



# CITY of BRISBANE

## Open Space and Ecology Committee Meeting Agenda

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Wednesday, October 25, 2023 at 6:30 P.M. • Hybrid Meeting 50 Park Place, Brisbane, CA

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The public may observe/participate in Committee meetings using remote public comment options or attending in person. Committee members shall attend in person unless remote participation is permitted by law. The Committee may take action on any item listed in the agenda.

### TO ADDRESS THE COMMITTEE

#### IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectfully request that people not attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

#### REMOTE PARTICIPATION

Members of the public may observe/participate in the Committee Meeting by logging into the Zoom Webinar listed below. Committee Meetings can also be viewed live and/or on-demand via the City's YouTube Channel, [www.youtube.com/brisbaneca](http://www.youtube.com/brisbaneca), or on Comcast Channel 27. Archived videos can be replayed on the City's website, <http://brisbaneca.org/meetings>. Please be advised that if there are technological difficulties, the meeting will nevertheless continue. The agenda materials may be viewed online at [www.brisbaneca.org](http://www.brisbaneca.org) at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

#### Remote Public Comments:

Remote meeting participants may address the Committee. We also encourage you to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom Webinar, the following email will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications or during an agenda item.

Email: [aetherton@brisbaneca.org](mailto:aetherton@brisbaneca.org)

Join Zoom Meeting: [www.brisbaneca.org/osec-zoom](http://www.brisbaneca.org/osec-zoom)

Meeting ID: 976 4295 0160

Call In Number: 669.900.9128

Note: Callers dial \*9 to "raise hand" and dial \*6 to mute/unmute.

#### SPECIAL ASSISTANCE

*If you need special assistance to participate in this meeting, please contact Adrienne Etherton at [aetherton@brisbaneca.org](mailto:aetherton@brisbaneca.org) or (415) 508-2118. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

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**CALL TO ORDER**

**ROLL CALL**

- A. Consider any request of a committee member to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

**ADOPTION OF THE AGENDA**

**ANNOUNCEMENTS**

**ORAL COMMUNICATIONS**

**APPROVAL OF THE MINUTES**

- B. Minutes of September 27, 2023

**NEW BUSINESS**

- C. Review Dark Skies Ordinance and consider recommending for City Council adoption

**STAFF UPDATES**

**SUBCOMMITTEE REPORTS**

**CALENDAR ITEMS**

**CHAIR AND COMMITTEE MEMBER MATTERS**

**NEXT MEETING:** December 7 or 13, 2023

**ADJOURNMENT**

**File Attachments for Item:**

B. Minutes of September 27, 2023



# CITY of BRISBANE

## Open Space and Ecology Committee Meeting Minutes

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Wednesday, September 27, 2023 at 6:30 P.M. • Hybrid Meeting 50 Park Place, Brisbane, CA

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### CALL TO ORDER – 6:38 PM

#### ROLL CALL

- A. Consider any request of a committee member to attend the meeting remotely under the “Emergency Circumstances” of AB 2449
- Nunan submitted an emergency request to Etherton on Sunday. Salmon moved and Calmes seconded approval; the motion was adopted unanimously.

Committee members present: Calmes, Ebel, Fieldman, Nunan (remote), Salmon

Staff members present: Sustainability Manager, Etherton; Deputy Director of Public Works, Kinser

#### ADOPTION OF THE AGENDA

Salmon moved to adopt the agenda and Ebel seconded; the motion was adopted unanimously.

#### ANNOUNCEMENTS

Salmon thanked everyone that joined our record 50+ participant turnout for Coastal Cleanup Day last weekend. Fieldman suggested we consider a cleanup on Quarry Road, there is a lot of waste including human waste on the side of the road; Kinser suggested submitting a service request.

#### ORAL COMMUNICATIONS

Etherton noted that correspondence was received from a local resident who wished to remain anonymous inquiring about a local ban on gas leaf blowers; they would support a ban on their use.

#### NEW BUSINESS

- B. Presentation on residential electrification and supporting programs - Vanessa Shin, Peninsula Clean Energy (PCE) and Colin Bovet, QuitCarbon
- Etherton introduced the speaker and noted that these presentations were timed to help prepare OSEC members to speak about electrification at our Day in the Park booth. We will have PCE handouts at the booth, and talking points will be sent in a follow-up email.
  - Shin discussed PCE’s formation and role in procuring clean electricity at reduced rates for customers which allows for fossil fuel energy sources, such as natural gas for home heating and gasoline for vehicle fuel, to be replaced by electric sources and significantly cut their carbon pollution.
  - Bovet discussed the elements of home electrification, including high-efficiency heat pumps for space and water heating and clothes drying, induction cooktops, and electric vehicle charging. He noted that while solar and/or battery storage are often

components of all-electric homes, with the clean electricity available through PCE, these costly elements are not required to support decarbonization. Bovet stressed the importance of planning ahead for electrification and described QuitCarbon's free service for creating a plan and contractor-matching resources.

- Shin wrapped up the presentations by describing the various PCE programs and rebates available to help residents and addressed questions about contractor participation and stacking incentives with BayREN, PG&E or federal programs.

## **APPROVAL OF THE MINUTES**

- C. Minutes of August 23, 2023 – Salmon moved to adopt the agenda and Ebel seconded; the motion was adopted unanimously with Calmes abstaining.

## **STAFF UPDATES**

Etherton:

- Some OSEC members still need to complete sexual harassment training.
- Hosting a ribbon cutting for the Mission Blue solar system in partnership with PCE and the Coalition for Clean Air on Monday as a preview for CA Clean Air Day
- PlanIt Geo noted that it was good we got in line for the inventory before some new grant funding sources, as they expect to be very busy next year! The tree inventory will likely start in Q1 2024 and be completed by the end of the fiscal year; we'll identify priorities by end of Nov and meet with their team in Dec. GIS Manager Sage has provided files for the canopy survey.
- County Office of Sustainability has released an RFP for a new 2-year contract to continue outreach and engagement for the Disposable Foodware Ordinance at the end of the current contract in Feb/March.

## **SUBCOMMITTEE REPORTS**

- Events (Rogers, Salmon, Nunan) – Salmon reported on the group's meeting and Day in the Park plans; Etherton confirmed that booth coverage was good with Fieldman picking up an hour that was light.
- Education and Outreach (Fieldman, Rogers) – no update
- \*Building Decarbonization (Becker, Ebel, Fieldman) – Etherton noted she is meeting with PCE about new reach code options so will schedule a meeting after that; no update yet on Berkeley's en banc request Circuit Court.
- \*Open Space Plan Update (Calmes, Rogers, Salmon) – Kinser to send materials
- \*Crocker Trail Frog Habitat (Rogers, Nunan, Calmes) – Salmon requested that Kinser sent the report to Ariel at Mountain Watch and Paul Bouscal; Kinser will check with City Manager about meeting with the property owner
- \*Invasive Species Ordinance (Becker, Fieldman, Nunan) – meeting with Liaisons about the draft ordinance scheduled for Oct 24<sup>th</sup> at 4pm
- \*Dark Skies Ordinance (Becker, Ebel, Salmon) – Ebel reported that the committee met a couple weeks ago and has another meeting scheduled for reviewing input from staff reviews which are currently underway. Etherton noted the ordinance will hopefully be

coming to the full committee next month. Salmon added that a survey to get community feedback is also going out; it will be sent through the Luminary, STAR, and at Day in the Park. Fieldman suggested a flyer for the survey in the City Hall lobby and at the library.

