



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 13, 2018

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

**SUBJECT: PLANNING CASE P18-0290 (ZONING CODE AMENDMENT) – A
COMPREHENSIVE UPDATE TO AMEND RIVERSIDE MUNICIPAL CODE
CHAPTER 19.556 – LIGHTING, TO RE-ORGANIZE, CLARIFY AND UPDATE
THE EXISTING REGULATIONS TO COMPLY WITH STATE LAWS; CONSIDER
TECHNOLOGICAL ADVANCEMENTS, AND REDUCE NIGHT-SKY LIGHT
POLLUTION – ORDINANCE**

ISSUE:

Adopt an Ordinance to amend Title 19 – Zoning of the Riverside Municipal Code, Chapter 19.556 – Lighting. The proposed Amendment will re-organize, clarify and update the existing regulations to comply with State laws, consider technological advancements, and reduce night-sky light pollution to comply with a 2008 settlement agreement between the City of Riverside and Friends of the Hills.

RECOMMENDATIONS:

That the City Council:

1. Determine the proposed project will not have a significant effect on the environment based on the findings set forth in the case record, and adopt a Negative Declaration pursuant to CEQA Guidelines Section 15070;
2. Approve Planning Case No. P18-0290 (Amendment to Title 19 – Zoning); and
3. Introduce, and subsequently adopt the attached Ordinance amending Title 19 – Zoning of the Riverside Municipal Code, Chapter 19.556 – Lighting.

PLANNING COMMISSION RECOMMENDATION:

On May 31, 2018, the City Planning Commission recommended approval of Planning Case P18-0290, by a vote of 8 ayes and 0 noes, subject to Staff's findings (Attachment 3 & 4).

BACKGROUND:

The proposed Title 19 – Zoning Amendment to outdoor lighting standards was initiated in

December 2016 as a result of input from the Riverside Friends of the Hills. This input identified a need for an amendment to the lighting standards to address three objectives:

1. Comply with current California Code of Regulations Title 24 Part 6, Building Energy Efficiency Standards and Title 24 Part 11, CAL Green sustainability standards;
2. Comply with a settlement agreement with Friends of the Hills, which requires the City to adopt a “night-time sky ordinance”; and
3. Coordinate and integrate with Riverside Public Utility’s (RPU) effort to convert all public street lights in the City to more efficient light emitting diode (LED) lighting.

Building Energy Efficiency Standards:

California Title 24 Part 6 – Building Energy Efficiency Standards, ensure energy efficiency in buildings and site improvements including requirements for outdoor lighting design and installation. These Standards apply to lighting on buildings, poles or structures. The Standards also apply to self-supporting lights. Lights located in hardscape areas, at building entrances, in sales and non-sales canopies, in outdoor sales areas and on building facades are also included.

As part of the latest revisions to Title 24 which became effective in 2017, the California Energy Commission updated outdoor power allowances and development standards for five different “Lighting Zones” (ranging from 0 through 4). Lighting Zone 0 (zero) has the lowest power allowance, with increasing power allowed in Lighting Zones 1- 4. Cities may change the default Lighting Zones following a public hearing and demonstrating compliance with Title 24.

The California Energy Commission has set default Lighting Zones based on the U.S. Census Bureau’s urban and rural areas and boundaries of wilderness and park areas. Riverside is within an urban boundary, per the U.S. Census, and generally defaults to Lighting Zone 3. Lighting Zone 3 permits “moderately high” lighting power allowances. In Riverside, more restrictive lighting Zones for government designated parks, recreation, and wildlife areas default to Lighting Zones 0 for undeveloped areas and 1 for developed areas (Attachment 5).

Lighting Zone 2 is the State’s default Lighting Zone for rural areas, as designated by the U.S. Census. The City does not contain any US Census designated rural areas. Lighting Zone 4 allows for the most intensive lighting, and is an optional zone (not default) that a jurisdiction may adopt if very high light levels are warranted.

Settlement Agreement:

In 2008 the City of Riverside and *Friends of the Hills* entered into a settlement agreement (Attachment 6), which required the City to amend the General Plan 2025 and parts of the Municipal Code. As part of the settlement, the City agreed to amend Title 19 - Zoning to add “night-time sky” regulations, which would reduce light pollution, and include the lighting restrictions recommended by the Mount Palomar Observatory. The Mount Palomar Nighttime Lighting Policy Area is intended to minimize nighttime light pollution which has a detrimental effect on astronomical observation and research. The Lighting Policy Area covers a radius of 45 miles from the observatory and restricts nighttime lighting hours, types, and techniques of lighting. The policy area includes a portion of the Orangecrest Neighborhood within the City and a portion of the City’s southern Sphere of Influence (unincorporated area).

