

# Attachment A

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## **ATTACHMENT A DISCUSSION**

### **Purpose and Objective:**

There is a current need for flexibility of regulations during project review. Certain design related topics such as site design, ridgeline development, and exterior lighting can be better achieved through a set of criteria such as design guidelines rather than traditional regulatory standards. To provide enforceability, any design guidelines should be referenced in the Monterey County Code. Accordingly, staff is presenting a draft ordinance that would establish a Design Guidelines chapter in the inland zoning ordinance that could cover various design related topics and that would enable the Board to adopt such design guidelines by resolution. The first section of the Design Guidelines for Board of Supervisors' consideration is criteria for exterior lighting.

New development that is allowed through the General Plan will result in additional exterior light sources that will ultimately affect the night sky and the visual character of Monterey County. Excessive glare and light pollution caused by additional lighting can be minimized through proper placement and light fixture design. General Plan Policy LU-1.13 calls for the development of lighting criteria to guide the review of exterior lighting in Monterey County: *“All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled. Criteria to guide the review and approval of exterior lighting shall be developed by the County in the form of enforceable design guidelines, which shall include but not be limited to guidelines for the direction of light, such as shields, where lighting is allowed.”*

Previously, staff considered alternatives to the proposed design guidelines through regulation of light bulb types. Research shows that the type of light bulb (LED, high pressure sodium, fluorescent, etc.) can minimize output and glare. Regulating the type of light bulb and maximum wattage is over regulatory and difficult to enforce. Staff and stakeholders concluded that the best approach to achieving the General Plan policy intent is to focus on the nature of the light fixture, not the bulb. Proper fixture design and placement would result in lighting of only an intended area and would limit off-site glare, regardless of the light bulb type or intensity.

### **Summary of Design Guidelines (See Attachment D, Exhibit 1)**

The proposed Design Guidelines for Exterior Lighting (Design Guidelines) define lighting terms and provide specific performance criteria for the location/direction of fixtures, fixture design, and number of fixtures for projects. The document addresses exceptions for when the guidelines would not apply, provides information on energy efficiency and best management practices as it relates to exterior lighting, and includes visual aids for various types of acceptable and non acceptable lighting fixtures. The visual aids are not intended to limit light fixtures to examples shown; a fixture that is not included in the examples may be acceptable if it achieves the performance criteria listed in Section 5. Essentially, the visual aids show how proper shielding can be achieved for a variety of types of light fixtures and lighting scenarios. If adopted, these Design Guidelines would be used by the public to design, and RMA-Planning to review and approve, exterior lighting in conjunction with new development. If proposed lighting is not consistent with this document, staff can provide the section and example to the applicant as explanation. In addition to the Design Guidelines, staff recommends the ordinance amending Title 21, non-coastal zoning, to codify this process for review of exterior lighting in all zoning districts, and reference to the Design Guidelines.

### **Changes to Title 21 (See Attachment B & C):**

The draft ordinance implements two objectives: First, it adds a new chapter in Title 21 (Chapter 21.63) that allows for adoption by the Board of design guidelines for different topics. The ordinance also specifically

contains a section for exterior lighting that sets standards for applicability and exceptions to the Design Guidelines. Chapter 21.63 is written so that it may be used in the future to adopt additional design guidelines for ridgeline development or design control districts. Secondly, the draft ordinance will revise exterior lighting requirements in all inland zoning districts to require consistency with the Design Guidelines. New development will require review and approval of exterior lighting prior to issuance of construction permits, rather than reviewed as conditions of approval for discretionary permits, which is the current practice.

Currently, each zoning district varies in requirements for exterior lighting. Some districts, such as commercial and industrial, require review and approval of exterior lighting by the Director of Planning prior to the issuance of construction permits, while many districts do not require any review unless required by conditions of approval of a discretionary permit. The proposed changes will provide consistency for review and approval of exterior lighting in all zoning districts. Commercial and industrial zoning districts will also be required to submit a photometric study that shows existing and proposed lighting intensity (measured in foot-candles) for the parcel and adjacent parcels. Projects in these districts typically require more exterior lighting than residential or agricultural uses, and a photometric study will indicate the cumulative brightness of the lighting and how it could affect surrounding parcels. The ordinance is drafted to allow the Director of Planning to waive these requirements or require additional information, as deemed necessary. The table below shows the proposed language for each zoning district, which needs to be read in conjunction with the listed exceptions.

<b>Zoning District Chapter</b>	<b>Proposed new regulations</b>
<p><b><i>Rural Density Residential (21.16), Low Density Residential (21.14), Medium Density Residential (21.12), High Density Residential (21.10), Farmlands (21.30), Resource Conservation (21.36), Rural Grazing (21.32), Permanent Grazing (21.34), Open Space (21.38)</i></b></p>	<p>Lighting Requirements.</p> <ol style="list-style-type: none"> <li>1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.</li> <li>2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.</li> <li>3. Applications for construction permits which are subject to these lighting regulations must include the following information:               <ol style="list-style-type: none"> <li>a) Plans indicating the location of each light fixture; and</li> <li>b) Manufacturer’s catalog specification sheet for each type of fixture.</li> <li>c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.</li> </ol> </li> </ol>
<p><b><i>Light Commercial (21.18), Heavy Commercial (21.20), Visitor Serving /Professional Offices (21.22), Public Quasi Public (21.40), Agricultural Industrial (21.24), Light Industrial (21.26), Heavy Industrial (21.28)</i></b></p>	<p>Lighting Requirements.</p> <ol style="list-style-type: none"> <li>1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.</li> <li>2. Review by the Director of Planning of all exterior</li> </ol>

	<p>lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.</p> <p>3. Applications for construction permits which are subject to these lighting regulations must include the following information:</p> <ol style="list-style-type: none"> <li>a) Plans indicating the location of each light fixture;</li> <li>b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and</li> <li>c) Manufacturer’s catalog specification sheet for each type of fixture.</li> <li>d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.</li> </ol>
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**Exceptions to the Design Guidelines:**

- Navigational lighting (airports, heliports, communication towers);
- Seasonal lighting;
- Solar path lighting;
- Temporary lighting for activities of a limited duration such as emergency activities, construction, and agricultural harvesting;
- Lighting for national monuments and national parks; and
- Lighting for national, state or locally registered historic buildings or structures to the extent that the lighting contributes to the historic attributes of the building or structure

**Environmental Review:**

The Final Environmental Impact Report (EIR) for the 2010 General Plan was certified by the Board of Supervisors on October 26, 2010. It determined that the alteration of the localized visual character and the introduction of new sources of light and glare in designated growth areas from implementation of the General Plan would have significant and unavoidable impacts. An addendum to the EIR has been prepared pursuant to CEQA Guidelines section 15164 for adoption of this ordinance because none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred. The Ordinance and Design Guidelines implement the General Plan policies to minimize impacts of new light sources and glare resulting from these light sources, but would not reduce significant effects to a level of less than significant. The adoption of the Ordinance and Design Guidelines is not a substantial change that would involve new significant environmental effects or a substantial increase in the severity of significant effects previously identified by the EIR, nor are there changes in circumstance or new information that would involve new significant environmental effects or a substantial increase in the severity of significant effects previously identified by the EIR.

