

ORDINANCE NO. 5262

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 21.63 TO THE MONTEREY COUNTY CODE RELATING TO THE ESTABLISHMENT OF DESIGN GUIDELINES AND AMENDING TITLE 21 OF THE MONTEREY COUNTY CODE RELATING TO EXTERIOR LIGHTING REQUIREMENTS FOR ALL NON-COASTAL ZONING DISTRICTS.

County Counsel Summary

This ordinance adds Chapter 21.63 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code to establish a process by which the Board of Supervisors may adopt design guidelines for site design, exterior lighting, and other potential design-related topics for new development in the non-coastal unincorporated area of Monterey County. The ordinance also specifically provides for adoption by the Board of Supervisors of design guidelines for exterior lighting for the non-coastal unincorporated area of Monterey County, to be known as the "Design Guidelines for Exterior Lighting." The purpose of the Design Guidelines is to define lighting terms and detail specific performance criteria to implement the 2010 Monterey County General Plan policy that exterior lighting be unobtrusive, reduce off-site glare, and only light an intended area. This ordinance also amends the site development standards for all non-coastal zoning districts to require, with some exceptions, that all exterior lighting associated with new construction permits be consistent with the Design Guidelines. Such exterior lighting would be subject to review and approval by the County Director of Planning.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. This ordinance proposes to add Chapter 21.63 to Title 21 (non-coastal zoning ordinance) of the Monterey County Code to establish a process by which the Board of Supervisors may adopt design guidelines for site design, exterior lighting, and other potential design-related topics for new development.

C. Future development in Monterey County will result in new sources of night time lighting. These new sources may result in light trespass, light pollution, and glare. Light trespass is unwanted light from a neighboring property or roadway and can be both a nuisance and a health and safety risk. Glare and light pollution could result in sky glow, the haze of light that surrounds highly populated areas. Excessive glare and light pollution can be minimized through

proper placement and light fixture design. To that end, the 2010 General Plan Land Use Element Policy LU-1.13 provides that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced, and off-site glare is fully controlled. The policy calls for the development of enforceable design guidelines to guide the review and approval of exterior lighting with specific criteria on the direction of light, shielding, and location of lighting. This ordinance implements the policy by providing for the Board of Supervisors to adopt Design Guidelines for Exterior Lighting, which would define lighting terms and provide specific performance criteria for the location/direction of fixtures, fixture design, and number of fixtures for projects. This ordinance also amends each zoning district to require, with some exceptions, that all exterior lighting associated with new construction permits be consistent with the Design Guidelines. Such exterior lighting would be subject to review and approval by the Director of Planning.

D. This ordinance is intended to implement the General Plan policies to reduce impacts of light and glare associated with development. The Final Environmental Impact Report (EIR) for the 2010 General Plan was certified by the Board of Supervisors on October 26, 2010. It determined that the alteration of the localized visual character and the introduction of new sources of light and glare in designated growth areas from implementation of the General Plan would have significant and unavoidable impacts. An addendum to the EIR has been prepared pursuant to CEQA Guidelines section 15164 for adoption of this ordinance because none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred. The ordinance does not propose substantial changes that would require major revisions in the EIR due to involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified by the EIR, nor are there changes in circumstances or new information of substantial importance that would involve new significant environmental effects or a substantial increase in the severity of significant effects previously identified by the EIR. As found by the EIR, the design guidelines and enforcement of these guidelines for new exterior lighting in inland Monterey County would minimize impacts of new light sources and glare resulting from these light sources, but would not reduce significant effects to a level of less than significant.

SECTION 2. Chapter 21.63 is added to the Monterey County Code to read as follows:

CHAPTER 21.63 DESIGN GUIDELINES

Sections:

21.63.010 – Purpose.

21.63.020 – Design Guidelines for Exterior Lighting.

21.63.010 Purpose.

The purpose of this Chapter is to establish a process by which the Board of Supervisors may adopt design guidelines for site design, exterior lighting, and other potential design-related topics for new development. The intent of these guidelines is to provide guiding principles and criteria for siting and design of development projects without dictating a particular design feature

or architectural style. Utilization of these design guidelines is intended to enhance the preservation of Monterey County's environmental and visual resources such as views of the night sky, sensitive public viewsheds, and natural landscapes.