- \*Tree Issues (Calmes, Ebel, Salmon) – Calmes compiled the lists of recommended trees into one excel list and noted ones she wouldn't recommend as street trees; the brochure should be reprinted as it was last year.
- Baylands Specific Plan subcommittees – no updates

#### **CALENDAR ITEMS**

Etherton shared photos from Coastal Cleanup Day and mentioned the All Electric Homes tour on October 14<sup>th</sup>.

#### **CHAIR AND COMMITTEE MEMBER MATTERS – none**

#### **NEXT MEETING:** October 25, 2023

- Etherton asked about the November and December meeting dates and posed Dec 13th as an alternative—all present agreed that date works.

#### **ADJOURNMENT – 8:02 PM**

**File Attachments for Item:**

C. Review Dark Skies Ordinance and consider recommending for City Council adoption

**ORDINANCE NO. xxx**

**AN ORDINANCE OF THE CITY OF BRISBANE**  
**ADDING CHAPTER 15.xx TO THE BRISBANE MUNICIPAL CODE**  
**CONCERNING OUTDOOR LIGHTING STANDARDS**

**The City Council of the City of Brisbane hereby ordains as follows:**

**SECTION 1: Chapter 15.xx is hereby added to the Brisbane Municipal Code to read as follows:**

**§15.xx.010 - Title.**

This chapter shall be known as the “Brisbane Dark Sky Ordinance.”

**§15.xx.020 - Purpose.**

The purpose of this chapter is to establish regulations and a process to review outdoor lighting in order to accomplish the following:

- A. Minimize direct glare and prevent excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned light fixtures, and promoting common courtesy among neighbors;
- B. Reclaim views of the night sky and thereby help preserve Brisbane’s rural quality of life and the scenic value of this desirable visual resource;
- C. Promote wildlife habitation and migration by minimizing light pollution;
- D. Provide sufficient lighting where it is needed to promote safety and security on public and private property;
- E. Allow flexibility in the style of outdoor lighting;
- F. Provide standards for efficient and moderate use of lighting which balance energy use and economic impact;
- G. Provide lighting standards that may evolve according to advancements in technology; and
- H. Promote lighting practices and systems which 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.

**§15.xx.030 - Definitions.**

Notwithstanding the definitions in Chapter 17.02 of this Code, for purposes of this chapter only, the following words and phrases are defined as follows:

- A. “Brisbane Stars” mean outdoor star-shaped lighted structures customary to Brisbane.
- B. “Correlated Color Temperature” or Color Temperature is a specification of the color appearance of the light emitted by a light source, measured in Kelvin (K). Warmer color temperatures are a lower number, and cooler color temperatures are a higher number.



- C. “Curfew” means the time of day when lighting restrictions, based on zoning district, are in effect.
- D. “Developed lot area” means the portion of a lot that is covered or occupied by structures and includes any finished surface, such as a slab or deck, which is covered by a roof or other solid covering with at least seven (7) feet of clearance, other than an eave or overhang, and includes also cantilevered bays and other enclosed architectural projections which contain floor or seating area.
- E. “Directional lighting” means methods of directing light downward, rather than upward or outward, with the intention of directing light where it is needed.
- F. “Dynamic lighting” means lighting that changes intensity or color rapidly during use.
- G. “Fully shielded” means a light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane (from the bottom of the lamp).
- H. “Glare” means light entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility to a reasonable person.
- I. “Hardscaping” means permanent hardscape improvements on a site, including but not limited to parking lots, decks and patios, docks and piers, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is ten (10) feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, gravel, or wood timbers. Hardscaping does not include the footprint of buildings.
- J. “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.
- K. “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.
- L. “Light trespass” means a condition in which artificial light emitted from a luminaire on one property, not inclusive of light incidentally scattered or reflected from adjacent surfaces, is directed in such a manner that the light source is visible from any other property.
- M. “Lumen” means the common unit of measure used to quantify the amount of visible light produced by a lamp or emitted from a light fixture (as distinct from “Watt,” a measure of power consumption).
- N. “Luminaires” means outdoor light fixtures as defined in this Section.
- O. “Outdoor light fixtures” means outdoor illuminating devices, lamps and similar devices, including solar powered lights, and all parts used to distribute the light and/or protect the lamp, permanently installed or portable; synonymous with “luminaires.”

- P. “Outdoor recreational facility” means outdoor athletic and sports areas, such as ball fields, courts, swimming pools, skate parks and similar, but does not mean or include trails or playgrounds.
- Q. “Seasonal lighting” means lighting installed and operated in connection with holidays or traditions; Brisbane Stars are considered separately for the purposes of this chapter.
- R. “Security lighting” means lighting intended to detect intrusions or other criminal activity occurring on a property or site.
- S. “Skyglow” means the brightening of the nighttime sky that results from scattering and reflection of artificial light by air molecules, moisture, and dust particles in the atmosphere, caused by light directed or reflected upwards or sideways and reduces one’s ability to view the night sky.
- T. “String lights” means light sources connected by free-strung wires or inside of tubing resulting in several or many points of light.

**§15.xx.040 - Applicability.**

- A. All existing outdoor light fixtures installed prior to the effective date of this ordinance shall conform to the provisions of this ordinance according to the compliance schedule set forth in Section 15.xx.100.
- B. All outdoor light fixtures installed or replaced after the effective date of this ordinance shall comply with this chapter.
- C. For any property subject to this chapter and also regulated by permit conditions pertaining to outdoor lighting, the more restrictive provisions in terms of minimizing light pollution shall apply.
- D. Nothing in this chapter shall prohibit a declaration of covenants, conditions, and restrictions for private enforcement from further restricting lighting so long as it meets the minimum standards detailed in this chapter.
- E. The following lighting and activities are not regulated by this chapter:
  - 1. Indoor lighting.
  - 2. Construction or emergency lighting provided such lighting is temporary, necessary, and is discontinued immediately upon completion of the construction work or termination of the emergency; provided, however, construction or emergency lighting shall be deployed to comply with the ordinance to the greatest practical extent.
  - 3. Building or premises address identification lighting that complies with the minimum applicable building or health and safety requirements, as determined by the Building Official; provided however, such lighting shall be deployed to comply with this ordinance to the greatest practical extent, with the exception of curfew requirements.
  - 4. Low-intensity landscape lighting which is directed downward and no greater than 300 lumens per fixture; or low-intensity landscape lighting which is dynamic lighting and no more than 100 lumens per fixture.
  - 5. Any form of lighting whose use preempts this ordinance is exempt from this Chapter.

6. Short-term lighting associated with activities that are otherwise exempt from discretionary or ministerial permitting by the City; provided, however, such lighting shall be deployed to comply with this ordinance to the greatest extent practical.
  7. Brisbane School District athletic fields and parking lot lights.
  8. Combustible fuel lighting (i.e., fire pits, lanterns, or torches) when used temporarily in occupied areas.
  9. Fire alarm notification appliances.
- F. Streetlights only as covered under 15.xx.070.
- G. Recreational and athletic fields only as covered under 15.xx.080.

