

ORDINANCE NO. 2007 - 07

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN JUAN BAUTISTA ADDING SECTION 11.13 (“LIGHTING”)
TO TITLE 11 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE**

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WHEREAS, there exists a need in the City to establish regulations, guidelines and circumstances for the use of lighting; and

WHEREAS, public health, safety, and welfare dictate that all lighting be located to minimize negative impacts and enhances the community benefits; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 11.13 of the San Juan Bautista Municipal Code, is hereby added to Title 11 and shall read as follows:

11.13 Lighting

Sections:

- 11.13.010 Intent
- 11.13.020 Applicability
- 11.13.030 Definitions
- 11.13.040 Lighting Zones
- 11.13.050 General Requirements
- 11.13.060 Special Requirements
- 11.13.070 Application Requirements
- 11.13.080 Exemptions
- 11.13.090 Approved Materials and Methods of Installation
- 11.13.100 Administrative Exemption.
- 11.13.110 Temporary Exemption
- 11.13.120 Appeals
- 11.13.130 Enforcement and Penalties

11.13.010 Intent. The purpose of this article is to create standards for outdoor lighting in San Juan Bautista to minimize light pollution (a.k.a., “sky glow”), glare, waste, and light trespass caused by inappropriate or mis-aligned light fixtures, while improving nighttime public safety, utility, and security, and preserving the night sky as a valued natural resource in the community. This ordinance is premised on the San Benito County Dark Sky Ordinance (Chapter 32 of the San Benito County Zoning Code), which is premised on the Outdoor Lighting Code Handbook (International Dark Sky Association, Version 1.14, December 2000/September 2002). If necessary, the City will refer to the Outdoor Lighting Code Handbook to resolve issues pertinent to lighting.

The night sky is a primal element of our human heritage and perhaps the ultimate unifying cultural identity. It is the eternal backdrop to human history, inspiration of thought and belief,

source of some of the deepest questions human beings have posed about themselves and their place in the world.

In San Juan Bautista, our cultural heritage evolved during the period of human history when the night sky was prominent and not disturbed by light. However, lighting technology has evolved and has displaced the night sky even in San Juan Bautista, but the City, though urban, still retains some of its historical night sky characteristics. Generally, the level of night lighting in the City is modest as compared to neighboring jurisdictions such as Hollister and Gilroy. What is unique about San Juan Bautista is that the low level lighting is ideal for the nationally prominent observatory at Fremont Peak State Park, the owls that frequent the town, and the downtown historical buildings.

Traditionally, street lighting has been the basic component of public lighting. In urban settings, it is the street lighting, along with traffic signals and signs that organizes and defines the visual environment at night. The quality of this visual information is critical for both traffic safety and for a pedestrian's sense of security. (*Note: Lighting for safety involves ensuring proper level of illumination to provide safe working conditions, safe passage, and the identification of any hazards indoors or outdoors. Lighting for security is exterior lighting installed solely to enhance the sense of security of people and property.*)

A quality public lighting system helps define a positive urban character and image. This system may include lighting for streets, roadways, sidewalks, pedestrian malls, pathways, bikeways, parks, monuments, buildings, structures, statues, fountains, and landscapes. A hierarchy of public lighting connotes the relative importance and character of city-scapes and enhances their information-giving value. The height and location of poles, and the size and shape of equipment all contribute to the lighting hierarchy.

Special features and amenities of urban environments should be lighted to reveal their importance. The use of buildings and monuments as markers or reference points is important for clarity and visual orientation. Urban landscape elements are also a great municipal asset. These features, when properly illuminated, may act as visual anchors or serve as "points of arrival" for neighborhood residents. Consistency and coordination applied to lighting special features will strengthen a public lighting design and can improve the sense of community, while maintaining the historical value of the community.

The streetscape or pedestrian spaces should appear consistent with the community theme, be permanent, and well integrated. The visual image is just as important during the night as during the day.

Quality outdoor lighting should communicate visual order, orientation, and urban character. Even the placement of equipment should help determine much of the environment's visual character after dark.

