

**Malibu City Council**  
**Zoning Ordinance Revisions and**  
**Code Enforcement Subcommittee (ZORACES)**  
**Special Meeting Agenda**

**Tuesday, August 23, 2016**

**3:00 P.M.**

**City Hall – Zuma Room**  
**23825 Stuart Ranch Road**

**Mayor Pro Tem Skylar Peak**  
**Councilmember Laura Rosenthal**

**Call to Order**

**Approval of Agenda**

**Report on Posting of the Agenda** – August 19, 2016

**Public Comment** *This is the time for the public to comment on any items not appearing on this agenda. Each public speaker shall be allowed up to three (3) minutes for comments. The Subcommittee may not discuss or act on any matter not specifically identified on this agenda, pursuant to the Ralph M. Brown Act.*

**Discussion Items**

1. **Approval of Minutes – August 9, 2016**

Recommended action: Approve the minutes of the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) Special meeting of August 9, 2016.

Staff contact: Planning Director Blue, 310-456-2489, ext. 258

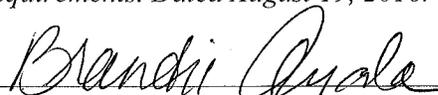
2. **Zoning Text Amendment No. 13-001 to Establish a Citywide Lighting Ordinance**

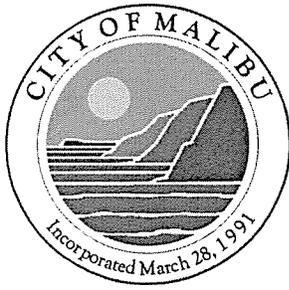
Recommended action: Review the updated draft citywide lighting ordinance and provide staff with comments and recommendations.

Staff contact: Planning Director Blue, 310-456-2489, ext. 258

**Adjournment**

*I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated August 19, 2016.*

  
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Brandie Ayala, Administrative Assistant



Zoning Ordinance  
Revisions & Code  
Enforcement  
Subcommittee Meeting  
08/23/16

## Item 1

### Zoning Ordinance Revisions and Code Enforcement Subcommittee Agenda Report

**To:** Zoning Ordinance Revisions and Code Enforcement  
Subcommittee (ZORACES) Members Rosenthal and Peak

**Prepared by:** Bonnie Blue, Planning Director 

**Date prepared:** August 16, 2016 **Meeting date:** August 23, 2016

**Subject:** Approval of Minutes – August 9, 2016

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**RECOMMENDED ACTION:** Approve the minutes of the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) Special meeting of August 9, 2016.

**DISCUSSION:** Staff has prepared draft minutes for the ZORACES Special meeting of August 9, 2016 and hereby submits the minutes to the Subcommittee for approval.

**ATTACHMENT:** Draft Minutes of the August 9, 2016 ZORACES Special meeting

MINUTES  
MALIBU ZONING ORDINANCE REVISIONS AND CODE ENFORCEMENT  
SUBCOMMITTEE  
SPECIAL MEETING  
AUGUST 9, 2016  
CITY HALL - ZUMA ROOM  
4:00 P.M.

CALL TO ORDER

Commissioner Rosenthal called the meeting to order at 4:00 p.m.

ROLL CALL

The following persons were recorded in attendance:

PRESENT: Mayor Laura Rosenthal and Mayor Pro Tem Skylar Peak

ALSO PRESENT: Bonnie Blue, Planning Director and Jasch Janowicz, Contract Planner;  
and Planning Commission Chair John Mazza

APPROVAL OF AGENDA

CONSENSUS

By consensus, the Subcommittee approved the agenda.

REPORT ON POSTING OF AGENDA

Planning Director Bonnie Blue reported that the agenda for the meeting was properly posted on August 5, 2016.

PUBLIC COMMENT

None.

DISCUSSION ITEMS

1. Approval of Minutes – May 9, 2016

Recommended Action: Approve the minutes of the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) Special Meeting of May 9, 2016.

CONSENSUS

By consensus, the Subcommittee approved the minutes of the ZORACES Special Meeting of May 9, 2016.

2. Zoning Text Amendment No. 16-002 to Allow Valet Parking Lots Serving Hotels, Motels, and Bed and Breakfast Inns Located in the CV-1 and CV-2 Zoning Districts

Recommended Action: Review the proposed amendments to the Malibu Municipal Code allowing the use of valet parking lots for hotels, motels, and bed and breakfast inns located

in the Commercial Visitor Serving-One (CV-1) and Commercial Visitor Serving-Two (CV-2) zoning districts.

