  - Reduce or eliminate the visibility of landscaped areas behind glass.
- Reduce or eliminate spotlights on buildings.
- Turn non-emergency lighting off at night, especially during bird migration season (February - May and August - November). Visit [www.pge.com](http://www.pge.com) for lighting control rebate opportunities.

The City applies the above bird-friendly principles to projects north of Highway 237 per policy ER-7.1 in Chapter 3 of the Envision San José 2040 General Plan. For more information, visit [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning).

#### RESOURCES:

- The American Bird Conservancy's Bird-friendly Building Design guidelines: [www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf](http://www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf)
- Report Injured/Dead Birds: Contact the Wildlife Center of Silicon Valley at (408) 929-9453 or [www.wcsv.org](http://www.wcsv.org)

## 4.4.2.b Windows and Glazing: Bird Safety

## Attachment 2

### DESIGN FOR SUSTAINABILITY

### Consider bird safety in building design and landscaping.

#### RATIONALE

The City of San José has design guidance in place for areas of the City where birds are most common. These requirements apply specifically to areas north of Highway 237 according to the Envision San José 2040 General Plan (Goal ER-7.1) and City Council Policy 6-34 - Riparian Corridor Protection and Bird-Safe Design.

Bird safety is a vital consideration in Downtown as well, particularly given the size and number of buildings and the presence of a riparian corridor. Bird safety may also become an issue in the environmental review process.

There are a variety of techniques to reduce bird deaths due to building collisions. These involve material choice, material patterning, and building design. The requirements of the Design Guidelines are in addition to any resulting from environmental regulations about bird safety.

#### GUIDELINES

- Use exterior screens, grilles, shutters and sunshades to reduce large expanses of glass visible to birds.
- Add a bird-safe pattern to glass in the lower 40 feet of a building, reducing the expanse of clear or highly reflective surfaces.
- Do not use large areas of reflective glass.

#### STANDARDS

- Do not use mirrored glass.
- Do not create areas of glass in the lower 40 feet of a building through which sky or foliage is visible on the other side of parallel panes of glass less than 20 feet apart unless both parallel areas of glass are appropriately patterned. See references in the San José Voluntary Bird-Friendly Building Design Fact Sheet for patterning information.

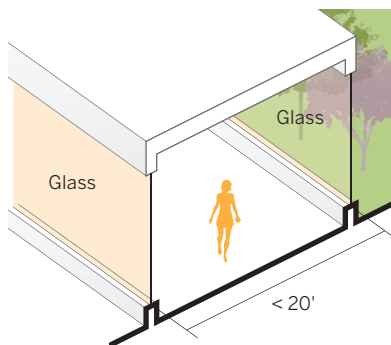
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- Reduce or eliminate spotlights on buildings.
- Turn non-emergency lighting off at night, especially during bird migration season (February - May and August - November). Visit [www.pge.com](http://www.pge.com) for lighting control rebate opportunities.

#### RELATED GUIDELINES

- 4.4.2.c - Balconies
- 4.4.3 - Materials and Colors
- 4.4.8 - Pedestrian Bridges

#### GENERAL PLAN REFERENCE

- ER 7.1, ER-76



**DO** - Add bird-safe patterns to parallel glass less than 20 feet apart.



**DO NOT** - Highly reflective glass can be dangerous for birds, which may mistake it for sky and collide with the building.

## 4.4.2.b Windows and Glazing: Bird Safety

### DESIGN FOR SUSTAINABILITY

## Attachment 3

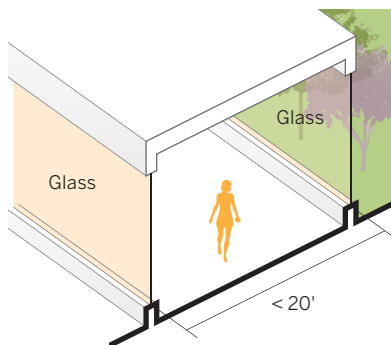
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#### GUIDELINES

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- Add a bird-safe pattern to glass in the lower 40 feet of a building, reducing the expanse of clear or highly reflective surfaces.
- Do not use large areas of reflective glass.

#### STANDARDS

- Do not use mirrored glass.
- Do not create areas of glass in the lower 40 feet of a building through which sky or foliage is visible on the other side of parallel panes of glass less than 20 feet apart unless both parallel areas of glass are appropriately patterned. See references in the San José Voluntary Bird-Friendly Building Design Fact Sheet for patterning information.



**DO NOT** - Highly reflective glass can be dangerous for birds, which may mistake it for sky and collide with the building.

- For projects within 100 feet of a riparian corridor, reduce large areas of transparent or reflective glass.
- For projects within 100 feet of a riparian corridor, strategically place landscaping:
  - Locate water features and other bird habitat away from building exteriors to reduce reflection.
  - Reduce or eliminate the visibility of landscaped areas behind glass.
- For projects within 100 feet of a riparian corridor, reduce or eliminate spotlights on buildings.
- For projects within 100 feet of a riparian corridor, turn non-emergency lighting off between 2:00AM and 5:00AM, especially during bird migration season (February - May and August - November). Visit [www.pge.com](http://www.pge.com) for lighting control rebate opportunities.

#### RELATED GUIDELINES

4.4.2.c - Balconies

4.4.3 - Materials and Colors

4.4.8 - Pedestrian Bridges

#### GENERAL PLAN REFERENCE

- ER 7.1, ER-7.6