

Table 1. Agenda Bill 6019 - City Council Questions and Staff Responses.

Submitted By	Question	Staff Response
David Rosenbaum	How are lights on decks/patios considered?	Lights on decks and patios would be subject to the proposed standards. Any exterior residential lighting fixture in residential zones would be subject to the proposed standards unless exempted under 19.02.020(K)(1).
	Are the included - lights should be directed towards the deck, and not trespass onto neighboring property?	The standards are designed to minimize light shining beyond the property boundaries (19.02.020(K)(2)(a)). They can be directed toward a deck or away from a deck as long as they meet the other standards. In general, the intent of the standards is to direct lighting downward, cap the brightness of individual fixtures, prevent light from shining onto neighboring properties, and keep motion sensors from being activated from off-site movement.
	Also, has Ed taken a look at this as it relates to security lighting? I saw the piece around motion sensors. My concern would be that for a security light, my understanding is that you're not looking just to illuminate the "target" that triggered the light to activate, but a larger area as a deterrent.	Good question. To date the Police Chief has not reviewed this proposed amendment, but a request has been made for him to do so between first and second readings. Under the proposed standards, lighting triggered by motion sensors may illuminate a broader area of the yard, as long as it is shielded or angled downwards, does not spill over beyond the property boundary, and is not triggered by <i>off-site</i> movement. For example, a conventional flood light with a motion sensor would be allowed to be placed at the front of a garage to illuminate the driveway and front walk, provided it met the other standards.
Craig Reynolds	K1A: Does this refer to FIXTURES within the ROW, or light cast onto the ROW?	<p>The proposed 19.02.020(K)(1)(a) exempts lighting fixtures legally installed in public rights of way. This covers fixtures such as streetlights, lighted bollards, or other traffic and pedestrian safety lighting.</p> <p>The idea behind the standards is that conforming lighting fixtures installed outside of the right of way would not cast light into the</p>

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		right of way because those fixtures would be designed to prevent light spilling over beyond the property boundaries.
	K1A: Under what circumstances are permits issued for light fixtures in the ROW?	A permit is issued for new lighting fixtures in the ROW, typically as part of a larger public works project. The term “permitted” was added by the Planning Commission during deliberations. An alternative term could be “legally established” as this would cover any legal lighting fixture regardless of whether a permit was issued.
	K1D: Is it 200 lights EACH, or in AGGREGATE? If EACH, did the PC consider a companion aggregate limit?	<p>The intent was that this limit would apply to each lighting fixture without setting an aggregate limit. For reference, a fixture producing 200 lumens is approximately the brightness of a 25-watt incandescent bulb.</p> <p>The Planning Commission did not discuss an aggregate limit. They wanted to allow low-brightness fixtures that typically light up walkways. The idea here is that if each fixture is capped at 200 lumens, the aggregate limit is unnecessary because the brightness of each fixture would be relatively low.</p> <p>Note: An aggregate brightness limit is not set for any exterior lighting fixtures in the proposed standards. Only the brightness for individual fixtures is limited.</p>
	K2bi: I am not understanding this definition. Does SOLID OPAQUE mean no light gets out? Would this definition mean that a conventional flood light, even if pointed down, would not be allowed, unless inside a shielding fixture?	<p>Shielding that is solid and opaque would not allow light to pass through it. The proposed regulations allow fixtures to be either fully shielded <i>or</i> partially shielded.</p> <p>Fully shielded fixtures have a solid opaque barrier that completely obscures the bulb so it cannot be seen below the shielding.</p> <p>Partially shielded fixtures can have some amount of a solid opaque barrier <i>or</i> be angled no more than 45 degrees above straight down.</p>

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		<p>A fixture like a conventional flood light that has no solid opaque barrier is allowed provided it is directed downward.</p> <p>Fixtures are allowed to be either shielded or directed downward.</p>
	<p>K2bii: Can you clarify the intent of the last clause of this definition? Consider a light on a hillside where the hill slope is 45 degrees, and the light points 45 degrees “away from straight down”, shining downhill. This meets the “angled no more than 45 degrees above straight down criteria” but would be outside the “half-way between perpendicular and parallel” criteria. And if pointed uphill the reverse would be true, A line that was pointed exactly parallel to a theoretical level ground would be 90 degrees away from straight down (failing the first test) but would meet the second test. Which one of these would be allowed and which one not?</p>	<p>Straight down is always pointing directly at the adjacent grade. The perpendicular and parallel measures rotate relative to the angle of the adjacent grade. Because perpendicular and parallel are relative to the grade and the placement of the fixture, 45 degrees above straight down will consistently be halfway between the perpendicular and parallel. This angle would be determined on a per-fixture basis.</p>
Lisa Anderl	<p>Can you confirm that this ordinance would apply to new lighting fixtures on existing homes after the effective date?</p>	<p>Yes, all new exterior lighting fixtures serving residential uses in residential zones would be subject to the regulations.</p> <p>The proposed standards would operate similar to fence standards in that fences generally do not require a permit if they are less than eight feet tall and will not be accompanied by substantial earthwork like a retaining wall. Fences still must meet the other standards established, even if they are not required to get a permit.</p>
	<p>If so, can you confirm whether or not such exterior lighting would require a permit?</p>	<p>A separate permit for lighting would not be required. Another permit such as a building or electrical permit would be required if the proposed associated work requires such a permit.</p>