#### CONSENSUS

By consensus, the Subcommittee expressed potential support for the inclusion of off-site valet parking standards for hospitality uses in the CV-1 and CV-2 zoning districts provided that expressed concerns can be addressed and requested that staff complete additional research and return back to ZORACES with a report on the following research topics:

1. Consider increasing or eliminating the allowable distance between the use from the proposed off-site valet parking lot to serve the use. Limiting the off-site lots to within 1,000 feet may be too limiting. Provide a summary of the approach taken in other jurisdictions;
2. Provide a summary of the valet parking space dimensions required in other cities with off-site valet parking programs and consider potentially requiring full size parking spaces (nine-foot by twenty-foot) within all valet parking spots;
3. Provide a summary of any pre-existing public parking restrictions applicable to properties located in and around the pier area hotels (22761 Pacific Coast Highway (PCH), 22821 PCH, 22809 PCH, 22917 PCH), which may create conflicts with the Coastal Commission mandate of maintaining public access to the coast;
4. Summarize the potential to manage and/or prioritize the use of off-site valet lots for long-term users versus short-term users;
5. Summarize opportunities for using permeable paving within the off-site valet parking lots;
6. Whether existing lots serving existing uses be shared and used as off-site valet lots for other uses; and
7. Whether valet lots would be only allowed for valet use, or also shared with self-parking.

#### ADJOURNMENT

#### CONSENSUS

By consensus, the Subcommittee adjourned the meeting at 5:00 p.m.

Approved and adopted by the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City of Malibu on August 23, 2016.

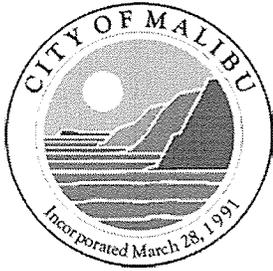
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LAURA ROSENTHAL, Councilmember

ATTEST:

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MARY LINDEN, Executive Assistant



Zoning Ordinance  
Revisions & Code  
Enforcement  
Subcommittee Meeting  
8-23-16

## Item 2

### Zoning Ordinance Revisions and Code Enforcement Subcommittee Agenda Report

**To:** Zoning Ordinance Revision and Code Enforcement Subcommittee  
(ZORACES) Members Rosenthal and Peak

**Prepared by:** Bonnie Blue, Planning Director *BB*

**Date prepared:** August 18, 2016                      **Meeting date:** August 23, 2016

**Subject:** Zoning Text Amendment No. 13-001 to Establish a Citywide  
Lighting Ordinance

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**RECOMMENDED ACTION:** Review the updated draft citywide lighting ordinance (attached) and provide staff with comments and recommendations.

**DISCUSSION:** On May 9, 2016, staff presented proposed a draft ordinance that primarily addressed outdoor lighting standards for residential properties. The updated draft reflects most of the subcommittee's recommended changes, with a few exceptions which are discussed in more detail below, and also adds standards for open space and non-residential properties.

This draft of the ordinance pulls several elements from the City of Ojai's exterior lighting standards ordinance, while maintaining the intent and objectives of the Model Lighting Ordinance (MLO). The complex non-residential standards of the MLO have been simplified in favor of a prescriptive approach. Staff believes this approach will achieve the same result while having the advantages of being far easier for laypeople to understand, and simpler and less expensive to implement and enforce. To date, no jurisdictions have adopted the full MLO, due primarily to its complexity.

The updated draft ordinance has the following general features:

- All fixtures are required to be fully shielded, all fixtures are generally limited to 850 lumens, unless controlled by motion sensors, and curfews are established by use category (open space, residential, and all other zoning).
- The lighting zone concept of the MLO has been simplified so that the need for a separate lighting zone overlay map has been eliminated while still reflecting Malibu's rural character and intent to curb light pollution. Under the original

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approach, all properties were either going to be in the LZ0 (wilderness/no ambient lighting) or LZ1 (low ambient lighting), and further regulated with standards based on whether they were residential or non-residential. The same goal can be accomplished regulating the differences in lighting needs based on uses – open space, residential and non-residential. Standards have been tailored to the needs of these uses and overall ordinance goals without the addition of a lighting zone overlay that would be adopted and amended like a zoning map.