**§15.xx.050 - Lighting levels by zoning district.**

Zoning District	Lumens per SF of hardscape	Lumens per SF of developed lot area	Curfew	
			Residential	Commercial
O-S	0.35		One hour after sunset	N/A
MLB, R-BA	0.875		10 PM <sup>1</sup>	
NCRO-2, PAOZ-1, PAOZ-2, PD (residential uses only), R-1, R-2, R-3, R-MHP		1.75	10 PM <sup>1</sup>	10 PM or close of business, whichever is later <sup>2</sup>
NCRO-1, SCRO-1, SP-CRO, HC, M-1, TC-1, TC-2	3.5		10 PM <sup>1</sup>	10 PM or close of business, whichever is later <sup>2</sup>
All other zoning districts and uses not named	Determined at time of application or closest applicable district as determined by the Community Development Director			
<sup>1</sup> Lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting at building entrances, parking areas and driveways is not subject to curfew.				
<sup>2</sup> Includes illuminated signage. Lighting activated by motion sensor which extinguishes ten (10) minutes after activation, lighting at the building entrances and driveway egress points is not subject to curfew.				

**§15.xx.060 - Citywide requirements.**

- A. Shielding.
1. Except as provided in paragraph 2 of this subsection A of this section, all outdoor light fixtures shall be fully shielded.

2. Exceptions to the full shielding requirement include:
  - a. String lights that are no more than 300 lumens per fixture (string), or no more than 100 lumens per fixture for dynamic lighting that changes intensity or color rapidly during use, when used in occupied residential and commercial decks or patios.
  - b. Seasonal lighting during the period specified in §15.xx.060.F.
  - c. Brisbane Stars.
  - d. Lighting that illuminates a United States or California flag and the flagpole to which the flag is affixed, provided these luminaires shall be shielded as necessary so that the light source is not visible from the property line.
- B. Light trespass is prohibited.
- C. Location of Outdoor Lighting. Except as required for security lighting purposes as determined by the Building Official, the following limitations are imposed on the location of outdoor lighting:
  1. Lighting around the perimeter of a site is prohibited, except where it is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation.
  2. For residential sites, outdoor lighting shall only be used within fifty (50) feet of residentially habitable buildings or swimming pools, driveways and walkways.
- D. Lighting Color (Color Temperature). The correlated color temperature of all outdoor lighting shall be three thousand (3,000) Kelvin or less except for seasonal lighting.
- E. Curfew. Curfews shall be as required per Section 15.xx.050 of this Chapter.
  1. Commercial uses: Automated control systems, such as motion sensors and timers, shall be used to meet the curfew requirements for commercial uses. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available. Automated controls shall be fully programmable and supported by battery or similar backup.
- F. Seasonal lighting shall be allowed from October 1 to February 15 only, subject to curfew requirements established in Section 15.XX.050.
- G. All outdoor lighting shall comply with applicable regulations in the California Building Standards Code, as may be amended from time to time.

#### **§15.xx.070 – Streetlights**

- A. Publicly-owned acorn-style decorative lights, such as those on Visitacion Avenue and in the Ridge neighborhood, are not subject to the shielding requirements of subsection A of §15.XX.050 until such time as an approved program for replacement of said lights is in place. Once that program is in place, replacement lights shall be fully shielded.
- B. The lumen output of each streetlight shall be the lowest reasonable lumen output to meet safety standards but in no case greater than 10,000 lumens.
- C. Lamps in all streetlights shall be replaced upon burnout with lamps which meet the color temperature and lumen requirements of this chapter.

#### **§15.xx.080 - Recreational and Athletic Field Facilities**

For outdoor recreational and/or athletic field facilities, the following standards shall apply:

- A. Illuminating Engineering Society (IES) lighting guidelines according to the appropriate class of play or activity;
- B. Field lighting provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications;
- C. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance);
- D. Off-site impacts of the lighting will be limited to the greatest practical extent possible;
- E. Lights must be extinguished by 8 p.m. except when the facilities are being used for active play and the lights are equipped with a timer;
- F. Timers that automatically extinguish lights must be installed to prevent lights being left on accidentally overnight.

#### **§15.xx.090 - Deviation Permit Procedures.**

- A. Deviations from the lighting standards provided in this chapter may be approved for private properties if approved by the Community Development Director. Deviations from the lighting standards provided in this chapter may be approved by the Director of Public Works.
- B. Applications to deviate from the lighting standards shall include the following information:
  - 1. A site plan depicting the location of proposed lighting on the site;
  - 2. A lighting inventory that provides, at minimum:
    - a. The brightness (in lumens) and correlated color temperature (in Kelvin) of each luminaire;
    - b. The height of each fixture;
    - c. The directional angle of each fixture;
    - d. The character of shielding for each luminaire, if any;
    - e. Identification of luminaires that diverge from the standards of this Chapter and are subject to the deviation request;
    - f. Detailed description of the circumstances which necessitate the deviation;
  - 3. Such other data and information as may be required by the Community Development Director or the Public Works Director.
- C. The deviation may be granted if the following findings are made:
  - 1. There are unique circumstances affecting the subject property or unique design and land use characteristics that make it infeasible or impractical to comply with strict application of the lighting standards detailed in this chapter.
  - 2. The proposed deviation will achieve the intent of this chapter to the maximum extent feasible.
- D. Notice of the Community Development or Public Works Director's decision to approve or deny the requested deviation shall be mailed to owners of property within a three hundred (300) foot radius of the subject property and posted in compliance with Chapter 1.12 of this Municipal Code. The notice shall describe the requested deviations, the Community Development Director's action to approve or deny the request, and right to appeal the decision to the City Manager pursuant to subsection E of Section 15.XX.090.

E. Appeal Procedures.

- a. An appeal of the Community Development Director's decision shall be in writing and filed with the City Clerk within fifteen (15) days after the date of the notice described in subsection D of Section 15.XX.090. The appeal shall be accompanied by a fee, as set by the city council, and shall clearly state the reason for appeal.
- b. Upon receipt of such appeal, the City Clerk shall notify the Community Development Director and the applicant and shall set a time for an administrative appeal hearing with the City Manager as soon as practical but within thirty (30) days after the receipt of such appeal.
- c. Notice of the appeal hearing shall be mailed to the applicant, property owner, appellant, and owners of property within three hundred (300) feet of the subject property.
- d. The City Manager shall conduct a de novo hearing of the application. At the close of the hearing, the City Manager may affirm, reverse or modify the decision of the Director, or refer the matter to the Director for such further consideration as may be directed by the City Manager. The City Manager's decision following the appeal hearing will be final.

**§15.xx.100 - Conflicts with other laws.**

In the event the provisions in this chapter conflict with federal or state law such that this Chapter may be preempted, this chapter 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 requirements of federal or state law such that the provisions of this Chapter are preempted, the provisions of federal or state law shall prevail over the provisions contained in this chapter but only to the extent necessary to avoid preemption.

