



buildings
2020-022
bulletin
TECHNICAL

ISSUANCE DATE
November 27, 2020

ISSUER: **Gus Sirakis, P.E.**

First Deputy Commissioner

PURPOSE: Clarify applicability, design and filing requirements necessary to show compliance with Local Law 15 of 2020

SUBJECT(S): Local Law 15 of 2020, Bird Friendly Building Design and Construction Requirements, Bird Friendly Material, Exterior Wall Envelope, Fly Through Condition, Glazing, Green Roof System, Bird Hazard Installation, Threat Factor

RELATED CODE SECTIONS: BC 107, BC 107.6, BC 1403.8, AC 28-101.4.3, AC 28-103.36

I. Background

Local Law 15 of 2020 will become effective January 10, 2021. This local law establishes new requirements for installation of bird friendly materials in new design and construction, as well as alterations to buildings that include the replacement of all exterior glazing. Additionally, this local law mandates that bird friendly building design and construction requirements and information about compliance with Section BC 1403.8, be posted on DOB's website.

This Bulletin clarifies requirements set forth in LL 15 of 2020 and makes reference to the **Bird Friendly Building Design and Construction Requirements Guidance Document**, which outlines bird friendly building design and construction requirements and information about compliance with Section BC 1403.8. The bulletin clarifies the types of exterior glazing which are subject to the local law, the scope of work in new and existing buildings that trigger compliance, and defines terms used in the local law but not defined in the Building Code. The **Bird Friendly Building Design and Construction Requirements Guidance Document** was developed through a collaborative approach between the Department and members of the design, manufacturing, development and bird conservancy community. The guidance document further provides useful terms and associated commentary, elaborates on applicability as it applies to Bird Hazard Installations and provides figures, pictures and commentary to assist the designer, building owner and glazing manufacturer in understanding where Bird Friendly Material installation is required, how to verify a Threat Factor for a glazing assembly as well as how to obtain a Threat Factor for an assembly that has not yet been evaluated. The guidance document is located at https://www1.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf.

II. Applicability

Applicability to Existing Buildings

Certain alterations to existing buildings filed on or after January 10, 2021 are subject to the requirements of LL 15 of 2020 regardless of the use or occupancy of the building. Applications for approval of construction documents filed in the Buildings Information System (BIS) that have not reached job status D (application processed – completed) or greater as of January 10, 2021, will be subject to the requirements of LL15 of 2020. Applications filed in DOB NOW that have not reached a status of *Pending CPE/ACPE Assignment* or *Pending Prof Cert QA Assignment* as of January 10, 2021, will be subject to the requirements of LL15 of 2020.

Existing buildings will not be subject to the requirements of Local Law 15 of 2020, except where the scope of an alteration triggers compliance as described below. For the purpose of this bulletin, exterior glazing shall be

deemed to include any glass panel, glass architectural assembly, glass systems, and glass elements, including but not limited to the following:

- Glass windows
- Glass awning
- Glass handrail and guards
- Glass wind break panels
- Glass acoustic barriers

Where the alteration of an existing building includes the replacement of all exterior glazing, Section AC 28-101.4.3, Exception 20 mandates that such exterior glazing be replaced with bird friendly materials and that such work be performed in accordance with the provisions of Section BC 1403.8. Where all exterior glazing is being replaced and the scope of work also includes the installation of green roof systems, Bird Friendly Materials are required to be installed in accordance with Section BC 1403.8.4. Where all exterior glazing is being replaced and the scope of work also includes the installation of Bird Hazard Installations such as glass awnings, glass panels, glass handrails, glass guards, glass wind break panels and glass acoustic barriers, Bird Friendly Materials are required to be installed in accordance with Section BC 1403.8.2.

Alteration work that impacts only a portion of a building and does not involve the replacement of all the exterior glazing of such building, is not subject to the requirements of LL 15 of 2020. Storefront replacements that include replacement, beyond repairs, of a portion of exterior glazing within that building, are not subject to the requirements of LL 15 of 2020.