- Terminology has been simplified. The list of definitions has been reduced from three pages to one page.
- Standards from the Local Coastal Program (LCP) and the City's standard conditions have been incorporated.
- Residential and most non-residential property owners can achieve compliance without the need for a lighting designer.
- Staff can complete standard conformance review without a lighting consultant, which will expedite application processing.

One of the subcommittee's recommendations was to create a method for establishing an overall lighting budget (limit on total outdoor lumens) for each residential property based on property and building size, excluding basements. The intent was to ensure properties would not be over-lighted using only prescriptive standards. With the requirement for all lighting to be fully shielded and aimed downward, plus the inclusion of the individual lumen limits on all lighting that is not otherwise controlled by motion sensors, it is expected that the additional requirement of a total lighting budget and accounting for every fixture is not necessary. The hope is that a simpler ordinance will be more readily accepted by property owners.

Similarly, for non-residential properties, the MLO include a prescriptive method and performance method for regulating lighting. These methods have not been incorporated into the draft ordinance at this time, primarily because for all but the simplest projects, the information needed to comply is not easy to obtain. Specifically, the Backlight, Uplight and Glare (or BUG) ratings of fixtures are typically only available in photometric analyses and understood by lighting designers. This could complicate compliance and enforcement. Staff is investigating additional options that achieve the goals of the MLO in a more straightforward way.

A few issues that remain to be addressed in the next iteration of the ordinance include:

- Site lighting standards for non-residential uses, including standards for unique uses, such as gas stations and ATMs;
- The threshold for when existing development that is being altered (e.g., an addition, remodel or accessory development) must update non-compliant lighting;
- Standards for temporary lighting (such as under temporary use permits and special event permits), if desired;
- Enforcement and penalties, including possible incentives for compliance; and

- Investigating options for limiting the outdoor effects of indoor lighting, such as from structures with extensive windows, using sea turtle regulations as a possible guide.

### ***Outreach***

In order to broaden awareness of the ordinance, educate the community about the benefits of dark skies lighting, and gather feedback from residents and property owners, staff proposes scheduling a workshop with the Planning Commission prior to presenting a draft ordinance at a public hearing. In the meantime, a Lighting Ordinance webpage and e-notification subscription option are being created to serve as an information hub for this project.

### ***Summary of Proposed Ordinance***

This summary briefly explains the reasoning behind the provisions included in this draft of the ordinance. Self-explanatory elements and provisions carried over from the previous draft are not discussed.

#### 17.41.010 – Title

The title was revised to better reflect the City's intent for the ordinance.

#### 17.41.020 - Purpose

The purposes were slightly modified and a reference to the General Plan was added.

#### 17.41.030 - Applicability

C. The intent of this provision is to put property owners who apply for land use entitlements after the ordinance becomes effective on notice that they will need to comply with the standards, including retrofitting non-compliant lighting before the compliance deadline. If their development triggers earlier compliance, then updating the lighting would become a part of the development application, ahead of the deadline.

D. This provision applies to properties that have fixtures with mountings that allow them to be aimed in a particular direction and requires immediate remediation of light pollution problems by aiming them appropriately as soon as the ordinance becomes effective.

E. The intent of this provision is to avoid conflicts with previous conditions of approval that pertain to lighting.

F. Minor clarifications and revisions were made to the excluded lighting and activities. The exclusion for water features and replacement of 25 percent of existing

luminaires was eliminated. Seasonal lighting is addressed elsewhere. An exemption for the Malibu High School field lights was added.

#### 17.41.040 – General Requirements

This section applies to all properties, regardless of land use zoning district.

A. Full shielding is required for all lighting.

E. The timeframe recommended by the subcommittee for allowing seasonal lighting has been added.

F. Limits for light trespass have been incorporated to facilitate ease of enforcement. It is impossible to isolate a parcel of land such that all light emanating from outside the property can be excluded. This section seeks to establish a reasonable limit that can be easily field verifiable with an instrument if excess light trespass is suspected. A code enforcement officer could use a light meter at the property boundary to determine if the foot-candle limit has been exceeded, rather than having to examine the individual light fixtures. The terms horizontal and vertical planes refer to the orientation of the light meter – either horizontally (as in flat in the palm of your hand) or vertically (facing the light source). The subcommittee could recommend different foot-candle limits. For reference, 0.1 foot-candle would be slightly brighter than the light of the full moon, while 0.25 foot-candle is even a little brighter. These figures are in use in the City of Ojai's ordinance.