**§15.xx.110 - Application of chapter to existing nonconforming lighting.**

- A. Effective Date. The effective date of this chapter shall be TBD, 2023.
- B. The following requirements shall apply to existing outdoor light fixtures, except streetlights covered in §15.xx.070, within one year of the effective date of this ordinance:
  1. Existing outdoor light fixtures with the ability to be redirected shall be directed downward to minimize sky glow, glare and in a manner to minimize light trespass onto adjacent properties.
  2. Outdoor light fixtures that have adjustable dimmers shall be dimmed to comply with Section 15.xx.060 to minimize glare and light trespass onto adjacent properties.
  3. Outdoor light fixtures that are motion sensor equipped shall be programmed to extinguish not more than 10 minutes after activation.
  4. Outdoor light fixtures with removeable lamps shall utilize bulbs meeting this chapter's color and lumen thresholds.
- C. Compliance Period. Notwithstanding the provisions in section B of this Section and Chapter 17.38 (Nonconforming Structures and Uses), a property owner shall comply with the remaining requirements of this chapter by the following compliance deadlines. Any

nonconforming lighting still in place after the compliance deadline shall remain extinguished at all times.

1. Existing outdoor lighting in non-residential zoning districts shall comply by **TBD, 2028** [five years from the effective date].
  2. Existing outdoor lighting in residential zoning districts shall comply by **TBD, 2033** [ten years from the effective date].
  3. Existing streetlights and other lighting at City facilities shall comply by **TBD, 2038** [fifteen years from the effective date].
- D. Extension. A private property owner may apply for an extension of these compliance deadlines by submitting a request to the Community Development Director ninety (90) days before the compliance deadline detailing why an extension is needed. With the exception of lighting provided for security purposes, any noncompliant 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 Community Development Director may extend the property owner's time to comply and/or may require a plan for compliance that requires 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 Community Development Director issue an extension of the compliance period in excess of one year's time. The Community Development Director's decision shall be appealable pursuant to the provisions of Chapter 17.52. of this Code

#### **§15.xx.120 - Enforcement and penalties.**

Any violation of the provisions of this chapter shall be subject to the provisions of Title 1 Chapters 1.14, 1.16, and 1.18 of this code.

# Dark Sky Survey Results

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Total survey responses: 173

Survey period: Sept 16 – Oct 15, 2023

Survey promotion: Brisbane Chamber Luminary (Sept 30), Brisbane STAR (Oct 1), City social media accounts and email blasts, OSEC booth at Day in the Park (Oct 7), Senior Center lunch (Oct 11)





# Demographics

173 total responses

Homeowner	141
Renter	24
Multi-family property owner	7
Commercial property owner	5
Other (condo, citizen, mobile home)	6
Visitor	3

	<1 year	1-5 years	5-10 years	>10 years
Resident	9	23	24	111
Non-residential property owner	7	2	2	11
Non-residential tenant	7		3	7

# What are the main lighting issues that you perceive in Brisbane?

Selected responses from 92 total responses

## Concerned about lighting / supportive of regulation (~63)

- Giant stars on the hill, excessive lighting in unoccupied residences, unnecessary outdoor lighting
- Everyone on the hillside seems to have ridiculously bright floodlights. Also, businesses along Crocker have an insane amount of lighting.
- Too disruptive to natural environment
- Too many floodlights being directed onto other people's property! Just look up on the hill in Central Brisbane at night. Light is being broadcast over the ENTIRE city! Over-illumination of commercial properties.
- Spot lights making it impossible to enjoy the REAL stars in the sky.
- Downtown is too bright at night especially in the Apartment areas. Want the owls to come back.
- Balancing (perceived) security/safety with natural environment
- Too bright motion activated lights, and certain new houses that are almost entirely made of glass, and sometimes have all the lights in every room lit up.
- Commercial all night lighting
- Extreme light trespass. Too much illumination. Almost no darkness.
- Crocker Park lighting impacts residents on the Ridge. All outdoor lighting should be amber.
- Ultra bright LED lights that flood the surrounding area and blind people and night critters
- the worst offender of the night sky (and to our well-being) is the industrial park. The onslaught of lighting emanating from there each night is bewildering and nothing short of abhorrent. I understand the need for security and business operations but the lighting is a gross offender of dark skies and requires immediate intervention. I personally have been negatively affected for decades by the glaring 5000k+ flood lights. Lights there should invariably be down-lit (since they are currently fully indirect/flood) and reduced in total quantity or output. This is the minimum for human health. For wildlife health lower CCT would be recommended. Full shutoff after operating hours would be ideal, with the exception of (a reduced number of) streetlights operating.
- The main lighting issue I have is with residential lighting in central Brisbane and Sierra Point. I think we should have bird safety ordinances for Sierra Point and the dump that protect birds, especially during

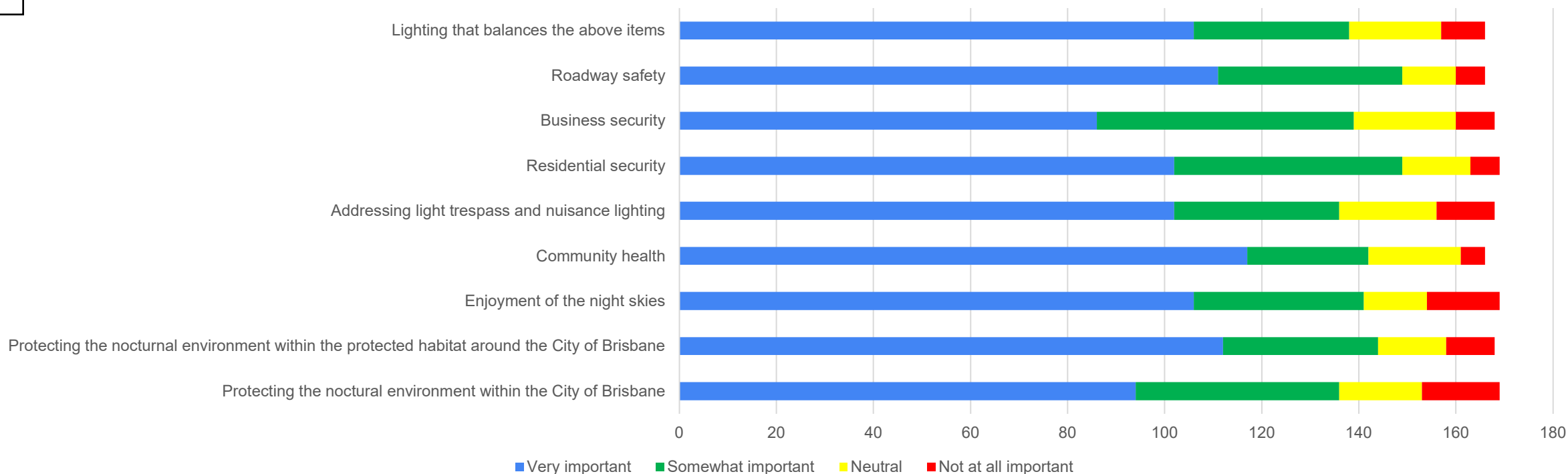
## Oppose regulation (~24)

- None!
- That all of our changes will not make a significant difference, being next to SF.
- People that want to push their agenda over the safety of others.
- Does the Brisbane have a 'before' light level at 25-50 locations coupled with a biological survey to establish baseline data over at least one full year? If not, then this light regulation will not have any measurable effect other than the inconvenience of yet another law, and make the social justice warriors publicly crow about the new regulation without any data to prove benefits. Daly City, SF and SSF dwarf Brisbane's light output. This, coupled with our marine layer, makes seeing the galaxy (as you've pictured) impossible. False marketing.
- Better street lighting for safety is more important than regulating people's garden lights or front porch lights. The residential streets can be very dark, the further into town you go.
- Given our location (near SFO, SF and US 101) lighting at night is to be expected.
- too dark as it is, lighting bad.. some street lights are out, no one changes them.. safety is always a concern
- I do not see any issues here. I am perplexed that this is even a thing. Feels very "woke" and the idea of having a light fixture police makes me unhappy.