Applicability to New Buildings

Applications for new buildings filed on or after January 10, 2021 are subject to the requirements of LL 15 of 2020 regardless of the use or occupancy of the building. Applications for approval of construction documents filed in the Buildings Information System (BIS) that have not reached job status D (application processed – completed) or greater as of January 10, 2021, will be subject to the requirements of LL15 of 2020. Applications filed in DOB NOW that have not reached a status of *Pending CPE/ACPE Assignment* or *Pending Prof Cert QA Assignment* as of January 10, 2021, will be subject to the requirements of LL15 of 2020.

In order to be considered filed, the construction documents submitted must:

1. meet the minimum requirements for completeness under the Department's **Plan Examination Guidelines: Minimum Requirement for Review of Design Drawings** located at https://www1.nyc.gov/assets/buildings/pdf/plan_exam_user_guide.pdf
2. include all necessary architectural, foundation and structural plans; and
3. the application thereafter is diligently prosecuted to completion.

Reviews and approvals from other agencies (e.g. Metropolitan Transit Authority, NYC Department of Transportation, NYC Fire Department, Board of Standards and Appeals) need not be submitted prior to January 10, 2021 in order to be considered complete. Any significant changes in scope after the initial submission may trigger compliance with LL 15 of 2020.

III. Definitions

Unless otherwise expressly stated, the following words and terms shall, for the purposes of Section BC 1403.8, have the meanings shown below:

Threat Factor: The Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies, typically in reducing bird collisions, but not exclusively, evaluated per a binary choice flight-tunnel protocol involving live birds. A TF of 1 represents *least threatening* and a TF of 100 represents *most threatening*.

Assembly. A discrete combination of materials, which can include glazing, louvers, or screens (i.e. materials in front of glazing), and other combination of materials or use of evaluated strategies.

Refer to the [Bird Friendly Building Design and Construction Requirements Guidance Document](#) for additional information regarding these definitions and for clarifications of other terms defined in BC Section 1403.8.

IV. Project Requirements

In accordance with New York City Building Code Section BC 107, Construction Documents, applicants are required to submit architectural plans that depict the location and type of exterior material and glazing. In order to show compliance with LL15 of 2020 and Section BC 1403.8, such architectural plans shall delineate all locations in which bird friendly materials are required to be installed. Additionally, to assist the Department to verify compliance with the provisions of LL15 of 2020, such plans shall include the following additional items: a material location threat factor table in which the Threat Factor for all exterior materials and glazing proposed for installation are noted, and a note on the architectural plans that states the following:

All exterior materials and glazing have been evaluated for compliance with Section BC 1403.8. Where Exterior Wall Envelope, Bird Hazard Installations, Fly-Through Conditions, or Adjacencies to Green Roofs are present in the design, Bird Friendly Materials with a Threat Factor rating of 25 or less have been specified as indicated in the material location Threat Factor Table.

Where an RDP elects to defer submittal of certain glazing systems or assemblies per Section BC 107.6, the architectural plans shall note which glazing materials have been deferred in the material location threat factor table and list the minimum threat factor that the deferred item will have. In addition to the note above, where an exterior material and glazing is deferred the following additional note shall be contained on the architectural plans:

This application includes exterior materials and glazing which have been deferred for submittal per New York City Building Code Section 107. While the specifics of the materials and glazing are not available at this time, all Exterior Wall Envelope, Bird Hazard Installations, Fly-Through Conditions or Adjacencies to Green Roofs have been identified and where such locations require that Bird Friendly Materials be specified such deferred submittal will show materials with a Threat Factor rating of 25 or less.

The applicant will be required to review and retain documentation that verifies that bird friendly materials specified are in accordance the American Bird Conservancy (ABC) Bird Collision Deterrence Material Threat Factor Reference Standard (ABC Reference Standard), the American Bird Conservancy Bird-friendly Materials Evaluation program at Carnegie Museum's Avian Research Center test protocol or with the relevant ASTM standard. Documentation that demonstrates materials are in compliance with the American Bird Conservancy Reference Standard, shall include:

- ABC test certificate for proposed materials, **or**
- A letter from ABC certifying the material or assembly is on the ABC Interactive Database

V. Bird Friendly Building Design and Construction Requirements

Refer to the [Bird Friendly Building Design and Construction Requirements Guidance Document](#).