



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, April 4, 2018
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Gilbert, Hasko, Taylor, Vice-Chair Goulden, Chair Targ

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

NEW BUSINESS

1. Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines (Staff: A. Cassidy)
2. Proposed Amendments to the Second Unit Ordinance (Staff: A. Cassidy)
3. Proposed Amendments to the Yards Ordinance (Staff: A. Cassidy)
4. Annual Housing Element Progress Report for 2017 (Staff: A. Cassidy) *This item has been continued to the next regular Planning Commission meeting on 4/18/18.*

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

5. Alpine Hills Tennis & Swimming Club Annual Report
6. News Digest: Planning Issues of the Day

APPROVAL OF MINUTES

7. Planning Commission Meeting of February 7, 2018
8. Planning Commission Meeting of February 21, 2018

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Planning Commission

FROM: Arly Cassidy, Interim Planning Director

DATE: April 4, 2018

RE: Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the Portola Valley Municipal Code and Design Guidelines regarding Outdoor Lighting and approve a resolution (Attachment 1) recommending their approval to the Town Council.

BACKGROUND

In 2016 the Town experienced a number of burglaries and two home invasions, resulting in a discussion around home security measures and the Town's regulation of such. At the Council's direction, staff held a number of study sessions with the ASCC to evaluate options for amending the municipal code and Design Guidelines to reflect concerns around security. On April 26, 2017, staff brought these recommendations back to Council and received direction to update the outdoor lighting regulations and the Design Guidelines (staff report, Attachment 2). Staff is now requesting feedback on a draft ordinance and updates to the Design Guidelines.

On December 18, 2017 the ASCC held a study session on proposed changes and updates to the Outdoor Lighting Ordinance and Lighting Design Guidelines (staff report and minutes, Attachment 3). As part of its review, the ASCC considered the various sections of code currently regulating lighting, new technologies, a model code for dark sky compliance, and general trends in lighting, such as the switch from watts to lumens to describe brightness.

Staff returned to the ASCC on February 26 and March 12, 2018 (staff reports and minutes, Attachments 4 & 5) with changes and updates to both code and design guideline language. At its March 12, 2018 meeting, ASCC made final tweaks to the proposed language and recommended approval to the Planning Commission.

DISCUSSION

Portola Valley describes itself as a rural town, and the guiding documents of the Town go to lengths to protect its rural characteristics, including a minimal approach to lighting and illumination. The General Plan includes a principal under the Commercial and Research - Administrative section which states:

- 5. Night lighting visible from the exterior of buildings should be strictly limited to that necessary for security, safety and identification. All night lighting, including signs, should be low intensity and shielded from view from residential areas.*

Outdoor lighting is discussed in four sections of the municipal code (Attachment 6):

- 8.12.010.P – Definition of Nuisance
- 18.12.040.B.11 - Accessory Uses Permitted: R-E District: Second Units
- 18.36.040.A.8 - Uses Permitted in All Districts: Accessory Uses
- 18.42.018 - Accessory Structures: Outdoor Lighting

Zoning regulations pertain to lighting brightness, placement and use, and generally require a minimalist approach to distribution. Lighting of certain specific land uses, such as sport courts, is explicitly prohibited. In addition, the Design Guidelines include two full pages describing lighting appropriate to the Town (Attachment 7), and further describe appropriate and inappropriate lighting placement, direction and brightness.

In 2016 the Town began taking a closer look at outdoor lighting. Staff and the ASCC found that many of the regulations and guidelines were in conflict with suggestions from the SMC Sherriff's Office and were based on older technologies. For example, motion sensor lighting was once limited to a bright flood light turning on immediately, whereas current technologies allow owners to choose a slow two or three second brightening, with a limited brightness and direction. Timers, photo-sensors, and other technologies can combine to give more control and allow residents to implement subtle and tasteful lighting that also provides security.

The industry measurement of light brightness is transitioning from watts to lumens. Watts are a measure of energy used, not actual brightness, and so as energy efficiency has approved, bulbs of a given wattage have grown steadily brighter. There is an industry shift underway towards lumens to measure brightness. Table 1, below, gives watts to lumens conversions; it should be noted, however, that each light technology (incandescent, LED, halogen) has a different lumen-to-watts conversion, resulting in slightly different values in the table below.

Table 1: Conversion of Watts to Lumens

Watts	25	40	60	75	100
Lumens	375	450	800	1125	1600

In response to these newer technologies, an increased focus on security, and a general need to clarify and consolidate the Town's outdoor lighting regulations, staff and the ASCC have worked together to craft a new ordinance and design guidelines that reflect all of these changes. Research included a close read of the Model Lighting Ordinance (Attachment 8) created by a

joint team from the International Dark-Sky Association (IDA) and the Illuminating Engineering Society (IES). While this model ordinance suggests a level of regulation unnecessary in a small town like Portola Valley, it also includes helpful direction on what to consider and how to regulate lighting in order to preserve the Town's valued rural feel. In addition, the IDA Examples of Acceptable/Unacceptable Lighting Fixtures hand out (Attachment 9) is a helpful guide for individual fixture evaluation, and can be incorporated into a future FAQ document distributed by the Town.

In order to clean up and consolidate the existing code sections describing outdoor lighting, staff suggests consolidating all outdoor lighting regulations under 18.36 – Uses Permitted in All Districts: Accessory Uses. The Second Units (18.12.040) and Accessory Structures (18.42.018) code sections can include direction to the new, consolidated Outdoor Lighting code sections under 18.36.040. (Changes to Accessory Structures are included as part of this staff report; changes to Second Units are included in a separate staff report describing other updates to that section.) The definition of Nuisance (8.12.010), which includes bright lighting, does not regulate outdoor lighting and can be left as is.

Following the existing structure of zoning ordinances, the draft ordinance includes the following sections: Purpose, Definitions, Applicability, Lighting Placement, Fixture Type, Lighting Control, Prohibited Lighting, and Lighting Requiring ASCC Approval. Content includes existing Town regulations compiled into one place, as well as language borrowed from the IDA/IES model ordinance. Staff attempted to clarify existing code as well as Town policy and practice.

The Design Guidelines include two pages describing appropriate and desirous lighting in Town, with updates to reflect policy and technology changes. Staff has made proposed changes to include the recommendation for instead of against motion sensors and an update from watts to lumens for specific lighting restrictions. Staff Reports and Minutes from the recent ASCC meetings (Attachments 2-4) capture more of the detail around exact language choices and policy direction.

NEXT STEPS

Should the Planning Commission recommend approval, staff will next take the updated ordinance and design guideline language to Town Council for final review and approval.

ATTACHMENTS

1. Resolution with Proposed Ordinance and Proposed Lighting Design Guidelines
2. April 26, 2017 Staff Report to Town Council and Minutes
3. December 18, 2017 Staff Report to ASCC and Minutes
4. February 26, 2018 Staff Report and Minutes
5. March 12, 2018 Staff Report and Minutes
6. Current Municipal Code Sections Related to Outdoor Lighting
7. Current Lighting Design Guidelines
8. Model Lighting Ordinance
9. Examples of Acceptable/Unacceptable Lighting Fixtures

RESOLUTION NO. 2018 -

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING APPROVAL OF AN
ORDINANCE AMENDING TITLE 18 [ZONING] OF
THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, on April 27, 2016, the Town Council of the Town of Portola Valley ("Town") directed staff to update the outdoor lighting regulations and Design Guidelines to reflect increasing concern with safety and new lighting technologies available to residents;

WHEREAS, the Town remains committed to preserving its dark skies and rural character;

WHEREAS, Dark-Sky compliant light fixtures and their equivalent are readily available and highly effective at directing lighting only where it is needed for safety and security, and preventing the nuisance of glare;

WHEREAS, the ASCC heard public comments and helped craft new ordinance and design guideline language at duly noticed hearings held on December 18, 2017, February 26, 2018 and March 12, 2018;

WHEREAS, the Planning Commission held a duly noticed hearing on April 4, 2018 regarding the proposed ordinance and design guidelines; and

WHEREAS, the proposed ordinance and design guidelines are not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project defined by Section 15378 of the CEQA Guidelines;

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance and design guidelines as set forth in Exhibit A and Exhibit B.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 4, 2018.

Ayes:

Noes:

Absent:

Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Arly Cassidy, Interim Planning Director

Exhibit A

1. AMENDMENT OF CODE. Subsection (A)(8) of Section 18.36.040 [Uses Permitted in All Districts – Accessory Uses] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

8. Outdoor Illumination

- i. Purpose. The purpose of this chapter is to provide clear regulations regarding allowable outdoor lighting. The Town’s General Plan states: “Night lighting visible from the exterior of buildings should be strictly limited to that necessary for security, safety and identification. All night lighting, including signs, should be low intensity and shielded from view from residential areas.” This chapter aims to provide regulations for outdoor lighting that will:
 - a. Permit the use of outdoor lighting that does not exceed the minimum necessary for night-time safety, utility, security, and enjoyment.
 - b. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
 - c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy and star gazing in keeping with the Dark Sky movement.
 - d. Help protect the natural environment from the adverse effects of night lighting.
 - e. Conserve energy and resources to the greatest extent possible.
- ii. Definitions
 - a. Brightness shall be measured in lumens.
 - b. Dark Sky Compliant Fixture or Equivalent shall mean a light fixture from which all light emitted, directly or indirectly, is projected below a horizontal plane.
 - c. Flood Lighting shall mean any fixture which lights a large area, as opposed to an individual feature such as a step, path or doorway.
 - d. Manual switch shall mean any light requiring a physical action to control, whether by hardwires at the property, phone or computer application, or other technology.
 - e. Motion-sensor shall mean any light control which is triggered by motion.
 - f. Photo-cell shall mean a light-sensitive control that switches lights on or off depending on the level of outdoor light.
 - g. Timer shall mean any device which controls the hours or amount of time that a light fixture is illuminated.

- iii. Applicability. All outdoor lighting installed after the date of effect of this ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location. These regulations are meant to apply only to the visible light spectrum.
 - a. Exceptions.
 - 1. Lighting for signs shall be regulated by Section 18.40, Signs.
 - 2. Temporary holiday lighting, including in trees.

- iv. Lighting Placement.
 - a. Exterior or garage door shall have one fixture each.
 - b. Low path, step and wall lights for safety and navigation purposes for pedestrian and other non-vehicular uses.
 - c. Lighting for exterior patios and dining areas shall be recessed & shielded from off-site visibility.

- v. Fixture Type. All outdoor lighting fixtures shall be Dark Sky compliant or equivalent; specifically, they shall include the following elements:
 - a. Shield directing light downward;
 - b. Bulb not protruding below horizontal plane at bottom of shield;
 - c. Light spill limited to the object to be illuminated;
 - d. Fixtures shall not have ability to swivel or adjust direction, except path lighting, which shall not swivel above a forty-five (45) degree angle from a vertical line down.

- vi. Lighting Control. Lighting controls and technologies shall be implemented to the effect that outdoor lights are on only when needed and never during daylight. Controls shall function with Dark Sky compliant fixtures. Current technologies include manual switches, photo-cells, timers, and motion-sensors. Any combination of these technologies may be used, with the following limitations:
 - a. Motion-sensor lights shall be triggered only by motion within a property and shall not be activated by motion in adjacent property or rights-of-way.
 - b. Photo-cells shall be used only to ensure lighting is off during the day, as opposed to on at night.
 - c. Timers shall be included on all motion-sensor lights to ensure that illumination is limited. Timers shall be used only to turn lights off, not on.
 - d. Lights shall self-extinguish within two minutes of being illuminated.

- vii. Prohibited Lighting. The following lighting types and systems are prohibited from being installed or used:
 - a. Up-lighting;
 - b. Lighting for night use of uncovered game courts, including tennis, paddle tennis, basketball, riding rings, and similar outdoor recreation facilities and areas;
 - c. Aerial lasers and other focused beams;
 - d. Flood lights or lighting;
 - e. Searchlights;
 - f. Lighting with no on/off switch or ability to be controlled;
 - g. Any permanent or temporary lighting in which any single light source exceeds 1,125 lumens.

- viii. Lighting Requiring ASCC Approval. The following light fixtures, placements, or types are generally discouraged and require ASCC approval in order to be installed:
 - a. Lighting for landscaping, trees or structures, including entryway features, pillars and posts;
 - b. Commercial parking lighting.

2. AMENDMENT OF CODE. Subsection (018) of Section 18.42 [Accessory Structures] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

18.42.018. Outdoor Lighting. Outdoor lighting for all accessory structures shall conform to Section 18.36.040.A.8, Outdoor Illumination, of the Portola Valley Municipal Code.

Exhibit B

Lighting

- In order to maintain the rural character of Portola Valley, a *minimal* approach should be taken to outside illumination of any use, site, or structure within the town. Excessive lighting on an individual site (and/or the impact of cumulative lighting on adjoining sites) can create a glow that tends to obscure the night sky and stars, and results in a community that is more urban and less rural.
- Use only the **minimum** amount of lighting necessary to achieve essential illumination. The primary objective of exterior lighting should be **safety** for pedestrians and other non-vehicular uses around the primary building on the site. Lighting of front entries, main access doors, frequently used stairs, etc. may be appropriate, but should be determined on a case-by-case basis. Further, some lighting to identify address numbers and driveway entries may be acceptable, but should be considered only when it is determined that reflectors and reflective numbers cannot be used effectively.
- Natural site conditions and location should be taken into account in development of any plans for exterior lighting of a structure and/or property. Sites that have little tree cover and that are in very open and easily accessed locations should have less need for lighting than more secluded sites with heavy tree cover and difficult points of access. Further, in the development of all lighting plans, consideration should be given to maintaining the rural unlit character of the environment and to using natural lighting (e.g., moon light), lighting provided by vehicles entering a property, and illumination passing through windows from inside a building.
- Exterior lighting should be located as close to building entries and key stair and accessways as possible.
- Lighting for purely decorative purposes should be avoided. For example, lighting around or within landscaped areas, accent lighting of architectural features, lighting of the perimeter parking and similar areas are discouraged. However, if landscape lighting is found necessary, for example, to light paths to a pool or deck or to provide some light around such a feature that is used at night, low level recessed type lights should be used. Use of strip light type systems, such as multi-bulb step light strips, should be avoided. Up-lighting of landscaping or structures is prohibited (PVMC Code Section 18.36.040). Occasional installation of fixtures not necessary for safety but that provide symmetry are allowed, so long as they are not wired for electricity (e.g. a light fixture on either side of a garage door).

- Lighting should be controlled, selected and adjusted so that lights are on only when needed. When motion sensors or other controls allow for a more limited use of lighting, they are preferred, especially to avoid lights being left on overnight. Motion triggered lighting should fade on and off after a brief time and should be limited to main and rear entry doors, and trash areas; they should not be used for general outdoor areas. Photocell and timer-controlled lighting should also include automatic shut-offs to avoid lights being left on throughout the night.
- Exterior light fixtures should be broken into groupings, each with their own control, such that lighting in one area can be on while all other lighting is off. Motion sensors should activate the minimum lighting necessary for security or safety purposes. At the same time, a master off-switch is encouraged.
- All light fixtures should be selected for their ability to focus light on the feature to be lighted (i.e., step, path, entry) and to have minimum light spillage. Fixtures designed to light large areas, conventional unshaded or non-recessed spot lights, or flood lights are prohibited. Lighting (including pool lights) should be directed inward, toward a property's center, not outward beyond the property line.
- The source of light in any light fixture, i.e. the bulb or other source of indirect illumination, should not be visible off-site. Because homes in Portola Valley are located at multiple elevations, residents should select and place fixtures so that properties at a lower grade are minimally impacted by light visibility, direct or diffuse.
- Light color should be limited to the warmer spectrum of 2700-3500 Kelvins. Cooler-colored white and blue lights which disrupt nightlife and biological rhythms should not be used.
- When determining appropriate lumen output and spacing of outdoor lighting fixtures, the following chart, borrowed from the Portola Valley Ranch Design Guidelines, shall be used as a guide:

Fixture Type	Max. Lumen Output for a Single Fixture	Maximum Lumen Output for Multiple Fixtures	Typical Installation
Overhead	350	25 per linear foot walkway	At entries to carports or residences
Low-Height	225	40 per linear foot of walkway or deck/patio perimeter	Every 4-8 feet
In-ground	150	30 per linear foot of walkway	Every 4-8 feet
Stair-Step	50	50 per 4 foot width of step	On the riser or underside of every stair step



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Debbie Pedro, Planning Director

DATE: April 26, 2017

RE: ASCC Recommendations on Design Guidelines and Home Security Measures

RECOMMENDATION

The ASCC recommends that the Town Council:

1. Direct staff to begin a comprehensive update of the Outdoor Lighting Ordinance.
2. Direct staff to amend the Design Guidelines as it relates to motion sensor lights.
3. Direct staff to prepare an Outdoor Lighting Frequently Asked Questions (FAQ).
4. Provide direction on the implementation of the Neighborhood Watch Sign Program.
5. Make no changes to landscaping guidelines.

BACKGROUND

Following several burglaries and two home invasion robberies last year, some residents have provided feedback to staff that current Town rules did not support certain home security options. Specifically, there may be potential conflicts between the safety measures recommended in the San Mateo County Sheriff Office's Home Security Checklist (Attachment 1) and the Town's regulations regarding outdoor lighting, landscaping, and signage.

On November 9, 2016, the Town Council directed staff to work with the ASCC on evaluating the Town's Design Guidelines as it relates to home security measures including options for lighting, landscaping and signage in road right-of-ways. The ASCC held study sessions on December 12, 2016, February 27, 2017, and March 3, 2017 and provided their recommendations to Council on these items. Additional information are included in the staff reports and minutes from the ASCC meetings. (Attachments 2-4)

DISCUSSION

As noted earlier, Council's direction was for the ASCC to evaluate the Design Guidelines as it relates to three specific security measures: motion sensor lights, landscaping, and signage within road right-of-ways. The ASCC reviewed the staff reports, listened to public input, and voted unanimously to recommend the following:

1. Landscaping

The ASCC recommended no change to the landscaping guidelines. The Town's Design Guidelines encourage integrating development with existing vegetation and the use of minimum landscaping. The County Sheriff Office's Home Security Checklist recommends trimming shrubs and bushes so there is no place for someone to hide. The ASCC found no conflict between the two and agreed that the Design Guidelines fit in well with the Sheriff Office's recommendations.

2. Signage in Road Right of Ways

Historically, the Town has generally not permitted the installation of structures or other improvements by private property owners in the public road right-of-way other than a mailbox and the required driveway to access a property. Town staff has interpreted that the current zoning code allows small neighborhood watch signs on private property per PVMC Section 18.40.030.

Since December 2016, the Town's Neighborhood Watch Coordinator Lorrie Duval has helped organized over thirteen Neighborhood Watch (NW) teams and staff has received a number of requests to install NW signs in the public right-of-way.

The ASCC recommended that NW signage in the public right-of-way be limited to the areas at or near locations for the ALPR cameras to reduce visual clutter along roadways and prevent the proliferation of signage in town. Since there is a wide variety of NW signs available with different options in materials, size, colors, and designs, the ASCC recommended using a stock 18" x 24" blue Crime Watch sign. The preference is to mount the NW sign to an existing post if possible but if no existing post is available, the ASCC recommended using a 3" x 7' corten steel instead of a wood post because it would be more durable.



On March 27, 2017, PV Neighborhood Watch Block Captains submitted a petition to the Town (Attachment 5) to place NW signs in the public right-of-way at the borders of their neighborhoods instead of at the ALPR sites. The group cited the following reasons for their request:

1. PV neighborhoods want to be able to visually show that they are supporting Neighborhood Watch for its deterrent value, and they feel they should be allowed to do so.

2. Neighborhood Watch signs only at ALPR sites are not an effective deterrent, because they are too far away from most neighborhoods.
3. Neighborhood Watch signs in the neighborhoods on private property but not in the right of way, are not as effective, because they are less likely to be noticed since they are farther away from the street.
4. The current policy of not allowing Neighborhood Watch signs in the right of way is counter-productive to its visual clutter rationale, since there are already a proliferation of Neighborhood Watch signs on fences, trees, etc., on people's personal properties

If each NW neighborhood requests to place a NW sign at their border, there may be dozens of new signs installed in the Town's right of way with more to be added as new NW groups form. Staff agrees with the ASCC that signage in the right-of-way should be kept to a minimum because it would negatively affect the scenic qualities of the road as well as the rural and natural atmosphere of the Town.

Should the Council decides to allow NW signs in the public road right-of-way at the borders of neighborhoods that have active NW programs, staff recommends that the Sign Ordinance be amended to prohibit NW signs on private property in order to limit the number of signs in Town.

3. Motion Sensor Lights

At their February 27th meeting, the ASCC requested additional information to help with further discussion on this topic. Representatives from PV Ranch were invited to attend the March 13th ASCC meeting to share their experience on the recently updated PV Ranch Design Guidelines. In addition, staff provided a summary of the Town's General Plan, Zoning Code, and Design Guidelines relative to outdoor lighting, as well as information regarding newer lighting technology and studies regarding the relationship between lighting and crime. The March 13th staff report and meeting minutes are included in Attachment 2. The ASCC's recommendations regarding lighting are as follow:

1. That a comprehensive update to the Town's Outdoor Lighting Ordinance is necessary and of high priority.

The Town's outdoor lighting regulations were adopted over 17 years ago and contain outdated performance standards (i.e. references 75 watts incandescent lights). In addition, lighting regulations are found in three separate chapters (18.12, 18.36, and 18.42) of the zoning code which should be consolidated. The International Dark-Sky Association (IDA) and the Illuminating Engineering Society (IES) have jointly developed a Model Dark Sky Lighting Ordinance that takes an approach to regulation that encourages energy savings while reducing light pollution. The ASCC recommended that the Town undertakes a comprehensive update of the Outdoor Lighting Ordinance and refers to the model ordinance and dark sky lighting ordinances adopted by other municipalities.

2. That the language in the Design Guidelines be modified to encourage the use of motion sensor switches on dark sky compliant lights on outdoor wall fixtures and path lights.

As written, the Design Guidelines discourages the use of motion sensor light. It states:

“Lighting, for the most part, should be manually controlled so that lights are on only when needed. Lighting controls should be selected and adjusted to light areas only at the times lighting is essential. It is preferable to have lights manually controlled or on timers rather than to be controlled by photocells or motion detectors. Photocells can result in lights being on during all dark hours. Motion detectors can be triggered by animals, passing cars, etc. Such situations disturb both the natural conditions in the area and nearby residents. Individual control of lighting by the property owner is preferred.”

However, based on testimony from the public and PV Ranch representatives, the ASCC agreed that motion sensitive lights that are properly deployed would result in less lighting than lights on a timer or a manual switch. As a result, the Commission recommended an amendment to the Design Guidelines to reflect this change.

3. That a straightforward list of Outdoor Lighting Frequently Asked Questions (FAQ) be developed to provide information for the public.

The FAQ would be an informative document that addresses lighting and safety, light trespasses, motion sensitive switches and dark sky compliant fixtures.

Public Comments

In addition to the petition from the PV NW Block Captains, the Town received emails from resident Karen Vahtra noting the need for security cameras to be mounted with motion sensor lighting to increase their ability to capture images. (Attachment 6)

FISCAL IMPACT

Depending on the Council’s direction, there may be fiscal impact in the form of staff time needed for the comprehensive update to the Outdoor Lighting Ordinance, amendments to the Design Guidelines, and development of the Outdoor Lighting FAQ.

ATTACHMENTS

1. San Mateo County Sheriff Office’s Home Security Checklist
2. March 13, 2017 ASCC staff report and meeting minutes
3. February 27, 2017 ASCC staff report and meeting minutes
4. December 12, 2016 ASCC staff report and meeting minutes
5. PV Neighborhood Watch Block Captains Petition dated March 27, 2017
6. Emails from Karen Vahtra dated March 15 and March 31, 2017

Approved by: Jeremy Dennis, Town Manager



PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 947, APRIL 26, 2017

CALL TO ORDER AND ROLL CALL

Mayor Hughes called the Town Council's Regular meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Mary Ann Moise Derwin, Jeff Aalfs, and Ann Wengert; Vice Mayor John Richards; Mayor Craig Hughes.

Absent: None

Others: Jeremy Dennis, Town Manager
Leigh Prince, Town Attorney
Debbie Pedro, Planning Director
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

- (1) Presentation: Recognition of Service – Lieutenant Kristina Bell and Sergeant Todd Finato with San Mateo County Sheriff's Office.

Mayor Hughes described the careers of Lt. Kristina Bell and Sgt. Todd Finato of the San Mateo County Sheriff's Office and their service to Portola Valley. Mayor Hughes presented certificates to Lt. Bell and Sgt. Finato in recognition of their service to the Town of Portola Valley.

CONSENT AGENDA [7:05 p.m.]

- (2) Approval of Minutes: Town Council Regular Meeting of March 22, 2017. *[Removed from Consent Agenda.]*
- (3) Ratification of Warrant List: April 12, 2017, in the amount of \$137,331.82.
- (4) Ratification of Warrant List: April 26, 2017, in the amount of \$90,082.27.
- (5) Appointment by Mayor: Member to the Conservation Committee.
- (6) Appointment by Mayor: Member to the Nature & Science Committee.
- (7) Request from Trails & Paths Committee: Proposed Charter Amendment.
- (8) Recommendation by Town Manager: State Bills to Oppose. *[Removed from Consent Agenda.]*
- (9) Recommendation by Town Clerk: Adoption of Ordinance Amending Title 2 of the Portola Valley Municipal Code
- (a) Second Reading, Waive Further Reading and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 2.32 [General Municipal Elections] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code to Comply with Senate Bill 415 (Ordinance No. 2017-417)
- (10) Recommendation by Town Manager: Adoption of Ordinance Adding Chapter 9.02 [Public Safety Information] to Title 9 [Public Peace Morals and Welfare] of the Portola Valley Municipal Code

Councilmember Derwin asked why the Portola Valley School District has never been a partner. She said there is a big push in San Mateo County for workforce teacher housing. Town Manager Dennis said he is not fully aware of the history, but moving forward staff was very interested in hearing tonight's commentary relating to the expansion of the program, which provides them with further ability to go out and have those conversations. He said in his day-to-day role, as he talks to people at the school district and other places, every institution in one way or another is thinking about how to house their employees. He said there are further conversations to be had with those people to see if they could fit into a program like this or something similar.

Town Attorney Prince said she received an email from the County Council's Office to all City Attorneys to discuss this very issue as a group. She said they will probably get together in the next several months to have conversations about it.

Councilmember Derwin said it was supportive of building condos on The Priory property. Mayor Hughes agreed and said he was open to entertaining whatever suggestions any of the participants here tonight might bring to them, even if it doesn't fit within the current rules and would require some modification to do something that makes sense. Councilmember Wengert said she agreed and was sorry The Priory had left the meeting and could not hear the Council input. She said while The Priory haven't yet settled in internally on their preferred plan, the Town should be open and receptive to considering whatever they bring and helping to make that happen. Vice Mayor John Richards said it must be understood that it will be a process.

(12) Discussion and Council Action – ASCC Recommendations on Design Guidelines and Home Security Measures

Planning Director Debbie Pedro explained that, following the home invasion robberies and burglaries that occurred in Town, some residents have provided feedback to staff that the current Town rules did not support certain home security options. She presented the staff report and slide show detailing the ASCC recommendations that were developed following their three study sessions.