This area is also within “Zone B” of Riverside County’s Palomar Lighting Ordinance 655 adopted in 1988. The General Plan 2025 Final Programmatic Environmental Impact Report (FPEIR) considered nighttime sky impacts to the Mount Palomar Policy Area. As part of the EIR Mitigation

Monitoring Program, Mitigation Measure AES 1 required shielding of lighting and lumen restrictions to mitigate nighttime sky impacts.

Riverside Public Utility's Conversion of Street Lighting:

Riverside Public Utility (RPU) oversees the street lighting system within the City. On September 6, 2016, the City Council approved a Citywide Light Emitting Diode (LED) Conversion Program. This program will convert all public streetlights from high-pressure sodium (HPS) street lights to more efficient LED street lights. The new lights provide better light quality and safety; energy efficiency and cost savings; and reduce greenhouse gas emissions. While public street lights are not within the purview of the Zoning Code, updates to the Zoning Code (Chapter 19.556 Lighting) was an item identified in the Scope of Work for the Citywide LED Conversion project.

DISCUSSION:

Proposed changes to Title 19.556 – Lighting:

The proposed Amendments to Chapter 19.556 will:

1. Reorganize and expand the regulations of existing Chapter 19.556;
2. Update definitions to reflect changes in technology such as light emitting diode (LED) lighting;
3. Specifically require lighting plan review and certification as part of the building plan check process;
4. Prohibit lighting that is a public danger or nuisance, such as dynamic or aerial laser lighting and lighting in excess of 50,000 lumens;
5. Establish development standards tailored to individual lighting zones (i.e. max. lumens, mounting heights, allowable light trespass); and
6. Restrict light spectrum to 3000 Kelvin (3000 K) or less. This restriction will eliminate much of the “blue” spectrum of lighting, which has negative health and environmental effects, and contributes to night-sky light pollution. This requirement is consistent with a lighting spectrum recommendation contained within a Report of the Council on Science and Public Health (Attachment 7).

Proposed Lighting Zones:

The proposed Amendments will establish Lighting Zones which tailor the California Energy Commission's default Lighting Zones to be reflective of Riverside's local conditions and desired aesthetics. The proposed zones are:

- Zone 0: Applies to undeveloped areas of parks, recreation areas, and wildlife preserves allowing little or no exterior light at night.
- Zone 1: Applies to developed portions of parks, recreation areas, wildlife preserves, and areas within the Mt. Palomar Observatory allowing low levels of exterior lighting at night.
- Zone 2: Applies to areas within the RA-5, RC and RR Zones allowing modest levels of exterior lighting at night.
- Zone 3: Applies to areas not within Lighting Zones 0, 1 or 2 allowing medium to high levels

of exterior lighting at night.

Public Input:

Staff provided the proposed Amendment and Planning Commission Staff report to representatives of the Friends of the Hills (Friends), and met with them prior to publishing this report. The Friends expressed support of the proposed ordinance, and suggested minor revisions to provide additional clarity. The suggested revisions have been incorporated in the proposed ordinance.

Conclusion:

The proposed Amendment will result in a comprehensive update to RMC Chapter 19.556 – Outdoor Lighting, which will:

1. Bring the existing Code into compliance with current State laws and lighting technologies;
2. Provide clarity related to existing lighting definitions, and add new definitions, including those associated with newer technologies;
3. Establish Lighting Zones in which different levels of maximum light intensity would be allowed;
4. Implement new development standards for all lighting projects, including new construction and renovations;
5. Create new procedures for Staff to review lighting plans; and
6. Establish a list of lighting types that are prohibited.

The City's proposed Amendments align with Title 24 Building Energy Efficiency Standards and fulfill the 2008 agreement with the Friends of the Hills. The proposed Amendments will ensure: 1) lighting is adequate for safety, security and commerce; 2) artificial lighting does not harm our natural ecosystem; and 3) impacts on the night sky are minimized by regulating artificial sky glow, and preventing glare and light trespass.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of the proposed Amendment to Title 19 – Zoning.

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Certified as to
availability of funds: Edward Enriquez, Interim Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Negative Declaration
2. Proposed Ordinance
3. City Planning Commission Report – May 31, 2018

4. City Planning Commission Minutes
5. Map of Proposed Lighting Zones
6. 2008 Settlement Agreement
7. Report of the Council on Science and Public Health
8. Presentation