H. The portions of the LCP ESHA and scenic lighting provisions, as well as the City's standard conditions that apply citywide have been included here. An allowance for motion controlled security lighting of shore areas under homes has been made in recognition of beachfront properties on caissons that where a deterrent for uninvited people may be needed.

#### 17.41.050 – Requirements by Zoning District

A. For the OS zone, the standards were taken directly from the LCP standards for lighting within ESHA and scenic areas. The curfew for all lighting, other than security lighting, is one hour after sunset.

B. For residential zones, the curfew is 11 p.m., except for lighting controlled by sensors and lighting at the main building entrance and property egress point. That lighting may remain on but must be limited to 850 lumens, and like all lighting, must be fully shielded. The 850 lumen limit per fully shielded fixtures is more restrictive than the 1,260 lumens allowed by the MLO prescriptive standards.

The subcommittee recommended that the LCP standards for lighting in scenic and ESHA areas be added to the ordinance. As specified in the LCP, these standards

apply only to properties located in ESHA and visible from public viewing areas.<sup>1</sup> For consistency with the LCP, the ordinance only triggers these requirements if the residential property is visible from public viewing areas or is located in ESHA. This would allow property owners outside those more sensitive areas to have lighting for aesthetic purposes, such as landscape lighting, as long as it does not exceed 850 lumens, is fully shielded, directed downward, and subject to curfew. Instead, the subcommittee could recommend the scenic and ESHA standards be applied to all residential properties.

C. All remaining zoning districts are covered in this section. The curfew is 11 p.m. or close of business for all lights except motion activated fixtures, and lighting at building entrances and property egress points. Fixtures attached to buildings are required to be fully shielded, directed downward and no more than 850 lumens. The next iteration of the ordinance would address other site lighting (such as for parking and other areas of the site) and unique lighting needs for uses like gas stations and ATMs. Additionally, a performance option could be added for to allow applicants who want a more complicated lighting design to pay additional fees to cover review by a lighting consultant hired by the City. The conformance standard could be compliance with the MLO's LZ1 non-residential requirements.

#### 17.41.060 – Site Plan Review

The standard site plan review process under Section 17.62.040 is proposed for handling applications that deviate from ordinance standards. Because the existing site plan review findings are not relevant to the issues related to lighting, four alternate findings have been proposed instead. The application process would require the standard notice to surrounding property owners.

#### 17.41.100 – Application to Legal Non-conforming Lighting

A. The requirement has been added for non-compliant lighting still in place after the compliance deadline to remain extinguished.

CEQA: It is anticipated that the ordinance would be exempt from the California Environmental Quality Act under the common sense exemption of CEQA Guidelines Section 15061(b)(3). This provision states that CEQA review is not required when there is no possibility that the ordinance may have a significant adverse effect on the environment.

STAFF FOLLOW-UP: Staff requests that ZORACES provide comments and recommendations on the draft ordinance.

ATTACHMENT: Draft Ordinance dated August 23, 2016

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<sup>1</sup> As defined in the Chapter 2 of the Local Implementation Plan (Definitions), a public viewing area is a location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.

Chapter 17.41

17.41.010. Title.

This chapter shall be known as the “Malibu Dark Skies Ordinance.”

17.41.020. Purpose.

The purpose of this chapter is to implement the goals of the General Plan and protect and promote public health, safety, welfare, quality of life and the ability to view the night sky, by establishing regulations and a process for review of outdoor lighting in order to accomplish the following:

- A. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned light fixtures, and promoting common courtesy among neighbors;
- B. Protect and reclaim the ability to view the night sky and thereby help preserve the quality of life and scenic value of this desirable visual resource;
- C. Help protect and enhance wildlife habitation and migration by minimizing light pollution into and adjacent to such areas.
- D. Prevent light pollution in all areas of the city;
- E. Ensure that sufficient lighting can be provided where needed to promote safety and security on public and private property, while also enhancing safety along roadways and pathways for pedestrians, motorists, and cyclists;
- F. To allow flexibility in the style of lighting fixtures;
- G. To provide standards for efficient and moderate use of lighting;
- H. Provide appropriate lighting according to current technology, evolving advancements, energy use and economic needs; and
- I. Promote lighting practices and systems to conserve energy, decrease dependence on fossil fuels and limit greenhouse gas emissions consistent with the California Global Warming Solutions Act and other applicable state and federal law.