11.13.020 Applicability.

A. NEW USES, BUILDINGS AND ADDITIONS: Unless specifically exempted under section 11.13.080, the provisions of this chapter shall apply to all outdoor lighting for proposed new land uses, developments, buildings, structures, or building additions that require a permit.

B. NON-CONFORMING USES, STRUCTURES OR LOTS: Whenever a nonconforming use, structure or lot is abandoned for a period of one year and then recommenced or changed to a new use, then any existing outdoor lighting shall be reviewed and brought into compliance with

the provisions of this Chapter as necessary for the entire building, structure or premises, to the maximum extent possible as determined by the City Planner.

C. CITY STREETLIGHTS: All streetlights installed on City roadways or private roadways within the City shall be shielded and shall use low-pressure sodium (LPS) lamps. All existing streetlights on City roadways or private roadways within the City, that requires repair or replacement shall be repaired or replaced to use shielded low-pressure sodium lamps.

11.13.030 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings designated in this section:

“Class 1 Lighting“ shall mean all outdoor lighting used for activities where color rendition is essential to preserve the effectiveness of the activity. Designation of Class 1 requires a finding by the City Planner of the essential nature of color rendition for the lighting application. Recognized Class 1 uses are as follows: outdoor eating and retail food and beverage service areas; outdoor manufacturing areas; display lots; outdoor assembly areas such as concert or amphitheater; and service station canopies.

“Class 2 Lighting” shall mean all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or a sense of security of the grounds is the primary concern.

“Class 3 Lighting” shall mean any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

"Fully Shielded" shall mean a technique or method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. In addition, the light emitting, distributing, reflecting and refracting components of the light fixture (i.e. lamp, lens, reflective surface, etc.) shall not extend beyond the shielding of the fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.

"Glare" shall mean artificial light that causes annoyance, discomfort, or loss of visual performance and visibility.

"Installed" shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this article. A project with an approved building permit prior to the effective date of this ordinance is excluded from compliance with the article for the initial installation only.

"Light pollution" shall mean any artificial light that causes a detrimental effect through uplighting on the environment, astronomical research, and/or enjoyment of the night sky or causes undesirable glare or light trespass.

"Light trespass" shall mean artificial light that produces unwanted illumination of an adjacent property. Light trespass usually fits into one of two categories: 1) adjacent property receives unwanted light (high illuminance levels); 2) Excessive brightness occurs in the normal field of vision (nuisance glare)

“Lighting Plan” shall mean a plan that includes but is not limited to, scaled drawings showing proposed building location(s), neighboring property building location(s), distances between all buildings, location of all light fixtures (height and location), their lumens, and luminaries.

“Lumen” shall mean the unit used to measure the actual amount of light that is produced by a lamp.

“Luminarie” (light fixture) shall mean the complete lighting assembly, less the support assembly. For purposes of determining total light output from luminaries, lighting assemblies that include multiple unshielded, partially or fully shielded lamps on a single pole or standard shall be considered as a single unit.

“Luminance” shall mean the quotient of the luminous flux at an element of the surface surrounding the point, and propagated in directions defined by an elementary cone containing the given direction, by the product of the solid angle of the cone and the area of the orthogonal project of the element of the surface on a plane perpendicular to the given direction

“Luminous Tube” shall mean a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gases), usually of small diameter (10-15 millimeters), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decorations or signs. A “neon” tube does not include common fluorescent tubes.

“Neon Sign” shall mean a sign including luminous tubes formed into text, symbols, or decorative elements that are directly visible from outside the sign cabinet. For purposes of this Chapter, such signs are considered as opaque-background internally illuminated signs.

“Outdoor light fixtures” shall mean outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and flood lights for:

1. buildings and structures, including canopies and overhangs;
2. recreation facilities;
3. bike paths, greenbelts and parks;
4. parking lot lighting;
5. landscape lighting;
6. billboards and other signs (advertising and other);
7. street lighting;
8. display and service areas; and
9. walkway lighting.