## Neutral/specific (~3)

- Balancing (perceived) security/safety with natural environment
- I am only concerned about LED lighting that is unhealthy, especially for growing kids
- Some lights are missing at the 101 Exit

## How Important to you are the following?

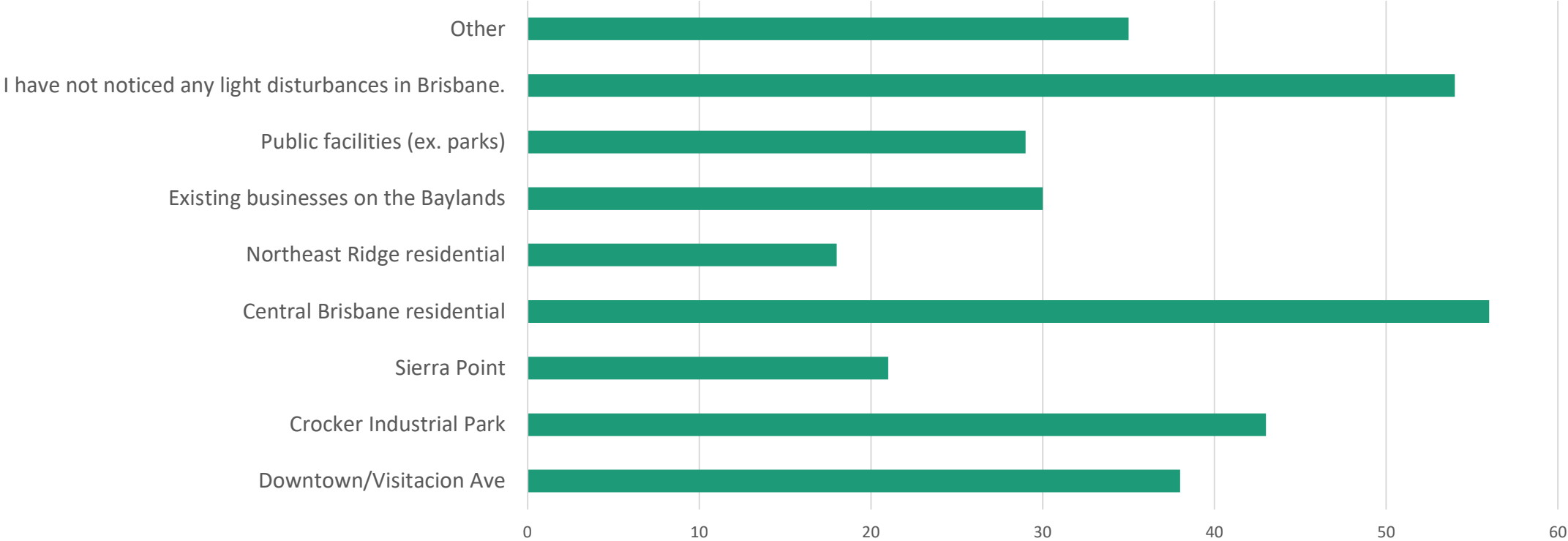


n = 169

**Most important:** Residential security, roadway safety (149 marked very or somewhat important; 88%)

**“Least” important:** Protecting the nocturnal environment within the City, Addressing light trespass and nuisance lighting (136 marked very or somewhat important; still 80%)

where outdoor lighting impacts are most disruptive/bothersome

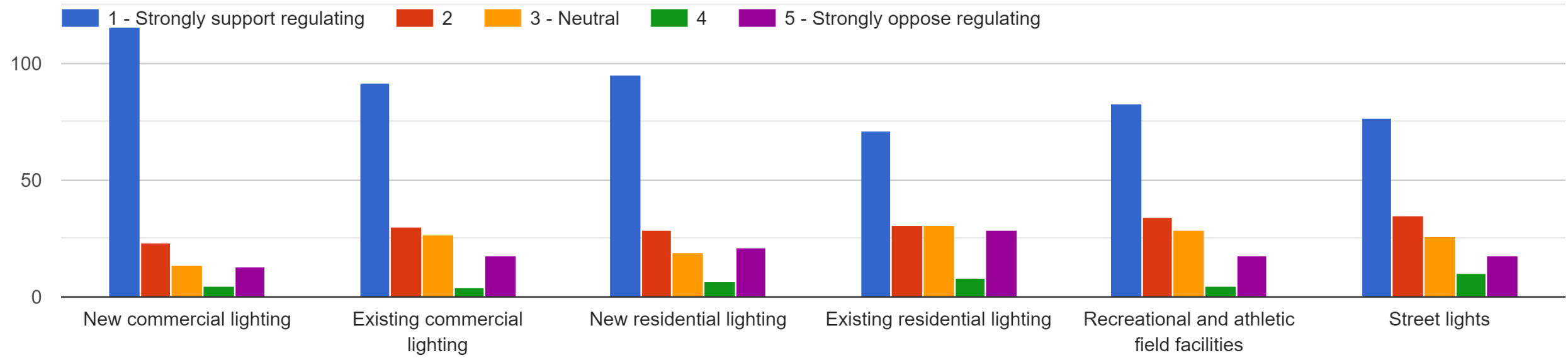


n = 165

Other:

- Some variation of “neighbor’s light” or “homes with very bright floodlights” – 22
- Lighting at public facilities (baseball field, pool, park, schools, new library) – 6
- Streetlights (generally a specific one outside their window) – 3
- Recology, Giant star on the hill, apartments on San Bruno, Candlestick Cove, SF, SSF

c. What outdoor lighting should be regulated by this ordinance?



n = 171

**Most support:** New commercial lighting (>80% strongly or somewhat support regulating)

**Least support:** Existing residential (60% strongly or somewhat support regulating; ~22% strongly or somewhat oppose regulating)