Mayor Hughes called for questions for staff.

Councilmember Aalfs asked how many Neighborhood Watch programs currently exist and how many are anticipated. Planning Director Pedro said there are currently 13. Town Manager Dennis said more are forming and there could be upwards of 24 but they may come and go over time.

Councilmember Wengert asked how many people use signs on their private property now for Neighborhood Watch, alarm systems, etc. Planning Director Pedro said she didn't know the exact number of Neighborhood Watch signs placed on private property, but they have seen an increase of "no trespassing" type signs, which are not prohibited. She said they have advised homeowners as a rule of thumb to limit the size of the signs to approximately 18" x 24".

In response to Council questions regarding the number of signs desired, Planning Director Pedro said there would be at least 13, but it would depend on the boundary of the Neighborhood Watch neighborhoods. She said there was not a specific proposal about whether they wanted them at boundaries or also at intersections. Town Manager Dennis said it's a tough number to guesstimate and there are parts of Town that will not have Neighborhood Watch programs. He said there is still a lot of energy around the programs, but they are now seeing second meetings occurring that have fewer attendees. He said he would predict that most of the Neighborhood Watch programs would want signs.

Councilmember Derwin asked if there was any hard data on the effectiveness of these signs. Town Manager Dennis said there is no research that he is aware of related to the effectiveness of signage; however, there is an abundance of research related to the effectiveness of the programs themselves. In response to Councilmember Derwin's question, Town Manager Dennis said he was not aware if

Piedmont or Tiburon regulated the signs. He said typically, in more suburban communities, there is much less regulation regarding that kind of signage. Councilmember Derwin asked if residents could place these signs on metal posts on their own private property. Town Manager Dennis said it is allowed per the current interpretation of the rules.

Mayor Hughes asked regarding the flexibility of changing the rules around where people can post signs on their own property. He said there was a suggestion that if the signs are allowed in the public right of way, they might be more restrictive on private property so there weren't lots of signs in both places. Town Attorney Prince said she would look into that further, but generally a sign is a form of speech and the Town has the flexibility to put parameters around size and location, but not content.

Mayor Hughes invited public comment.

John Murray, Antonio Court. Mr. Murray said he has organized four different blocks of the Neighborhood Watch program. He said the stop sign at the intersection at Adair and Sausal is a perfect place for the sign that would cover all 60 households. He said his group agreed that one sign is preferable. He said if they cannot put a sign on the stop sign, then he would put one 10 feet away on his property outside of the right of way, but feels that's sign pollution and less palatable than if the sign was right below the stop sign. He said he was unaware there could be a prohibition on signs and would think that the free speech issue should be considered. He said his group prefers the blue sign.

Jon Silver, Portola Road. Mr. Silver said while the Town should limit visual pollution, it is important for these people who are setting up these Neighborhood Watch groups to be able to put signs up in the right of way where they make the most sense, and they should also be allowed to put signs up on their own property.

Tom Moran, Hillbrook Drive, block captain on Hillbrook Drive. Mr. Moran said there was a lot of enthusiasm when they set up their Neighborhood Watch but they were flabbergasted to learn about the regulations that did not allow the signs. He said they reached out to all of the block captains and two-thirds responded in favor of signs, as detailed in the petition attached to the staff report.

Arthur Jonath, Golden Oak Drive. Mr. Jonath is part of his Neighborhood Watch group. He said that seeing signage in the right of ways looks institutionalized and feels like it indicates a crime area and lowers the worth of their property. He clarified that he was not talking about dollar value but worth in the heart and mind. He said he prefers minimizing the signs. He said we should do our job as citizens and walk around the neighborhood and pay more attention of our surroundings.

Renee Courington, Creek Park Drive, block captain. Ms. Courington her group wants a sign. She said the police have advised them they are likely to get hit because of the easy access in and out. They want a sign at the beginning and end of their street on private property or the right of way.

An unidentified resident introduced herself as a block captain on Golden Oak. She said her group is in favor of signs and said individual signs on private property were initially encouraged. She said she prefers the larger signs because the individual signs will likely drop off because participation in the program is declining somewhat. She said there don't have to be a lot of them and it could be decided based on the neighborhood.

Karen Vahtra said if the Town could organize the signs in some sort of systematic way at reasonable intervals it would look much cleaner than haphazard signs on personal property.

An unidentified resident said he is co-block captain. He said the Neighborhood Watch programs are essentially putting new foundations of community engagement in the neighborhoods. He said the signs are recognition of that community building.

He said the community building is a valuable byproduct of the Neighborhood Watch programs. He said he'd rather call themselves neighborhood coordinators. He said building the social cohesiveness of the neighborhood is the most important thing.

Ragni Pasturel, Palmer Lane, block captain on Palmer. Ms. Pasturel said this program has brought her neighborhood together. They are talking about having meetings and block parties, something that hasn't happened in the 16 years she's lived there. She said having a sign puts the stamp on them being a community of neighbors and she thinks it's very important. She would rather the signs be consistent throughout Town.

With no further public comment, Mayor Hughes thanked everyone for attending the meeting tonight and for being involved in the Neighborhood Watch programs. He said it is a very positive thing that a lot of neighbors are talking to each other, getting to know what's going on, and getting to know each other. Mayor Hughes brought the issue back to the Council for discussion.

The Council addressed the following four recommendations:

1. Direct staff to begin a comprehensive update of the Outdoor Lighting Ordinance.
2. Direct staff to amend the Design Guidelines as it relates to motion sensor lights.
3. Direct staff to prepare an Outdoor Lighting Frequently Asked Questions (FAQ).
4. Provide direction on the implementation of the Neighborhood Watch Sign Program.
5. Make no changes to landscaping guidelines.

Councilmember Aalfs was supportive of Recommendations 1, 2, 3, and 5. He said the Energy Code has a lot of language on outdoor lighting and controllers and is moving in the direction of motion sensors and timed shut-offs. He said overhauling the Design Guidelines will result in good solutions with dark sky friendly appliances on well-installed and well-commissioned timers.

Councilmember Derwin asked Karen Vahtra if the dark-sky motion detector lights would work with cameras. Mayor Hughes said most of them were infrared sensitive. Ms. Vahtra said they have not had time to research that fully.

Councilmember Wengert was supportive of Recommendations 1, 2, 3, and 5. She said she was originally skeptical of the motion sensor lights because they used to be floodlights, but with the down shielding they are moving in the right direction.

Vice Mayor John Richards was supportive of Recommendations 1, 2, 3, and 5, as long as it was made very clear that the floodlights are still not acceptable.

Mayor Hughes was supportive of Recommendations 1, 2, 3, and 5. He said one of the dark sky compliant items said lights in the blue spectrum are discouraged. He said LEDs are very blue unless they are coated. He said it might be added as part of the FAQ a recommendation to make selections more toward the warm end of the LED rather than the standard blue LED.

The Council discussed Recommendation #4: Provide direction on the implementation of the Neighborhood Watch Sign Program.

Councilmember Aalfs was supportive of having signs in the right of ways. He agreed that having the signs in the neighborhoods made more sense than putting them at the ALPRs, both to remind intruders but also to remind the residents that they are part of a Neighborhood Watch. He said that will provide the opportunity to work with the block captains to come up with a good design solution to get a minimum number of signs to achieve the purpose, combined with friendly persuasion against private property signs to minimize clutter.

Councilmember Derwin said it is a good problem to have because it means there are a lot of Neighborhood Watch programs. She said she sympathized with the frustration of the Neighborhood Watch people who want to mark their territory and feel good about what they've done, but she also agrees that when she goes into neighborhoods in other cities that have those signs, she immediately thinks it's a high crime area. Her second thought upon seeing the signs is that the neighbors are organized. She said she could possibly support 10 signs, but 40 is excessive and will materially change the experience of traveling through Portola Valley. She would like to have an idea of how many signs could be installed.

Mayor Hughes asked how many areas do not have Neighborhood Watch groups. Town Manager Dennis said there would probably be parts of the Westridge area, the Highlands and the Corte Madera Hills neighborhood that did not have Neighborhood Watch groups. Mayor Hughes said since a large part of the Town is covered, maybe there could be a set number of signs that are distributed evenly through Town.

Councilmember Wengert said she fully respects all of the work the Neighborhood Watch people have done and understands why they want signs. She said the community building part of it is a terrific outcome of all of this. She said she is concerned about having areas in Town where Neighborhood Watch is very prominent and others where it is not. She said the inconsistency is difficult to reconcile, not wanting it to be interpreted that they don't care about some neighborhoods. She agreed with Mayor Hughes about placing signs in locations to get the majority of the ingress/egress in Town, and not just at ALPRs, but she does not know if that is 20 or 50 signs.

Mayor Hughes said as time passes the borders of the Neighborhood Watch zones may change and fluctuate, so a more holistic approach may be more practical than periodically removing, adding, or moving signs.

Town Manager Dennis said he understands the frustration but has to provide feedback based on the current Town rules. He said it is essentially an encroachment permit on the public right of way and there is a process for that. Town Attorney Prince said there are a lot of issues that need to be looked at, but her gut response to these ideas is that the Town has aesthetic control over how many signs populate the right of way. She suggested possibly creating some parameters around the number of encroachment permits allowed and their geographic location, possibly with term limits. She said staff can research this further, look at best practices for other communities, and bring that information back to the Council for further discussion.

Vice Mayor John Richards said the comment "institutional nature" resonated with him. He does not like the look of any of the sign options and said they are anonymous, horrible signs that do nothing for community building. He said the sample signs make it appear that some neighborhoods have big crime problems and he would hate to see them proliferate all over Town. He said if these signs reminded people to go to meetings, that would be great, but he doesn't think they do that. He said he has heard no evidence that the signs do anything to diminish crime. He said the effort of organizing the neighborhoods is really the core of the whole thing. He said a unique sign for each neighborhood would make a lot more sense in that regard.

Councilmember Derwin supported unique neighborhood signs that have a more rustic feel and much less institutional in design, but would still want a limit on how many signs would be allowed. Councilmember Wengert said the Town doesn't want to manage the Neighborhood Watch groups because they will come and go. She agreed the sample signs were ugly but would be supportive of individual unique neighborhood signs.

Planning Director Pedro said staff has not yet developed a program on how to deal with requests. She said the thought was for a Neighborhood Watch group to come to the Town, submit an encroachment permit, and the Town would then be responsible for producing and installing the sign. She said custom

signs will be more complex, but with guidance on things such as sign size and color schemes they can develop acceptable signs for the Neighborhood Watch program.

Mayor Hughes asked the public in attendance to comment on the suggestion of more rural, customized signs.

Mr. Murray said there are already hundreds of signs for video cameras, etc. He liked the idea of having signs similar to the Alpine Hills sign. He said if they need a beta group, they'd be happy to test it out. He agreed with dissuading residents from individual signs.

Karen Vahtra said she likes the idea of unique signs and there will be less if they are put in the right of ways, focusing on the areas just off the main road.

Mr. Moran said unique signs weren't a bad idea and suggested getting rid of the text and just having the eye or some other symbol would provide all the information needed.

Town Manager Dennis reminded the Council that a couple of months ago, in the priority setting process for the next fiscal year, an item that had some interest was resident resiliency and continuing Neighborhood Watch, Emergency Preparedness, block parties, and other community and neighborhood building efforts.

Councilmember Derwin said the Backyard Habitat signs were lovely and they could design Neighborhood Watch signs that are just as lovely.

The Council directed staff to meet with the Neighborhood Watch Coordinator and block captains to create examples of appropriate signage and potential installation locations within Town. Mayor Hughes suggested the discussion be open to all neighborhoods, not just those involved in Neighborhood Watch. Town Manager Dennis said he will set up meetings and put together some examples to present to Council at a near future date.

(13) Recommendation by Town Manager – Communications Audit

Town Manager Dennis relayed the regrets of Laura Teutschel, of LT & Associates, that due to a longstanding personal commitment, she could not attend tonight's meeting.

Town Manager Dennis said that improving communications was identified as a priority for this current fiscal year. He said in an attempt to understand what issues the Town faces around communicating with its residents, he asked LT & Associates to perform a communication audit, as detailed in the staff report.

Mayor Hughes called for question from the Council.

Councilmember Derwin asked, with regard to Challenge #4 and recommendation #1, why identity was questionable. She said the Town's identity is evident in the General Plan that drives the Town's ordinances, building codes, and guidelines. She said there are 15 volunteer committees and two Commissions as confirmation of the volunteerism in Town. She said she believes the Town's identity is formed by the core values of volunteerism, conservation of resources, and preservation of open space, and it has been true for more than 50 years. She said it is also evident in the natural beauty that has been maintained, drawing hikers and bikers to Town every weekend. She said the Town's strong identity is evidenced by the facts that the Town wrote the book on slope density; preaches that buildings are to be subservient to the land; built the very first LEED Platinum municipal campus (the Town Center) in the country; and was the first group solar buy. She asked Town Manager Dennis if he was proposing the Town creates a new identity. Town Manager Dennis apologized if that aspect was misunderstood. He said the identity is clear but he is not sure it is promoted in a way that residents necessarily always connect with. He said pushing out that identity and infusing it into the communication tools in a way where



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC

FROM: Arly Cassidy, Associate Planner

DATE: December 18, 2017

RE: Study Session on Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines

RECOMMENDATION

Staff recommends that the ASCC discuss and provide staff with comments and direction on proposed changes to the Portola Valley Municipal Code and Lighting Design Guidelines.

BACKGROUND

In 2016 the Town experienced a number of burglaries and two home invasions, resulting in a discussion around home security measures and the Town's regulation of such. At the Council's direction, staff held a number of study sessions with the ASCC to evaluate options for amending the municipal code and Design Guidelines to reflect concerns around security. On April 26, 2017, staff brought these recommendations back to Council (Attachment 1) and received direction to update the outdoor lighting regulations and the Design Guidelines. Staff is now requesting feedback on a draft ordinance and updates to the Design Guidelines.

DISCUSSION

Portola Valley describes itself as a rural Town, and the guiding documents of the Town go to lengths to protect the Town's rural characteristics, including a minimal approach to lighting and illumination. The General Plan includes a principal under the Commercial and Research - Administrative section which states:

- 5. Night lighting visible from the exterior of buildings should be strictly limited to that necessary for security, safety and identification. All night lighting, including signs, should be low intensity and shielded from view from residential areas.*

Outdoor lighting is discussed in four sections of the municipal code (Attachment 2):

- 8.12.010.P, Definition of Nuisance
- 18.12.040.B.11 - Accessory Uses Permitted: R-E District: Second Units

- 18.36.040.A.8 - Uses Permitted in All Districts: Accessory Uses
- 18.42.018 - Accessory Structures: Outdoor Lighting

Zoning regulations pertain to lighting brightness, placement and use, and generally require a minimalist approach to distribution. Lighting of certain specific land uses, such as sport courts, is explicitly prohibited. In addition, the Design Guidelines include two full pages describing lighting appropriate to the Town (Attachment 3), and further describe appropriate and inappropriate lighting placement, direction and brightness.

In 2016 the Town began taking a closer look at outdoor lighting. Staff and the ASCC found that many of the regulations and guidelines were in conflict with suggestions from the SMC Sherriff's Office and were based on older technologies. For example, motion sensor lighting was once limited to a bright flood light turning on immediately, whereas current technologies allows owners to choose a slow two or three second brightening, with a limited brightness and direction. Timers, photo-sensors, and other combined technologies give more control and allow home owners to implement subtle and tasteful lighting that also provides security.

The measurement of light brightness has transitioned from watts to lumens. Watts are a measure of energy used, not actual brightness, and so as energy efficiency has approved, bulbs of a given wattage have grown steadily brighter. There is an industry shift underway towards lumens to measure of brightness. Table 1, below, gives watts to lumens conversions.

Table 1: Conversion of Watts to Lumens

Watts	25	40	60	75	100
Lumens	375	450	800	1125	1600

In response to these newer technologies, an increased focus on security, and a general need to clarify and consolidate the Town's outdoor lighting regulations, staff has drafted a new outdoor lighting ordinance for the ASCC to use as a starting point. Research included a close read of the Model Lighting Ordinance (Attachment 4) created by a joint team from the International Dark-Sky Association (IDA) and the Illuminating Engineering Society (IES). While this model ordinance suggests a level of regulation unnecessary in a small Town like Portola Valley, in also includes helpful direction on what to consider and how to regulate lighting in order to preserve the Town's valued rural feel. In addition, the IDA Examples of Acceptable/Unacceptable Lighting Fixtures hand out (Attachment 5) is a helpful guide for individual fixture evaluation, and can be incorporated into a future FAQ document distributed by the Town.

In order to clean up and consolidate the existing code sections describing outdoor lighting, staff suggests consolidating all outdoor lighting regulations under 18.36 – Uses Permitted in All Districts: Accessory Uses. The Second Units (18.12.040) and Accessory Structures (18.42.018) code sections can include direction to the new, consolidated Outdoor Lighting code sections under 18.36.040. The definition of Nuisance (8.12.010), which includes bright lighting, does not regulate outdoor lighting and can be left as is.

Following the existing structure of zoning ordinances, the draft ordinance (Attachment 6) includes the following sections: Purpose, Definitions, Applicability, Lighting Placement, Fixture

Type, Lighting Control, Prohibited Lighting, and Lighting Subject to ASCC Approval. Content includes existing Town regulations compiled into one place, as well as possible language additions from the IDA/IES model ordinance. Staff attempted to clarify existing code as well as Town policy and practice.

The Design Guidelines include two pages describing appropriate and desirable lighting in Town. The front page remains consistent with the Town's evolving approach to lighting, but the second page requires updates to reflect policy and technology changes. Staff has made proposed changes (Attachment 7) to include the recommendation for instead of against motion sensors and an update from watts to lumens for specific lighting restrictions.

REQUEST FOR DIRECTION

Staff has created working drafts of an updated Outdoor Lighting Ordinance and the Lighting Design Guidelines. These are meant to be a starting point for discussion, not staff's recommendation for final code language. Areas where staff would specifically like to hear the ASCC's feedback and get further direction include the following:

- 6. Lighting Control
 - Should any of these lighting control types automatically require ASCC review? Should certain control types be limited to a certain number of fixtures or lumens?
- 7.f Prohibited Lighting – Maximum Lumens
 - Should the code include a maximum brightness for light fixtures and sites in general? If so, what should they be?
- 8. Lighting Subject to ASCC Approval
 - Does this list feel correct? Is there anything that should be added?
- Should the Outdoor Lighting Ordinance regulate externally lit signs, explicitly or by reference within the sign ordinance?
- Should fixtures which are not Dark Sky compliant or equivalent be permitted? With what level of review?

NEXT STEPS

Following the ASCC study session, staff will make adjustments to the ordinance text and bring the item back for recommendations from ASCC and the Planning Commission, followed by final consideration and approval by the Town Council.

ATTACHMENTS

1. Staff Report to Town Council: ASCC Recommendations on Design Guidelines and Home Security Measures, dated April 26, 2017
2. Municipal code sections relating to outdoor lighting
3. Design Guidelines relating to outdoor lighting
4. Model Lighting Ordinance by IDA/IES
5. International Dark-Sky Association Examples of Acceptable/Unacceptable Lighting Fixtures
6. Working Draft: Outdoor Lighting Ordinance Elements
7. Working Draft: Updates to the Lighting Design Guidelines, both redlined and incorporated

Report approved by: Debbie Pedro, Planning Director



discussion tonight, that the ASCC reviews a mock-up of the lighting at the master bedroom deck overhang at framing, and, if one of the trees can be retained across from the cul-de-sac, another tree will be removed in its stead for a total of nine trees removed. Seconded by Commissioner Breen; the motion carried 4-0.

NEW BUSINESS

(2) Study Session on Proposed Modifications to Outdoor Lighting Ordinance and Lighting Design Guidelines.

Planning Director Pedro said this study session came about as a result of discussions around lighting, signage, and landscaping, and the need to update the Outdoor Lighting Ordinance and Lighting Design Guidelines. She said this would be the first of several meetings on this topic.

Associate Planner Cassidy presented the staff report, which included the working draft of the Outdoor Lighting Ordinance Elements and the Lighting Design Guidelines, as the focus and conversational starting point for the meeting's study session.

Associate Planner Cassidy demonstrated several bulbs of varying wattage and lumens. The Commission discussed evaluating projects using the lumen measurement versus wattage. They discussed the various types of bulbs such as incandescent, halogen, LED, etc.

Commissioner Breen was supportive of where this study was heading – moving the language toward lumens, examining the new technologies that may be useful for what residents want in terms of safety, as well as the potential for keeping the town dark and maybe going darker. She said installation and placement is important to address light trespass issues for residents.

Commissioner Koch said she supports motion sensor lights because the neighbors want them for security, but she thinks it's something that needs to be reviewed by the ASCC. Vice Chair Sill said someone should be able to have a motion sensor light, but should not be able to turn on many lights with one sensor, lighting up an entire yard. Commissioner Breen said every property is different – some are deep in the forest and need more lights, some are farther away from other properties – and she felt the ASCC must maintain some kind of control over it. She said applications need to be considered on a case-by-case basis. Vice Chair Sill said he was hoping that they could get to something that is somewhat algorithmic, so that Planning has basics they can refer to, and then move on to let the ASCC decide if appropriate. He said there should be more specific rules for basic things such as maximum lumens per fixture at certain heights and number of lights allowed in stairs, along deck rails, walkways, etc.

Planning Director Pedro asked about Item 6(a), suggesting motion sensor lights fading on and off. The Commissioners said that lights specifically for security should not fade on and off. They suggested that could be an encouragement and not mandated, perhaps belonging in the guidelines rather than code.

Regarding Item 6(b), Chair Ross said that photo cells that automatically turn lights on when it gets dark, even if they are on a timer to turn them off after a specified time, should not be allowed.

Regarding Item 6(c), Chair Ross said using timers to turn lights off is a good idea for certain things, such as instances when lights are turned on manually to walk out to the trash enclosure and then forgetting to turn the switch off. The resident may not see the light, but the neighbors

do. The Commissioners said timers that turned lights on at a specific time should not be allowed.

Chair Ross said he agreed with Commissioner Breen about crafting an ordinance that works better for specific purposes, such as security, but at the same time encourages even less general illumination than we have now, so that people don't feel the need to leave their outside lights on for a long period. For example, instead of leaving a porch light on when going out to dinner, which stays on until you get home, having it on a motion sensor so that when you get to within 5-6 feet of your doorway the light comes on.

Associate Planner Cassidy asked for specific suggestions for a limit to the number of motion sensors allowed. Commissioner Breen said most people have motion sensors near entrances or service areas such as trash enclosures. The Commission agreed that motion sensor floodlights should be prohibited. Planning Director Pedro clarified that this question was about dark sky light fixtures on motion sensor switches.

The Commission agreed with Planning Director Pedro's suggestion that if Planning could refer to a checklist of detailed criteria, then remodels and additions that include exterior lighting could be approved at staff level and would not need to come before the ASCC for a hearing, unless it was specifically forwarded by staff for ASCC review.

Heri Diarte said safety and security includes lighting, which has been proven to be a great deterrent. He agreed that motion lights shouldn't be an issue with the safety they provide, but it becomes an issue when the light becomes an annoyance. He said most of the motion sensor lights are not dark sky compliant, but at his house, he points them down, and if someone comes into his driveway, the light is not visible from outside. He said he also has lights in his trees that point toward his house to warn people inside the house that something is outside. He does not agree with a general ban of those types of lights. Chair Ross said the problem is that those types of lights are often triggered by passing animals and birds, family members walking by, etc., and the safety benefits become illusory. He said when he walks in his neighborhood and no lights are on, he can see very well and detect motion, but when a bright light comes on he is totally blinded, and then he cannot see someone standing right next to him. He said bright lights also create very effective dark shadows, which is convenient for someone wanting to hide. He said his sense is that if somebody is prowling around his house and comes up to one of his doors to try to pry a lock, and when they get within 5 feet, the dark-sky compliant light next to the door comes on, that person will think someone turned the light on, which may be just as effective as a floodlight. He said bright floodlights that point down at different places or down from trees may not be any more effective for security purposes than regular lights that get triggered by motion, providing the same startling effect.

Mr. Diarte said if the neighbor feels safer having the lights, they should be allowed to have them.

John Richards said there could be a requirement that residents can only sensor their own property. He also encouraged the Commission to be sensitive about requirements for existing houses because the motion sensor lights require neutral wiring, which is not necessarily existing in older homes.

Commissioner Breen said a lot of the security lights have been installed in the last year, and the opportunity to retrofit that will probably not occur for a very long time unless the dark sky lighting is heavily promoted. Planning Director Pedro said the plan is to provide an FAQ and public

outreach once there is a new ordinance and design guidelines. Chair Ross said the idea of self-dimming could be handled within the timer section, turning them off after a certain duration. Planning Director Pedro asked if that should be in the code or a suggestion in the guidelines. Chair Ross suggested the guidelines. Vice Chair Sill and Commissioner Breen said it should be specific and in the code. Commissioner Koch said there could be different areas, such as a covered patio for dining, where a light should stay on, or having a dinner party and leaving a porch light on for arriving guests. She said the newer lighting systems have multiple options. Chair Ross said most of the new homes have programmable lighting control systems.

[Unknown resident] asked if they were only referring to visible lights. She said she sent staff information about an infrared LED photocell light that she likes that comes on every night and greatly helps her camera. Chair Ross agreed that an ordinance should be limited to visible light.

Associate Planner Cassidy asked if there should be a maximum lumen limit for an individual fixture or a site in general. Chair Ross said in their reviews they usually ask for a reduction in the exterior lighting. He said it would be helpful if the guidelines indicated an appropriate number of exterior lights and their locations. Commissioner Breen said that is very difficult to gauge considering each property is so different. Chair Ross suggested basic things should be called out in the guidelines, for example that exterior lighting should be limited to pathways, stairways, occupied outdoor areas, etc.

Vice Chair Sill referred to a presentation given by the Ranch that included a good framework, with specifications for maximum lumens for overhead fixtures, how many lumens were required per linear foot, how many per stairstep, etc. He said that could be a starting point. He said specifying a lumens total lighting load is not the right approach, but general guidelines such as x number of lumens per x square feet of hardscape, not including the driveway area, could be helpful. He said maybe the second-floor patio would need to be added in, which wouldn't normally be called hardscape. He said those guidelines should not be excessively generous so someone does not feel they need to use the maximum.

Chair Ross said circuiting grouped in smaller batches could be encouraged. He said usually one light is used most of the time and others used rarely. He said people do not usually turn on all of their exterior lights at once.

The Commissioners agreed with all of the prohibited lighting items listed in Item 7, except for (f), setting maximum lighting loads. They agreed with setting maximum lumens per fixture depending upon placement and frequency of use.

Referring to Item #8, Associate Planner Cassidy asked if the Commissioners wanted it modified, or if there were items they wanted to add that would automatically trigger either a full public hearing or review by an ASCC member. Commissioner Koch asked about pool lighting. Planning Director Pedro said sometimes people come in just for a pool permit, which is not referred to the ASCC. She said staff looks at how much lighting is in the pool.