“Outdoor recreation facility” shall mean an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball and softball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

“Outdoor Light Output – Total” shall mean the initial amount of light, measured in lumens, from all lamps used in outdoor light fixtures including all lights and luminous tubing for Class 1, Class 2, Class 3, and multi-class lighting, and lights used for external illumination of signs but not including lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high-pressure sodium, fluorescent, and metal halide), the initial lamp output as defined by the manufacturer, is the value to be considered. For determining compliance with the requirements of this Chapter, the light emitted from outdoor light fixtures is to be included in the total output as follows:

- ❖ Outdoor light fixtures installed on poles (such as parking lot luminaries), light fixtures installed on the sides of buildings or other structures, and interior light fixtures installed in open-sided barns, arenas, or similar structures, when not shielded from above by the structure itself as defined in the following two paragraphs, are to be included in the total outdoor light output by simply adding the rated lumen outputs of the lamps used;
- ❖ Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaries is located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output;
- ❖ Outdoor light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

"Uplighting" shall mean any artificial light source that distributes light above an imaginary horizontal plane passing through the lowest light emitting point of the light fixture.

Watt shall mean the unit used to measure the electrical power consumption of a lamp.

11.13.040 Lighting Zones.

- A. There is one Lighting Zone hereby established in the City of San Juan Bautista, its Sphere of Influence, and the City's Planning Area Boundary for purposes of assuring lighting for safety and security.

11.13.050 General Requirements

- A. All outdoor light fixtures installed after the effective date of this article and thereafter maintained upon private property shall be fully shielded. In addition, light trespass and glare shall be limited to a reasonable level through the use of shielding, directional lighting methods, fixture location and height, and type of lamp uses to illuminate. The following table defines the type of allowable lighting.

Lamp Type and Shielding Standards	
Class 1 Lighting (color rendition)	
Low-pressure Sodium above 2,000 lumens*	F
Others types - 2,000 lumens and greater	X
All types below 2,000 lumens	F**
Class 2 lighting (general illumination):	
Low-pressure Sodium above 2,000 lumens	F
Other Types - 2,000 lumens and greater	X
All Type below 2,000 lumens	F**
Class 3 lighting (decorative):	
All types less than 1,000 lumens	F
Other types - 2,000 lumens and greater	X
All types below 2,000 lumens	A

Single-family and Duplex-Use	
All types 1,000 lumens and greater	F
Low-pressure sodium above 2,000 lumens	F

Table Use Code:

A = Unshielded lights allowed; shielding not required but highly recommended. (Unshielded lights are limited to a maximum of 5,500 lumens per net acre in all Zones).

F = Allowed, fully shielded

X = Prohibited, except as noted.

* Examples of lamp types of 2,000 lumens and below are (initial outputs of lamps, as specified by the manufacturer, on values to be considered):

1. 100 Watt Standard Incandescent (tungsten, halogen, or quartz)
2. 30 Watt High Pressure Sodium
3. 30 Watt Cool White T12 Fluorescent
4. 25 Watt T8 Fluorescent
5. 18 Watt Low Pressure Sodium

** Non-Low Pressure Sodium (LPS) lighting is limited to a maximum of 5,500 lumens per net acre.

- B. Unless otherwise required by Title 24 of the California Code, all outdoor light fixtures installed after the effective date of this article unless exempted under section 11.13.080, and thereafter maintained upon public property or in the public right-of-way, shall be fully shielded. In addition, light trespass and glare shall be limited to a reasonable level through the use of shielding, directional lighting methods, fixture location and height, and type of lamp uses to illuminate.
- C. Externally illuminated signs, advertising displays, billboards, and building identification shall use top mounted light fixtures which shine light downward and which are fully shielded, unless the sign does not exceed 36" in height in which case up lighting is allowed and shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.
- D. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.
- E. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded except when such shielding would cause an impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be used to limit light pollution, glare and light trespass to a reasonable level, as determined by the City Planner, without diminishing the performance standards of the intended recreational activity. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending toward roadways where impairment of motorist vision might cause a hazard. To the greatest extent as is practical lights shall be shielded to minimize glare on neighbors.
- F. In addition to the provisions in this article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of the San Juan Bautista Municipal Code.
- G. All commercial and industrial projects, multi-residential projects (2 units and greater), and all residential subdivisions (2 lots or more) will require that a qualified engineer or architect

submit in writing to the City Planner that all outdoor lighting was installed in accordance with this Chapter prior to obtaining occupancy permits.

