



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: May 2, 2019

Approved

Date

5/3/19

COUNCIL DISTRICT: 3 & 6

SUPPLEMENTAL

SUBJECT: PP19-018 -- SAN JOSÉ DOWNTOWN DESIGN GUIDELINES AND STANDARDS

REASON FOR THE SUPPLEMENTAL

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

BACKGROUND

On April 23, 2019, the City Council held a public hearing to consider the City-initiated General Plan Text Amendment to the Diridon Station Area Plan and the updated Downtown Design Guidelines and Standards. Council discussion included a memorandum from Councilmember Peralez calling for the mandatory bird safety standards to apply only to riparian projects, which are defined in Council Policy 6-34 as those within 300 feet of a riparian corridor.

The City Council adopted the Downtown Design Guidelines except for section, 4.4.2.b, Bird Safety, and directed staff to conduct further analysis and outreach to stakeholders.

ANALYSIS

Since the April 23, 2019 City Council hearing, staff has considered bird safety design elements in light of other goals for Downtown, has conducted additional research on development practices and best practices from other cities for bird safety provisions, and has consulted with

representatives of environmental organizations and the development community. A stakeholder meeting was held on May 2, 2019. Ten individuals attended, including Downtown developers, architects, and a representative of the Santa Clara Valley Audubon Society.

Based on additional staff research and the input from the stakeholder meeting, staff has prepared a recommended revision of Section 4.4.2.b that includes guidelines and standards for bird safety, as well as new glossary definitions for terms used in this section.

Key considerations for the revised staff recommendation include the following:

- Reflecting the full range of appropriate bird safety treatments, which can include many elements other than glass with a bird-safety pattern, such as exterior screens, louvers, grilles, shutters, sunshades, bird-safe patterns or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy;
- Balancing bird safety with other goals for Downtown, including economically viable and marketable commercial, residential, and mixed-use development, a vibrant public realm, and personal and public safety, by limiting some of the guidelines and standards with the greatest impact on development cost to building facades within 300 feet of a riparian corridor;
- Limiting the cost impact on development, by allowing building facades with less than 50% glazing, as is typical for wood-frame residential buildings, to use conventional manufactured windows, which are generally not available with a bird-safe pattern and would be prohibitively expensive to obtain on a custom basis;
- Limiting standards to elements that are typically evaluated in development review, as opposed to operations and maintenance practices that are outside of the City's control;
- Creating guidelines and standards that are clear and unambiguous;
- Defining terms not already defined; and
- Following the format and organization of the Design Guidelines document:
 - Guidelines within each section describe best practices, are typically qualitative, and serve as overarching design guidance; all projects within the Design Guidelines boundary must be in substantial conformance to the intent of the guidelines.
 - Standards within each section provide design guidance that is numeric and verifiable. Proposed projects in the Design Guidelines and Standards boundary must meet the minimum standards set forth in the document. Standards are binding and considered City of San José policies.

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RECOMMENDATION

Staff believes the proposed guidelines and standards for bird safety strike an appropriate balance that will protect birds in a way that is manageable for development in San José. Based on the above, staff recommends that the City Council adopt a resolution to amend the San José Downtown Design Guidelines to include Section 4.4.2.b entitled "Bird Safety" as set forth in the attachment.

/s/

Rosalynn Hughey, Director

Planning, Building and Code Enforcement

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

Attachments:

Staff recommendation for section 4.4.2.b, Bird Safety and additions to the glossary

4.4.2.b Bird Safety

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 riparian corridors. 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, landscaping, and building design. These are particularly important for buildings near bird habitat, such as open spaces and water.

Multiple sections of this document consider bird safety, including this section, 4.4.2.c Balconies, 4.4.8 Pedestrian Bridges, 4.4.9.a Lighting - Podium Level, 4.4.9.b Lighting - Skyline Level, and the Glossary, which includes definitions of *bird safety treatment*, *bird-safe pattern*, *mirrored glass* and *riparian corridor*.

The requirements of the Design Guidelines are in addition to any resulting from City rules or regulations about bird safety.

GUIDELINES

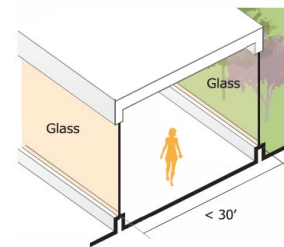
- a. For projects within 300 feet of a *riparian corridor*, treat all glass that is visible from a riparian corridor with a *bird safety treatment*.
- b. Do not create areas of glass through which trees, landscape areas, water features or the sky is visible from the exterior unless a *bird safety treatment* is used.
- c. Reduce or eliminate upward-facing spotlights on buildings.
- d. For projects within 300 feet of a *riparian corridor*, turn off decorative exterior lighting between 2:00AM and 6:00AM except during June, July, December, and January due to bird migration.
- e. Do not plant landscaping tree lines that are perpendicular to glass facades.



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

STANDARDS

- a. Do not use *mirrored glass*.
- b. Use a *bird safety treatment* on facades within 300 feet of a *riparian corridor* that have 50% or more glazed surface.
- c. Use a *bird safety treatment* on the facade of any floor of the building within 15 vertical feet of the level of and visible from a green roof, including a green roof on an adjacent building within 20 horizontal feet, if the façade has 50% or more glazed surface.
- d. Use a *bird-safety treatment* on areas of glass through which sky or foliage is visible on the other side of parallel panes of glass less than 30 feet apart.



DO – Use a bird-safety treatment on parallel glass less than 30 feet apart.

RELATED GUIDELINES

- 4.4.2.c - Balconies
- 4.4.3 - Materials and Colors
- 4.4.8 - Pedestrian Bridges
- 4.4.9.a - Lighting - Podium Level
- 4.4.9.b - Lighting - Skyline Level

GENERAL PLAN REFERENCE

- ER 7.1, ER-7.6

ADDITIONS TO GLOSSARY

Bird safety treatment – Treatments may include exterior screens, louvers, grilles, shutters, sunshades, bird-safe patterns or other methods to reduce the likelihood of bird collisions as suggested by the American Bird Conservancy.

Mirrored glass – Glass with greater than 30% reflectivity.

Riparian corridor – Defined in the San Jose Municipal Code 20.200.1054: any defined stream channel, including the area up to the bank full-flow line, as well as all characteristic streamside vegetation in contiguous adjacent uplands. Stream channels include perennial and intermittent streams shown as a solid or dashed blue line on USGS topographic maps. (Ord. 29785.)