Chair Ross said the ASCC would review all of these items for any projects that normally come before them, but if a project wouldn't otherwise come to the ASCC, it can be reviewed at staff level with the better-defined guidelines. If staff still had concerns, they could then refer it to ASCC.

Associate Planner Cassidy asked if the Commission had any other items they wanted to add that would automatically trigger an ASCC review or an individual ASCC member review. The

Commission was comfortable with staff reviews or referral to ASCC at their discretion.

Planning Director Pedro said staff will provide an updated version of the draft for their next meeting. As was done for this meeting, Planning Director Pedro said they will post a message on the PV Forum and to the email list to advertise for the study session.

Vice Chair Sill asked if the Planning staff should be tackling the kelvin issue now or wait to see if it becomes a problem. Chair Ross said it should be discussed further.

Associate Planner Cassidy asked if the Commission wanted to discuss anything about the sign ordinance in relation to outdoor lighting at the next meeting. Chair Ross said the issue of illuminated signs is well-defined. Planning Director Pedro added that they typically come with a use permit modification.

Associate Planner Cassidy asked if dark-sky compliant or equivalent should be a requirement of the code. The Commission agreed, as long as "equivalent" is included because there aren't many certified fixtures available and they are expensive. Associate Planner Cassidy said it will require a bit of research to determine equivalency because a lot of fixture cut sheets show the fixture without the bulb in it.

ADJOURNMENT [9:31 p.m.]



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC

FROM: Arly Cassidy, Associate Planner

DATE: February 26, 2018

RE: Review of Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines

RECOMMENDATION

Staff recommends that the ASCC recommend approval of the proposed changes to the Portola Valley Municipal Code and Design Guidelines regarding Outdoor Lighting.

BACKGROUND

On December 18, 2017 the ASCC held a study session on proposed changes and updates to the Outdoor Lighting Ordinance and Lighting Design Guidelines. As part of its review, the ASCC considered the various sections of code currently regulating lighting, new technologies, a model code for dark sky compliance, and general trends in lighting, such as the switch from watts to lumens to describe brightness. The Committee provided direction to Staff, who have made updates to the proposed language in response. The December 18, 2017 staff report is included in its entirety as Attachment 1.

DISCUSSION

The ASCC gave clear feedback on a number of high-level concepts, including how to allow homeowners to feel secure without floodlighting their property and how to balance safety with the Town's ethos of low impact development and enjoyment of the night sky. At the ASCC's request, staff also read through the Portola Valley Ranch Design Guidelines relating to lighting, and borrowed language where appropriate. Staff proposes the following changes to the draft language (complete text in Attachments 2 & 3):

- Ordinance
 - Limit requirements to visible light spectrum
 - Lights shall not be on during the day
 - Lighting limited to useable spaces (doors, path/stairways, patios)
 - Dark sky or equivalent required for all fixtures

- Fixtures with swivel or directional adjustment not allowed
- Photo cells only used to turn lights off during day, not stay on during night
- Timers only used to turn lights off, not on
- Lighting with no on/off switch shall be prohibited
- Max lumens for single light source and total lighting lowered
- Lighting Design Guidelines
 - Remove sport court bullet, as this lighting is now prohibited by code
 - Limit number of lights connected to one sensor/switch
 - Limit use of motion sensor lighting
 - Lights should aim in, toward the house, not outside of property
 - Borrowed from Portola Valley Ranch Design Guidelines:
 - Limit light color to warmer spectrum (Kelvins)
 - Because homes are located at multiple elevations, residents should select and place fixtures so that properties at a lower grade are minimally impacted by light visibility, direct or diffuse.

The ASCC indicated that further discussion was warranted on a number of issues. These include the limitation of light color using Kelvins, and a maximum lumen limit for individual fixtures depending on their type and location. Staff has included suggested language in the Design Guidelines around the use of Kelvins to measure and limit light color at the warmer end of the spectrum, modeled off of the PV Ranch Design Guidelines.

The issue of maximum lumens for a fixture based on its type and location is a more complex issue. The Portola Valley Ranch Design Guidelines offer clear and well-thought guidance on this issue, describing four areas of permitted light placement, a maximum output per fixture, a maximum output per lit element, and the typical installation distances (see Attachment 4).

These guidelines provide a clear starting point, should the Town decide to regulate maximum lumens. Staff recommends against this regulation at this time, however. The Ranch is a homogenous environment with tight design standards which residents developed themselves or agree to before purchasing property there. The Town has more diversity in setting, architectural style, aesthetic and desired use for individual properties—and therefore desired lighting types, styles and locations. Staff welcomes the ASCC input on this recommendation.

NEXT STEPS

Should the ASCC recommend approval, staff will next take the updated ordinance and design guideline language to Planning Commission for a recommendation, and to Town Council for final review and approval.

ATTACHMENTS

1. December 18, 2017 Staff Report to ASCC on Outdoor Lighting
2. Draft Outdoor Lighting Ordinance
3. Draft Lighting Design Guidelines
4. Portola Valley Ranch Design Guidelines: Exterior Lighting

Commissioner Ross asked for clarification of the board formed concrete, noting he liked the vertical orientation. The applicant said they were leaning toward a vertical courtyard wall.

Chair Sill invited public comment. Hearing none, he brought the item back to the Commissioners for discussion.

Commissioner Wilson was supportive of the way the design fits in with the landscape. She said the lighting looked rather excessive, with two fixtures at the doors and three at the carport. She said the pathway lighting also appeared excessive.

Vice Chair Koch was supportive of the project. She said the location is excellent for their living space. She was supportive of the removals of the eucalyptus, cedar, and bay trees. She said three lights in an exposed open carport is excessive. She said the garage does not need three lights. She noted that it might be tempting to up-light a tree in the beautiful courtyard and reminded the applicant that it would not be supported.

Commissioner Ross said the project fits the Design Guidelines very well and is very respectful of the neighborhood and landscape. He said the massing is excellent, especially for this type of property with a lot of slope. He said the profile is very low, and people driving by will not see it. He liked the distributed living area concept with pods of areas and uses that provide privacy for people in the family, and how those building areas also embrace outdoor living areas. He said the only comment he had regarding the orientation and layout of the buildings is that if they turned the garage 90 degrees clockwise, facing the doors toward the east, something different could be done with the wall facing the street instead of the face of the garage doors. He said, however, since the architect mentioned he liked to design fancy doors, he will be interested to see them. The architect said they treat the garage doors as architectural elements.

Chair Sill said the applicants have done a great job with the design. He said he liked the way the house sits and the feel of it. He was supportive of the material choices. He suggested scaling back on the lighting. He said he was a bit concerned about the number of trees being planted along the front of the house. He said there should be somewhat of an open natural feel and not hedge-like. He confirmed there was no lighting at the rebuilt stable. Chair Sill said he was supportive of the project.

Chair Sill called for a five-minute break.

OLD BUSINESS

(1) Review of Updates to the Outdoor Lighting Ordinance and Lighting Design Guidelines

Interim Planning Director Cassidy said this was the ASCC's second review of the proposed changes to both the Outdoor Lighting Ordinance and the Lighting Design Guidelines. She described the background, the study sessions, and discussion items, as detailed in the staff report. She presented the proposed updated language for the Commission's review, and pointed out items that needed further discussion.

Commissioner Ross pointed out there is a commonly used path light that is typically tilted at a 45-degree angle, but is adjustable. He said he could see some utility with a swiveling fixture under certain circumstances. Interim Planning Director Cassidy said this was the ASCC's opportunity to modify the draft language where things need to be more teased out. She

suggested this item be discussed further. Commissioner Ross said he agreed that swivel lights should not be mounted on buildings so they cannot shine out toward the street.

In response to Commissioner Wilson's comments regarding using timers on lights when away on vacation, Chair Sill clarified the timers were for outside lights, not inside lights. Interim Planning Director Cassidy referred to Section 18.36.040.A.8.vi, *"Any combination of these technologies may be used so as to provide light on an as-needed basis, such as the hours of evening darkness between sunset and a household going to bed."* Chair Sill said that section does not agree with the prohibitions listed in the bullet points that followed.

Vice Chair Koch and Chair Sill expressed concern about the prohibited lighting limits. The Commission agreed that the single light source should not exceed 1,125 lumens, and the reference to a total lighting load should be deleted.

Commissioner Ross said motion sensitive controls are only for controlling lights that are otherwise approved, such as an entryway light with a fade-on and off. Interim Planning Director Cassidy said the direction received was to add the fade-on and off as a Design Guideline, and not as a hard requirement in the zoning code. She suggested a sentence be added to the Ordinance clarifying that lighting controls do not change any requirements for dark sky compliance of the fixtures. The Commission agreed. Interim Planning Director Cassidy added that there is specific language in the Design Guidelines stating motion sensors should only be triggered from within the property and not adjacent property or in the public right-of-way.

Commissioner Wilson pointed out that Section 18.36.040.A.8.iv indicates one fixture for each exterior or garage door. She said some people like the symmetry of having two fixtures and suggested specifying that two fixtures may be installed, but only one could be wired. Interim Planning Director Cassidy said it might be specified under applicability that this only refers to fixtures wired for electricity. She said she preferred the rules be as clearly stated as possible to avoid interpretation confusion either in the Code or the Design Guidelines.

In response to Chair Sill's comment, Interim Planning Director Cassidy suggested "this does not preclude master off switches" could be added to the section regarding limiting the number of lights on one switch.

Commissioner Ross suggested providing examples of allowed motion sensor lights, such as a main entryway, a remote trash enclosure, back door, etc., and to recommend against using them in general outdoor areas. Vice Chair Koch suggested adding that pool lighting should also be directed toward the house versus away from the property.

The Commission discussed the issue of allowable lumens per fixture being dependent upon fixture placement, size of property, etc. They agreed that the level of regulation used at Portola Valley Ranch would not be appropriate for the Town as a whole. Chair Sill agreed, but said the ASCC should be thinking in terms of lumen density and the application when looking at lighting plans. Commissioner Ross said having a very prescriptive regulation would burden staff with a lot of detailed review, but also provide very clear-cut rules. He said having nothing to reference leaves the Commission in danger of not knowing what standard to apply in their review. He suggested that the simple table of recommended approaches could be included in the design guidelines for guidance. He said staff could decide if a proposal was within those values. An applicant could then make a case for greater lighting based on circumstances, which could be brought before the ASCC.

Interim Planning Director Cassidy asked for clarification regarding the desired restrictions on swivel lighting. The Commission agreed on “Fixtures shall not have the ability to swivel or adjust direction, except path lighting not above 45 degrees.”

Interim Planning Director Cassidy confirmed the following changes and additions: a maximum of 1,125 lumens per fixture with no site lumen maximum listed; all lighting controls are only meant to control turning on and off of lights, and not the fixture type, which is regulated elsewhere; a master off switch is not precluded; motion sensor use should be focused at the main entry, back door, or trash enclosure, but not for general outdoor areas; pool lights shall be directed toward the house; symmetry in fixtures is allowed if they’re not wired; and the PV Ranch table shall be inserted in the Design Guidelines to be used for guidance on placement and density.

The Commission agreed that, in Section 18.36.040.A.8.i (a), “with the additional goals of productivity, enjoyment and commerce” be replaced with “and enjoyment.”

The Commission agreed to change the sentence in Section 18.36.040.A.8.vi to read: “Any combination of these technologies may be used so as to provide light on an as-needed basis, with the goal of reducing light use in general, further limited as follows.”

At the request of the Commission, Interim Planning Director Cassidy will bring the revised Ordinance and Design Guidelines back to the ASCC for a final review. It will then go to the Planning Commission and Town Council for a first and second reading, at which point it will be officially adopted. At that point, the final text will be used to create a Frequently Asked Questions document.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(4) News Digest: Planning Issues of the Day

Interim Planning Director Cassidy presented two articles of interest to the Commission.

Interim Planning Director Cassidy encouraged the Commission to attend and spread the word about “Home For All – A Community Conversation About Housing,” being held at the Community Hall on Saturday, March 3, 2018.

APPROVAL OF MINUTES

(5) ASCC Meeting of February 12, 2018

Commissioner Ross moved to approve the February 12, 2018, minutes as amended. Seconded by Commissioner Wilson, the motion passed 3-0, with Vice Chair Koch abstaining.

ADJOURNMENT [8:41 p.m.]



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC

FROM: Arly Cassidy, Associate Planner

DATE: March 12, 2018

RE: Final Review of Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines

RECOMMENDATION

Staff recommends that the ASCC recommend approval of the proposed changes to the Portola Valley Municipal Code and Design Guidelines regarding Outdoor Lighting.

BACKGROUND

On December 18, 2017 the ASCC held a study session on proposed changes and updates to the Outdoor Lighting Ordinance and Lighting Design Guidelines (staff report, Attachment 1). As part of its review, the ASCC considered the various sections of code currently regulating lighting, new technologies, a model code for dark sky compliance, and general trends in lighting, such as the switch from watts to lumens to describe brightness.

Staff returned to the ASCC on February 26, 2018 (staff report, Attachment 2) with the discussed changes and updates to both code and design guideline language. The ASCC discussed the draft language and made final tweaks to the proposed language, as discussed below, and asked that staff return with the updated language for a final review.

DISCUSSION

In response to ASCC feedback and input, Staff has made the following changes to the draft ordinance and design guideline language (complete text in Attachments 3 & 4):

- Ordinance
 - Purpose: tweaked first item to remove commerce as a purpose
 - Fixture Type: added text to d: except path lighting, which can swivel to 45 degrees
 - Lighting Control: reorganized and rewrote initial paragraph to better describe their purpose and application

- Prohibited Lighting: removed total lighting load maximum and reduced fixture maximum to 1,125 lumens
- Lighting Design Guidelines
 - Added allowance for unwired fixtures for symmetry
 - Added description of appropriate location for motion sensor triggers
 - Added master off switch allowance
 - Added pool lights to limitation for lighting to be directed inward
 - Removed reference to sign code
 - Added intro and table from Portola Valley Ranch Design Guidelines.

NEXT STEPS

Should the ASCC recommend approval, staff will next take the updated ordinance and design guideline language to Planning Commission for a recommendation, and to Town Council for final review and approval.

ATTACHMENTS

1. December 18, 2017 Staff Report to ASCC on Outdoor Lighting
2. February 26, 2018 Staff Report to ASCC on Outdoor Lighting
3. Draft Outdoor Lighting Ordinance
4. Draft Lighting Design Guidelines

OLD BUSINESS

(2) Final Review of Updates to the Outdoor Lighting Ordinance and Lighting Design Guidelines

Interim Planning Director Cassidy presented the background of the Outdoor Lighting Ordinance and Lighting Design Guidelines and the incorporated changes and updates, as detailed in the staff report. She provided the updated ordinance and design guidelines for the Commission's review.

Commissioner Ross asked if a manual timing switch would be prohibited going forward. He said photocell sensors are available that prevent lights from coming on when it is light outside, even if the manual switch is flipped on. In response to Vice Chair Koch's question, Commissioner Ross said the feature was part of the fixture itself so the fixtures would need to be upgraded. Interim Planning Director Cassidy said if they received a complaint about lights being left on during the day, staff would contact the owner and ask them to address the issue. She said it would be a difficult thing to enforce, and the goal of putting this item within the Code instead of the Design Guidelines is to make it clear that it is the rule. She said this rule would primarily be applied when something new is happening on a property.

Interim Planning Director Cassidy said there was an anonymous comment received that the individual fixture maximum (75 watts/1125 lumens) was too bright. She brought different types of light bulbs to test.

In response to Vice Chair Koch's question, Interim Planning Director Cassidy said the Ranch maximum lumen output for a single fixture is 350 lumens.

Commissioner Breen asked if it was permissible to downlight in trees. Interim Planning Director Cassidy said that landscape lighting needs ASCC approval and uplighting is prohibited. Commissioner Breen suggested that uplighting, downlighting, moonlighting, and wall washing be prohibited. Interim Planning Director Cassidy said the lighting requiring ASCC approval includes landscaping, trees, or structures, including entryway features, pillars, and posts. She said that could be removed so it is clear that the ASCC would never grant approval for such lighting, or they could add architectural features including walls to the prohibited lighting list, which would give staff the authority to deny those requests.

Commissioner Breen said they are seeing a lot of strung café lights with large bulbs on field visits. Vice Chair Koch said holiday or temporary entertainment lighting should be allowed, but it would not be allowed as a permanent fixture in lighting plans. Interim Planning Director Cassidy said those types of lights are never included in a lighting plan. She said temporary holiday lighting, including in trees, is included as an exception.

The Commission agreed that the proposed language of the Lighting Ordinance and Design Guidelines was adequate.

Interim Planning Director Cassidy demonstrated the brightness of various light bulbs – an LED 75 watt (1100 lumens), LED 60 watt (800 lumens), halogen 60 watt (650 lumens), soft white incandescent 60 watt (550 lumens). Commissioner Ross pointed out the examples were bare bulbs that were not within dark-sky compliant fixtures.

Commissioner Breen pointed out that the ASCC started looking at lighting because it was long

overdue, the Ranch had already done it, and the residents were upset about the rash of burglaries. She said she wants lighting to be efficient, but is also hopeful that the darkness can be maintained or made even darker. She said it should be made clear that this is not an opportunity for more light, but is an opportunity to get darker.

Commissioner Ross said many of the objectionable lights seen on residences would not be approved today. He said a lot of those lights have either been retrofitted or grandfathered. He said although people might complain about them, the new regulations cannot be easily enforced. Commissioner Breen said it is good to have this ordinance and for people to understand the poetry of the General Plan and hear that this Town wants you to see the stars.

Interim Planning Director Cassidy said there is only so much control that the Town can wield over enforcing the Lighting Ordinance on existing residences; however, as people retrofit more and more, and the fixtures become less expensive, more and more homes will conform.

Chair Sill suggested specifying that a fixture shall not have the ability to swivel above a 45-degree angle down.

Commissioner Breen suggested removing “from gas or electric sources” from Section 1, Item d of the Outdoor Lighting Ordinance Elements.

Chair Sill volunteered to attend the Planning Commission meeting when the ordinance is presented, probably April 4.

Commissioner Breen moved to recommend approval of the Lighting Ordinance and the Lighting Design Guidelines as amended. Seconded by Vice Chair Koch; the motion carried 5-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(4) News Digest: Planning Issue of the Day

Interim Planning Director Cassidy shared articles of interest with the Commissioners.

Commissioner Breen reviewed the landscaping at the end of Goya. She said although it had been approved, she feels they are using an enormous amount of water. Interim Planning Director Cassidy said the owners are looking again at the water usage.

Commissioner Breen said she wanted a discussion with landscape architects regarding their plans for installation of meadows and how they plan to manage the invasives.

Commissioner Ross reviewed 17 Redberry, a freeform modern house stepped down the hill. He said one of the concrete pylons on the downhill elevation has been removed, increasing the glass area minimally when looking at the two elevations side-by-side.

Commissioner Ross reviewed 135 Shawnee Pass, where they were going to keep the upper half of the loop driveway and abandon the lower half. He said because of the conversion from a septic system to sewer, their well must be accessible. He said the owners are now preserving the lower half of the driveway and putting stepping stones where the upper driveway was located. He said this change will remove the driveway from the corner and is a better solution.

Compilation of code sections describing outdoor lighting

8.12.010 - Definition of nuisance.

A nuisance is anything which (1) is injurious or threatening to health or safety, (2) obstructs the customary free use or passage of any stream, park, street, pathway, public easement, or highway, or (3) is specifically declared by this code or state law to be a nuisance. Examples of a nuisance include, but are not limited to:

P. Unshielded outdoor light sources which are directly visible from offsite.

18.12.040 - Accessory uses permitted.

Accessory uses permitted in the R-E district shall be as follows:

B. Second units subject to the following provisions:

11. Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.

18.36.040 - Accessory uses.

A. An accessory use is a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use. No use in any district shall be permitted as an accessory use which is not qualified as hereinabove set forth, or which constitutes in effect a conversion of a principal use to one not permitted in that district. In addition to other uses meeting the qualifications set forth in this section, and subject to the limitations set forth in this title, the following accessory uses are permitted in all districts when located on the same parcel as the principal use:

8. Outdoor illumination, with the following restrictions:
 - a. Outdoor illumination shall be the minimum intensity necessary to provide safety for pedestrians and other nonvehicular uses.
 - b. The source of light, that is the bulb or other source of direct illumination, shall not be visible from off the premises. Exceptions in which the bulb itself may be visible from off the premises are nonreflector bulbs of no greater than seventy-five watts incandescent light if frosted or otherwise diffused, or no greater than twenty-five watts incandescent light if clear. This section does not by itself limit the electrical power of indirect illumination. The term "incandescent light" as used in subsection

A8b and c of this section refers to the light emitted by a standard incandescent bulb (not including spot, flood or similar special reflector bulbs).

- c. The total electrical power of any single exterior light fixture visible from off the premises, irrespective of the number of bulbs the fixture can contain, shall not exceed seventy watts incandescent light if frosted or otherwise diffused, or not greater than twenty-five watts incandescent light if clear,
- d. Outdoor illumination for night use of uncovered game courts, including but not limited to tennis, paddle tennis, and basketball courts, riding rings, and similar outdoor recreation facilities and areas, is prohibited;

18.42.018 - Outdoor lighting.

Outdoor lighting is subject to the following limitations:

- A. Up-lighting of landscaping or structures is prohibited and any fixtures illuminating landscaping, trees or structures shall be subject to ASCC approval.
- B. Lighting of entryway features, including pillars and posts, are only permitted subject to prior approval by the ASCC.
- C. Lights may not be placed in trees except as permitted in D., below.
- D. Temporary holiday lights may be placed in trees and other locations on properties without requiring prior approval by the ASCC.

Lighting

- In order to maintain the rural character of Portola Valley, a *minimal* approach should be taken to outside illumination of any use, site, or structure within the town. Excessive lighting on an individual site (and/or the impact of cumulative lighting on adjoining sites) can create a glow that tends to obscure the night sky and stars, and results in a community that is more urban and less rural.
- Use only the **minimum** amount of lighting necessary to achieve essential illumination. The primary objective of exterior lighting should be **safety** for pedestrians and other non-vehicular uses around the primary building on the site. Lighting of front entries, main access doors, frequently used stairs, etc. may be appropriate, but should be determined on a case-by-case basis. Further, some lighting to identify address numbers and driveway entries may be acceptable, but should be considered only when it is determined that reflectors and reflective numbers cannot be used effectively.
- Natural site conditions and location should be taken into account in development of any plans for exterior lighting of a structure and/or property. Sites that have little tree cover and that are in very open and easily accessed locations should have less need for lighting than more secluded sites with heavy tree cover and difficult points of access. Further, in the development of all lighting plans, consideration should be given to maintaining the rural unlit character of the environment and to using natural lighting (e.g., moon light), lighting provided by vehicles entering a property and illumination passing through windows from inside a building.
- Exterior lighting should be located as close to building entries and key stair and accessways as possible.
- Lighting for purely decorative purposes should be avoided. For example, lighting around or within landscaped areas, accent lighting of architectural features, lighting of the perimeter parking and similar areas are discouraged. However, if landscape lighting is found necessary, for example, to light paths to a pool or deck or provide some light around such a feature that is used at night, low level recessed type lights should be used. Use of strip light type systems, such as multi-bulb step lights strips, should be avoided. Up-lighting of landscaping or structures is prohibited (Code Section 18.42.018, A.)

- Lighting for night use of game courts (i.e., tennis, paddle tennis, basketball, etc.) is **prohibited** (Ord. 18.36.040.b.). Such lighting is considered to be in direct conflict with the *minimal* approach to lighting desired in the town. Any lighting within or around such features should only be lighting that is necessary for safety. Such lighting should be low level and close to the ground. Any lighting that would flood large portions of the court surface is inappropriate.
- Lighting, for the most part, should be manually controlled so that lights are on only when needed. Lighting controls should be selected and adjusted to light areas only at the times lighting is essential. It is preferable to have lights manually controlled or on timers rather than to be controlled by photocells or motion detectors. Photocells can result in lights being on during all dark hours. Motion detectors can be triggered by animals, passing cars, etc. Such situations disturb both the natural conditions in the area and nearby residents. Individual control of lighting by the property owner is preferred.
- All light fixtures should be selected for their ability to focus light on the feature (i.e., step, path, entry) to be lighted and to have minimum light spillage. Fixtures that are designed to light large areas generally are considered unacceptable. Use of conventional unshaded or non-recessed spot lights and spot light or flood light bulbs of 75 watts or greater should be avoided.
- The source of light in any light fixture, i.e., the bulb or other source of indirect illumination, shall not be visible off-site. Exceptions in which the bulb itself may be visible from off-site are nonreflector bulbs of no greater than 75 watts incandescent light* if frosted or otherwise diffused, or no greater than 25 watts incandescent light if clear. (Ord. 18.36.040.8b).
- The total electrical power of any single exterior light fixture visible from off site, irrespective of the number of bulbs the fixture can contain, shall not exceed 75 watts incandescent light if frosted or otherwise diffused, or no greater than 25 watts incandescent light if clear.
- In addition to the above lighting guidelines, lighting of all signs is regulated pursuant to the provisions of Ord. 18.40.050.

*The term incandescent light as used herein refers to the light emitted by a standard incandescent bulb, not including spot, flood, or similar special reflector bulbs.



Illuminating
ENGINEERING SOCIETY



JOINT IDA - IES

MODEL

LIGHTING

ORDINANCE

(MLO)

with USER'S GUIDE

June 15, 2011

The User Notes

The User Notes are intended to clarify the sections of the MLO for the various audiences who will use it: lighting designers, city officials, engineers, citizen groups, and others. Every effort has been made to keep the language technically accurate and clear, but since different disciplines may use the same term in different ways, or have different interpretations, some guidance may be helpful. While these Notes can not be a full tutorial on modern lighting design, it is hoped that the Notes will help facilitate the dialogue necessary to adopt the MLO.

Background

The problems of light pollution first became an issue in the 1970s when astronomers identified the degradation of the night sky due to the increase in lighting associated with development and growth. As more impacts to the environment by lighting have been identified, an international “dark sky” movement is advocating for the precautionary approach to outdoor lighting design.

Many communities have passed anti-light-pollution laws and ordinances. However, there is little or no agreement among these laws, and they vary considerably in language, technical quality, and stringency. This is confusing for designers, engineers, and code officials. The lack of a common basis prevents the development of standards, educational programs, and other means of achieving the goal of effective lighting control.

This MLO will allow communities to drastically reduce light pollution and glare and lower excessive light levels. The recommended practices of the IES can be met using readily available, reasonably priced lighting equipment. However, many conventional lighting practices will no longer be permitted, or will require special permits.

This Model Lighting Ordinance (MLO) is the result of extensive efforts by the International Dark Sky Association (IDA) and the Illuminating

Engineering Society of North America (IES). Among its features is the use of lighting zones (LZ0-4) which allow each governing body to vary the stringency of lighting restrictions according to the sensitivity of the area as well as accommodating community intent. In this way, communities can fine-tune the impact of the MLO without having to customize the MLO. The MLO also incorporates the Backlight-Uplight-Glare (BUG) rating system for luminaires, which provides more effective control of unwanted light.