H. Class 1 lighting may continue only until 10:00 p.m. Refer to the definition of “Class 1 Lighting” in Section 11.13.030, for an explanation of and list of recognized uses for the different classes of lighting.

I. Service Station Canopy Lighting. The following requirements apply to service station canopies:

All luminaries mounted on the under surface of service station canopy shall be fully shielded and shall use flat covers. If the canopy is part of an “artful”, or architecturally unique canopy design, alternative light fixtures are allowed but shall nonetheless be full shielded, or designed such that the effect is the same.

The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps is to be included toward the total.

11.13.060 Special Requirements

A. Unless exempted under section 11.13.080, total outdoor light output (excluding streetlights used for illumination of public or private roads) shall not exceed 50,000 initial raw lamp lumens per net acre¹, averaged over the entire project. Non-low pressure sodium lighting permitted in the Table in Section 11.13.050 is limited to a total of 5,500 initial raw lamp lumens per net acre.

B. Outdoor recreational facilities are not subject to the lumens per net acre limit set in this Subsection. However, no such facility shall be illuminated after 9:00 p.m., except to conclude a scheduled recreational or sporting event in progress prior to 9:00 p.m.

C. Class 3 lighting must be extinguished at 9:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 through January 15.

D. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps, are subject to the requirements of this article.

¹ As indicated in the International Dark Sky Association Outdoor Lighting Code Handbook, the 50,000 lumens prescribed herein is based on the “low ambient brightness” typically associated with suburban and rural residential areas and not as stringent as standards associated with national parks or areas surrounding astronomical observatories, and it is substantially less than the 100,000 and 200,000 lumens associated with urban residential and dense urban areas. The lumens per acre prescribed herein may require some adjustments to typical designs to concentrate light, but allow illuminances consistent with recommended practices for low-activity levels with efficient lighting design (as stated in the Handbook 50,000 lumens is considered appropriate for smaller cities and rural areas). The average lumens per acre standard for natural preserves, national parks and other light sensitive areas are set at 25,000 and 12,500, which are reported by the Dark Sky Association to be to a large degree incompatible with commercial development without considerable increases in the proportion of land area left unlighted or developed parcels. Therefore, for purposes of the City of San Juan Bautista 50,000 lumens is used. Refer to section 9.07 of the Dark Sky Association Outdoor Lighting Code Handbook for a discussion of lumens per net acre caps.

11.13.070 Application Requirements.

- A. Unless exempted under section 11.13.080, whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, and/or approval of any development project, including all City projects, or whenever a person requests annexation into the City, the applicant shall, as a part of said application, submit sufficient information to enable the City Planner to determine whether the proposed lighting will comply with the provisions of this Chapter.
- B. The application shall include the following:
- a site plan indicating the proposed location of all outdoor lighting fixtures and signs; and
 - a description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs; photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut-off of light emissions for the proposed luminaires; such other information as the City Planner may determine is necessary to ensure compliance with the provisions of this Chapter.
- C. If the Planning Director determines that the proposed lighting does not comply with the provisions of this Chapter, the permit shall not be issued or the project approved.

Site plan and design review may be required per SJBMC Section 11.18 (previously Section 11.22.020).

11.13.080 Exemptions.

- A. All outdoor light fixtures existing and legally installed prior to the effective date of this Chapter are exempt from the provisions of this Chapter, provided, however, that no replacement, structural alteration, or restoration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this article. Exemptions shall be granted to this conformance standard if:
1. the additional cost necessary to meet the minimum illumination levels would pose an unreasonable financial burden; and/or
 2. utilization of conforming outdoor light fixtures would negatively impact the aesthetic quality/architectural design of the property or immediate area by mixing substantially different styles and types of fixtures/poles.
- B. Temporary lights used for holiday decorations are exempt from the requirements of this article. "Temporary" means lights are put in place two weeks or less before the holiday, and are removed within two weeks after the holiday (i.e., the date of the holiday).
- C. Construction or emergency lighting is exempt, provided such lighting is temporary and is discontinued immediately upon completion of the construction work, or abatement of the emergency necessitating said lighting.
- D. Security lights with motion detectors with lights that go on intermittently.