17.41.030. Applicability

- A. All outdoor light fixtures installed, modified or replaced after the effective date of this ordinance shall comply with this chapter.
- B. Existing development alteration / compliance trigger. **RESERVED.**

C. Applications for land use entitlements after the effective date of this ordinance shall include compliance with this chapter as a condition of approval.

D. Any outdoor light fixtures existing as of the effective date of this ordinance, or later installed, that have adjustable mountings shall be directed downward so as to eliminate glare and light trespass onto adjacent properties. This requirement shall take effect immediately and is not subject to the compliance period of Section 17.41.100(A).

E. For any property subject to this chapter and also regulated by prior permit conditions pertaining to outdoor lighting, the more restrictive provisions shall apply.

F. The following lighting and activities are not regulated by this chapter:

1. Indoor lighting
2. Lighting within the public right-of-way for the principal purpose of illuminating public streets and traffic control
3. Underwater lighting in swimming pools
4. Lighting solely for signs
5. Construction or emergency lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting
6. Navigation lights such as radio/television towers
7. Lawfully permitted fireworks displays
8. Short-term lighting associated with activities authorized by a valid temporary use permit, special event permit or film permit
9. Malibu High School Field lights

17.41.040. General Requirements.

A. All outdoor light fixtures shall be fully shielded and installed and maintained in such a manner that the shielding does not permit light trespass in excess of those amounts set forth in subsection F below. Lighting shall be directed away from environmentally sensitive habitat area (ESHA) and public viewing areas to minimize impacts on wildlife and scenic resources, and in a manner to ensure no light source is directly visible from public viewing areas.

B. Light pollution shall be reduced to the maximum level feasible through the use of directional lighting, fixture location and height, as well as motion sensors and timers.

C. Automated control systems, such as motion sensors and timers, shall be used to meet the curfew requirements of 17.41.050 and shall extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls must be fully programmable and supported by battery or similar backup.

D. Lighting Color (Chromaticity). The correlated color temperature of all outdoor lighting shall be 3000 Kelvin or less, with tolerance within the ANSI standard C78.377 of LED sources, except:

1. Amber sources (approximately 589 nanometers) necessary to protect beach and environmentally sensitive habitat areas, as determined by the planning director.
2. Seasonal lighting.

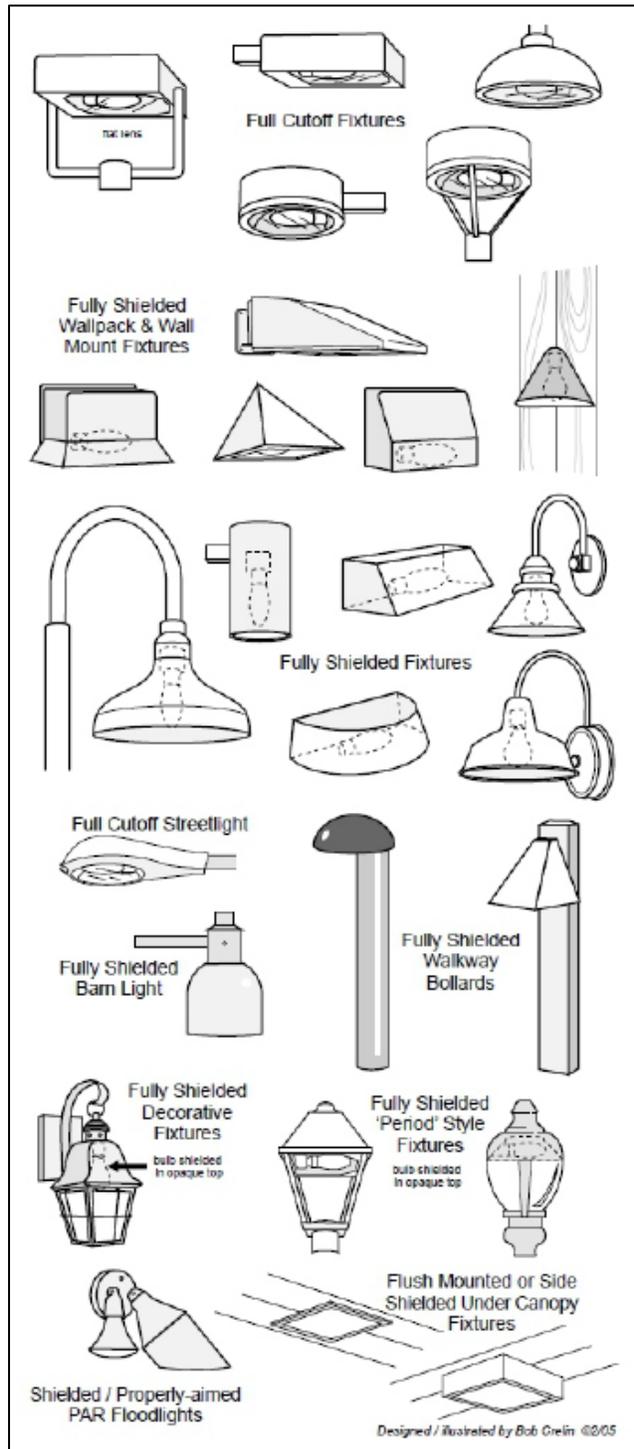
E. Seasonal lighting shall be allowed from November 15 to January 15 only.