Joint IDA-IESNA
Model Outdoor Lighting
Ordinance (MLO)

June 15, 2011

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General Notes in Adopting this Model Ordinance

Adoption of this ordinance should follow the established development, review, and approval processes of the adopting authority. If no such processes are in place, this ordinance may be adopted as a new independent section of the Municipal Code.

The MLO is probably best adopted as an “overlay zoning” ordinance. This means that it overlays, but is different from, land-use zoning. It can be added to or integrated into existing ordinances or codes and cross-referenced to other applicable codes and ordinances such as the electrical code, the sign code, planning ordinances, etc.

The MLO may best be managed by assigning it to planning officials and using existing administrative structures.

Because of the diverse community and lighting needs across large areas, this MLO is not intended for adoption as a state, provincial or national ordinance. Regional coordination is encouraged. Light pollution knows no boundaries, and the effects of polluting light persist as far as 200 kilometers (about 120 miles) from the source. One large city could adopt the MLO and dramatically affect a region, but adoption in suburbs and small towns must be part of a regional effort to achieve significant improvements in the overall quality of the night sky.

Adopting agencies should also consider that the MLO, like all other modern codes, is designed to evolve over time. Lighting technology will change, and MLO changes will be needed every few years. On-going renewal cycles are strongly recommended as any part of an adopting ordinance.

MLO Development and Task Force Members

This Model Lighting Ordinance has been developed as a joint undertaking by the Illuminating Engineering Society and the International Dark-Sky Association.

The Joint Task Force responsible for developing the MLO include

IDA
Co-Chair: Jim Benya
Co-Chair: Nancy Clanton
Leslie Lipstein
Leo Smith
Michael Mutmansky

IES
Naomi Miller
Cheryl English
Denis Lavoie
Eric Gibson

John Walter representing the electric utility industry also contributed as a member of the Joint Task Force.

I. PREAMBLE - User's Guide

In general, the preamble is part of the ordinance but is typically not part of the code. It establishes the reasons why the municipality is undertaking these regulations.

Local governments may add other purposes to the Preamble including established local government environmental or energy goals that support the model lighting ordinance. The environmental impacts of outdoor lighting fall into two categories: carbon footprint (energy used in the life of a lighting product) and obtrusive light.

CARBON FOOTPRINT	OBTRUSIVE LIGHT
Cost & Impact of Mining the Materials Used	Impact on Humans
Energy Used in Production	Impact on the Environment
Energy Used during Product Life	
Disposal/Recycling Costs	

II. LIGHTING ZONES - User's Guide

Lighting zones reflect the base (or ambient) light levels desired by a community. The use of lighting zones (LZ) was originally developed by the International Commission on Illumination (CIE) and appeared first in the US in IES Recommended Practice for Exterior Environmental Lighting, RP-33-99.

It is recommended that lower lighting zone(s) be given preference when establishing zoning criteria. Selection of lighting zone or zones should be based not on existing conditions but rather on the type of lighting environments the jurisdiction seeks to achieve. For instance, new development on previously rural or undeveloped land may be zoned as LZ-1. Using lighting zones allows a great deal of flexibility and customization without the burden of excessive regulation. For example, a jurisdiction may choose to establish vertical lighting zones with the lighting zone at street level at a higher zone than the residential housing on upper levels.

I. PREAMBLE - Ordinance Text

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- e. Conserve energy and resources to the greatest extent possible.

II. LIGHTING ZONES - Ordinance Text

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

II. LIGHTING ZONES (cont.) - User's Guide

II. LIGHTING ZONES (cont.) - Ordinance Text

However, if an adjacent use could be adversely impacted by allowable lighting, the adopting authority may require that a particular site meet the requirements for a lower lighting zone. For example, the authority could specify Lighting Zone 1 or 2 requirements if a commercial development were adjacent to a residence, hospital or open space, or to any land assigned to a lower zone.

LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Lighting zones are best implemented as an overlay to the established zoning especially in communities where a variety of zone districts exists within a defined area or along an arterial street. Where zone districts are cohesive, it may be possible to assign lighting zones to established land use zoning. It is recommended that the lighting zone includes churches, schools, parks, and other uses embedded within residential communities.

LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

LZ3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

LZ4: High ambient lighting

Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-0	Lighting Zone 0 should be applied to areas in which permanent lighting is not expected and when used, is limited in the amount of lighting and the period of operation. LZ-0 typically includes undeveloped areas of open space, wilderness parks and preserves, areas near astronomical observatories, or any other area where the protection of a dark environment is critical. Special review should be required for any permanent lighting in this zone. Some rural communities may choose to adopt LZ-0 for residential areas.	Recommended default zone for wilderness areas, parks and preserves, and undeveloped rural areas. Includes protected wildlife areas and corridors.
LZ-1	Lighting Zone 1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for rural and low density residential areas. Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.

II. LIGHTING ZONES (cont.) - User's Guide

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	<p>Recommended default zone for light commercial business districts and high density or mixed use residential districts.</p> <p>Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.</p>
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.	<p>Recommended default zone for large cities' business district.</p> <p>Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.</p>
LZ-4	Lighting zone 4 pertains to areas of very high ambient lighting levels. LZ-4 should only be used for special cases and is not appropriate for most cities. LZ-4 may be used for extremely unusual installations such as high density entertainment districts, and heavy industrial uses.	<p>Not a default zone.</p> <p>Includes high intensity business or industrial zone districts.</p>

III. GENERAL REQUIREMENTS - User's Guide

This Section sets out the requirements that apply to all lighting, both residential and non-residential.

Each adopting jurisdiction should incorporate their existing standards as to when compliance with new regulations is required, when repair or remodeling triggers compliance and if the new ordinance will be retroactive to existing development. The Applicability section of this model ordinance should serve as a guide if the adopting jurisdiction does not have standards or policies in place. Likewise, the adopting jurisdiction should use their existing policies and definitions of what constitutes public monuments, and temporary and/or emergency lighting. Community attitudes and precedents should be taken into account in deciding to regulate seasonal holiday lighting.

EXEMPTIONS - User's Guide

This is standard language intended to prevent conflict of laws and to give the community the ability to set specific lighting requirements in special plans and under use permits. It can be amended to conform to similar language in other ordinances. For example, while public monuments, statuary, and flags should be lighted, the lighting also should be limited to avoid excess.

Lighting for streets, roads, and highways is usually regulated by a street lighting ordinance, and is not covered by this model ordinance. However, since street lighting can affect nearby areas, some recognition of its effect is appropriate. (See Section XI)

SIGN LIGHTING - User's Guide

A sign lighting ordinance is strongly recommended if not already in place. It should carefully limit lighting to prevent over-lighted signs from being used to circumvent lighting ordinances.

III. GENERAL REQUIREMENTS - Ordinance Text

A. *Conformance with All Applicable Codes*

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. *Applicability*

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions from III.(B.) The following are not regulated by this Ordinance

- a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement, unless regulated with a streetlighting ordinance.

Note to adopting agency: if using the street lighting ordinance (Section XI), this exemption should read as follows:

Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.

- b. Lighting for public monuments and statuary.
- c. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
- d. Repairs to existing luminaires not exceeding 25% of total installed luminaires.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

- e. Temporary lighting for theatrical, television, performance areas and construction sites;
- f. Underwater lighting in swimming pools and other water features
- g. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- h. Lighting that is only used under emergency conditions.
- i. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the authority.

Exceptions to III. (B.) All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

- a. Lighting specified or identified in a specific use permit.
- b. Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C. Lighting Control Requirements

- 1. Automatic Switching Requirements
Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a program-mable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

LIGHTING CONTROLS - User's Guide

This section requires all outdoor lighting to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

CURFEW REQUIREMENTS - User's Guide

The intent is to reduce or eliminate lighting after a given time. Benefits include reduced environmental impact, longer hours of improved astronomy, energy savings, and improved sleeping conditions for residents. Additionally, some police departments have indicated that post-curfew light reductions make drive-by patrolling easier because it allows them to see further into and through a site.

The authority should determine the time of curfew and the amount of lighting reduction based on the character, norms and values of the community.

Typically, curfews go into effect one hour after the close of business. Restaurants, bars and major entertainment facilities such as sports stadiums, may require the curfew go into effect two hours after the close of business. The authority may elect to have no curfew for facilities with shift workers and 24 hour operations, or to extend the curfew time to meet specific needs. The MLO can be modified to address those concerns.

Areas without street lights or with very low ambient light levels should consider turning off all non-emergency lighting at curfew while commercial areas or urban areas may prefer a reduction in lighting levels. A reduction of at least 30% is recommended for most uses.

Exceptions to III.(C.) 1. Automatic lighting controls are not required for the following:

- a. Lighting under canopies.
- b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

2. Automatic Lighting Reduction Requirements
The Authority shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished.

Exceptions to III.(C.) 2. Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the Authority, lighting levels must be maintained.
- e. Motion activated lighting.
- f. Lighting governed by special use permit in which times of operation are specifically identified.
- g. Businesses that operate on a 24 hour basis.

IV. NON-RESIDENTIAL LIGHTING - User's Guide

This section addresses non-residential lighting and multiple-family residences having common spaces, such as lobbies, interior corridors or parking. Its intent is to:

- Limit the amount of light that can be used
- Minimize glare by controlling the amount of light that tends to create glare
- Minimize sky glow by controlling the amount of uplight
- Minimize the amount of off-site impacts or light trespass

This MLO provides two methods for determining compliance. The *prescriptive method* contains precise and easily verifiable requirements for luminaire light output and fixture design that limit glare, uplight, light trespass and the amount of light that can be used. The *performance method* allows greater flexibility and creativity in meeting the intent of the ordinance. Note that both the prescriptive and the performance method limit the *amount* of light that can be used, but do not control *how* the lighting is to be used.

Most outdoor lighting projects that do not involve a lighting professional will use the prescriptive method, because it is simple and does not require engineering expertise.

For the prescriptive method, the initial luminaire lumen allowances defined in Table A (Parking Space Method) or B (Hardscape Area Method) will provide basic lighting (parking lot and lighting at doors and/or sensitive security areas) that is consistent with the selected lighting zone. The prescriptive method is intended to provide a safe lighting environment while reducing sky glow and other adverse offsite impacts. The Per Parking Space Method is applicable in small rural towns and is a simple method for small retail “mom and pop” operations without drive lane access and where the parking lot is immediately adjacent to the road. A jurisdiction may

IV. NON-RESIDENTIAL LIGHTING - Ordinance Text

For all non-residential properties, and for multiple residential properties of seven domiciles or more and having common outdoor areas, all outdoor lighting shall comply either with Part A or Part B of this section.

PRESCRIPTIVE METHOD - User's Guide

also allow a prescriptive method for classes of sites, such as car dealerships, gas stations, or other common use areas.

Note that the values are for initial luminaire lumens, not footcandles on the target (parking lot, sidewalk, etc). Variables such as the efficiency of the luminaire, dispersion, and lamp wear can affect the actual amount of light so the lumens per square foot allowance is not equal to footcandles on the site. By specifying initial luminaire lumen values, it is easier for officials to verify that the requirement is being met. Initial luminaire lumens are available from photometric data. Each initial luminaire lumens calculation should be supplied on the submittal form.

Solid state luminaires, such as LEDs, do not have initial lamp lumens, only initial luminaire lumens (absolute photometry). Other luminaires tested with relative photometry will have initial luminaire lumens which can be calculated by multiplying initial lamp lumens by the luminaire efficiency. In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840.

The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies. Listed below is an example on a typical compliance worksheet for the Prescriptive Method.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text***A. Prescriptive Method***

An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2, below.

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840. The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies.

PRESCRIPTIVE METHOD EXAMPLE - COMPLIANCE CHART			
<i>Lamp Descriptions</i>	<i>QTY</i>	<i>Initial Luminaire Lumens</i>	<i>Total</i>
70 W Metal Halide	8	3,920	31,360
150 W Metal Halide	20	9,600	192,000
18 W LED	24	1,020	24,480
TOTAL INITIAL LUMINAIRE LUMENS			247,840
SITE ALLOWED TOTAL INITIAL LUMENS*			250,000
PROJECT IS COMPLIANT?			YES

* Listed below is the method of determining the allowed total initial lumen for non-residential outdoor lighting using the hardscape areamethod. (Table B).

SITE ALLOWED TOTAL INITIAL LUMENS	
<i>Site Description</i>	Light Commercial
<i>Lighting Zone</i>	LZ-2
<i>Hardscape Area (SF)</i>	100,000
<i>Allowed Lumens per SF of Hardscape (Table B)</i>	2.5
<i>Site Allowed Total Initial Lumens (lumens per SF X hardscape area)</i>	250,000

PRESCRIPTIVE METHOD (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS

PRESCRIPTIVE METHOD

The prescriptive method of the MLO restricts uplighting, including upward light emitted by decorative luminaires. A jurisdiction may choose to preserve some types of lighting, including lighting of monuments or historic structures. In this case, the adopting jurisdiction should exempt or otherwise regulate these types of lighting carefully so that it does not inadvertently allow glaring or offensive lighting systems.

Offsite effects of light pollution include glare, light trespass, sky glow, and impacts on the nocturnal environment . All of these are functions of the fixture or luminaire design and installation. This document replaces the previous luminaire classification terminology of full cut-off, semi cut-off, and cut-off because those classifications were not as effective in controlling offsite impacts as with the new IESNA luminaire classification system as described in TM-15-07.

A traditional method of defining light trespass is to identify a maximum light level at or near the property line. However, this method does not address offensive light that is not directed toward the ground, or the intensity of glaring light shining into adjacent windows. The requirements defined in Table C limit the amount of light in all quadrants that is directed toward or above the property line. The Backlight/Uplight/ Glare (BUG) rating will help limit both light trespass and glare. (A detailed explanation of the BUG system is provided in the section on Table C.)

The limits for light distribution established in Table C (for the BUG rating system) prevent or severely limit all direct upward light. A small amount of uplight reflected by snow, light-colored pavement or a luminaire's supporting arms is inevitable and is not limited by the prescriptive method of this ordinance.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed according to Table C.

3. Light Shielding for Parking Lot Illumination

All parking lot lighting shall have no light emitted above 90 degrees.

Exception:

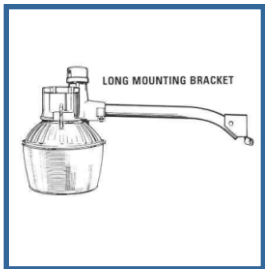
a) Ornamental parking lighting shall be permitted by special permit only, and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Uplight, and Table C-3 for Glare, without the need for external field-added modifications.

PRESCRIPTIVE METHOD (cont.) - User's Guide

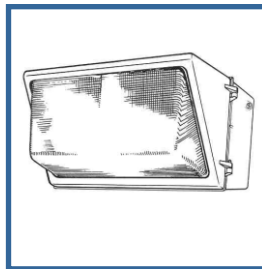
IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS

A seemingly non-compliant fixture, such as a post-top translucent acorn luminaire, may in certain cases meet the BUG ratings, as long as it has proper interior baffling within the acorn globe. However, the BUG ratings in Table C will limit the use of the following types of luminaires in all lighting zones:



Barn Lights



**Non-Shielded
Wall Packs**



**Floodlights or
lights not aimed
downward**

PERFORMANCE METHOD - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

The performance method is best for projects with complex lighting requirements or when the applicant wants or needs more flexibility in lighting design. The performance method is also used when any lighting designer plans to aim or direct any light fixture upward (above 90 degrees). An engineer or lighting professional generally will be required to design within the performance method. An adopting jurisdiction may also wish to hire an engineer or lighting professional to review and approve projects using this method and/or incorporate review of the performance method into special review procedures.

B. Performance Method

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

The Performance Method is also best for projects where higher lighting levels are required compared to typical area lighting. An example might be a car sales lot where more light might be required on the new cars than would be needed for a standard parking lot. Another example is a gas station canopy requiring more light than a building entrance canopy.

The first step in the Performance Method regulates overlighting by establishing the Total Initial Site Lumens (Table D) that are allowed.

Allowances include the summation of the following (Table D):

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

Table E allows additional lumens for unique site conditions.

Examples of allowances include:

- 1) Per building entrance/exit
- 2) Per length (linear feet) of Outdoor Sales Frontage Perimeter
- 3) Per area (SF) of Vehicle Service Station Canopy
- 4) Plus more ...

The Site Total Initial Site Lumens allowed are a combination of allowances from Table D and Table E.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS (cont.)

PERFORMANCE METHOD

The second step in the Performance Method is to determine if the proposed luminaires are producing off site impacts such as glare, sky glow and light trespass. One may either use Option A which are the Maximum Allowable BUG Ratings in Table C, or Option B through computer lighting calculations show compliance with Maximum Vertical Illuminance at any point in the plane of the property line in Table F. Option B will be required for all non-residential luminaires that

- A) do not have BUG ratings, or
- B) exceed the BUG ratings,
- C) are not fully shielded, or
- D) have adjustable mountings.

For the performance method, Option B (2) requires photometric calculations for the site perimeter, to a height of no less than 33 feet (10 meters) above the tallest luminaire. Vertical illuminances at eye height (5 feet above grade) will give values that can be used to verify compliance by comparing actual site conditions to the photometric plan submitted during review.

Note that the MLO specifies 'total initial luminaire lumens' as a measurement in addition to footcandles/lux. The footcandle (lux) is equal to one lumen per square meter. Lux is the metric unit and is equal to one lumen per square meter.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

Option A: All luminaires shall be rated and installed according to Table C.

Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

- 1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.
- 2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

The design complies if:

- a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
- b) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.

DESIGN COMPLIANCE - User's Guide

The application form will require information about the number of luminaires, the number of lamps in each luminaire, the initial luminaire lumens for each luminaire and the initial lumen output for each lamp (based on the wattage and type of lamp selected) as well as plans showing the site area measurements. This will allow the reviewer to verify that the lumen output of all the luminaires does not exceed the allowance.

Field verification can be achieved by asking the applicant and/or owner to verify that the luminaire type, lamp type and wattages specified have been used. Also ask the applicant for photometric data for each luminaire, since the initial luminaire lumens and B-U-G ratings are stated on the photometric report.

However, if a jurisdiction requires additional on-site verification, it may also request a point-by-point photometric plan. While this will not be a true measure of compliance with the criteria of this Ordinance, comparing the actual measured levels on site to the photometric plan can be an indication whether or not the installed lighting varies from the approved design.

V. RESIDENTIAL LIGHTING - User's Guide

This section applies to single family home, duplexes, row houses, and low rise multi-family buildings of 6 dwelling units or less.

RESIDENTIAL LIGHTING EXCEPTIONS

The exceptions allow for typical lighting that might exceed the specified limits.

Landscape Lighting - While not common in residential areas, it can cause light pollution and light trespass if it is not controlled.

Lighting controlled by Vacancy (Motion) Sensor - Reduces light pollution and light trespass and should be encouraged.

RESIDENTIAL LIGHTING EXAMPLE

In this example on the following page, five different luminaires are used on a residential property. Each luminaire must comply to meet the requirements. The site plan following shows luminaire types followed by a tabulation of each uminaire, whether or not it is fully shielded, lamp type, and initial luminaire lumens. If the luminaire lumens are not known, multiply the initial lamp lumens by the luminaire efficiency. If the efficiency is not known, multiply the initial lamp lumens by 0.7 as a reasonable assumption. The maximum allowable lumen values come from Table G, based on the shielding classification and location on the site. In this case, each luminaire complies with the requirements of Table G.

Comparison of efficacy by power
(120 Volt Incandescent lamps)

Output (Lumens)	Power (Watt)		
	Incan	CFL	LED
500	40	8 - 10	9
850	60	13 - 18	12 - 15
1,200	75	18 - 22	15
1,700	100	23 - 28	18

V. RESIDENTIAL LIGHTING - Ordinance Text

A. General Requirements

For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

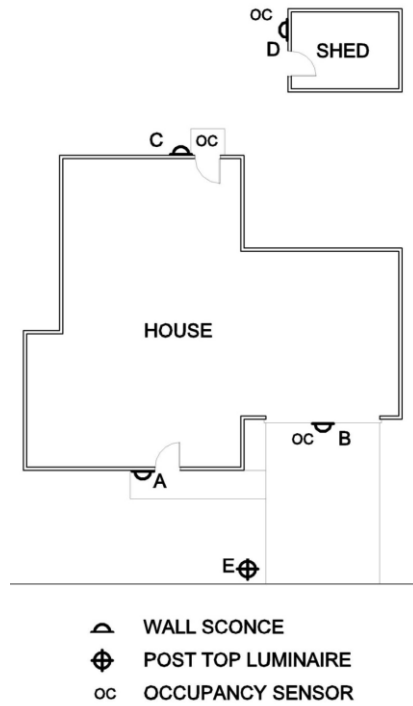
Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

B. Requirements for Residential Landscape Lighting

1. Shall comply with Table G.
2. Shall not be aimed onto adjacent properties.

V. RESIDENTIAL LIGHTING - User's Guide



Property Type: Residential Lighting Zone 1								
Luminaire Type	Location	Luminaire Description	Fully Shielded	Lamp Type	Initial Luminaire Lumens*	Maximum Allowed Initial Luminaire Lumens (Table G)	Controls	Compliant
A	Front Entry	Decorative wall sconce	No	9W CFL	420	420	None	Yes
B	Garage Door	Fully shielded wall pack	Yes	23W CFL	1050	1260	Occupancy Sensor	Yes
C	Back Entry	Decorative wall sconce	No	7W CFL	280	315	Occupancy Sensor	Yes
D	Shed Entry	Fully shielded wall pack	Yes	40W INC	343	1260	Occupancy Sensor	Yes
E	Driveway	Fully shielded post top	Yes	13W CFL	1260	1260	None	Yes

*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70% and multiply the lamp lumens value by 0.7.

VI. LIGHTING BY SPECIAL PERMIT ONLY - User's Guide

VI. LIGHTING BY SPECIAL PERMIT ONLY - Ordinance Text

This section addresses types of lighting that are intrusive or complex in their impacts and need a higher level of scrutiny and/or site sensitivity.

It should be noted that safety could be compromised if lighting conforming to this ordinance is located adjacent to excessively bright and/or glaring lighting.

It is important that the authority set clear and reasonable guidelines for applying for a special lighting use permit, and establish rules and procedures for granting or refusing them. They may differ from existing special use policies, in which case one or the other may be changed to achieve the overall goal of effective lighting without glare, sky glow, or light trespass.

SPORTS FIELD LIGHTING

For athletic and sports fields, the appropriate level of lighting will depend on the Class of Play and Facilities. Class of Play is divided into 4 categories, depending on the number of fixed spectator seats. (Competition play intended for nighttime TV broadcast may require higher lighting levels).

CLASS I: Competition play at facilities with 5,000 or more fixed spectator seats. (Professional, Colleges & Universities, some Semi-Professional & Large Sports Cubs)

CLASS II: Games at facilities with over 1,500 fixed spectator seats. (Smaller Universities and Colleges, some Semi-pro, large amateur leagues and high schools with large spectator facilities)

CLASS III: Games at facilities with over 500 fixed spectator seats. (Sports Clubs and amateur leagues, some high schools and large training professional training facilities with spectator sections)

CLASS IV: Competition or recreational play at facilities with 500 fixed spectator seats or less. Class IV Class of Play applies to games at which family and close friends of the players and staff are usually the majority of spectators. (Smaller amateur leagues, park and recreation department facilities, most Little Leagues smaller high schools, elementary and middle schools, and social events)

A. High Intensity and Special Purpose Lighting

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

B. Complex and Non-Conforming Uses

Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures.
5. Urban parks
6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
7. Theme and amusement parks.
8. Correctional facilities.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

- a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

SPORTS FIELD LIGHTING

When Class of Play is above Class IV, a dual control should be installed to limit illumination to Class IV levels during practices where spectators are fewer than 500.

(See IES Recommended Practice for Sports and Recreational Area Lighting RP-6)

VII. EXISTING LIGHTING - User's Guide

Adoption of this section on existing lighting is strongly encouraged.

If the adopting jurisdiction has criteria in place that require a property to come into compliance with the current zoning ordinance, it is recommended that the criteria also be applied to bringing existing lighting into compliance. If there are no established criteria, this section of the MLO is recommended.

Amortization allows existing lighting to gradually and gracefully come into compliance. Substantial changes or additions to existing properties are considered the same as new construction, and must comply.

Most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than 10 years, if not sooner, from the date of initial installation. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for "easy fixes" such as re-aiming or lowering lumen output of lamps. Where lighting is judged to be a safety hazard, immediate compliance can be required.

VI. LIGHTING BY SPECIAL PERMIT ONLY (cont.) - Ordinance Text

- b. Employs lighting controls to reduce lighting at a Project Specific Curfew ("Curfew") time to be established in the Permit.
- c. Complies with the Performance Method after Curfew.

The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

VII. EXISTING LIGHTING - Ordinance Text

Lighting installed prior to the effective date of this ordinance shall comply with the following.

A. Amortization

On or before [amortization date], all outdoor lighting shall comply with this Code.

B. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Additions or Alterations

1. Major Additions.

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

VII. EXISTING LIGHTING (cont.) - Ordinance Text

Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text

(Reserved)

VIII. ENFORCEMENT AND PENALTIES - User's Guide

Enforcement and penalties will vary by jurisdiction. There are, however, certain practices that will promote compliance with lighting regulations. Education is a key tool in promoting compliance. Proactive enforcement procedures can include providing a copy of the lighting regulations to every contractor at the time they visit to obtain a building permit. Another effective tool is a requirement that the builder or developer acknowledge in writing that the he or she is familiar with the lighting requirements and will submit a lighting plan for approval.

VIII. ENFORCEMENT AND PENALTIES (cont.) - User's Guide

Submission of the Lighting Plan should be required as a precondition to any approvals. The Lighting Plan should include the location and BUG rating for each luminaire, specify whether compliance is by the performance or prescriptive method, and a worksheet to show that the luminaires and their BUG ratings are compliant.

IX. TABLES - User's Guide

The tables are to be reviewed periodically by a joint committee of the IES and IDA, and adjusted as standards and technology permit. If more research on the impacts of outdoor lighting shows the effects of light pollution to be a significant concern, then the values in the tables may be modified. Such changes will have no significant impact to the balance of the language of the Ordinance or Code.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text

IX. TABLES - Ordinance Text

Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method

May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method

May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Base Allowance				
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

IX. TABLES - Ordinance Text

Table B - Lumen Allowances, in Addition to Base Allowance

	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional allowances for sales and service facilities. No more than two additional allowances per site, Use it or Lose it.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot	16 lumens per square foot	16 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	0	1,000 per LF	1,500 per LF	2,000 per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fc horiz)	8,000 lumens per pump (based on 10 fc horiz)	16,000 lumens per pump (based on 20 fc horiz)	24,000 lumens per pump (based on 20 fc horiz)

IX. TABLES - TABLE C BUG RATING - User's Guide

Work on the BUG system started in 2005 when the IES upgraded the roadway cutoff classification system. The original system, which included the ratings full cutoff, cutoff, semi-cutoff and non cutoff, had been designed as a rating system focused on brightness and glare control. However, with increasing demand for control of uplight and light trespass in addition to glare, IES realized that a more comprehensive system was needed. IES developed *TM-15 Luminaire Classification System for Outdoor Luminaires*.

