

Article 15.04.608 Performance Standards

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15.04.608.010 Purpose and Applicability

The purpose of this Article is to establish performance standards to protect the public health and safety and ensure that all land uses and development do not produce adverse impacts on surrounding neighborhoods and uses, and the community at large. The standards contained in this Article apply to all zoning districts.

15.04.608.020 General Requirements

Land or buildings cannot be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area. If necessary, the Zoning Administrator will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and any cost incurred will be paid by the applicant or business owner.

15.04.608.030 Bird-Safe Buildings

- A. **Purpose.** The purpose of this Section is to establish bird-safe glazing treatment 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.
- B. **Exceptions.**
1. **Limited Glass Façade.** Residential buildings that are less than 45 feet in height and have an exposed façade comprised of less than 50 percent glass are exempt from new or replacement façade bird-safe glazing requirements.
 2. **Substantial Glass Façade.** Residential buildings that are less than 45 feet in height but have a façade with surface area composed of more than 50 percent glass, shall provide bird-safe glazing treatments for 90 percent of all large, unbroken glazed segments that are 24 square feet or larger.

3. **General Exceptions for Historic Buildings.** Bird-safe treatment of replacement glass facades for structures designated as City landmarks or within designated historic districts as shown on the Zoning Map is not required. Reversible treatment methods, such as netting, glass films, grates and screens, are recommended for bird collision zones, as defined below.
- C. **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 the window patterns shall be at least one-quarter inch wide at a minimum spacing of four inches, and horizontal elements at least one-eighth inch wide at a maximum spacing of two inches. No glazing proposed as having a bird-safe treatment shall have a visible light reflectance exceeding 10 percent. Exceptions on the reflectance may be granted by the Zoning Administrator if a surface frit, louvers or nets are used.
- D. **Standards.**
1. **Location-Related Standards.** These standards apply to new buildings with a floor area of 10,000 square feet or more that are two stories or more in height and located within or adjacent to open spaces two acres and larger in size that are dominated by open water or vegetation, including vegetated landscaping, forest, meadows, grassland, and wetlands.
 - a. **Facade Requirement.** Bird-safe glazing treatment is required such that a bird collision zone facing the open space consists of at least 80 percent bird-safe glazing. To the extent feasible, buildings shall be designed to locate permitted transparent glazing, which is not considered bird-safe, on the ground floor and at lobby entrances to enhance visual interest for pedestrians. On the ground floor patterns that provide marketing or other information or artistic design which do not obscure the view through glass are preferred. For purposes of this requirement, a “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. Glass facades beginning at grade and extending upwards for 60 feet; and
 - ii. Glass facades directly adjacent to landscaped roofs two acres or larger in area and extending upwards 60 feet from the level of the roof.
 - b. **Lighting.** No uplighting shall be used in bird collision zones.
 2. **Feature-Related Standards.** Feature-related hazards include free-standing glass walls over 15 feet in height and 30 feet in length, glass wind barriers, skywalks, 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 percent of the glazing so that it is bird-safe.

- E. **Conflict with Other Codes.** If any of the requirements of this section conflict with provisions in the City's Building and Fire Codes, the provisions of the California Code of Regulations Title 24, as amended by the City, shall prevail.

15.04.608.040 Construction Management

During the construction of a project, all portions of the site shall be watered as necessary to reduce emissions of dust and other particulate matter, and all stockpiles shall be covered. Streets and sidewalks shall be made dirt free at the completion of construction. All construction and transport equipment shall be muffled in accordance with State and federal laws. Construction and transport equipment shall be operated so as to minimize exhaust emissions. Grading and pile driving operations within 1/4 mile of residential units shall be limited to between 8 a.m. and 5 p.m. on weekdays, or as otherwise restricted as part of an approval. All water run-off from construction sites shall be controlled. During construction, trucks and equipment should be running only when necessary.

15.04.608.050 Fire Hazards

The storage, use, transportation or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to approval of the Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited.

15.04.608.060 Liquid or Solid Waste

The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material which could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.

15.04.608.070 Odor, Particulate Matter and Air Contaminants

No continuous, frequent or repetitive odors are permitted that exceed limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive for this regulation. No dust or particulate matter shall be emitted that exceeds limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. Exhaust air ducts shall be located or directed away from abutting residentially-zoned properties.