



OPEN SPACE AND ECOLOGY COMMITTEE AGENDA REPORT

Meeting Date: February 22, 2023

From: OSEC & Planning Staff

Subject: "Dark Skies" outdoor lighting ordinance

Purpose

Receive direction on whether to pursue International Dark Sky Community certification or a more flexible outdoor lighting ordinance customized to Brisbane's needs.

Recommendation

Staff recommends preparation of a customized, locally-appropriate outdoor lighting ordinance for City Council consideration.

Background

Dark starry nights, like natural landscapes, clean water, and clear unpolluted air, are valued in many ways by Brisbane's residents and visitors. Outdoor light pollution degrades the nighttime environment and particularly disrupts migrating species, human rest, and natural processes that remove pollutants from the air. To that end, members of OSEC have long been interested in promoting dark sky awareness and protection in Brisbane and have been for some time working with staff to craft an outdoor lighting ordinance through an ad hoc subcommittee. While the subcommittee voiced their preference for developing an ordinance that would meet standards set by the International Dark Sky Association at the beginning of this process, there has been ongoing discussion between staff and the subcommittee on whether this goal is achievable.

The International Dark-Sky Association is an organization that recognizes legally organized cities and towns that have shown "exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education and citizen support of dark skies".¹ Such places may apply for certification as an International Dark Sky Community (IDSC). Successful applications must demonstrate that the community's lighting code meets specific criteria and include documentation of community commitment to dark skies. The application process takes on average 1-3 years from initial inquiry to the formal designation.²

As published on the International Dark-Sky Association website, so far only two communities in California are listed as IDSC-certified, Julian and Borrego Springs. Both are located in unincorporated San Diego County and use the same ordinance to meet IDSC certification

¹ <https://www.darksky.org/our-work/conservation/idsp/communities/>

² <https://www.darksky.org/our-work/conservation/idsp/become-a-dark-sky-place/>

requirements. The region covered by the ordinance includes two observatories, Palomar and Mount Laguna, and abuts Anza Borrego Desert State Park, which encompasses 12 designated wilderness areas. Julian and Borrego Springs both have permanent community groups dedicated to dark sky awareness: Julian Dark Sky Network & Borrego Dark Sky Coalition.

Discussion

Staff notes the City would require significant additional resources for requisite plan check requirements, inspections, and code enforcement of an IDSC-compliant ordinance and ongoing programming required to achieve and maintain certification.

Specific concerns include the need to regulate publicly owned lighting/signage, which the City Engineer has concern about the limitations of, and Police Department concern over security in commercial districts. Community Development is concerned about the disproportionate impact of IDSC compliance materials adding complexity to applicant preparation and plan check of minor remodel or tenant improvement projects, and subsequent potential for chilling permit applications. If the city wished to exempt lighted holiday stars on homes and businesses, the ordinance may not qualify for certification. Furthermore, while any ordinance would necessarily include public input, IDSC certification requires robust and documented community engagement and buy-in prior to consideration of an ordinance and ongoing community commitment to dark skies education. Additional resources required would include additional code enforcement staff, including some working evening hours, which may be challenging to hire, train and retain, and would have attendant budgetary impacts.

To give an example, to be eligible for IDSC certification, Brisbane's outdoor lighting ordinance would need to 1) restrict the total amount of unshielded lighting by site and 2) evaluate total light output by site. Evaluating lighting on a per-site basis would require complete lighting inventories, which is burdensome for applicants as well as planning staff. However, there are alternatives that would meet the objective of a quality outdoor lighting ordinance and are achievable, such as restrictions on lighting types and shielding requirements which are evaluated on a per-fixture basis.

Staff has shared these concerns with the subcommittee and provided research and draft ordinance language for their consideration of a comprehensive outdoor lighting ordinance that is substantially based on the IDSC certification criteria that is tailored to the City's unique setting, mix of land uses, and staff resources. This approach will allow for a customized, locally-appropriate ordinance that can be implemented quickly and achieve significant reductions in nighttime light pollution. Staff suggests establishing a monitoring period following adoption of such an ordinance so that staff and OSEC can evaluate its effectiveness and then determine whether IDSC certification is desired and/or feasible to pursue in the future.