As this is a relatively new rating system, and many people may not be familiar with it, more explanation of how the rating system works is provided here. For example, some people are familiar with terms such as "full cutoff" and they may expect the MLO to include those terms. It will be very important that all groups recognize that older terms and concepts are inadequate for the complex tasks of controlling light pollution. It is recommended that the new rating system adopted in TM-15, as followed herein by the MLO, be used intact and exclusively.

BUG requires downlight only with low glare (better than full cut off) in lighting zones 0, 1 and 2, but allows a minor amount of uplight in lighting zones 3 and 4. In lighting zones 3 and 4, the amount of allowed uplight is enough to permit the use of very well shielded luminaires that have a decorative drop lens or chimney so that dark sky friendly lighting can be installed in places that traditional-appearing luminaires are required. BUG typically cannot be used for residential luminaires unless they have been photometrically tested. For non-photometrically tested residential luminaires, shielding description is used instead.

The lumen limits established for each lighting zone apply to all types of lighting within that zone. This includes, but is not limited to, specialty lighting, façade lighting, security lighting and the front row lighting for auto dealerships. BUG rating limits are defined for each luminaire and

IX. TABLES (cont.) - Ordinance Text

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

TABLE C-1	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B0	B1	B2

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

IX. TABLES (cont.) - Ordinance Text

are based on the internal and external design of the luminaire, its aiming, and the initial luminaire lumens of the specified luminaires. The BUG rating limits also take into consideration the distance the luminaire is installed from the property line in multiples of the mounting height (See Table C).

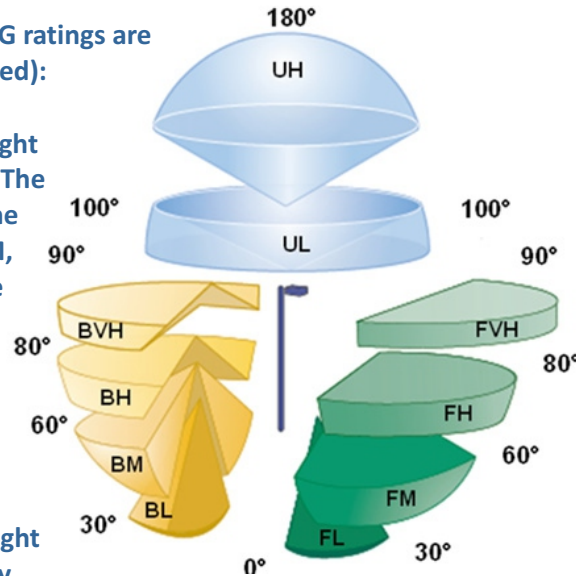
The three components of BUG ratings are based on IES TM-15-07 (revised):

Backlight, which creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH and BVH zones, which are in the direction of the luminaire OPPOSITE from the area intended to be lighted.

Uplight, which causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

Glare, which can be annoying or visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

BUG ratings apply to the Lighting Zone of the property under consideration.



IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

(Key: UH=Uplight High, UL=Uplight Low, BVH=Backlight Very High, BH=Backlight High, BM=Backlight Medium, BL=Backlight Low, FVH=Forward Light Very High, FH=Forward Light High, FM=Forward Light Medium, FL=Forward Light Low.)

In general, a higher BUG rating means more light is allowed in solid angles, and the rating increases with the lighting zone. However, a higher B (backlight) rating simply indicates that the luminaire directs a significant portion of light behind the pole, so B ratings are designated based on the location of the luminaire with respect to the property line. A high B rating luminaire maximizes the spread of light, and is effective and efficient when used far from the property line. When luminaires are located near the property line, a lower B rating will prevent unwanted light from interfering with neighboring properties.

At the 90-180 degree ranges:

- Zone 0 allows no light above 90 degrees.
- Zone 1 allows only 10 lumens in the UH and UL zones, 20 lumens total in the complete upper hemisphere. (This is roughly equivalent to a 5 W incandescent lamp).
- Zone 2 allows only 50 lumens in the UH and UL zones, 100 lumens total (less than a 25W incandescent lamp).
- Zone 3 allows only 500 lumens in the UH and UL zones, 1000 lumens total (about the output of a 75W incandescent bulb).
- Zone 4 allows only 1,000 lumens in the UH and UL zones, 2000 lumens total (about the output of a 100W incandescent bulb).

IX. TABLES (cont.) - Ordinance Text

Table C - 2 Maximum Allowable Uplight (BUG) Ratings - Continued

TABLE C-2	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%

Table C - 3 Maximum Allowable Glare (BUG) Ratings - Continued

TABLE C-3	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Glare Rating	G0	G1	G2	G3	G4
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

TABLE D EXAMPLE - PERFORMANCE METHOD - User's Guide

The first step in the Performance Method is to establish the Site Total Initial Site Lumens which regulates overlighting. The performance method allows layers of light depending on the complexity of the site.

Table D establishes the basic total initial site lumens allowed. These lumen allowances are added together for a total initial site lumen allowance. Allowances include:

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

IX. TABLES (cont.) - Ordinance Text

Table D Performance Method Allowed Total Initial Site Lumens

May be used on any project.

Lighting Zone	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Allowed Lumens Per SF	0.5	1.25	2.5	5.0	7.5
Allowed Base Lumens Per Site	0	3,500	7,000	14,000	21,000

Table E Performance Method Additional Initial Luminaire Lumen Allowances. All of the following are “use it or lose it” allowances.

All area and distance measurements in plan view unless otherwise noted.

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED. THESE ALLOWANCES ARE “USE IT OR LOSE IT”.					
Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.	400	1,000	2,000	4,000	6,000
Building Facades. This allowance is lumens per unit area of building façade that are illuminated. To use this allowance, luminaires must be aimed at the façade and capable of illuminating it without obstruction.	0	0	8/SF	16/SF	24/SF

TABLE E PERFORMANCE METHOD - User's Guide

The allowable light levels for these uses defined in Table E may be used to set a prescriptive lighting allowance for these uses in each lighting zone. It should be noted that the lighting allowance defined in Table E is only applicable for the area defined for that use and cannot be transferred to another area of the site. For some uses, such as outdoor sales, the jurisdiction is encouraged to define a percentage of the total hardscape area that is eligible for the additional lighting allowance. For example, a set percentage of a car dealership's lot may be considered a display area and receive the additional lighting allowance where the remainder of the lot would be considered storage, visitor parking, etc. and cannot exceed the base light levels defined in Table A.

TABLE E EXAMPLE - PERFORMANCE METHOD - User's Guide

IX. TABLES (cont.) - Ordinance Text

Table E - Performance Method Additional Initial Lumen Allowances (cont.)

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Sales or Non-sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.	0	3/SF	6/SF	12/SF	18/SF
Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	0	6/SF	12/SF	24/SF	36/SF
Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining	0	1/SF	5/SF	10/SF	15/SF
Drive Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.					
Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building below a canopy, beyond property lines, or obstructed by a sign or other structure.	0	4/SF	8/SF	16/SF	24/SF

IX. TABLES (cont.) - Ordinance Text

Table E - Performance Method Additional Initial Lumen Allowances (cont.)

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
<p>Vehicle Service Station Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.</p>	0	8/SF	16/SF	32/SF	32/SF
<p>Additional Lumens Allowances for Outdoor Sales facilities only. Outdoor Sales facilities may not use any other additional allowances. NOTICE: lighting permitted by these allowances shall employ controls extinguishing this lighting after a curfew time to be determined by the Authority.</p>					
<p>Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.</p>	0	4/SF	8/SF	12/SF	18/SF
<p>Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.</p>	0	0	1,000/LF	1,500/LF	2,000/LF

IX. TABLES (cont.) - Ordinance Text

Table F Maximum Vertical Illuminance at any point in the plane of the property line

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

IX. TABLES (cont.) - Ordinance Text

Table G - Residential Lighting Limits

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

*** Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire**

TABLE G RESIDENTIAL LIGHTING - User's Guide

Residential Light Levels

Most residential lighting has traditionally used incandescent lamps which are identified by their wattage. However, since new technologies provide more light for fewer watts, it is no longer possible to regulate residential lighting solely by providing a maximum wattage. Table G, therefore, lists maximum initial luminaire lumens only.

X. DEFINITIONS - User's Guide

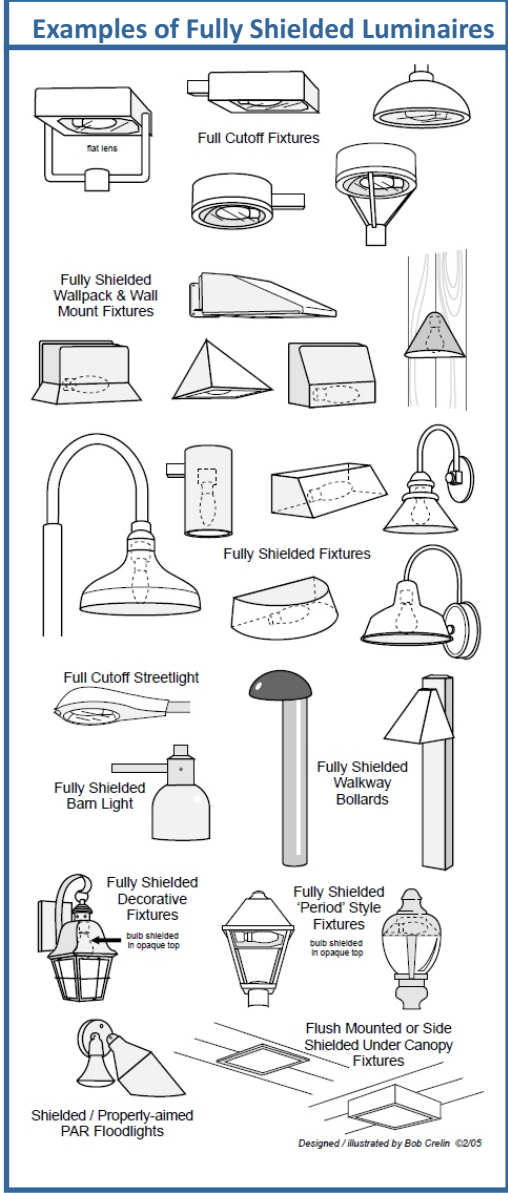
Definitions are typically generally added to any code when new code sections are added. The definitions are legally required and play a significant role in the interpretation of the ordinance and code.

Most city attorneys will not accept references to outside sources regardless of credibility, such as the IES Handbook. Thus as a general rule, a definition for an unfamiliar term (e.g. lumens) must be added by the adopting ordinance.

When adopting or integrating the MLO definitions, be sure to retire conflicting technical terminology. In particular, the latest IES Luminaire Classification System as defined in IES TM-15-07 is likely to need attention.

X. DEFINITIONS - Ordinance Text

<i>Absolute Photometry</i>	Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79
<i>Architectural Lighting</i>	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.
<i>Authority</i>	The adopting municipality, agency or other governing body.
<i>Astronomic Time Switch</i>	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
<i>Backlight</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
<i>BUG</i>	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
<i>Canopy</i>	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
<i>Common Outdoor Areas</i>	One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
<i>Curfew</i>	A time defined by the authority when outdoor lighting is reduced or extinguished.



X. DEFINITIONS - Ordinance Text

Emergency conditions	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
Footcandle	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
Forward Light	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.
Fully Shielded Luminaire	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
Glare	Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
Hardscape	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
Hardscape Area	The area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.

X. DEFINITIONS - Ordinance Text

<i>Hardscape Perimeter</i>	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.
<i>IDA</i>	International Dark-Sky Association.
<i>IESNA</i>	Illuminating Engineering Society of North America.
<i>Impervious Material</i>	Sealed to severely restrict water entry and movement
<i>Industry Standard Lighting Software</i>	Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity methods.
<i>Lamp</i>	A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
<i>Landscape Lighting</i>	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
<i>LED</i>	Light Emitting Diode.
<i>Light Pollution</i>	Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

X. DEFINITIONS - Ordinance Text

<i>Light Trespass</i>	Light that falls beyond the property it is intended to illuminate.
<i>Lighting</i>	“Electric” or “man-made” or “artificial” lighting. See “lighting equipment”.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Lighting Zone</i>	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Low Voltage Landscape Lighting</i>	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
<i>Lumen</i>	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
<i>Luminaire</i>	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

X. DEFINITIONS - Ordinance Text

Mounting Height: The horizontal spacing of poles is often measured in units of “mounting height”. Example: “The luminaires can be spaced up to 4 mounting heights apart.”

<i>Luminaire Lumens</i>	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
<i>Lux</i>	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
<i>Mounting height</i>	The height of the photometric center of a luminaire above grade level.
<i>New lighting</i>	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
<i>Object</i>	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
<i>Object Height</i>	The highest point of an entity, but shall not include antennas or similar structures.
<i>Ornamental lighting</i>	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

X. DEFINITIONS - Ordinance Text

<p><i>Ornamental Street Lighting</i></p>	<p>A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:</p> <ul style="list-style-type: none"> · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.
<p><i>Outdoor Lighting</i></p>	<p>Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.</p>
<p><i>Partly shielded luminaire</i></p>	<p>A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.</p>
<p><i>Pedestrian Hardscape</i></p>	<p>Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.</p>
<p><i>Photoelectric Switch</i></p>	<p>A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.</p>
<p><i>Property line</i></p>	<p>The edges of the legally-defined extent of privately owned property.</p>

X. DEFINITIONS - Ordinance Text

<i>Relative photometry</i>	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
<i>Repair(s)</i>	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on-going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.
<i>Replacement Lighting</i>	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
<i>Sales area</i>	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
<i>Seasonal lighting</i>	Temporary lighting installed and operated in connection with holidays or traditions.
<i>Shielded Directional Luminaire</i>	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
<i>Sign</i>	Advertising, directional or other outdoor promotional display of art, words and/or pictures.

X. DEFINITIONS - Ordinance Text

<i>Sky Glow</i>	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
<i>Temporary lighting</i>	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
<i>Third Party</i>	A party contracted to provide lighting, such as a utility company.
<i>Time Switch</i>	An automatic lighting control device that switches lights according to time of day.
<i>Translucent</i>	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
<i>Unshielded Luminaire</i>	A luminaire capable of emitting light in any direction including downwards.
<i>Uplight</i>	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
<i>Vertical Illuminance</i>	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

XI. OPTIONAL STREETLIGHT ORDINANCE - User's Guide

This section was added since the first public review. It is designed to work closely with the proposed revision to ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting.

Street and roadway lighting is one of the world's largest causes of artificial skyglow. Many adopting agencies will recognize that the MLO will make privately owned lighting more efficient and environmentally responsible than their street lighting systems. But because the process of designing street lighting often requires more precise lighting calculations, applying the MLO directly to street lighting is not advised. Using existing standards of street lighting is recommended, particularly IES RP-8 and AASHTO standards.

Until a new recommended practice for street lighting can be developed, this section can serve to prevent most of the uplift of street lighting systems without setting specific requirements for the amount of light, uniformity of light, or other performance factors. Adopting agencies should include these basic improvements to street lighting along with regulations to private lighting.

Lighting streets with "period" ornamental luminaires that evoke the look of a time when the light source was a gas flame can cause glare if high-lumen lamps are used. Such ornamental street lights should not exceed a BUG rating of G1. If additional illuminance and/or uniformity is desired, the ornamental fixtures should be supplemented by higher mounted fully shielded luminaires, as illustrated in RP-33-99.

Few street lighting warranting processes exist. The adopting agency needs to gauge whether a complex warranting systems is required, or if a simple one using posted speeds, presence of pedestrians, or other practical considerations is sufficient.

Examples of a current street lighting warranting system are included in the Transportation Association of Canada's Guide for the Design of Roadway Lighting 2006.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text

Note to the adopting authority: *the intent of this section is that it only applies to streets and not to roadways or highways.*

A. Preamble

The purpose of this Ordinance is to control the light pollution of street lighting, including all collectors, local streets, alleys, sidewalks and bike-ways, as defined by ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting and in a manner consistent with the Model Lighting Ordinance.

B. Definitions

Roadway or Highway lighting is defined as lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street lighting is defined as lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting is defined as a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text***C. Scope***

All street lighting not governed by regulations of federal, state or other superceding jurisdiction.

EXCEPTION: lighting systems mounted less than 10.5 feet above street level and having less than 1000 initial lumens each.

D. Master Lighting Plan

The Authority shall develop a Master Lighting Plan based on the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide GL-6, October 2005, Chapter 2. Such plan shall include, but not be limited to, the Adoption of Lighting Zones and:

1. Goals of street lighting in the jurisdiction by Lighting Zone
2. Assessment of the safety and security issues in the jurisdiction by Lighting Zone
3. Environmentally judicious use of resources by Lighting Zone
4. Energy use and efficiency by Lighting Zone
5. Curfews to reduce or extinguish lighting when no longer needed by Lighting Zone

E. Warranting

The Authority shall establish a warranting process to determine whether lighting is required. Such warranting process shall not assume the need for any lighting nor for continuous lighting unless conditions warrant the need. Lighting shall only be installed where warranted.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text

F. Light Shielding and Distribution

All street lighting shall have no light emitted above 90 degrees.

Exception: Ornamental street lighting for specific districts or projects shall be permitted by special permit only, and shall meet the requirements of Table H below without the need for external field-added modifications.

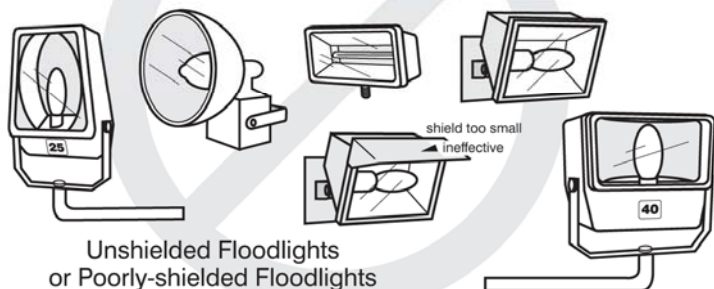
Table H - Uplight Control Requirements for Ornamental Street Lights - by Special Permit Only

Lighting Zone	Maximum Uplight Rating
LZ-0	U-0
LZ-1	U-1
LZ-2	U-2
LZ-3	U-3
LZ-4	U-4

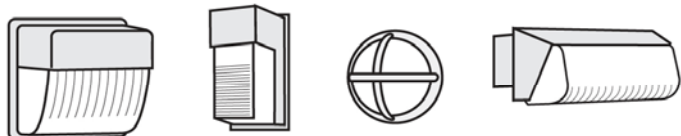
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

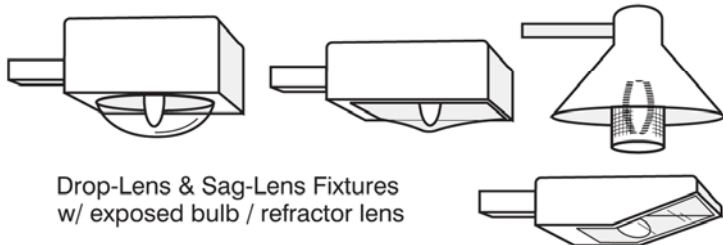
Fixtures that produce glare and light trespass



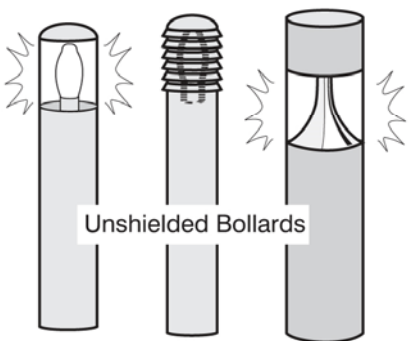
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

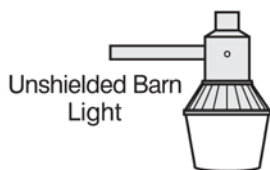


Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

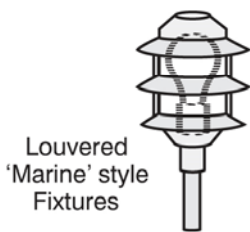


Unshielded Bollards

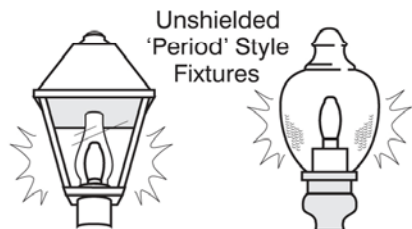
Unshielded Streetlight



Unshielded Barn Light



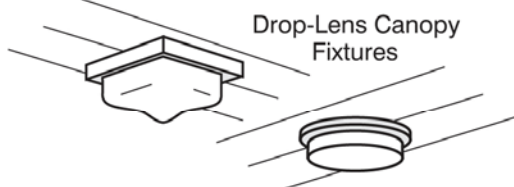
Louvered 'Marine' style Fixtures



Unshielded 'Period' Style Fixtures



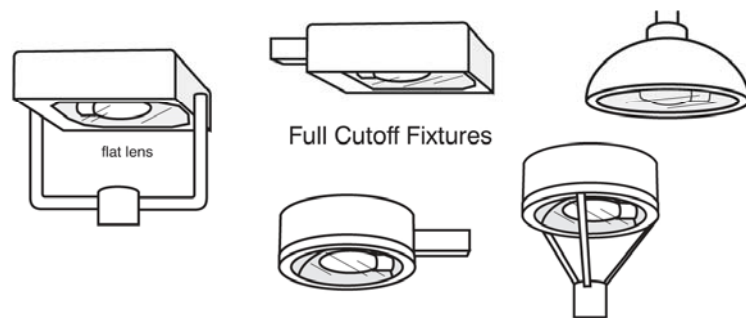
Unshielded PAR Floodlights



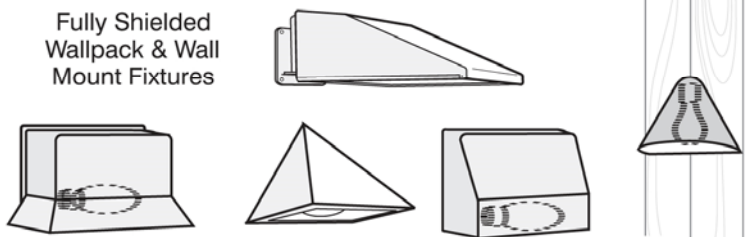
Drop-Lens Canopy Fixtures

Acceptable

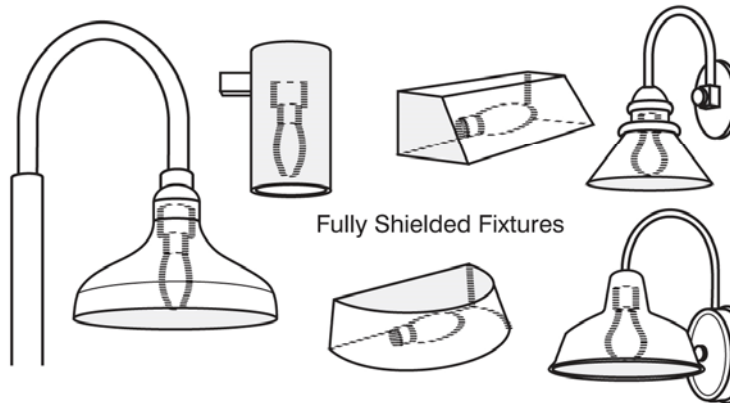
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



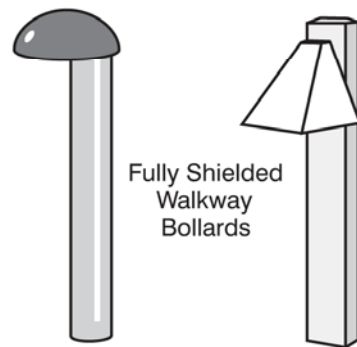
Fully Shielded Fixtures



Full Cutoff Streetlight



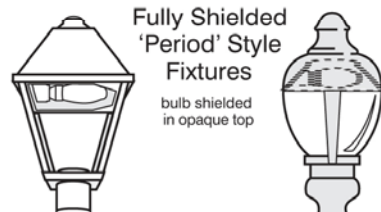
Fully Shielded Barn Light



Fully Shielded Walkway Bollards



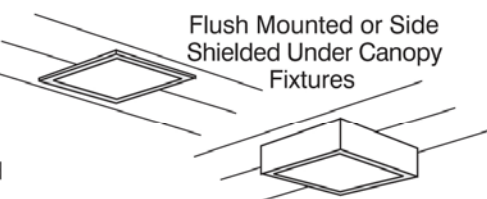
Fully Shielded Decorative Fixtures



Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights



Flush Mounted or Side Shielded Under Canopy Fixtures



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC and Planning Commission
FROM: Arly Cassidy, Interim Planning Director
DATE: March 26, 2018 and April 4, 2018
RE: Proposed Amendments to the Second Unit Ordinance

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the Portola Valley Municipal Code regarding the Second Unit Ordinance and approve a resolution (Attachment 1) recommending its approval to the Town Council.

BACKGROUND

On September 27, 2016, Governor Jerry Brown signed Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) amending Government Code Section 65852.2 related to accessory dwelling units, or ADUs. The changes were intended to reduce barriers, better streamline the approval process and expand the development of ADUs. Local agencies were required to update their ADU ordinance to comply with the new state regulations, and at its May 24, 2017 meeting the Town Council passed an ordinance updating the Town's municipal code to incorporate these changes (2017 Ordinance, Attachment 2).

Shortly thereafter, on October 8, 2017, Governor Jerry Brown signed Assembly Bill 494 (AB 494) and Senate Bill 229 (SB 229) further amending Government Code Section 65852.2, by easing the requirements for the creation of an ADU (Attachment 3). Specifically, parking requirements were lessened and small language changes made to increase clarity. As before, an existing municipal code that does not meet the requirements of state law is considered null and void, in which case only state standards may be enforced.

The Town is in the midst of ongoing conversations about what increased housing might look like in Portola Valley. ADUs top the list of housing options that are both relatively affordable and in keeping with the Town's rural character. It is possible that additional, town-initiated changes to the ADU ordinance will be proposed in the near future, in order to further promote this housing type. Staff has initiated this update, separate from and before any other changes, in order to comply with state law and ensure that the Town's ADU Ordinance continues to be enforceable, without being delayed by policy discussions which deserve careful consideration.

DISCUSSION

The majority of the changes to Government Code Section 65852.2 made in October 2017 are small in nature and will likely not have a noticeable impact on either a property owner's decision to construct a unit or the impacts a built unit has on its surroundings. The most substantial change concerns the parking requirement for ADUs: where the code previously allowed (and the Town's ordinance required) one parking space for studios/one bedrooms and two parking spaces for two or more bedrooms, parking for ADUs must now be limited to one parking space regardless of bedroom count. (A jurisdiction may also choose to not require any parking for ADUs.) It should also be noted that the Town's 2017 ordinance did not capture the requirement that an ADU created entirely within an existing *accessory* structure may not trigger any required parking (# 3, below). Language to this effect has been added to the Town's updated ordinance.

This and other policy changes are summarized below, with the new change in *italics* (changes simply meant to clarify the state's intent, which do not require updates to the Town's ordinance, are not described). The government code section number where each of the changes can be found is included in the list.