F. Allowable light trespass. New outdoor lighting shall conform to the quantitative lighting limits shown in Table 1.

<b>Table 1 – Quantitative Light Trespass Limits by Zone</b>	
<b>Residential Zones (SF, MF, MFBF, RR, PD, MH) and Public Open Space (OS)</b>	
Horizontal Plane Limit	0.1 foot-candles at property line
Vertical Plane Limit	
<b>All Other Zones</b>	
Horizontal Plane Limit	0.25 foot-candles at property lines
Vertical Plane Limit	

G. Fully shielded fixtures allowed under this ordinance include, but are not limited to, the types shown in Figure 1.

Figure 1. Fully Shielded Fixtures.



H. Permanently installed lighting that blinks, flashes or is of unusually high intensity or brightness, and LED rope lights are prohibited. Lighting of the shore is prohibited, except as required for security purposes under beach homes where it is controlled by motion sensor which extinguishes the light five minutes after it is activated.

## 17.41.050 Additional Lighting Requirements by Zoning District

## A. Public Open Space (OS) zoning district

1. The lighting curfew for all outdoor lighting, other than security lighting, shall be one hour after sunset.
2. Lighting shall be minimized, restricted to low intensity fixtures as described herein. Permitted lighting shall meet the following standards:
  - a. The minimum necessary to light walkways used for entry to and exit from the structures, including parking areas, utilizing light fixtures that are directed downward, and do not exceed two feet in height and 850 lumens.
  - b. Security lighting shall be attached to buildings and controlled by motion sensors, with fixtures that do not exceed 850 lumens.
  - c. The minimum necessary for safe vehicular use of the driveway, utilizing fixtures that do not exceed 850 lumens.
  - d. A fixture, not to exceed 850 lumens, at the entrance of structures.
3. Lighting that increases illumination in ESHA, lighting around the perimeter of the site, and lighting for aesthetic purposes is prohibited.

## B. Residential zoning districts (SF, MF, MFBF, RR, PD, MH)

1. Except for lighting activated by motion sensor and lighting at the main building entrance and property egress point, the curfew for lighting shall be 11 p.m. or when people are no longer present in exterior areas, whichever is later.
2. Each outdoor lighting fixture shall be fully shielded, directed downward and shall not exceed 850 lumens, except for lighting installed with a motion sensor, where the sensor extinguishes the lights no more than five minutes after the area is vacated. For properties located in ESHA or visible from public viewing areas, lighting shall comply with the standards of subsection (A)(2) under the OS zone standards instead of this subsection 2.

## C. All other zoning districts

1. Except for lighting activated by motion sensor and lighting at the main building entrance and property egress point, the curfew for outdoor lighting shall be 11 p.m. or close of business, whichever is earlier.

2. Each lighting fixture attached to the building shall be fully shielded, directed downward and shall not exceed 850 lumens. Other site lighting is allowed shall meet the following requirements:
  - a. **(RESERVED)**
3. Standards for unique uses (e.g., gas stations, ATMs, etc.). **(RESERVED)**
4. For properties located in ESHA or visible from public viewing areas, lighting shall comply with the standards of subsection (A)(2) under the OS zone standards instead of this subsection 2.