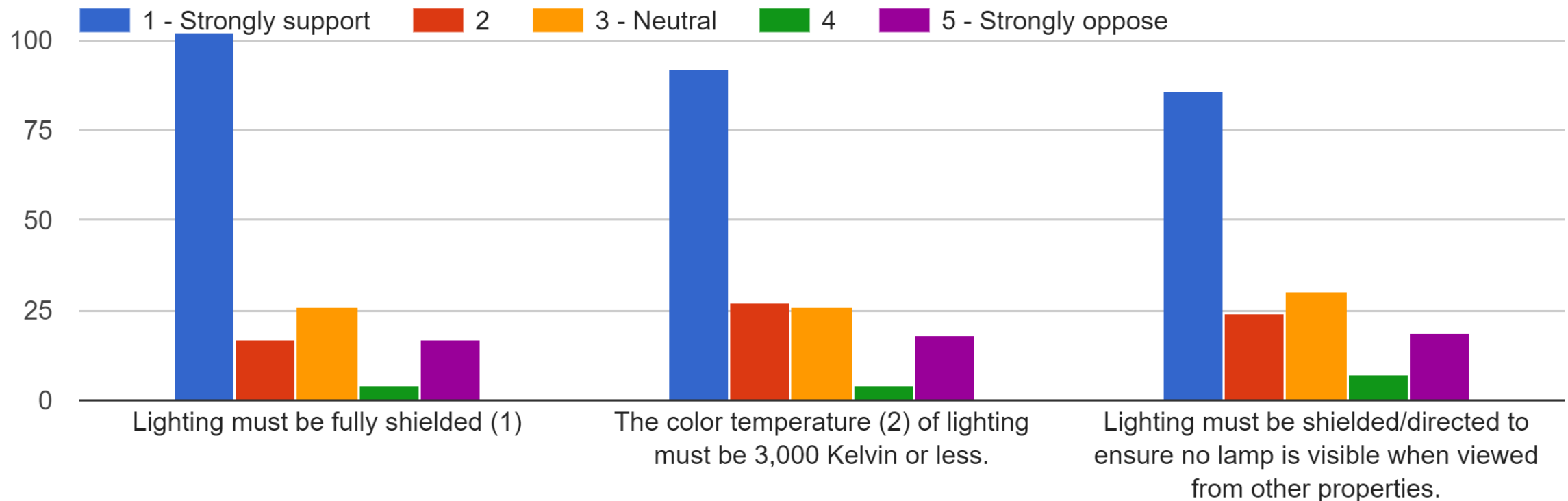
**Please add any comments or suggestions regarding covered and exempted lighting here, including any objections to listed exemptions, or additional outdoor lighting types that you suggest should be exempted.**

Selected responses from 60 total responses

C.

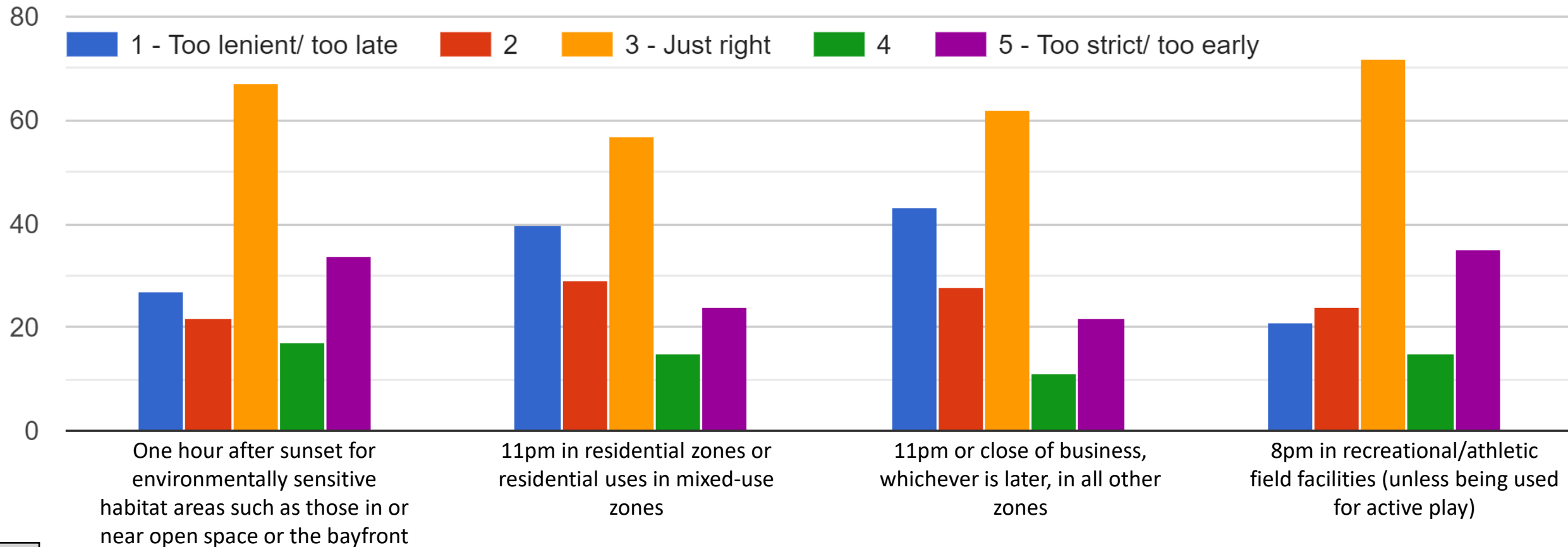
- Lights on Brisbane Stairs [stars??] should also be controlled and omitted - Brisbane as a city is contradicting itself and showing it does not care for the environment if that is not controlled. Wooden environmental friendly stars without obtrusive and environmentally harmful lighting are more than sufficient to maintain Brisbane's identity. Operation times of string lights in gardens should also be controlled e.g. turned off after 9PM. Controlling illuminating a flag is also important - there is no justification for illuminating a flag. Address identification should also be controlled with only discreet lighting approved. Brisbane should learn from rural areas such as Woodside for lighting control.
- Please regulate holiday/seasonal lights as well.
- Brisbane stars should also be regulated if they create nuisance for neighbors.
- 1) Emphasis on "seasonal/holiday" lighting - some residential Brisbane Stars are lit year-round and are very, very bright - if people want to keep them lit year-round, they should use bulbs that are lower watts; (and as an aside - why are we paying for the "holiday lights" on the light poles in downtown Brisbane to be on 24/7, year-round? I thought this was a holiday only thing); 2) I would like to see an ordinance that reduces the allowed lumens in new and existing residential and commercial exterior lighting and requires bulbs to be shielded; 3) in a perfect world, it would be preferable if commercial exterior lighting in Crocker was driven by motion detection devices vs "always on". Thank you OSEC for taking this on!
- I am absolutely, adamantly, opposed to getting rid of the Brisbane Stars or any holiday lighting. Additionally, homeowners and tenants should continue to have the right to use their lanterns and fire pits.
- If existing residential lighting will be regulated, city should provide cash rebates for replacing lighting to compliant types because financial barriers will make it difficult for the affected.
- Existing residential lighting should be exempt. Those who have recent construction went through permitting with the city planning and the city approved that lighting. Those homes must be exempt or you are creating an issue for the residents of Brisbane who followed the permitting requirements of the city.
- You should take into consideration any private residences that may be impacted by strong lights causing a glare on their property. Definitely NO strobe type lights, or flashing lights.
- Hi-lumen LED residential floodlights broadcasting beyond a property owner's OWN YARD should not be permitted as they are a nuisance to neighbors. Even downward-facing lights from a second-story residence act as floodlights and should not be permitted. Wall-sweeping upward facing lights on commercial buildings are light pollution and waste energy. All the illuminated signage and lighting architectural lighting should be turned off by midnight to conserve energy.
- nothing exempted
- No halogen type lights
- #7: flag lighting is typically up lighting, and should be avoided
- I think the temporary use and emergency lighting should be kept in check with follow-up visits.
- Should not exempt temporary construction and acorn-style street lights
- The street lights on Visitation need shielding. Tulare Hill is dreadful light pollution now
- There are other low intensity lights that should be exempted like low light decorative landscape lighting (ex some people have twinkly lights in trees that doesn't light up the street/spill out). Also I'm assuming these rules apply to lighting facing public spaces/streets and not to lighting in people's back yards...
- 22 light / more Crime. Leave things as is. I can still enjoy the night sky.
- I am opposed to low lighting in areas that could compromise safety for people -- some area is dark as it is - e.g., streets

Please rate your support or opposition for the following requirements for most types of outdoor lighting. Higher color temperatures, which have a ...h detrimental effects on wildlife and human health.



c.