1. No setback shall be required for an existing garage that is converted to an ADU *or to a portion of an ADU* (Section 1(a)(1)(D)(vii)).
2. Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, *whichever is less* (Section 1(a)(1)(D)(x)(I)).
3. An ordinance shall not impose parking standards if the ADU is part of the existing primary residence or an existing accessory structure (Section 1(d)(3)).
4. Ministerial approval is required for ADUs contained within the existing space of a residence or accessory structure *including, but not limited to, a studio, pool house, or other similar structure* (Section 1(e)).

The Town's ordinance has been edited to ensure compliance with all changes; a redlined version of the existing ordinance illustrates where edits are proposed (Attachment 4).

Public Comments

No public comment had been received by staff at the writing of this report.

NEXT STEPS

The Planning Commission should provide input on the proposed ordinance amendments. Based on comments and direction from the Commission, staff will make changes to the draft ordinance and forward it to the Town Council for its review and approval.

ATTACHMENTS

1. Resolution with Proposed Second Unit Ordinance
2. Ordinance 2017-420, Second Unit Ordinance passed May 24, 2017
3. California Government Code Section 65852.2, as amended on October 8, 2017
4. 2017 Ordinance Language with redlined updates

RESOLUTION NO. 2017 - ____

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING APPROVAL OF AN
ORDINANCE AMENDING TITLE 18 [ZONING] OF
THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying second units as a very effective way of providing affordable housing in town;

WHEREAS, recognizing the potential for second units as a housing strategy, California has passed several laws to lower the local regulatory barriers to construction, and continues to update its Government Code to further these goals;

WHEREAS, in order to fully comply with the most recent California legislation (AB 494 and SB 29), the Town must amend its Second Unit Ordinance regarding parking requirements, conversion of structures to ADUs, and the ministerial process;

WHEREAS, the ASCC held a duly noticed hearing on March 26, 2018 and recommended the proposed changes for approval;

WHEREAS, the Planning Commission held a duly noticed hearing on April 4, 2018 regarding the proposed ordinance; and

WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 4, 2018.

Ayes:

Noes:

Absent:

Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Arly Cassidy, Interim Planning Director

Exhibit A

1. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner shall refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

- a. One attached or detached second unit up to 1,000 square feet is permitted on a parcel which is one acre or larger.
- b. Two second units up to 1,000 square feet each are permitted on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.
- c. An attached or detached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of an existing legal structure.

2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.

- a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.
- b. The second unit is served by the same vehicular access to the street as the main dwelling.
- c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.

- d. All lighting fixtures shall comply with the Town's Municipal Code (Section 18.36.040.A.8, Outdoor Illumination) and Design Guidelines relative to lighting fixtures.
- e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.
- f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
- g. The second unit shall have colors, materials and architecture similar to the main dwelling.
- h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
- i. No setback shall be required for an existing garage that is converted to a second unit and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
- j. If the second unit is created by the conversion of an existing structure on the property, the second unit must have independent exterior access, and side and rear setbacks that are sufficient for fire safety.

3. Parking Requirements.

- a. One dedicated parking space shall be provided for each second unit.
- b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least nine feet by 18 feet.
- c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking in driveways and in setbacks is permitted.
- d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, or is converted to a second unit, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
- e. If the second unit is created entirely by the conversion of an existing structure, the parking requirements identified in subsections 3.a-3.d shall not apply.

4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an existing single-family dwelling.

- b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.

ORDINANCE NO. 2017- 2017-420

ORDINANCE AMENDING SECTIONS OF TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE RELATIVE TO SECOND UNITS

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying second units as a very effective way of providing affordable housing in town;

WHEREAS, recognizing the potential for second units as a housing strategy, California has passed several laws to lower the local regulatory barriers to construction, including a requirement that each local agency have a ministerial process for approving second units;

WHEREAS, in order to fully comply with the most recent California legislation (AB 229 and SB 1069), the Town must amend its Zoning Ordinance;

WHEREAS, the Town has a ministerial process available for approval of second units under limited circumstances and wishes to expand the scope of ministerial approvals;

WHEREAS, the Town desires to go above and beyond the requirements of State law to encourage the building of new second units and therefore desires to amend the Zoning Ordinance allow larger units, increasing the maximum size from 750 square feet to 1,000 square feet on one acre lots;

WHEREAS, due to local climatic, geologic and topographic conditions, after consultation with the Fire District, the Zoning Ordinance amendment requires detached second units to comply with local building code, including fire sprinkler requirements.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Section 18.04.422 [Second Units] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

A “Second Unit” which is referred to as an “Accessory Dwelling Unit” in State law means an attached or detached residential dwelling unit located on the same parcel as a main dwelling unit and which provides complete independent living facilities, including those for living, sleeping, eating, cooking and sanitation, for one household.

2. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title

18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

- B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner shall refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

- a. One attached or detached second unit up to 1,000 square feet is permitted on a parcel which is one acre or larger.
- b. Two second units up to 1,000 square feet each are permitted on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.
- c. An attached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of existing space within the main dwelling unit.
- d. A detached second unit as described in subsections 1.a and 1.b above may be created in whole or in part through the conversion of an existing legal accessory structure.

2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.

- a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.
- b. The second unit is served by the same vehicular access to the street as the main dwelling.
- c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.
- d. Exterior lighting on the second unit shall not exceed one light fixture per entry door. All lighting fixtures shall comply with the Town's Municipal Code and Design Guidelines relative to lighting

fixtures. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.

- e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.
 - f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
 - g. The second unit shall have colors, materials and architecture similar to the main dwelling.
 - h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
 - i. No setback shall be required for an existing garage that is converted to a second unit and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
 - j. If the second unit is created by the conversion of existing space within the main dwelling unit, the second unit must have independent exterior access from the existing residence and side and rear setbacks that are sufficient for fire safety.
3. Parking Requirements.
- a. One dedicated parking space shall be provided for each second unit with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.
 - b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least nine feet by 18 feet.
 - c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
 - d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, and when those off-street parking spaces must be replaced, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
 - e. If the second unit is created entirely by the conversion of existing space within the main dwelling unit, the parking requirements identified in subsections 3.a-3.d shall not apply.
4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an existing single-family dwelling.
 - b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.

3. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCTED: May 10, 2017

PASSED: May 24, 2017

AYES: Councilmembers Derwin, Aalfs and Wengert, Vice Mayor Richards, Mayor Hughes


NOES: None

ABSTENTIONS: None

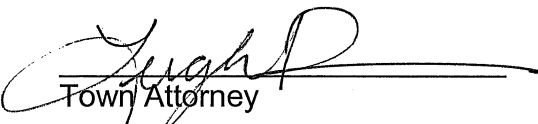
ABSENT: None

ATTEST


Town Clerk

By: 
Mayor

APPROVED AS TO FORM


Town Attorney

**GOVERNMENT CODE - GOV****Attachment 3**

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66210] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.)*

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing

primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)

1. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner shall refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

- a. One attached or detached second unit up to 1,000 square feet is permitted on a parcel which is one acre or larger.
- b. Two second units up to 1,000 square feet each are permitted on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.
- c. An attached or detached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of an existing legal structurespace within the main dwelling unit.
- ~~d. A detached second unit as described in subsections 1.a and 1.b above may be created in whole or in part through the conversion of an existing legal accessory structure.~~

2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.

- a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.
- b. The second unit is served by the same vehicular access to the street as the main dwelling.
- c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.

- d. ~~Exterior lighting on the second unit shall not exceed one light fixture per entry door.~~ All lighting fixtures shall comply with the Town's Municipal Code (Section 18.36.040.A.8, Outdoor Illumination) and Design Guidelines relative to lighting fixtures. ~~Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.~~
- e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.
- f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
- g. The second unit shall have colors, materials and architecture similar to the main dwelling.
- h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
- i. No setback shall be required for an existing garage that is converted to a second unit and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
- j. If the second unit is created by the conversion of an existing structure on the property space within the main dwelling unit, the second unit must have independent exterior access, ~~from the existing residence~~ and side and rear setbacks that are sufficient for fire safety.

3. Parking Requirements.

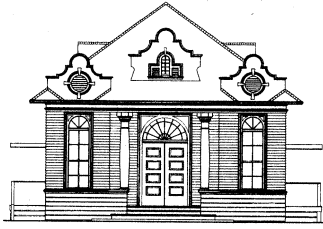
- a. One dedicated parking space shall be provided for each second unit ~~with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.~~
- b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least nine feet by 18 feet.
- c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking in driveways and in setbacks is permitted.
- d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, or is converted to a second unit, and when those off-street parking spaces must be replaced, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered

spaces, or tandem spaces, or by the use of mechanical automobile lifts.

- e. If the second unit is created entirely by the conversion of an existing ~~structure~~space within the main dwelling unit, the parking requirements identified in subsections 3.a-3.d shall not apply.

4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an existing single-family dwelling.
 - b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC and Planning Commission
FROM: Arly Cassidy, Interim Planning Director
DATE: March 26, 2018 and April 4, 2018
RE: Proposed Amendments to the Yards Ordinance

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the Portola Valley Municipal Code regarding the Yards Ordinance and approve a resolution (Attachment 1) recommending its approval to the Town Council.

BACKGROUND

In an ongoing effort to both clarify the understood intent of regulations described in the Municipal Code; apply common sense to the regulations and their implementation; and increase the code's accessibility and utility to the population at large, staff is proposing two small changes to the Yards Ordinance.

The need for these changes was brought to staff's attention by a resident owning a "flag" or "panhandle" shaped lot. The owner found that, according to the code as written, the front yard or setback applied to the interior of their property, as well as the panhandle portion. This greatly reduced the amount of buildable space on the parcel, while also failing to further the intent of a front setback, which is to keep buildings set back from the street.

DISCUSSION

The effect of the proposed changes would be the application of the front yard or setback requirement only to parcels with street frontage. Such required yards would be measured if and when a parcel line abutted a street, but not from internal parcel lines surrounded by other parcels. Any "flag" or "panhandle" shaped lot—or any parcel shape with a long narrow connection to the street—would have the normal front yard applied where the parcel abutted the street, and the required rear yard for its district applied to the interior parcel line closest to and most parallel to the street. Staff created a basic diagram to help clarify what this would mean (Attachment 3).

This change would be achieved with two changes to the Yards Ordinance. The first is the addition of language to subsection 18.52.010.D, which positively describes the new setback requirements for interior parcel lines. The second is the deletion of section 18.52.110, which describes a more complex process for similar cases. The section offers two possibilities: 1) when interior parcels have no neighboring residences, in which case the rear yard requirement is applied as described above, and 2) when interior parcels have neighboring residences, in which case the parcel owner may apply to the Planning Commission ("Board of Adjustment") for an exception to reduce the front yard requirement to that of a rear yard.

In other words, the code already contemplates the appropriateness of a rear yard measurement for an internal front parcel line setback. It currently requires more review, and a finding that the reduced front setback will "not be injurious to the neighboring parcel(s)" (PVMC Section 18.52.110.B.2). Given that all other interior setbacks are equal to or smaller than the rear yard setback, it seems unlikely that reducing the front yard to a similar measurement would be injurious, and the burden of a public hearing to make such a determination could be viewed as burdensome to owners with panhandle-shaped lots.

Making this change to the code would allow parcel owners with interior lots to build upon more of their property, build lower buildings more rural in their architectural style, and not unduly burden them with an unnecessary yard requirement. Front yards or setbacks are a means of keeping properties facing onto a street free of structures and more natural in appearance. This intent would be upheld by the continued application of a front yard requirement to any portion of a parcel line abutting the street.

NEXT STEPS

The Planning Commission should provide input on the proposed ordinance amendments. Based on comments and direction from the Planning Commission, staff will make changes to the draft ordinance and forward it to the Town Council for its review and approval.

ATTACHMENTS

1. Resolution with Proposed Yards Ordinance
2. Existing Ordinance Language with Redlined Updates
3. Diagram Illustrating Setback Change

RESOLUTION NO. 2018 - ____

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING APPROVAL OF AN
ORDINANCE AMENDING TITLE 18 [ZONING] OF
THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the purpose of setbacks is to provide space between buildings and property uses and to reduce impacts felt between properties;

WHEREAS, an additional purpose of front setbacks is to create an open and enjoyable area adjacent to the street and any adjoining trails, free of buildings and structures, which is why front setbacks are generally larger than interior setbacks;

WHEREAS, the Portola Valley Municipal Code currently requires a front setback along the front parcel line, even for parcels without frontage along a street;

WHEREAS, this larger setback serves no purpose and offers no public benefit, but does place an undue burden on interior property owners and prevents them from the full utilization of their land,

WHEREAS, staff now proposes language changes to the Yards Ordinance of the Municipal Code to correct this by altering the setback requirements for interior properties, such that the setback for a front property line not abutting a street will be equal to the rear setback in that property's zoning district;

WHEREAS, the ASCC held a duly noticed hearing on March 26, 2018 and recommended the proposed changes for approval;

WHEREAS, the Planning Commission held a duly noticed hearing on April 4, 2018 regarding the proposed ordinance; and

WHEREAS, the proposed ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project defined by Section 15378 of the CEQA Guidelines;

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 4, 2018.

Ayes:

Noes:

Absent:

Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Arly Cassidy, Interim Planning Director

Exhibit A

1. AMENDMENT OF CODE. Section 18.52.010 [Requirements—Width and depth dimensions] of Chapter 18.52 [Yards] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

Except as provided in this chapter, every structure shall be upon a parcel of such dimensions in relation to the structure as to provide for yards as specified in Tables 1 and 2 of Section 18.48.010 or the district in which the parcel is located.

- A. A required front yard is an open space extending along the front parcel line for the full width of the parcel with a depth equal to the least depth of front yard specified for the respective district.
- B. A required rear yard is an open space extending along the rear parcel line for the full width of the parcel with a depth equal to the required least depth of rear yard specified for the respective district.
- C. A required side yard is an open space extending along a side parcel line from the front yard to the rear yard with a width equal to the required least width of side yard specified for the respective district.
- D. The required least depth or width of any yard shall be measured at right angles to the parcel line adjoining except as follows:
 1. Where any future street right-of-way lines have been established by any specific plan for future street opening or widening, the required least depth or width shall be measured from such planned street right-of-way lines;
 2. Where special building setback lines have been established, such lines shall control the placement of structures in lieu of the yards otherwise required in the zoning district;
 3. Where an easement for vehicular access traverses all or a portion of a parcel, the required least depth or width of yard shall be measured from such easement. This provision does not apply to easements intended for occasional maintenance vehicular use such as utility easements.
 4. Where a front parcel line does not abut on a street, the following shall prevail:

- i. The front yard required for the zoning district shall be measured only where a parcel line abuts on a street. If no parcel line abuts on a street, no front yard shall be required.
- ii. The interior front parcel line shall have a required yard equal to that for rear yards for the district.

2. AMENDMENT OF CODE. Section 18.52.110 [Exception—Parcel not abutting on street] of Chapter 18.52 [Yards] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby deleted in its entirety.

1. AMENDMENT OF CODE. Section 18.52.010 [Requirements—Width and depth dimensions] of Chapter 18.52 [Yards] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

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- C. A required side yard is an open space extending along a side parcel line from the front yard to the rear yard with a width equal to the required least width of side yard specified for the respective district.
- D. The required least depth or width of any yard shall be measured at right angles to the parcel line adjoining except as follows:
 1. Where any future street right-of-way lines have been established by any specific plan for future street opening or widening, the required least depth or width shall be measured from such planned street right-of-way lines;
 2. Where special building setback lines have been established, such lines shall control the placement of structures in lieu of the yards otherwise required in the zoning district;
 3. Where an easement for vehicular access traverses all or a portion of a parcel, the required least depth or width of yard shall be measured from such easement. This provision does not apply to easements intended for occasional maintenance vehicular use such as utility easements.
 4. Where a front parcel line does not abut on a street, the following shall prevail:
 - i. The front yard required for the zoning district shall be measured only where a parcel line abuts on a street. If no parcel line abuts on a street, no front yard shall be required.

3.ii. The interior front parcel line shall have a required yard equal to that for rear yards for the district.

2. AMENDMENT OF CODE. Section 18.52.110 [Exception—Parcel not abutting on street] of Chapter 18.52 [Yards] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby deleted in its entirety:

~~When a parcel does not abut on a street or gains access from an individual accessway, and is in a residential zoning district requiring a minimum parcel area of one acre or more, the required front yard shall be determined as follows:~~

- ~~A. If the neighboring parcel(s) common to the front parcel line does not have a residence, the required front yard shall be the same as specified in Section 18.48.010 for the required rear yard.~~
- ~~B. If the neighboring parcel(s) common to the front parcel line has a residence, the board of adjustment may grant an exception to reduce the required front yard but in no case to a dimension less than specified in Section 18.48.010 for the required rear yard, pursuant to the following:~~
- ~~1. The board of adjustment shall consider the exception at a public hearing pursuant to the hearing requirements of Chapter 18.76; and~~
 - ~~2. The board of adjustment shall make a finding that the exception as granted will not be injurious to the neighboring parcel(s) common to the front parcel line.~~

PROPOSED

(PLAN VIEW)

CURRENT

STREET

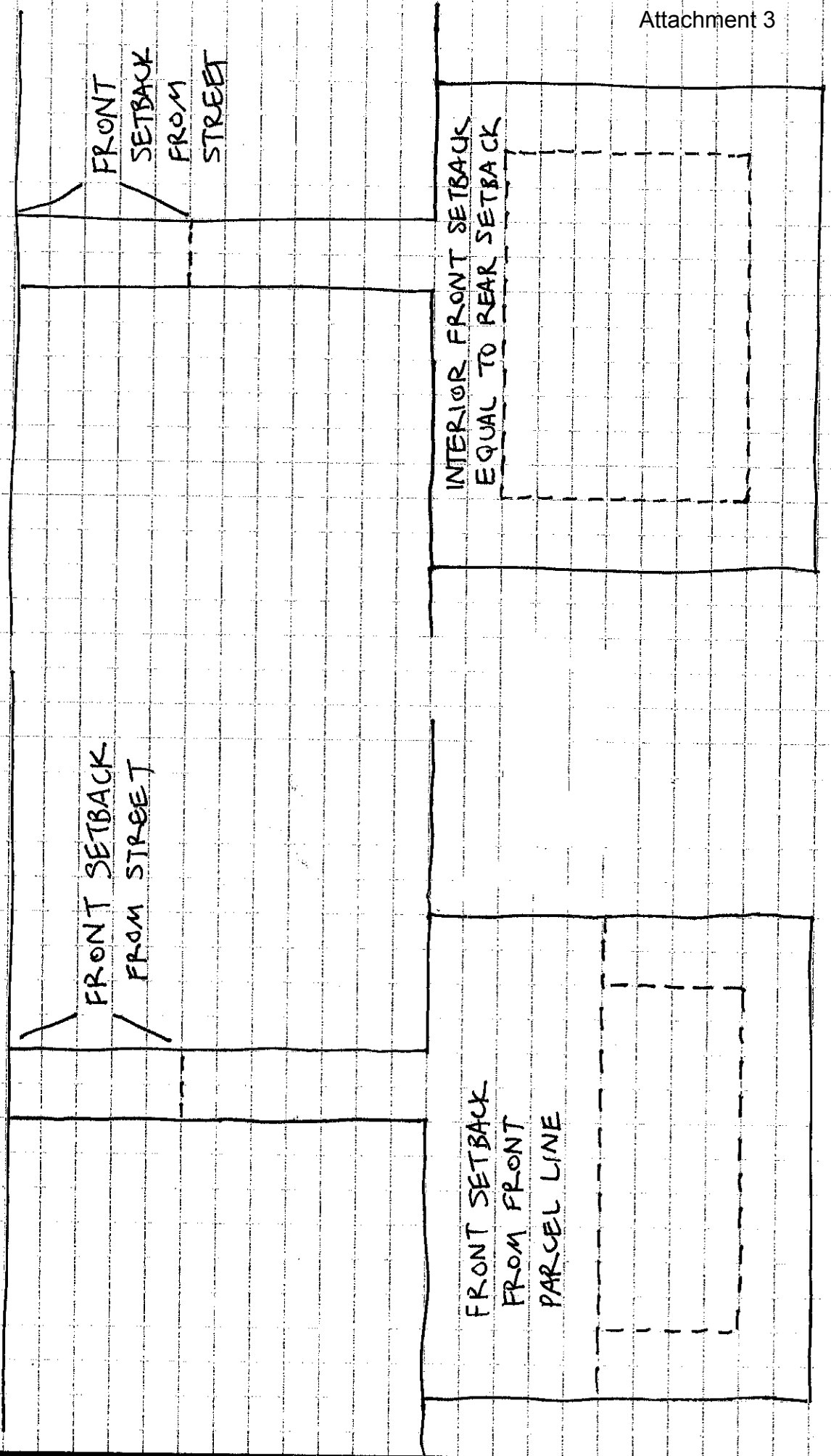
STREET

FRONT
SETBACK
FROM
STREET

FRONT SETBACK
FROM STREET

INTERIOR FRONT SETBACK
EQUAL TO REAR SETBACK

FRONT SETBACK
FROM FRONT
PARCEL LINE

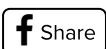


The Annual Housing Element Progress Report for 2017 has been continued to the next regular Planning Commission meeting on 4/18/18.

Both Sides of the Parking Spectrum

Examples from California and Texas exemplify two extremes in thinking about parking.

February 26, 2018, 2pm PST | [James Brasuell](#) | [@CasualBrasuell](#)



Rendering for "The Hub," designed by Lowney Architecture.

[via Socket Site](#)

[Socket Site reveals the plans and renderings](#) for a development proposed a block away from the West Oakland BART station. Developer Panoramic Interests would build a total of 1,032 residential units and 44,000 square feet of ground floor retail, restaurant and "flex space" around three buildings—the highest of which would rise 23 stories.

The headlining detail of the development for those interesting in parking reform: the proposal only includes eight off-street parking spaces. That doesn't mean the lack of parking is totally copacetic with the Oakland Planning Department, as explained in a report from planning staff included in the article:

"The project proposal does not provide adequate off-street parking and the application has yet to demonstrate analysis that justifies that additional parking can't be accommodated in the [development].

Staff is concerned that: (1) what little parking is provided is visually prominent; and that (2) with no on-site parking for over 1,000 residential units, even minimal parking demand for the project would negatively affect public parking and circulation in the surrounding area."

On the other end of the parking spectrum—the totally other extreme side of the parking spectrum, a proposed development in Austin, Texas would replace a surface parking lot with a 25-story building. Of the 25 stories proposed for the 405 Colorado St. project, 13 stories would be devoted to parking.

The Austin Design Commission had rejected the project, but "Brandywine Realty Trust, the developer, has secured a density bonus for the project in order to increase the allowable floor area ratio from 8-to-1 up to 13-to-1," reports Caleb Pritchard. "To achieve the bonus, Brandywine promised to provide Great Streets improvements on surrounding sidewalks and achieve at least a two-star rating under Austin Energy's Green Building Program." The Design Commission "held that a higher number of floors dedicated to car storage rather than habitable space is not an appropriate increase of density envisioned by the guidelines."

In each case, development plans have proposed a scheme that pushes the boundaries of parking requirements—on one side favoring an abundance, and the other a near total lack—and planning staff or advisors are responded in each case by pushing the proposal back toward a middle area.


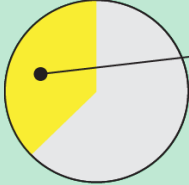














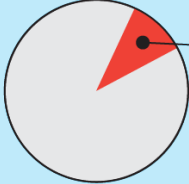




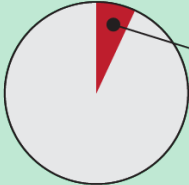



FULL STORY: [Supersized Plans and Problems for this BART Adjacent Project](#)

Published on Monday, February 26, 2018 in *Socket Site*

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Pedestrian Risk From Vehicular Impact

VEHICLE IMPACT SPEED	SHARE OF REPORTED INCIDENTS ¹	PROBABILITY OF PEDESTRIAN DEATH OR SERIOUS INJURY ¹
 <p>20 MPH</p>	 <p>37%</p>	 <p> = 1%  = 30%</p>
 <p>30 MPH</p>	 <p>27%</p>	 <p> = 6%  = 50%</p>
 <p>40 MPH</p>	 <p>19%</p>	 <p> = 30%  = 45%</p>
 <p>50 MPH</p>	 <p>10%</p>	 <p> = 78%  = 20%</p>
 <p>60 MPH</p>	 <p>7%</p>	 <p> = 98%  = 2%</p>

¹ Based on "Relationship between Speed and Risk of Fatal Injury: Pedestrians and Car Occupants" by D. C. Richards published by UK Department of Transport, September 2010.

Death is fatality within 30 days. Serious Injury is a condition requiring hospitalization.

Legend:

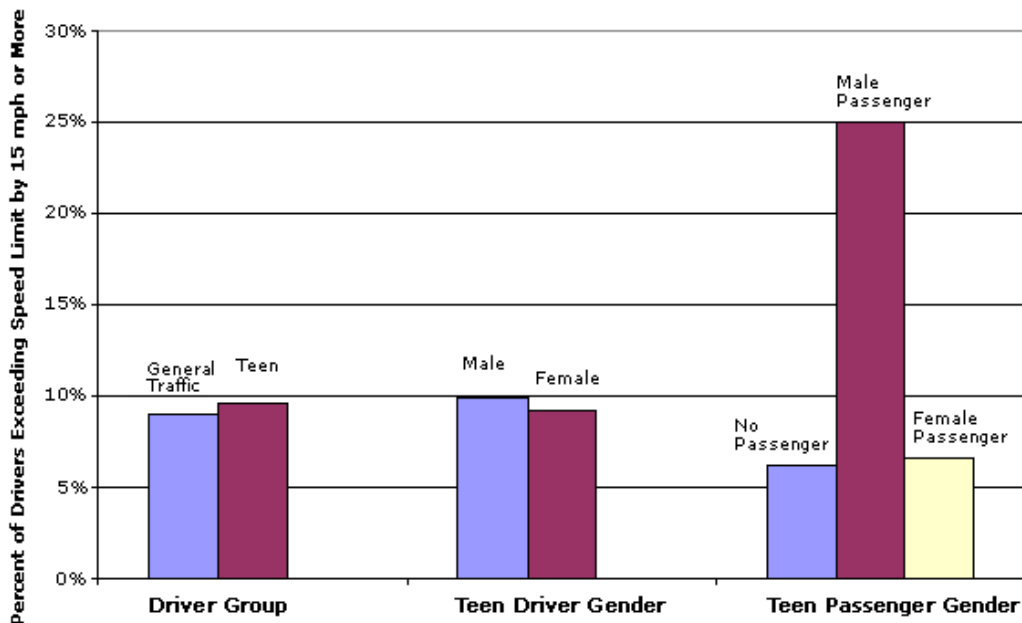
-   Probability of Death
-   Probability of Serious Injury



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Teenage Driver Statistics

From: The Observed Effects of Teenage Passengers on the Risky Driving Behavior of Teenage Drivers," published on line in *Accident Analysis and Prevention*.



Note: the difference for exceeding the speed limit by gender (posted in the middle comparison) is not statistically significant.

"With a male passenger present, one-fourth of teenage drivers exceeded the speed limit by at least 15 mph (versus less than 10 percent of general traffic)."