17.41.060. Site Plan Review

A. Deviations from the lighting standards provided in this chapter may be approved pursuant to a site plan review in accordance with Section 17.62.040. The request shall state the circumstances and conditions relied upon for the site plan review and shall be accompanied by accurate plans and a legal description of the subject property. In addition, the following information shall be submitted:

1. Plans depicting the proposed light fixtures;
2. Detailed description of the circumstances which necessitate the deviation;
3. Details on the use of the proposed light fixtures for which the deviation is requested, including the type of outdoor light fixture(s) to be used, the total light output and character of the shielding, if any; and
4. Such other data and information as may be required by the planning director.

B. In lieu of the findings stated in Section 17.62.040(D), the site plan review may be granted if the City makes the following findings:

1. There are special circumstances or conditions applying to the land, buildings or outdoor light fixtures for which the site plan review is sought, which are peculiar to the project and do not apply generally to the land, buildings, or outdoor light fixtures in the surrounding area.
2. The strict application of this chapter would deprive the applicant of the reasonable use of the land or buildings, and the proposed deviation is the most restrictive means that will accomplish the purpose.
3. The proposed deviation will achieve the purpose and intent of this chapter and will not adversely affect neighborhood character or the public health, safety or welfare.

4. The proposed project will not be contrary to or in conflict with the general purposes and intent of this title, nor the goals, objectives and policies of the general plan.

17.41.070. Street Lighting. **(RESERVED)**

17.41.080. Lighting Allowed by Temporary Use Permit Only. **(RESERVED)**

17.41.090. Conflicts with other Laws.

In the event the provisions in this Chapter conflict with other laws or the City's Local Coastal Program, this section shall be applied in a manner intended to carry out all provisions of law to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this Chapter and the provisions of federal or state law, or the Local Coastal Program, the provisions of federal or state law or the Local Coastal Program shall prevail over the provisions contained in this section only to the extent necessary to avoid a violation of those other laws or code provisions.

17.41.100. Application of Ordinance to Legal Non-conforming Lighting.

A. Compliance Period. Notwithstanding the provisions in Chapter 17.60 (Non-conforming Structures and Uses) and Section 17.04.070, a property owner shall comply with the requirements of this chapter by --- date 60 months from effective date ---. Any non-compliant lighting still in place after this compliance deadline shall remain extinguished. A property owner may apply for an extension of this deadline by submitting a request to the planning director thirty days before the compliance deadline detailing why an extension is needed. Any non-compliant lighting shall remain extinguished while the request is pending. Upon demonstration of good cause for providing a property owner additional time to comply with the requirements of this section, the planning director may extend the property owner's time to comply and/or may require a plan for compliance that required partial compliance in advance of full compliance. For purposes of this section, the term "good cause" shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance established herein. In no instance shall the planning director issue an extension of the compliance period in excess of one year's time. The planning director's decision shall be appealable pursuant to the provisions of Section 17.04.220.

B. Change of Use. If a property with non-compliant lighting changes use, then all outdoor lighting shall be brought into compliance with this chapter before the new use begins. Any uncorrected non-compliant lighting shall be removed or remain extinguished.

C. Resumption of Use after Abandonment. If a property with non-compliant lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this chapter before any resumption of use of the property occurs. Any uncorrected non-compliant lighting shall be removed or remain extinguished.

17.41.110. Enforcement and Penalties. **(RESERVED)**

## 17.41.120. Definitions.

Notwithstanding the provisions of Section [17.02.060](#), for the purposes of this Chapter only, the following words and phrases are defined as follows:

“Curfew” means the time of day when lighting restrictions, based on zoning district, are in effect.

“Directional lighting” means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.

“Fully shielded” means a light fixture constructed and installed in such a manner that all light emitted by the fixture, 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 fixture’s lowest light-emitting part.

“Glare” means lighting entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

“Lamp” means, in generic terms, 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.

“Light pollution” means the material 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, including light sources that are left on when they no longer serve a useful function.

“Light trespass” means light that falls beyond the property it is located on. Permissible levels of light trespass shall be limited to those specific, quantitative thresholds of light intensity set forth in Section 17.41.040(F).

“Lumen” means the unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

“Outdoor lighting fixtures” means outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices, including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for flood lighting or illumination.

“Seasonal lighting” means lighting installed and operated in connection with holidays or traditions.

“Sky glow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one’s ability to view the night sky.