21.63.020 Design Guidelines for Exterior Lighting.

A. The Board of Supervisors shall by resolution adopt, and may from time to time amend, design guidelines for exterior lighting, which shall be known as the Design Guidelines for Exterior Lighting. The purpose of these guidelines is to implement Policy LU-1.13 of the 2010 General Plan that requires exterior lighting to be unobtrusive, reduce off-site glare, and light only an intended area.

B. The Design Guidelines for Exterior Lighting shall establish criteria for the location and direction of fixtures, number of fixtures, and design of fixtures so as to make exterior lighting unobtrusive, reduce off-site glare, and light only the intended area. These guidelines shall be enforceable by the Director of Planning.

C. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting.

D. The following types of lighting are exempt from subsection C above:

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

E. Additionally, the Design Guidelines for Exterior Lighting shall include information on energy efficiency and best management practices for exterior lighting.

SECTION 3. Subsection H of Section 21.10.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
 - b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 4. Subsection H of Section 21.12.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 5. Subsection H of Section 21.14.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 6. Subsection H of Section 21.16.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:
 - a) Plans indicating the location of each light fixture; and
 - b) Manufacturer's catalog specification sheet for each type of fixture.
 - c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 7. Subsection E of Section 21.18.070 of the Monterey County Code is amended to read as follows:

- E. Lighting Requirements.
 1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.
 2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.
 3. Applications for construction permits which are subject to these lighting regulations must include the following information:
 - a) Plans indicating the location of each light fixture;
 - b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and c)
 - c) Manufacturer's catalog specification sheet for each type of fixture.
 - d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 8. Subsection E of Section 21.20.070 of the Monterey County Code is amended to read as follows:

- E. Lighting Requirements.
 1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.
 2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.
 3. Applications for construction permits which are subject to these lighting regulations must include the following information:
 - a) Plans indicating the location of each light fixture;
 - b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
 - c) Manufacturer's catalog specification sheet for each type of fixture.
 - d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 9. Subsection E of Section 21.22.070 of the Monterey County Code is amended to read as follows:

E. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture;
- b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
- c) Manufacturer's catalog specification sheet for each type of fixture.
- d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 10. Subsection F of Section 21.24.070 of the Monterey County Code is amended to read as follows:

F. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture;
- b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
- c) Manufacturer's catalog specification sheet for each type of fixture.
- d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 11. Subsection E of Section 21.26.070 of the Monterey County Code is amended to read as follows:

E. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture;
- b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
- c) Manufacturer's catalog specification sheet for each type of fixture;
- d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 12. Subsection E of Section 21.28.070 of the Monterey County Code is amended to read as follows:

E. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture;
- b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
- c) Manufacturer's catalog specification sheet for each type of fixture.
- d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 13. Subsection G of Section 21.30.060 of the Monterey County Code is amended to read as follows:

G. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.

c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 14. Subsection H of Section 21.32.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 15. Subsection G of Section 21.34.060 of the Monterey County Code is amended to read as follows:

G. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 16. Subsection H of Section 21.36.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 17. Subsection H of Section 21.38.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture; and
- b) Manufacturer's catalog specification sheet for each type of fixture.
- c) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 18. Subsection H of Section 21.40.060 of the Monterey County Code is amended to read as follows:

H. Lighting Requirements.

1. For any new development that includes exterior lighting, all exterior lighting shall be consistent with the Design Guidelines for Exterior Lighting adopted by the Board of Supervisors pursuant to Section 21.63.020, unless exempt under Section 21.63.020.D.

2. Review by the Director of Planning of all exterior lighting associated with any construction permit for consistency with the Design Guidelines for Exterior Lighting and approval by the Director of Planning are required prior to issuance of the construction permit.

3. Applications for construction permits which are subject to these lighting regulations must include the following information:

- a) Plans indicating the location of each light fixture;
- b) Photometric study, prepared by a licensed engineer, showing existing and proposed lighting intensity in foot-candles for the subject parcel and surrounding parcels; and
- c) Manufacturer's catalog specification sheet for each type of fixture.
- d) The Director of Planning may waive these submittal requirements or request additional information, as deemed necessary on a project by project basis.

SECTION 19. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 20. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 26day of January, 2016, by the following vote:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

ABSTAIN: None

/s/ Jane Parker

Jane Parker, Chair,

Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI

Clerk of the Board of Supervisors

By: /s/ Gail T. Borkowski

Deputy

APPROVED AS TO FORM BY:

/s/ Wendy S. Strimling

Wendy S. Strimling

Senior Deputy County Counsel