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	<p>If not, how would retrofitting be enforced?</p>	<p>New exterior lighting fixtures would be required to meet the requirements even if a permit is not required. In these instances, new exterior lighting fixtures could be subject to code enforcement if they do not meet the standards.</p> <p>The proposed standards are designed to make compliance relatively easy. Most lighting fixtures exceeding the lumen limit could be brought into compliance by changing the bulb. Most fixtures not meeting the directional/shielding requirements could be repositioned to direct downward.</p>
	<p>Under K.1.a., can you give an example of what "permitted lighting within a[n] . . . easement" would be?</p>	<p>These types of lighting would be for the purpose of illuminating roads, pedestrian ways, and trails. Examples are streetlights or lighted bollards. See also the answer to Craig Reynolds' second question.</p>
	<p>In the past 12/24/36 months, how many complaints have we received on residential exterior lighting?</p>	<p>No code enforcement complaints have been logged in the last couple of years. This is probably because the City does not have existing lighting regulations. If a person were to attempt to report a complaint about lighting, they would be told the code does not restrict residential exterior lighting and the City would not have a reason to open a code enforcement file on an unregulated use/structure.</p>
	<p>How would enforcement be handled in general, new or old construction?</p>	<p>Code enforcement follows these general steps:</p> <ul style="list-style-type: none"> • The property owner is notified of the noncompliance and asked to fix it voluntarily. This notice will include a timetable for resolving the issue and information on how to remedy the noncompliance, and • If the noncompliance is not remedied voluntarily, the property owner could be issued a notice of violation and be subject to civil penalties.

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		As noted above, the proposed regulations are intended to be relatively easy to comply with: by either replacing a lightbulb or repositioning a directional light fixture.
	Is there an estimate of what the enforcement cost might be?	The cost of enforcement is challenging to quantify because these are new standards and the quantity of future complaints is unknown. In most cases, voluntary compliance should be achievable without requiring the more lengthy and costly notice of violation process.
Salim Nice	How many exterior lighting complaints have we received since 2020? Have any complaints about exterior lighting, at any time, been submitted by the applicant of the docket proposal?	<p>No code enforcement complaints have been logged in the last couple of years. This is probably because the City does not have existing lighting regulations. If a person were to attempt to report a complaint about lighting, they would be told the code does not restrict residential exterior lighting and the City would not have a reason to open a code enforcement file on an unregulated use/structure.</p> <p>Staff believe the docket applicant has likely attempted to make complaints related to exterior lighting in the past and was told these lights are not regulated by the City.</p>
	How much non-conformity will be created by the Planning Commission's recommendation?	<p>It is likely that many existing exterior lighting fixtures in residential zones would become nonconforming to one or more of the proposed standards if they are adopted. Legally established existing lighting fixtures that become nonconforming are allowed to continue to exist as a legally existing nonconformity, subject to MICC 19.01.050 Nonconforming structures, sites, lots, and uses.</p> <p>If a fixture was completely replaced it would be required to conform to the standards. Note that the proposed</p>

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		<p>19.02.020(K)(1)(b) exempts repair of legally established existing fixtures from the new lighting standards.</p> <p>See the response to Lisa Anderl's third question above for additional discussion of nonconformity.</p>
	<p>What will the additional incremental cost be to enforce this new code language? Is it enforceable?</p>	<p>The additional cost of enforcement is challenging to quantify because these are new standards and the quantity of future complaints is unknown.</p> <p>The proposed standards are designed to make voluntary compliance relatively easy. Most lighting fixtures exceeding the lumen limit could be brought into compliance by changing the bulb. Most fixtures not meeting the directional/shielding requirements could be repositioned to direct downward.</p>
	<p>Will construction permit costs increase? Will construction permits take longer to issue?</p>	<p>Permit costs are unlikely to increase. Review of permits for meeting the standards should integrate relatively easily into existing permit review procedures. The proposed standards are unlikely to affect the review time for building permits.</p>
	<p>Does the language in K. Exterior Lighting, 2. Standards, a. All exterior lighting shall be designed.... indicate that this code is being directed at new construction? If not, would staff recommend limiting the requirements to new construction?</p>	<p>The proposed regulations are not retroactive. These regulations would only apply to new and replaced exterior lighting fixtures.</p> <p>Note the proposed 19.02.020(K)(1): "[...] This section applies to all exterior lighting serving residential uses installed after the effective date of this ordinance in the R-8.4, R-9.6, R-12, and R-15 zones. [...]"</p>
	<p>Should fully or partially shielded definitions be expanded to include opaque barriers on the bulb (e.g., frosted bulb)? As written, is the fixture the only allowable barrier?</p>	<p>As written, the proposed standards would only allow the fixture and its direction as the allowed barrier. The advantage of specifying that the fixtures be the source of shielding rather than bulbs is that bulbs are expected to be replaced through the life of</p>

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		<p>the fixture. A shielded bulb is much more likely to be replaced with an unshielded bulb than a replacement of a shielded fixture with an unshielded fixture.</p> <p>If the Council would like to include shielded bulbs, this language can be included in 19.02.020(K)(2)(b)(i) and/or (ii) as desired. There does not appear to be a standard way of describing this kind of bulb. A description of the desired bulb could be, "A bulb with a solid opaque barrier positioned so that the source of illumination is not visible outside of the light fixture."</p>