###

The NICHD is part of the National Institutes of Health (NIH), the biomedical research arm of the federal government. NIH is an agency of the U.S. Department of Health and Human Services. The NICHD sponsors research on development, before and after birth; maternal, child, and family health; reproductive biology and population issues; and medical rehabilitation. NICHD publications, as well as information about the Institute, are available from the NICHD Web site, <http://www.nichd.nih.gov/Pages/index.aspx>, or from the NICHD Information Resource Center, 1-800-370-2943; e-mail NICHDInformationResourceCenter@mail.nih.gov (<mailto:NICHDInformationResourceCenter@mail.nih.gov>).

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PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, FEBRUARY 7 2018, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Targ called the Planning Commission regular meeting to order at 7:00 p.m. Interim Planning Director Cassidy called the roll.

Present: Commissioners Gilbert, Hasko, and Taylor; Vice Chair Goulden; Chair Targ

Absent: None

Staff Present: Arly Cassidy, Interim Planning Director
Cara Silver, Town Attorney

ORAL COMMUNICATIONS

None.

OLD BUSINESS

1. Recommendation to Town Council on Proposed Ordinance Adding Chapter 18.39 [Cannabis Land Uses] and Amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code

Town Attorney Cara Silver presented the recommendation by staff and the Cannabis Subcommittee regarding a proposed ordinance addition and section amendment, as detailed in the staff report.

Vice Chair Goulden reported on the Cannabis Subcommittee's discussions, research, studies, and findings regarding the need for local regulations and what is appropriate for Portola Valley. Chair Targ discussed the comments made by the Fire Marshal and San Mateo County Narcotics regarding the importance of being able to police and inspect at a localized level and whether or not Portola Valley has an administrative infrastructure able to address this emerging need. He said these considerations affect the scale by which the Town wants to approach cultivation, manufacturing, and distribution.

Chair Targ invited questions from the Commissioners.

Commissioner Gilbert asked if a greenhouse was considered indoor or outdoor. Town Attorney Silver said if a building has a roof and four walls and a foundation, it is considered indoor.

In response to Commissioner Gilbert's question, Town Attorney Silver and Interim Planning Director Cassidy explained the differences between RE and R1 zoning designations.

In response to Commissioner Hasko's question, Town Attorney Silver said the cannabis definition for the ordinance came from the State law, which is also used by the County.

Commissioner Hasko asked if the definition of youth center covered the Nathhorst Triangle. Town Attorney Silver said under the State definition of youth center, it would not apply to Nathhorst, so staff expanded that definition to include Town-owned properties that serve children, which would cover the Nathhorst Triangle Park. Chair Targ said the Nathhorst Triangle Park is used as a functional part of the school for pick-up and drop-off.

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Commissioner Hasko asked if the requirement for 100 percent renewable energy was a difficult hurdle for growing 12 plants. Chair Targ said it should be trivial for those that haven't opted out of the Peninsula Clean Energy.

Commissioner Hasko asked if an applicant not living on the premises would need to co-apply with the owner of the property. Town Attorney Silver said that would be the typical way to handle those types of applications.

Commissioner Taylor said the requirement to use 100 percent renewable electricity was unclear.

Commissioner Taylor asked if there was a definition of odor and how it would be monitored or measured. Town Attorney Silver said one of the concerns with this provision is that it would be difficult to enforce. She said it is somewhat subjective, but code enforcement should be able to make a reasonable person judgment. Chair Targ said it became a serious enough issue in Colorado that they reduced the larger scale operations on residential properties down to a maximum of 12 plants, except under unusual circumstances. He said there is a standard nuisance ordinance that goes along with it with regard to odor. Chair Targ said the issue of odor, as with the issues of sound, has subjective components; however, the kind of enforcement around odors in terms of qualitative tests, comes down to a reasonable person's standard. Interim Planning Director Cassidy said the language is quite common and is a standard already in the code for noise. Commissioner Taylor said the noise ordinance, however, is measured and quantitative, whereas odor is different.

Hearing no further questions from the Commissioners, Chair Targ opened the public hearing and invited public comments.

Alison Polkinhorne, 19 Valley Oak. Ms. Polkinhorne asked if the permit process described was for delivery services or only for cultivation. Town Attorney Silver said a delivery service must receive a permit from the State, but does not need a Town permit. Ms. Polkinhorne said allowing a professional, discreet, safe, highly-regulated service to continue to function in this community for the people who need it is very important to her.

Max Polkinhorne, 19 Valley Oak. Mr. Polkinhorne thanked the Commission for agreeing to have an open and ongoing conversation about the current state of cannabis-related activities in Portola Valley. He said he agrees with the Commission's proposed ordinance to ban dispensaries in Portola Valley. He does support delivery service and suggests considering retail sales with tight safety and quality regulations via delivery services which have none of the downsides enumerated by the community and significant upsides as it allows the discreet delivery of medical cannabis to members of the community who may be housebound. He cited some of the key points of the new cannabis legislation put forth by the California Bureau of Cannabis Control and the California Department of Public Health, which go live March 1, 2018. He said if Portola Valley were to accommodate retail sales of cannabis products via delivery service, he thinks this would protect young people in the community, would not attract any sort of outside unwanted traffic, but would allow the community to serve its residents by offering local access to needed medication. He said he and his family have been in contact with veterans struggling with PTSD, people who are housebound due to disease, people living with chronic diseases, and others who rely on cannabis when other forms of medication have failed them.

Anne Kopf-Sill, 30 Minoca. Ms. Kopf-Sill was supportive of the subcommittee's recommendations. She asked for clarification on part of the map regarding the buffer zone.

Margaret Wilmer, 2 Portola Green Circle. Ms. Wilmer has a 7th grader at Corte Madera School and grew up here, also attending Corte Madera and CMS. Her father still lives on Portola Road in the idyllic house she grew up in, and she'd like to keep it that way. She said she is concerned with delivery trucks

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and vans coming in with marijuana advertising and asked if there is any regulation around this. Town Attorney Silver said the current regulation does not address advertising on delivery businesses. She said it would be the delivery vehicles that are used in various cities, and there are First Amendment and constitutional issues with regard to regulating signs placed on vehicles. She noted, however, that the current delivery services use smaller unmarked cars for security reasons, so there has not been concern about it.

Kim Zamboldi, 30 Alhambra Court. Ms. Zamboldi thanked the Town with the thoughtfulness and speed in getting this ordinance prepared. She said she was particularly concerned about the Triangle as a dispensary spot and the expansion of the definition of a youth center was perfect. She asked if the next steps could be explained.

Jeff Booth, 250 Nathhorst Avenue. Mr. Booth said he has been a resident for 45 years. He said he is in general agreement. He asked if cultivation included growing, drying, trimming, extraction, etc., and if there were any restrictions in that process. Town Attorney Silver read the definition of cultivation in the proposed ordinance. Mr. Booth asked why a delivery service would be permitted, but not a retail site. He said in the discussions of setbacks in the Nathhorst Triangle that the Country Offices at the corner of Nathhorst and Alpine were not discussed. He said these offices are not in the normal flow for children. He said if a delivery service was housed there, it would seem to be an ideal spot and would certainly serve the community better than the long distance some of the services have to travel to get to Portola Valley. He said he would like to see a provision for a mandatory yearly review of the set of ordinances.

John Zussman, 5 Bear Paw. Mr. Zussman said he has lived in Portola Valley for 31 years. He said he is one of the 68 percent of the Portola Valley voters who voted in favor of Proposition 64 to allow cannabis products to be available in town and to allow cannabis businesses to operate in California. He commended the Town Council for allowing the community to consider entering the brave new world of cannabis. He commended the subcommittee for recommending that we stick our toe in the water and allow limited commercial cultivation. He said, however, this is one of those times when sticking our toe in the water isn't enough. He said this is labeled a commercial cannabis ordinance, which means commerce, which means business. He said with all the licenses, regulations, taxes, and fees that are mandated at both the State and local level, there is no way to operate a viable cannabis cultivation business with only 12 plants. He said if the Town wants to encourage and allow small-scale cannabis cultivation, then the limit of plants needs to be raised. He suggested using the same types of cultivation licenses, such as specialty cottage, as recommended by the State. He said instead of the 12-plant limitation, the Town ordinance could be aligned with the State ordinance, which allows for up to 25 plants for an outdoor license, 500 square feet for an indoor license, or 2,500 square feet for a greenhouse, also called a mixed light license. He said small scale cannabis cultivation may be the most unprofitable part of the cannabis ecosystem because the cannabis producers will compete with Big Ag cannabis operations. He said if the desire is for small scale cannabis cultivation to flourish, then they must be allowed to form microbusinesses. He said a microbusiness license would allow a business to grow, manufacture, distribute, and sell. He said this could encourage craft cannabis along the same level as a microbrewery, a micro-distillery, or a micro-winery, which is the only way small scale wine and beer production has been able to compete with Anheuser-Busch or Gallo, encouraging small scale operations that are craft and artisan based. He urged the Town to consider this license category to encourage small scale cannabis cultivation and businesses to prosper within Portola Valley while remaining consistent with the Town's small scale rural values and culture.

Tera Bonora, 229 Grove Drive. Ms. Bonora thanked the subcommittee for all of their work. She was supportive of their recommendations. She said she did not vote for Prop 64 and was completely against it. She said she supports personal use of cannabis. She was supportive of the Sequoias having a dispensary to help with the residents' medical issues. She said she was not supportive of commercial

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dispensaries around children. She was supportive of a 12-plant limit to discourage small businesses growing and distributing. She said that could be reviewed in 5 or 10 years and consider raising the limit at that point. She said she moved to Portola Valley for the sense of community. She said there is an obligation to protect the children by not having access to cannabis. She asked if someone renting a house in Portola Valley would be allowed to have six plants unless otherwise stated in the lease agreement. Town Attorney Silver said whether the household is occupied by a tenant or owner, up to six plants can be grown in the house. She said landlords can put a restriction in their lease agreements to prevent that, but the Town would not enforce that restriction, and it would be a private matter. Ms. Bonora said she is concerned about wind blowing marijuana seeds onto her property.

Laurie Duvall, 350 Golden Oak Drive. Ms. Duvall thanked the Planning Commission and the subcommittee. She was supportive of the recommended ordinances and was particularly pleased with the delivery possibility.

Hearing no additional public comment, Chair Targ closed the public hearing and brought it back to the Commission for discussion.

Town Manager Dennis said if the Planning Commission makes a recommendation tonight, the item will be placed on the Town Council's next agenda on February 28. He said the Council will then deliberate, finish their discussions, and an ordinance will be put in place. If the Planning Commission is unable to finish the business tonight, it will be agendaized for the next Planning Commission meeting and then go to the Council. He said staff is committed to get this ordinance in place as quickly as possible.

Vice Chair Goulden said, in general, a distribution operation of any kind was not likely something that would interest Portola Valley or fit within the Town guidelines.

Vice Chair Goulden said the subcommittee did not feel like Portola Valley wanted to be pioneers in this area, which is fraught with potential concerns. He said the fact that Colorado arrived at the limit of 12 plants after a lot of experience was influential in their decision-making.

Commissioner Gilbert asked what Colorado learned and why they reduced the maximum plants allowed to 12. Chair Targ said along with the legislation that was enacted this past year, there were a series of findings made, and asked the Town Attorney to review them.

Town Attorney Silver said Colorado previously allowed unlimited growing on residential properties for medicinal purposes. They found there were a series of problems allowing an unlimited amount resulting in very large grows. Effective January 1, 2018, Colorado passed a law that ratcheted cultivation for medicinal use to 12 plants. Town Attorney Silver reviewed the series of findings: "The extended plant count and primary caregiver provisions have created a situation in which individuals are cultivating large quantities of marijuana in residential homes. These large-scale cultivation sites in residential properties create a public safety issue and are a public nuisance. A site in a residential property can overburden the home's electrical system, resulting in excessive power use and creating a fire hazard that puts first responders at risk. A site can also cause water damage and mold in the residential property. A site in a residential property can produce a noxious smell that limits the ability of others who live in the area to enjoy the quiet of their homes. Often the site is a rental home, and the renters cause significant damage to the home by retrofitting the home to be used as a large-scale cultivation site. When residential property is used for a large-scale cultivation site, it often lowers the value of the property and thus the property value of the rest of the neighborhood. Finally, a site in a residential property can serve as a target for criminal activity, creating an untenable public safety hazard. Large-scale, multi-national crime organizations have exploited Colorado laws, rented multiple residential properties for large-scale cultivation sites, and caused an influx of human trafficking and large amounts of weapons as well as the potential for violent crimes in residential

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neighborhoods; Large-scale cultivation sites in residential properties have been used to divert marijuana out of state and to children.” Town Attorney Silver said Colorado adopted its marijuana laws a few years before California. Chair Targ asked Town Attorney Silver to include these findings and that portion of the ordinance with whatever transmittal the Planning Commission makes to the Town Council.

Commissioner Taylor asked if the Town was proposing one permit for one person, allowing 6 plants per person or 12 plants if for cultivation. Town Attorney Silver said the proposal is one permit per premises.

Chair Targ said the issue of microbusinesses were specifically raised by the head of the Narcotics Task Force for the San Mateo County Sheriff, who identified that if there is going to be an issue with organized crime, that’s where it will be located. The ad-hoc committee also considered the fact that Portola Valley would be the only jurisdiction in the vicinity that would allow a micro-enterprise, which might create an unusual concentration within this area. He said the idea of being a pioneer in certain aspects seemed appealing; however, with the admonition from the Sheriff and being a town without its own police department, it seemed too far forward from the ad hoc committee’s perspective.

Commissioner Gilbert said there appear to be substantially more restrictions for growing 12 plants outside for commercial use, in terms of wastewater, fire, and security that are not required for the 6 personal use plants. She asked if some of the restrictions required for 12 plants should also be considered for 6 plants. She said, for example, if the 6 plants are grown inside, there is no consideration regarding lighting impact, as there is for the 12 commercial plants. She said there seems to be some discontinuity between the two. Chair Targ asked Town Attorney Silver to explain the distinction between commercial restrictions required as a matter of State law versus the restrictions on personal cultivation. Town Attorney Silver said in order to grow more than six plants, a State license is required, which has a series of requirements. She said staff’s proposed ordinance includes requirements taken from the County ordinance since the same people will be enforcing the ordinance. She said there are requirements imposed by both the Town and the State. She said the policy question for the Commission is whether or not they want to replicate the State requirements or eliminate them and defer to the State to ensure that those safeguards will be put in place.

Commissioner Gilbert asked if plants are grown for personal use indoors if some protections can be put in place regarding lighting and the Fire Code. Town Attorney Silver said reasonable requirements can be put in place. Commissioner Taylor asked if there was a quantitative way of thinking about it, such as amps per plant. He said it did not seem right that 12 plants are subject to regulation, but 6 plants are not. Chair Targ said there is a desire to be consistent with State requirements as well as being consistent with County requirements. He said they did not want to create an island of regulation that puts the Town apart from the surrounding jurisdictions. They also wanted to take a gentle hand with respect to personal cultivation. He said someone trying to operate a grow operation with maximum intensity for personal cultivation in an unsafe manner seemed unlikely and was not a concern of the Fire Marshal. He said the two issues of consistency with the surrounding jurisdiction and the County and the non-objection on the part of the Fire Marshal were the two driving issues.

Vice Chair Goulden said for something small, six plants or less, the existing lighting ordinances and electrical codes were sufficient. He said although 12 plants are not much more, from the State law perspective, the regulations are different. Commissioner Taylor said someone could get the highest intensity lights as possible, which could draw a lot of power, for their six plants, and he wondered how these types of things would be normalized. He said it appeared that when it hit the commercial trigger point of 12 plants, extremely onerous were restrictions applied, but basically giving freehand to everyone else. He said it didn’t feel like a gradient, but very much a harsh step function.

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Commissioner Hasko asked if the lighting concern was fire safety or light pollution. Vice Chair Goulden said it could be both. He said they felt the new lighting ordinance would probably handle greenhouses. He said the Fire Marshal's biggest concern was about fire safety related to illegal operations, where people are stringing electrical cords, over-powered circuits, removing fuse boxes, etc.

Commissioner Gilbert asked if a commercial applicant lived in Portola Valley, but would not be living on the property where they would be growing, both the applicant and the person living on the property would need to be on the application. Town Attorney Silver said that is not clear in the ordinance. Commissioner Gilbert suggested it should be specified in the ordinance. She said the tenants may change on a rental property where cannabis is being grown commercially, and the Town needs to know who is responsible. Commissioner Hasko said she is more concerned about the consent piece of it because there are properties in town where people are not there day-to-day and may or may not be as aware of what's going on on their property. She said if she was an owner, she would want to be aware there had been an application to grow on her property and that it would require her consent. She asked the Town Attorney to consider the legal liability and ramifications and whether both should be liable from the Town's perspective.

Commissioner Taylor presented the scenario where a property owner gave consent, and an applicant has a renter who has committed a felony. He asked if the Town would know the renter as part of the chain, living on the same property where the cultivation is occurring. Town Attorney Silver said the ordinance could be written so that the tenant is also an applicant if that is the Commission's intent. She said the original staff recommendation was that the applicant needed to live on the property. The subcommittee's recommendation was that that may be too strict and suggested that the applicant needed to live in Portola Valley, but did not need to live on the site. Staff wanted some local person to call if a problem arose. Vice Chair Goulden said the subcommittee also discussed that it was reasonable to allow a resident who had a second property in Portola Valley to be able to use that second property for cultivation. Commissioner Gilbert said her concern was making sure the Town knew who was accountable and who was watching over the operation.

Commissioner Taylor asked what the intent was behind the requirement for an applicant to notify the Town if convicted of a crime. He asked if the Town just wanted to know if the applicant, the responsible party, had been convicted of a crime or if they also wanted to know if the applicant's tenants had been convicted of crimes. He confirmed with Town Attorney Silver that that requirement was for the applicant and not for who was in proximity to the cultivation.

Commissioner Gilbert asked regarding the 600-foot versus 1,000-foot buffer. She asked if any portion of a property was within 600 feet, would the entire property be disallowed for cultivation. Town Attorney Silver said that is how it is defined in the County and State law. Chair Targ said such a property would not be granted a State license anyway. Commissioner Gilbert asked why the County used 1,000 feet versus 600 feet. Town Attorney Silver said the County is anticipating larger-scale grows, but she does not know the genesis. Commissioner Gilbert asked if the subcommittee had discussed 600 versus 1,000 feet. Vice Chair Goulden said it was discussed as part of the youth centers, and it seemed like the 600 feet would be adequate if the definition of a youth center was expanded. He said they weren't adamantly wedded to 600 or 1,000 feet, and using 1,000 feet would affect more properties, but would not likely affect any public areas.

Commissioner Taylor asked if there was a definition of a youth-oriented area. Town Attorney Silver read Definition Y under Section 18.39.020. "Youth Center shall have the same meaning as defined by California Health and Safety Code Section 11353.1 and shall also include publicly owned facilities and properties that support activities for youth and children." She said that the added language captured Triangle Park. Commissioner Taylor asked why they couldn't just call out Nathhorst specifically. He said, for example, there is a small piece of Town-owned property at the top of Old La Honda that, if

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children started playing there, could be considered Town-owned property that is a youth facility, and the 600 feet would then apply.

Commissioner Taylor said R-1 should not be excluded if they met the requirements. He asked why not use the existing prescription rather than the Zoning designation. Town Attorney Silver said the thought was there would be very few R-1 properties that would qualify, being smaller in size and not appropriate to support cultivation. She said it was felt it would be more transparent to say R-1 properties are going to be carved out of the ordinance rather than setting up a false expectation. Commissioner Gilbert asked what criteria R-1 properties would not meet. Town Attorney Silver said the buffer and size of the R-1 lots, with the proximity to neighbors being more intrusive. Commissioner Gilbert asked if the visibility issue applied to plants in the ground or also included planting in a greenhouse. Town Attorney Silver said the subcommittee wanted to encourage outdoor cultivation as opposed to greenhouse grows, especially in an R-1 neighborhood where the sudden construction of a big greenhouse would have more impact. Chair Targ said from the experience in Colorado and the observations of the Sheriff's Office, concentrating marijuana plants in a confined area with a limited number of vents tends to create more odor issues than if you have more dispersed open air. Greenhouses must also deal with light spill and impervious surface issues.

Chair Targ asked Commissioner Taylor, who lives in a higher density area, to share his thoughts about commercial cultivation in denser areas. Commissioner Taylor said the existing criteria, such as light spill and impervious surfaces, must and should be applied and should be made clear, and those restrictions would apply across the board, rather than arbitrarily restricting certain zoning designations. He agrees that a lot of the R-1 properties will not qualify, but does not think the zoning should be one of the restrictions. Chair Targ suggested the Commissioners think about if there should be a requirement regarding appropriate lot dimension, size, and areal extent. Commissioner Taylor asked, for example, if someone put up an allowable garden shed equivalent to a greenhouse, why they wouldn't be allowed to grow. In response to Chair Targ's question, Commissioner Taylor said he would be supportive of using the same sort of structure model in addition to the other requirements such as for odor, setbacks, height requirements, etc., and removing the zoning restriction entirely.

In response to Commissioner Gilbert's question, Interim Planning Director Cassidy said a homeowner's association could supersede the ordinance by being more restrictive.

Commissioner Taylor said he understands the reasons for keeping cannabis out of sight of the public through public nuisance, such as via trail easements, etc. He asked regarding the goal of keeping the cannabis out of sight of neighbors. He also asked regarding visibility versus distance. He said he understands the issue of not wanting children to walk by a property and see a grove of marijuana plants. He said, however, there are places he could stand and see a marijuana plant from a great distance. Chair Targ said there were people who objected to seeing turf from the top of Windy Hill and the same may be true for marijuana plants that could be discerned from a couple of miles away. Commissioner Taylor said he may be more comfortable with some kind of distance measure because it did not seem fair to object to something someone may be able to see from half a mile away. He did not think it is reasonable to make sure no one ever sees a marijuana plant, but rely more on the public nuisance factor of someone walking by a fence, seeing marijuana plants, and climbing over the fence to get to them.

Commissioner Hasko pointed out that the plants grow up to 10 feet tall. She said the trail system is as extensive as the road system and fencing is discouraged. She said there will be a lot of properties that children and visitors walk by. She said a distance requirement will not be enough. She said 10-foot plants will be visible, and people will know who grows. She understands that topography makes visibility difficult, but if outdoor cultivation is going to be allowed, she is concerned about the trail issue.

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She said there were comments about going over fences to get to the plants, but Portola Valley is not supposed to be constructing incentives to build fences.

Commissioner Taylor said the fencing ordinance limits fences to 6 feet, but marijuana plants grow to 10 feet so additional plant screening would be necessary. Commissioner Gilbert said the ASCC has expressed concern about hedging along roads and the desire to open up the views. Chair Targ said the issue becomes magnified with more plants. He said the easier thing to do would be to not allow cultivation whatsoever and to obviate the whole discussion. He said it's also important to recall they are talking about five permits and there is a question of whether that means five permits per year cumulative or five permits total, and what the level of tolerance is for fencing, visibility, screening, and size. Commissioner Taylor said some of the tension is because they'd like to encourage outdoor growing rather than indoor growing. Commissioner Taylor asked if a 12-foot tall greenhouse would be allowed. Interim Planning Director Cassidy said they would be treated as any other structure. Commissioner Taylor said he would be supportive of the standard requirements for an auxiliary structure to be used for commercial purpose. Interim Planning Director Cassidy said they look at ceiling heights, how finished the structure is, if there's HVAC, the intent of the structure, etc., to determine if it is also considered additional floor area.

Commissioner Taylor asked if there were restrictions regarding business hours. Town Attorney Silver said that could be incorporated into the ordinance.

Commissioner Gilbert referred to Section 18.39.070.B, Commercial Cannabis Permit Requirement. She asked for clarification regarding "The proposed activity is no more objectionable than the listed activities ...". Town Attorney Silver said that appeared to be a drafting error and should be no more objectionable than the types of conditionally permitted uses that are permitted in that particular zone. Commissioner Gilbert said a normal CUP would list what can be done on the property, but this kind of property will not have an existing CUP. Chair Targ said it would still need to be consistent with the residential neighborhood and consistent with the other uses permitted by right within the zone. Interim Planning Director Cassidy said uses are listed various ways – permitted by right, which is very limited; accessory uses permitted; conditionally permitted uses; and others. She said if the desire is to specifically reference what that is, it should be clear if it's all other types of permitted uses or accessory, utility, conditionally permitted, or if it's one only.

Commissioner Gilbert said it appeared the ordinance used "permittee" when referencing both personal use and commercial cultivation; however, only commercial cultivation required a permit. Town Attorney Silver said she will correct that.

Commissioner Gilbert referred to 13.39.180.B, which referred to a penalty of three times the amount of permit fee. She asked what the permit fee would be. Town Attorney Silver said they have not yet determined the amount of the permit fee. Commissioner Gilbert's concern was that if the permit fee was low, the 3x penalty would not be a deterrent. Chair Targ said the issue was abatement or closing of the facility.

In response to Commissioner Hasko's question, Chair Targ said a person could have both 6 personal plants and 12 plants for commercial use.

Commissioner Taylor said the ordinance seemed onerous for a prospective commercial grower permittee. He said, for example, there is a requirement to have trash picked up within seven days. He asked if the Town could revoke a permit because the trash was picked up a day late due to a holiday. Town Attorney Silver said there would not be code enforcement activity in that situation. She said the intent behind the provision is that the Town doesn't want cannabis-related waste sitting in front of

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somebody's property for long periods of time. Commissioner Taylor said the grower's cannabis related waste should be kept out of sight until pickup day.

Commissioner Taylor said another example of harshness was allowing only 30 days to rectify an incomplete application or the permit would be considered abandoned. He said there are only five permits being allowed, and he would like to assure an applicant that the Town's goal is to work with them to get their permit granted within the restrictions. He said the ordinance reads more harshly. Interim Planning Director Cassidy said most of the code is not written to specifically call out good faith effort, and there is an understanding that people are generally doing their best to follow the code. She said since there is not a patrolling code enforcement officer, and the Town does not take an active role in looking for violations, when violations are reported, the Town's general goal is to assume that good faith effort and the first contact is usually a courtesy notice and not the initiation of a notice of violation, which basically starts the clock for the person to come into compliance. She said there is generally a phone call, an email, or some informal contact letting the person know a complaint has been received and the Town would like to see it brought into conformance. She said the majority of complaints are addressed before a first notice of violation goes out. She said this is a more sensitive issue, and there will be more eyes on cultivation; however, she would assume the Town would continue their process with the assumption that when a complaint is made, someone will probably jump to address it, especially because it is a sensitive issue. Commissioner Taylor asked if a permittee has recourse if the Town tells them they have abandoned their permit and need to start over. He said there should be some mention of recourse options for the permittee. Chair Targ said staff is reasonable, and the accessibility to Town leadership and staff's treatment are relief valves that have worked effectively. He would recommend to leave things tighter and, if they are enforced in an unreasonable matter, they can be reviewed and titrated down rather than try to hit directly on the nose and try to define best efforts. He suggested letting the enforcement process play itself out through the discretion the Town has effectively exercised on a day-to-day basis. Commissioner Taylor agreed that they should not get into trying to define good faith and said he would like to see a relief valve offered in the ordinance. Chair Targ said it was not necessary because the Town Manager was always available, and if he was not responsive, people could reach out to the Councilmembers. He said he did not want to end up being the marijuana board of appeals. Town Attorney Silver said before a permit could be revoked or suspended, there is an appeal process. Commissioner Hasko said 18.39.030.A indicates permitting "cultivation of up to 12 cannabis plants on any single property in the R-E or M-R zoning districts." She said "for commercial activity" needs to be added there. Town Attorney Silver said she will correct that.