Curfews are proposed for most outdoor lighting, excepting for lighting activated by motion sensor which goes out within 10 minutes, and lighting at building entrances, parking areas and driveways. Please rate your support for these curfews.





## If you would like to add any comments, concerns or reasoning regarding your responses on lighting requirements and curfews, please do so here.

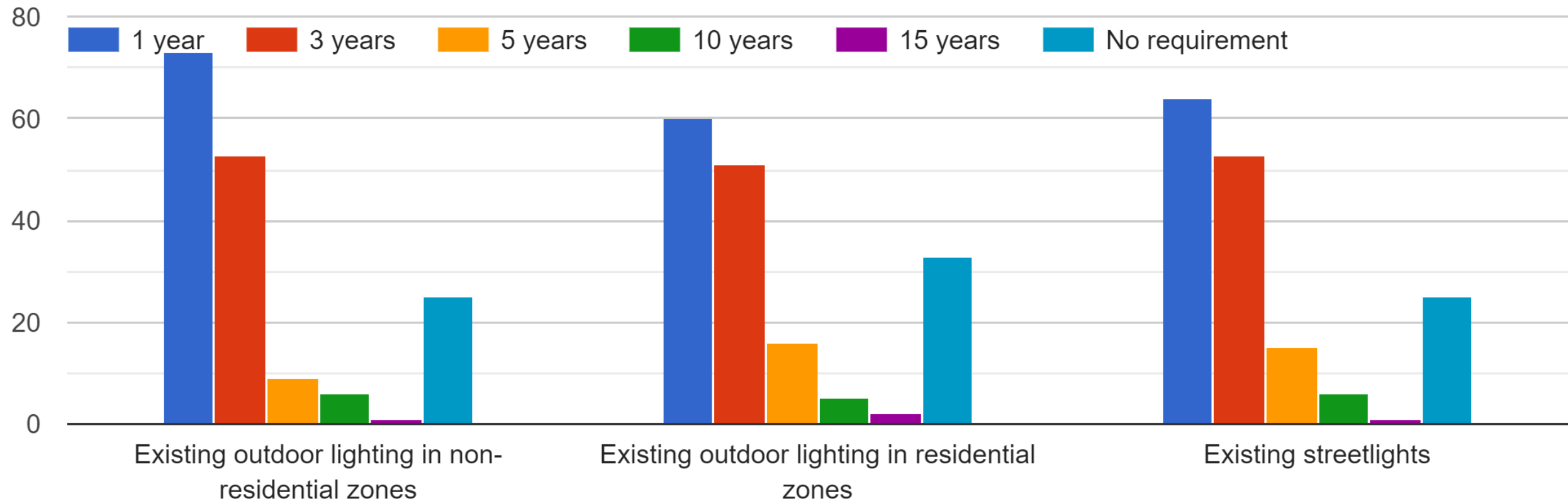
Selected responses from 42 total responses

C.

- Earlier curfews and control. Lighting really harms the environment.
- Education is key to informing people that MORE and BRIGHTER light does not make them safer and can do the opposite. Brisbane streetlights need to be examined.
- 11pm seems a little too late for lighting curfews in Brisbane - something closer to 10 pm seems more reasonable for residential or residential mixed-use zones as well as business zones - most of our businesses on Visitation are closed much earlier than that except for Midtown Market which should qualify for lighting until the close of business.
- These safeguards are for the animals and pollinators too.
- Lightning should be installed at Lipman Field for sports teams that use that field. Can be timed lighted that required a button to be pushed to turn on.
- These exceptions seem to eat up the rule. "lighting at building entrances, parking areas and driveways" are the problem
- Would prefer dusk for every instance.
- There should also be a maximum height or addition shielding for street lights
- rec fields should be available later during summer months (consider sundown time) - 8:00 in winter is 3 hours after sundown, but may be before sundown in summer (both extremes). Attach times to sundown (ex 3 hours after sunset or 11:00, whichever come first)
- Would adjust the curfew times by season - in summer, it's light late so it matters less. In winter, it might be nice for someone to jog around an athletic field at 8:15.
- The curfew and regulation question depends somewhat on the consequence for violation.
- Street lights that shine into homes should have some kind of barrier on the side that affects the residence.
- Enough with these motion lights on RING installations (wakes me up every night) and aren't those cameras night vision?
- There are folks who get out of work late or exercise early; would like them to be safe
- There should not be a curfew for residential.
- Lighting promotes safety as it deters criminal activities. If security lights have a curfew of 11pm, then what's the point? Same with residential lights. Homeowners should have the right to keep outdoor lights on for security and safety purposes. Dialogue between neighbors and homeowners should be the mode to resolve concerns and issues.
- motion detection lights are more distracting than a low level light that is left on and directed away
- I am concerned about the enforcement of lighting requirements for resident's homes. An example is that I leave my porch light on all night for safety, as many do. I do not wish to be restricted in any way regarding which lights to leave on in front of my home.
- "No lamp is visible from other properties" does not work. Perhaps "No directional lighting shall be aimed at other properties." would be more reasonable.
- Not sure of meaning on some of this. If you mean residents have to obey lighting restrictions after a certain hour, that's one thing. I am against giving a time to go completely dark at any time.
- Please use maximum of 2700 Kelvin, not 3000 K. Technology allows using 2700K with no loss of effectiveness, and there are many fixture options available.
- Residential lighting is the absolute least of our concerns. I drove all around town the last 2 nights to see what I was missing and it is absolutely nothing compared to the Recology area. Why all these questions and curfews regarding residential? Is this for real?

c.

For more extensive changes, such as replacement of non-compliant lighting fixtures, how many years out from the effective date of the ordinance should property owners be expected to comply by?



## If you would like to add any comments, concerns or reasoning regarding your responses on compliance periods, please do so here.

Selected responses from 28 total responses

C.