11.13.090 Approved Materials and Methods of Installation.

- A. Preferred Source - low-pressure Sodium lamps are the preferred illumination source throughout the City.
- B. The provisions of this Chapter are not intended to prevent the use of any design, material or method of installation or operation or technological improvements not specifically prescribed herein, provided the City Planner has approved any such alternate. The City Planner may approve any such proposed alternate provided he/she finds that it:
 - 1. Provides at least approximate equivalence to the applicable specific requirements of this Chapter; and
 - 2. Is otherwise satisfactory and complies with the intent of this Chapter.

11.13.100 Administrative Exemption.

- A. Any person may submit a written request to the City Planner for an administrative exemption from the requirements of this article. The request shall state fully the circumstances and conditions relied upon as grounds for an administrative exemption and shall be accompanied by adequate plans and a legal description of the property involved. In addition, the request shall contain at a minimum the following information:
 - 1. Name, address, and telephone number of the applicant;
 - 2. Location of the outdoor light fixture(s) for which the exemption is required;
 - 3. The nature of the circumstances which necessitate the administrative exemption;
 - 4. Use of the outdoor light fixture(s) involved;
 - 5. Type of outdoor light fixture to be used, including total lumen output and character of the shielding, if any; and
 - 6. Such other data and information as may be required by the City Planner as appropriate.
- B. The City Planner, as appropriate, may grant an administrative exemption from the provisions of this article when it appears from the facts contained in the application, and from any other relevant information made available that all of the following conclusions can be reached:
 - 1. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the administrative exemption is sought, which circumstances or conditions are peculiar to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the neighborhood;
 - 2. The aforesaid circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land, buildings or outdoor light fixtures and that the administrative exemption granted by the City Planner, as appropriate, is the minimum exemption that will accomplish this purpose; and
 - 3. The granting of the administrative exemption will generally be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The project is not located in or immediately adjacent to the historic district or the Gateway Area of the City (if it is the case the project is in the Historic District and/or Gateway, it will be subject to Historic Resources Board and Planning Commission review.
- C. A fee shall be paid and such fee shall be established and from time to time may be amended, by resolution of the City Council.
 - D. If the request for an administrative exemption is approved by the City Planner such determination shall be made in writing and a record kept which shall be open to the public.
 - E. The decision of the City Planner may be appealed pursuant to Section 11.25 (Appeals) and within the times set forth therein for the filing of such appeals.

11.13.110 Temporary Exemption

- A. The City Planner may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, if he/she finds the following:
 1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;
 2. The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible; and
 3. The proposed lighting will comply with the general intent of this article.
- B. The application for a temporary exemption shall include the following information:
 1. Name and address of applicant and property owner;
 2. Location of proposed fixtures;
 3. Type, wattage and lumen output of lamp(s);
 4. Type and shielding of proposed fixture(s);
 5. Intended use of lighting;
 6. Duration of time for requested exemption;
 7. The nature of the exemption; and
 8. Such other information as the Building Official may request.
- C. The City Planner shall rule on the application within five business days from the date of submission of the request and notify the applicant in writing of his/her decision.
- D. The City Planner may grant one renewal of the application for up to an additional thirty (30) days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The City Planner is not authorized to grant more than one 30 day temporary exemption and one renewal for up to a 30 day period for the same property within one 12 month period.

11.13.120 Appeals.

All appeals of decisions involving to this article shall be made pursuant to Section 11.25 (Appeals) and within the times set forth therein for the filing of such appeals.

11.13.130 Enforcement and Penalties.

Enforcement and Penalties are administered through SJBMC Title 13 – *Violations*. The reader is referred to that section.

SECTION 3. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City County on the 16th day of January, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 20th day of February, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Manager

APPROVED AS TO FORM:

City Attorney