Commissioner Taylor asked if five permits per year was five new per year or five total growers per year and if there is a cap. Commissioner Gilbert said if she had a permit, she would want to know that she would have preference to renew the following year in order to be running a business. She said the yearly review could be a good way to start it because the Town will learn a lot about the process, the restrictions, etc. Chair Targ said they talked about a five-year sunset. He said the understanding of issues of enforcement and tolerance in Town will likely change over time, as well as the effectiveness of over- or under-regulation that may be embodied here. He said one year seems too short to allow for adequate ventilation or change in morays, and five years may be too long. In response to Commissioner Taylor's question, Chair Targ said he was talking about a sunset where something new would happen after a mandatory review; an action forcing a requirement to come to an end and then reconsider what has been done. Commissioner Gilbert said she was talking more of just a review at one year, particularly in terms of whether or not the restrictions are too onerous and need to be rephrased, or if a lot of neighbor complaints about a particular issue are received. Commissioner Hasko said for a cultivation permit, the applicant would need more than a year visibility to invest in it and agreed sunset may be the right mechanism to force renewal or revisitation. She said she was supportive of revisiting it, and optimizing will likely be needed, but the question is when there will be enough data. The Commission agreed with a review one year after the first permit is issued, followed by recommendations to the Town Council.

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Commissioner Taylor asked if the information collected by the Town for the cannabis permits would be available to the DEA. Interim Planning Director Cassidy said it is a matter of public record, and all of the information on the application must be released.

Commissioner Taylor said the ordinance states a grower can be inspected at any time. He said he understood it was not likely the Town would come by at 2:00 a.m. to inspect a property, but suggested random inspection be limited to business hours. Interim Planning Director Cassidy said there is a scheduled inspection done by Town staff or an inspection on a complaint; however, people can call the police at any time to complain about noise, a party, large lights, etc., which would be answered immediately. She said this would carry forward and cover concerns about these businesses as well.

Commissioner Taylor said the Track and Trace had to be registered with the State and asked if the Town had access to that data. Town Attorney Silver said this is a new area of regulation, and it is assumed the Town can have access to those records, but it is not known for sure at this point. She said she is not sure the Track and Trace program is up and running yet.

With no further discussion items from the Commissioners, Chair Targ brought the discussion back to the Outstanding Issues for Discussion as listed in the staff report.

- Personal outdoor cultivation: Should the ordinance establish a numeric buffer from the adjacent properties or just contain a qualitative buffer (i.e., not be visible from public locations). (Ordinance Section 18.39.040 B.)

Commissioner Taylor said his assumption was that this was dealing with the attractive nuisance issue, not having easily accessible marijuana plants, rather than “I don’t like the look of marijuana plants.” Commissioner Taylor suggested restrictions about visibility along ordinary public view such as public trails, public street views, public parks, etc. Commissioner Gilbert agreed with a qualitative standard versus a specific distance because the distance would be different for different properties. Commissioner Hasko said although it might be known that marijuana is being grown on a property even though it’s screened, but she would prefer there be some effort to screen and not just rely on distance. Vice Chair Goulden said a Conditional Use Permit gives the Commission the leeway to make a decision, especially in the early permits, and he would prefer the Commission have the ability to use discretion while this is being figured out, using ordinary public view versus specific numeric buffers.

Chair Targ suggested striking the issues pertaining to screening, distance, and neighbor view and just use ordinary public view, setbacks, and proximity to youth centers.

Chair Targ said he was interested in concluding this this evening and asked staff if they had enough information and direction on the adjustments requested to the ordinance. Commissioner Gilbert said she would not likely be comfortable voting on this without seeing all the changes in writing. In response to Commissioner Taylor’s question, Interim Planning Director Cassidy said no one had applied to grow, but there has been interest expressed in a general sense for distribution. Town Attorney Silver said, with respect to timing, that Town Manager Dennis indicated the February 28 date is not firm, and there may not be enough time to notice it in the newspaper; it was more likely to be put out in March.!

In response to Town Attorney Silver’s question, Chair Targ said a neighbor view is private and not an ordinary public view, from a publicly accessible spot. Commissioner Taylor cited examples of a public road or trail, but not standing atop Windy Hill looking down on all of Portola Valley.

- Should permittees be allowed to possess more than one permit (Ordinance Section 18.39.040 C.)

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Commissioner Gilbert said since the limit was five total, one person should not be allowed to have more than one permit, at least initially. Commissioner Taylor agreed. He said if there is an initial rush of 15 applicants and only five permits are issued, then it may be reconsidered in a year. Vice Chair Goulden said part of the consideration was the amount of staff time this takes. He said they don't normally do five Conditional Use Permits a year, so staff could be overloaded if the number of permits allowed is too generous.

The Commission agreed on one permit per permittee.

- Should the "sensitive receptor" buffer be 600 feet (State law) or 1,000 feet (County buffer for larger parcels). (Ordinance Section 18.39.140 D.)

In response to Commissioner Gilbert's question, Town Attorney Silver said the 600-foot buffer does not apply to personal outdoor cultivation under State law, but the Town can apply a local regulation.

The Commission was in general agreement with a sensitive receptor buffer of 600 feet. Commissioner Hasko said it seemed odd to be able to grow personal outdoor plants near the schools and her impression of the commentary was the assumption that 600 feet was more broadly applicable to outdoor availability. She said it wouldn't reflect what the community may be comfortable with and being out of sight would definitely help. Chair Targ suggested coming up with bracketed language to be reviewed at the upcoming meeting.

- How many permits should be permitted on an annual basis. If five new permits are granted, what about renewals? Should the original five incumbents receive preference or should there be a rotation? (Ordinance Section 18.39.140 M.)

Commissioner Taylor proposed five permits the first year, five additional permits the second year, with a cap of 10 total. He said in the annual review, if there is a lot of interest, the Commission can rethink their position, but if there is none, then 10 could cover it forever. The Commission agreed that rather than a lottery system, the applications will be considered on a first-in-time basis. Interim Planning Director Cassidy asked if there should be a waiting list if there are more than five applications, or if those additional applications would automatically be in the second group to be considered in the second year. The Commission agreed with renewals of existing permittees first, with a lottery at the beginning of the second year for new applications. The total cap will be 10 unless reconsidered after review.

- Are the additional requirements relating to runoff, storm water, wastewater discharge, energy use and the like necessary or are they too onerous for just 12 plants? (Ordinance Section 18.39.140 Q-Y.)

The Commission agreed that the existing requirements should stay in place, and they will be better able to assess their necessity at the time of the first annual review. Commissioner Gilbert said she was still bothered by the fact there is such a big difference in the regulations between 6 and 12 plants, but was supportive of tabling that discussion until after the one-year review. Commissioner Taylor suggested keeping track of comments indicating the requirements are too onerous for prospective growers.

- Since record retention and Track and Trace Program are both required by the State, is it redundant for Town to also require. (Ordinance Section 18.39.150-18.39.160.)

Commissioner Taylor said since the State requires those records, it is redundant, but he wants to make sure the Town has access to that information. Commissioner Gilbert said it doesn't hurt to be

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redundant because applicants would need to fulfill that requirement for the State anyway and it would just emphasize the importance of it.

- Should commercial cannabis Permittees be required to live on the property for cultivation or just in Portola Valley? (Ordinance Section 18.39.140 B.)

Commissioner Gilbert said she was leaning toward not requiring an owner to live on the property, but was concerned there may be a lot of other issues not fully considered, such as letting a friend grow and things getting out of control because someone is not watching what's going on. Commissioner Hasko said if somebody unknown to the owner applied for a permit to grow on the owner's property, there are property rights that could be asserted in addition to possible redress for doing things inappropriately through the Town's permitting process, but she doesn't feel she knows exactly what those boundaries are. She said it needs to be clear who is legally responsible for noncompliance – the owner or the tenant. Chair Targ suggested a unity in ownership between the applicant and the owner of the property, but they don't necessarily have to live on the property. Commissioner Taylor suggested requiring written owner consent with the permittee being responsible.

Town Attorney Silver said if there was an issue, most of their code enforcement activity is directed at the property, such as liens or violations. She said it is difficult to envision a situation where the property owner is not liable for the activity on the property. Interim Planning Director Cassidy said when an ASCC application comes in for an addition, the applicant can be anyone – the person living there, the owner, the architect – and anyone can sign a Memorandum of Understanding saying they agree to pay, but the property owner has to agree because in the end it does come back to the property owner as ultimately responsible for what occurs. It is the Town's responsibility to ensure that the property owner knows about and agrees to the proposal. She said when the Town does a site review, they contact the owner as listed on the application, and if there is a renter, the owner will contact the renter and get permission from them as well.

- What is the appropriate setback limits for public easements, trails and properties which the Town possesses a legal interest? (Ordinance Section 18.39.140)

The Commission agreed this was addressed with ordinary public view.

Commissioner Taylor asked if a trail could ever be considered a youth facility. Commissioner Hasko said there are certain trails designed as Safe Paths to School that get special attention for maintenance. Town Attorney Silver said it would affect a commercial grower within the 600-foot buffer unless the previous suggestion of being explicit regarding the youth facilities is adopted. Interim Planning Director Cassidy said they could map it, applying the 600-foot buffer to the Safe Routes to School and see where it lands.

Chair Targ said the Town possessing a legal interest does not seem like the appropriate item that gets to the issue of the excess property at the top of Old La Honda and the 35 miscellaneous pieces of property the Town owns. He suggested an explicit list be created to which they could add the Safe Routes to School.

- Should the ordinance have a sunset provision?

The Commission agreed a sunset provision was not necessary. The Commission agreed on a review at one year after the ordinance passes with recommendations to Council, and then yearly for five years.

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Chair Targ asked if there should be designated business hours. Interim Planning Director Cassidy said there may be such designations for home occupations, but she would need to look into it further. Town Attorney Silver said that is typically addressed in the Conditional Use Permit process.

Chair Targ said an issue was raised about normalizing the different power requirements between personal cultivation and commercial cultivation and recommended waiting to evaluate in a year.

The Commission supported developing a list of youth-oriented facilities and Safe Routes to School and eliminating the zoning requirements generally.

The Commission agreed that neighbor views, distance views, and screening have been dealt with through ordinary public view.

The Commission agreed to add “permissible uses” to Section 18.39.070.B.2 for clarity.

The Commission agreed that in Section 18.39.030.A, the 12 plants be identified as commercial use and striking the R-E and M-R zoning.

The Commission agreed to add to the ordinance the requirement for a review in one year after the ordinance is adopted with recommendations provided to Council for action.

The Commission agreed on 12 plants for commercial growing; 5 permits per year with a maximum of 10, and a process for distributing the permits; a prohibition on manufacturing; a prohibition on microbusinesses; and a prohibition on distribution except for delivery service which is permitted unregulated, including with respect to signage.

The Commission thanked the ad hoc committee for all of their work and time spent on this issue.

Vice Chair Goulden moved to continue this item to the next agenda meeting. Seconded by Commissioner Taylor; the motion carried 5-0.

NEW BUSINESS [10:42 p.m.]

Chair Targ called for a brief recess.

2. Review of Modification to the Town’s Ground Movement Potential Map, File # PLN GMM 3-2017, 380 Escobar Road, Freccia/Giblin

Interim Planning Director Cassidy presented the background of the proposal and staff’s recommendation to adopt the resolution approving the requested modifications to a portion of the Town’s Ground Movement Potential Map, as detailed in the staff report.

Chair Targ invited comment by the applicant. Hearing none, he invited questions from the Commission.

Commissioner Gilbert said the report noted the proposal is to change the designation on the adjacent property. Interim Planning Director Cassidy said the report noted that their findings could be reflected in a change to the adjacent property, but there is no current proposal to do so.

Commissioner Gilbert asked if the structures on the adjacent property were in the Md zone that is potentially changing to Ms. Interim Planning Director Cassidy said the applicant may have anecdotal information, but it has not been mapped.

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Commissioner Gilbert asked if the owner of the adjacent property was noticed. Interim Planning Director Cassidy said a 300-foot buffer was noticed.

Hearing no additional questions, Chair Targ invited questions from the public. Hearing none, Chair Targ closed the public hearing and brought the issue back to the Commission for discussion.

Hearing none, Chair Targ called for a motion.

Vice Chair Goulden moved to approve Resolution 2018-3, A Resolution of the Planning Commission of The Town of Portola Valley Approving Modifications to The Ground Movement Potential Map. Seconded by Commissioner Gilbert; the motion carried 5-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

3. News Digest – Planning Issues of the Day

Interim Planning Director Cassidy introduced the News Digest and two articles included in the packet. She invited feedback from the Commission such as requests for additional information. She invited the Commission to suggest articles they'd like to see in future packets.

Interim Planning Director Cassidy announced that the San Mateo County Bicycle and Pedestrian Advisory Committee has one elected and two public seats open if anyone is interested. She said the deadline for public members to apply is February 21 and February 23 elected members.

APPROVAL OF MINUTES: January 17, 2018.

4. Planning Commission Meeting of January 17, 2018

Commissioner Taylor moved to approve the minutes of the January 17, 2018, meeting, as amended. Seconded by Commissioner Gilbert, the motion carried 5-0.

ADJOURNMENT [11:00 p.m.]

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PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, FEBRUARY 21 2018, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Targ called the Planning Commission regular meeting to order at 7:00 p.m. Interim Planning Director Cassidy called the roll.

Present: Commissioners Hasko and Taylor; Chair Targ

Absent: Commissioner Gilbert, Vice Chair Goulden

Staff Present: Arly Cassidy, Interim Planning Director
Cara Silver, Town Attorney

ORAL COMMUNICATIONS

None.

OLD BUSINESS

1. Recommendation to Town Council on Proposed Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code (continued from February 7, 2018, meeting).

Town Attorney Silver presented the background, executive summary, and staff's recommendations regarding the proposed Ordinance and Municipal Code amendment, as detailed in the staff report.

Chair Targ invited questions from the Commission.

Commissioner Hasko asked for discussion and clarification regarding the link between the ownership of property and the Applicant.

Commissioner Hasko asked for discussion and clarification about using the defined term for "cultivate" in certain areas of the Ordinance.

Commissioner Hasko asked if the link between Nathhorst would be appended to the youth center definition. She said just being on the list of Sensitive Receptors would not be legally binding. She also asked if its inclusion on the list of Sensitive Receptors was appropriate, considering the list can change at any time. Town Attorney Silver said they added the language "publicly-owned facilities that support activities for youth" to the definition of youth center, so it would capture Nathhorst Triangle Park. Commissioner Hasko pointed out that Nathhorst Triangle Park also supports activities for adults. She said there was a lot of public concern about Nathhorst Triangle being a site where these commercial activities should not be present around the children, and she was not convinced that the youth center definition would include Nathhorst Triangle. She said there is not a clear-enough link between something that's Nathhorst and something that's a Sensitive Receptor or youth center.

Commissioner Taylor asked if the Sensitive Receptors list (Attachment 3) was part of the Ordinance and legally binding. Commissioner Hasko said it was indicated the Town could maintain a list of Sensitive Receptors, but it was not clear if it could be modified. Town Attorney Silver said the definition of Sensitive Receptor states the Town shall maintain a publicly available list of Sensitive Receptors. She said Attachment 3 is not part of the Ordinance and would not be codified in the Municipal Code, but would be a living document that would be continually updated. Town Attorney Silver agreed that

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language should be added that clarified that Nathhorst Triangle should be designated as a Sensitive Receptor, and also to clarify that the list may be updated from time to time.

Chair Targ suggested making the list part of the Ordinance, and that the Ordinance further state that the list may be updated from time to time by the Planning Director. Interim Planning Director Cassidy said an Ordinance cannot be updated by the Planning Director and would need to return to the Planning Commission, unless it is specifically allowed in the Ordinance.

Commissioner Taylor said he thinks the list is pretty static and will not be growing and shrinking, but if the list does change, there should be a public hearing. Commissioner Hasko said she agreed the list is probably static, but her concern is that Nathhorst does not fall cleanly into the categories listed.

Chair Targ asked Town Attorney Silver if there was any issue with having the list being incorporated into the Ordinance and modified by way of the Planning Commission. Town Attorney Silver suggested everything be itemized in the list of Sensitive Receptors. She asked if the Planning Commission wanted to be able to change the list or if it would require an Ordinance amendment each time the list changed. Commissioner Taylor suggested the list remain as an attachment that can be altered by the Planning Commission rather than incorporating it into the Ordinance. Interim Planning Director Cassidy said the Ordinance, if it is recommended for approval tonight, will go to the Town Council and have two readings, at which time the staff report can clearly call out that if the list is included in the Ordinance it becomes a hard list and will require a process to change it. She agreed that the list is unlikely to change unless a new facility, including a playground, comes online. She said there is also an annual review process in place for the next five years. She said she did not think it would add an extreme amount of extra work to codify the list. Commissioner Taylor said if a new school opened in Town, it would automatically be covered by the Ordinance. He said the explicit list is an attempt to be as clear as possible and make sure that Triangle Park is explicitly included.

Commissioner Taylor asked about the underlying logic for the different buffers required for personal and commercial – 600 feet to the site versus 600 feet to the property line. Town Attorney Silver said there was a Commissioner's comment that if there was a very large residential property, they may be prevented from growing personal cannabis because of their property line being within 600 feet of a Sensitive Receptor, even though the personal cannabis could be grown well away from a Sensitive Receptor with no impact.

Commissioner Taylor asked for clarification regarding Section 18.39.080(A)(5), where it mentions "conviction of an offense." Town Attorney Silver said it was taken from State Law, California Business & Professions Code Section 26057(b)(4), (b)(6): *"The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following: (A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code. (B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code. (C) A felony conviction involving fraud, deceit, or embezzlement. (D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor."*

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In response to Commissioner Taylor's question, Chair Targ said it was discussed that there needed to be an appropriate waiting period to reapply after losing a license.

Commissioner Taylor asked if a Permittee needed to report a change of address immediately or only at the next renewal process. Commissioner Hasko said the Permit only covers the Permittee with respect to the premises and does not run with the land. She asked what happens if the Permittee gets the Permit and then moves a day later. Town Attorney Silver said the language could be clarified to require notification of a change. She said the intent is the Permittee should retain residency throughout the period of the Permit. Commissioner Hasko said the Ordinance reads that the Applicant must have the primary domicile and does not say the Permittee. Interim Planning Director Cassidy suggested another bullet point could be added under 18.39.070(D), Permit Conditions, that the Permittee shall maintain residency. She suggested it could be made clearer that the Permittee must have physical residency, and not just have the status of residency. Town Attorney Silver said many residents live in Portola Valley six months and somewhere else six months. She said staff researched the different definitions of "resident," and decided on "primary domicile," which does require being on the premises 100 percent of the time. Chair Targ suggested more specificity under Section 18.39.170(A)(4) – Revocation or Suspension.

Commissioner Taylor asked why a Colorado statute was attached to the Ordinance. Chair Targ said he requested that because the basis for the 12-plant limit is material.

Commissioner Taylor asked if there was anything to prevent an owner from subcontracting the growing to someone else. Town Attorney Silver said someone could be hired to do the work for the Applicant or Permittee.

Commissioner Taylor asked for an update on the status of Track and Trace. Town Attorney Silver said it is up and running now, but she does not know if the Town can access the information yet.

With no further questions, Chair Targ invited public comment. Hearing none, Chair Targ asked Interim Planning Director Cassidy to summarize the letter received from John and Patti Zussman.

Interim Planning Director Cassidy said Mr. Zussman commented at a previous meeting that the maximum allowance of 12 plants is not enough for a viable commercial operation. She said in his letter, he requested allowing up to 25 plants and 500 square feet for an indoor license or 2,500 square feet for a greenhouse or mixed-light license. He also requested microbusiness licenses be considered, from production and growing to drying, curing, etc., into sales, possibly on-site.

Chair Targ invited comments from the Commission regarding the Zussmans' letter.

Commissioner Hasko said these are things that should be taken into consideration as the Town gains more experience, perhaps over the next year, rather than be implemented right now. She said there has been a lot of public participation and concern about making sure the metes and bounds of the new Ordinance are carefully considered in light of community values and children coming and going. She said the points are well taken from an economical point of view, although she does not have personal experience to know what scale is correct to achieve economic viability. She said it should be looked at in the longer term after the initial steps have been taken of setting up the basics.

Commissioner Taylor agreed with Commissioner Hasko. He suggested making sure the Zussmans' letter is part of the one-year review. He said at that time, additional data (local, statewide, and other states) would be available for review.

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Chair Targ agreed with the Commissioners. He said he was initially intrigued by the concept of the microbusiness. He said, however, that the Sheriff's office pointed out where the problems would be, and said Portola Valley did not have staffing capability to handle it. He said he was also influenced by the decision in Colorado to limit residential cultivation to 12 plants. He said Proposition 64 put most of the issues soundly and squarely before the municipalities that would be deciding the issues, except for the limit of six plants for personal use. Commissioner Taylor asked Chair Targ if the Narcotics Officer was concerned about sales or manufacturing. Chair Targ said it was both – that it is a high-valued commodity once manufactured, and a high-valued cash-oriented business with opportunity for problems to arise.

Chair Targ returned the discussion to property ownership. Town Attorney Silver suggested changing 18.39.140(B) from "Applicant" to "Permittee" – Permittee must have his or her primary domicile in the Town of Portola Valley. She also suggested adding a third bullet under that section stating that the residency requirements shall be maintained during the life of the Permit.

Commissioner Hasko asked where the link was between the Permittee and the owner of the property as opposed to the primary resident. Commissioner Taylor said it reads as though someone could be an individual who does not own the premises, but still be the Applicant. He said if that were tightened up a little bit to be clear about the requirements for an individual or LLC that owns a property. Town Attorney Silver said she will make that clarification before it goes to Council. Commissioner Hasko suggested it may be as simple as adding that the individual must own the property to which the Permit attaches.

Chair Targ returned the discussion to the subject of Sensitive Receptors. Commissioner Taylor said he did not like that the 600-foot buffer automatically applied to any trail system labeled as a Safe Route to School. He said a trail did not feel like a youth center. He said the map shows some trails that appear to be arbitrarily defined as a Safe Routes to School. Commissioner Hasko asked if the Safe Routes to School were conferred with any other special treatment in Town, such as safety, etc. Interim Planning Director Cassidy said maps like this can be used for grants, such as applying for grants improving sidewalks or crossings along these routes. She said having an already-established Safe Routes to School map increases the likelihood of being allowed to apply for such a grant. She said the map is not a Town map, but is the School District's map. Commissioner Taylor suggested not including the Safe Routes to School on the Sensitive Receptors list. Chair Targ said the trails would still have an appropriate shield or buffer with the existing restriction that personal outdoor cultivation not be allowed in the ordinary view from public rights of way or publicly owned or maintained trails. Commissioner Hasko agreed. Interim Planning Director Cassidy said she did not know if Portola Valley organizations used the Safe Routes to Schools map for events such as Bike to Work Day. Commissioner Hasko asked if the routes labeled Safe Routes to School, even if not listed on the Sensitive Receptor list, would be considered youth centers. Commissioner Taylor said he considered a youth center a place people congregate, not pass through. He said a trail or a Safe Route to School is a passageway, not a place to congregate. Commissioner Hasko said the Safe Routes to School can be taken out of the Sensitive Receptor list, and it can be left for another day to decide if they would be considered youth centers. Chair Targ suggested it be added that the Town shall maintain a publicly available non-exclusive list of Sensitive Receptors. Commissioner Taylor asked if a Permit could be revoked if a school opened up next door, or if it would just not be allowed to be renewed. Chair Targ said it could be revoked based on a material change in fact upon which the Permit was granted.

Chair Targ suggested adding the non-exclusive list of Sensitive Receptors to the Ordinance at 18.39.030(T). The Commission agreed.

Commissioner Taylor asked for discussion about the underlying logic for the difference between the buffer requirements for personal and commercial – 600 feet to the cultivation site for personal versus 600 feet to the property line for commercial, as stated in Section 18.39.040(B)(2). Town Attorney Silver

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said State law requires a minimum 600-foot buffer from Sensitive Receptors as measured property line to property line.

The Commission discussed amending Section 18.13.170(4). Town Attorney Silver said the Permit structure was intentionally couched as a one-year Permit and does not run with the land. She said it would not be fair to a Permittee that they be found in violation because a sensitive receptor neighbor moved in. Chair Targ said it is a Use Permit and not an entitlement and, renewal could be denied at the annual review. Interim Planning Director Cassidy said a family daycare requires a State permit, not a Town permit, and could potentially open right away next door. The Commission agreed that the Permittee would not lose their Permit immediately upon such a development; however, the Permit would not be renewed at the year review. The Commission decided to leave Section 18.13.170(4) as is and revisit it at the yearly review.

Commissioner Taylor said “odor not detectable” feels too strongly worded and suggested using the reasonable person standard. Town Attorney Silver said the reasonable person standard is always incorporated into enforcement procedures. Commissioner Taylor said he did not want to create insurmountable hurdles, but also did not want things to get out of hand. Town Attorney Silver pointed out that cannabis is a seasonable crop, and there may be more odor during blooming times, so the Commission might want to consider a time restriction; however, she said staff does not have the technical expertise at this point to make that kind of determination. The Commission agreed that could be a topic of discussion during the yearly review.

Commissioner Taylor said the Zussmans’ letter should be included in the yearly review, and disparity in the buffer requirements for personal and commercial should also be reviewed at that time.

Town Attorney Silver said staff will:

- Clarify the owner versus Applicant language;
- Modify Section 18.39.020(T) to read “Sensitive Receptor means schools providing education to K-12 grades, daycare centers, Youth Centers, and public parks, including, but not limited to, the following” and include the itemized list of Sensitive Receptors;
- Modify Section 18.39.140(b), changing “Applicant” to “Permittee,” add “and shall own the property” to the end of bullet point #1, and add a third bullet stating the residency requirement shall be maintained during the life of the permit;
- Modify Section 18.39.170(A)(4) to remove the word “or.”

Commissioner Hasko moved to recommend that the Town Council find the Proposed Cannabis ordinance exempt from the California Environmental Quality Act. Seconded by Commissioner Taylor; the motion carried 3-0.

Commissioner Taylor moved to recommend that the Town Council approve amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code, including the modifications as discussed. Seconded by Commissioner Hasko; the motion carried 3-0.

Chair Targ congratulated staff and the Town Council in the excellent work in bringing the Planning Commission to this point. Commissioner Taylor also commended staff and the Town Council for getting this done in only two months, as has been commented on by the public as well.

DRAFT MINUTES

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. News Digest: Planning Issues of the Day

Interim Planning Director Cassidy included in the staff packet articles concerning peak motorization and providing housing specific to teachers. She invited the Commission to suggest articles of interest for future staff packets.

APPROVAL OF MINUTES.

3. Planning Commission Meeting of February 7, 2018.

This agenda item was continued to the next meeting.

ADJOURNMENT [8:23 p.m.]