- "The one year time period is too long. Most lighting fixtures can be simply adjusted downward easily. Most lightbulbs can be replaced easily. Additional time can be granted by permit if applied for by a property owner. Where new fixtures are required, that should be verified before more time is allowed. Tax credits should be available to a business if they have replaced non compliant lighting within 3 years prior to the passage of the new ordinance. Street lights may require a longer time period depending on DPW advice of how long they project to require time to comply. If it's no problem, do it faster. "
- Instead of one or three years, I would suggest TWO years. In the case of financial hardship there should be a caveat to allow a bulb replacement with a prescribed VERY LOW lumens approved bulb.
- Our pollinators are going very fast. We need to move fast, too, to protect the fauna.
- Repeating hear that residential requirements to change lighting should be subsidized by the City.
- I think expediting changes is better, but maybe three years is best.
- Compliance of light color, if all other compliance is met, could follow later.
- Same as my previous comments - Get actual data first, and then based on the data determine whether or not these rules will make any actual difference.
- Would it be possible to incentivize the change with a small dollar amount rebate?
- New construction can accommodate updated lighting designs. Older buildings can be quite expensive to convert to new standards.
- HOA's are frequently affected by laws coming from Sacramento such as SB 326, which will cost Altamar over \$100,000.00 in unforeseen expenses for compliance. These are budget busters. While compliance for individual homeowners may be minimal, it can increase the financial stress of homeowners at the Ridge.
- SAFETY first, do not want dark streets - crime increasing in brisbane!
- One year is too long. Should be up to 4 months.
- Could also provide rebates on cost of changes.
- Would prefer that motion sensor lighting go off after 5 minutes.
- No way we are changing an of our light fixtures. This is a waste of time and resources.
- The urgency of implementing light pollution mitigation measures and replacing existing lighting cannot be overstated. It addresses a range of environmental, health, economic, and social concerns. The sooner we take action, the sooner we can enjoy the benefits of darker nights.
- Is is possible to offer low income residents support? For example, bring in their current too bright light bulb to exchange for less bright bulb?
- I am opposed to an ordinance that requires replacement of fixtures. Such an ordinance puts an undue financial burden on property owners.

# Please share any concerns you have related to the topic of the Dark Skies Ordinance (ex. would the ordinance affect you or someone else's personal safety, lifestyle, routine, etc.?)

Selected responses from 61 total responses

## No concerns / supportive / will benefit (~25)

- No concerns. This is great. Please do it!
- There is nothing in the ordinance that negatively impact anyone's personal safety or the safety of their business. Dark Sky International has published studies to prove this. Stores that sell lighting constantly push the fear of crime in order to sell more and brighter lights. That has a great deal to do with how we got to the point on needing this ordinance.
- Properly explained to the public safety would not even be an issue. Education is PARAMOUNT because there are so many misconceptions regarding safety and lighting.
- The ordinance would GREATLY aid my sleep. My concern is that compliance will be slow.
- The softer lights are easier on my eyes & better for the wildlife.
- I am still an "amateur astronomer", haven't seen any stars less than magnitude 2 in YEARS inside residential Brisbane.

## Safety / crime (~20)

- Sight impaired Brisbane is already to dark in some areas to walk safely, and provide areas of camouflage for car theft and breakins.
- Exercising early (hi, collective camp!) can feel a little scary when it's hella dark.
- The more I read through this survey, the more concerned I became. We need lighting for safety. Our residential streets are already too dark for walking safely at night. Additionally, I am opposed to any ordinance that seeks to restrict holiday lighting and the City of Stars
- Regulating business lights is fine. Stronger street lighting is important. Infringing on residential properties is less important. Some people, especially elderly living alone, leave outside lights on to feel safe. Even if it can be annoying, I wouldn't want to deny a resident that privilege.

## Waste of time / over-reach (~11)

- The whole thing feels like a waste of time tbh. Is there a clear, measurable, positive outcome to be had or is this just appeasing some resident who is pissed off at their neighbor?
- We are surrounded by a vast urban area; changes we make will have minimal effect but I still think it's a good idea.
- NIMBYism is my main concern. Those of us with kids and who go out of their homes at night are going to be the silent majority on these issues. Older folks do less at night and will try to drive poor policy choices because it suits their interest

## Cost / specific exemptions (~7)

- I would not want it to cause a costly burden to low-income households to replace fixtures and bulbs, nor would the waste associated with upgrading be ideal
- exemptions should be allowed for those who may not be able to comply financially or physically (e.g. too old to change lightening on their property)
- For Hoa with common area lighting is used for liability and security and safety. This needs to be thought of as a exemption for the regulation

## Data / information needed (~4)

- 28 information needed - questions seem too specific but not clear on what are good examples
- I'm concerned that you have gathered no data to support this ordinance. How do you know that these changes will make a measurable difference considered the light bleed from SF?

# Please share any suggestions you have related to the topic of the Dark Skies Ordinance.

Selected responses from 38 total responses

## Do it (~13)

- Please enforce and implement as soon as possible.
- Please Do Not grandfather any existing non compliant lighting. That is not fair, and it defeats the purpose of the ordinance.
- We need this ordinance so desperately

## Education (~11)

- Show how much light has been added over the past 5 decades. Excessive light. Lighting manufacturers have stoked fear in people needlessly. For those who want to give up their ridiculous over-illumination, you might best be served by coaxing them into toning it down (lumens) but mandating they can be broadcasting light beyond their property!
- 1) Visual Examples 2) what is current business standard and how different is it to what is being proposed - again show examples even if simulated
- Would love to see simple educational materials sent to residents on lighting best practices (color temp, lumens, shielding, timers, etc.)
- There is sure to be pushback for either cost or safety reasons, so make sure to promote the important positives and address the concerns. Many other cities have adopted these types of ordinances and their experiences should be shared with the public.

## Don't do it (~6)

- Stop working on this topic and please move on to more pressing issues.
- I find it unnecessary. We live near a city.
- Just be careful how far you go with this.

## Cost / specific exemptions (~2)

- Providing tax credits where needed and justified will prevent any unnecessary financial burden on businesses to help them comply.
- For Hoa with common area lighting is used for liability and security and safety. This needs to be thought of as a exemption for the regulation

## Data / information needed (~5)

- Don't pass an ordinance until you have baseline Brisbane light data over at least one full year for every part of town, and an associated biological survey.

## Nuanced / specific suggestion (~7)

- I'm aware I have answered every question with a very "pro-regulation" bent. I can imagine that people with businesses, or who work in the industrial park at night, might be concerned for worker safety and security - bright light everywhere may be a deterrent to vandalism and theft, for example. Obviously consideration will have to be given to those concerns, and maybe there is even some data or research to address them.
- I think it is hard for the Crocker Park businesses. Yes they should dim, but they can't go dark.
- It's simple. Follow the lead of other cities who have been able to be commercially reasonable. Alameda is a good example

## Please ask any questions you have related to the topic of the Dark Skies Ordinance.

12 total responses

- Other than the people who fear the dark, who is opposed to this idea? What is your ETA for finalizing this action?
- How soon can you get this going as it's long overdue!
- Will Brisbane's Dark Skies Ordinance have any real impact given lights from surrounding cities?
- Will San Francisco and/or other Bay Area cities also be complying? That would be great.
- How's the city done research and will it share that research and how other communities have implement this is some of the negative affects?
- How extreme is this to what is now being passed by other cities
- Would need more info on the section regarding Lighting Requirements especially color temperature.
- Who will enforce this?
- Color, temp, should be less a concern if lighting is directed toward targeted area and shielded from neighbor and drivers. No?
- Curious why this topic has come up now
- How are you going to regulate this? Will there be notices and fines?
- Why are we even talking about this?