

ORDINANCE NO. 11-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTERS 23.56 AND 23.100 REGARDING RESIDENTIAL LIGHTING STANDARDS

WHEREAS, the City of Elk Grove (“City”) is creating new single-unit residential and two-unit residential lighting regulations in the Elk Grove Municipal Code (EGMC) to ensure best practices, and to address issues or concerns with current lighting regulations; and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Elk Grove (the “Planning Commission”) held duly-noticed public hearings on July 18 and August 1, 2024, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting, ultimately voting 4-1 to recommend approval of the amendments to the City Council; and

WHEREAS, the City Council of the City of Elk Grove (the “City Council”) held a duly-noticed public hearing on August 28, 2024, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Chapters 23.56 and 23.100 of the Elk Grove Municipal Code regarding residential lighting standards.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308.

Evidence: State CEQA Guidelines Section 15061(b)(3) provides that CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. State CEQA Guidelines Section 15382 defines a significant effect on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” The primary adverse effects of new lighting are light spillover onto adjacent properties and lighting that increase existing ambient lighting levels. Here, the City does not have standards or regulations specifically governing residential lighting. The proposed Project includes the adoption of new lighting standards applicable to single unit residential and two-unit residential developments for the purpose of preserving nighttime views and preventing excess glare and light pollution to properties in residential areas and areas adjacent thereto. The new standards would restrict lighting by placing maximum lumen levels, shielding requirements, and height restrictions on exterior outdoor lighting fixtures. The Project

would also require a new design review process, including a point-by-point photometric calculation, for exterior free-standing lighting fixtures between 12 and 20 feet high. There is no evidence to suggest that the Project would result in a substantial adverse change in any of the physical conditions within the area affected by the Project. For the reasons stated above, the Project is exempt under CEQA pursuant to State CEQA Guidelines section 15061(b)(3).

The proposed amendments will create new, more restrictive, lighting standards applicable to single residential unit and two-unit residential developments for both attached and free-standing light fixtures. State CEQA Guidelines Section 15308 provides a categorical exemption for actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The City does not have standards or regulations specifically governing exterior residential lighting. The purpose of the proposed Project is to preserve nighttime views, prevent excess glare, and prevent light pollution resulting from residential projects in the City. Therefore, the Project is exempt pursuant to State CEQA Guidelines Section 15308.

General Plan Consistency

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Title 23 of the Elk Grove Municipal Code are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes are intended to improve implementation of the City's lighting standards, and to reflect best practices. Therefore, there are no conflicts between the proposed changes and the City's General Plan.

Section 3. Amendments to Title 23 (Zoning)

EGMC Title 23 is amended as shown in the attached Exhibit A, incorporated by reference.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 11-2024
INTRODUCED: August 28, 2024
ADOPTED: September 11, 2024
EFFECTIVE: October 11, 2024




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 12, 2024

EXHIBIT A AMENDMENTS TO EGMC TITLE 23 (ZONING)

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Chapter 23.56 (Lighting) shall be amended as follows:

23.56.010 Purpose.

The regulations and requirements set forth in this chapter are intended to promote and protect public health, safety and general welfare and promote the preservation of the natural nighttime outdoor environment by regulating artificial lighting. In particular, this chapter is intended to limit glare and light pollution to ensure adequate safety, night vision, and comfort.

23.56.020 Definitions.

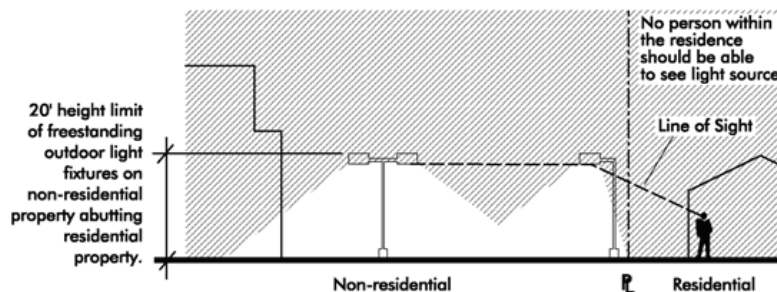
Terms unique to this chapter are listed in EGMC Chapter 23.100 (General Definitions).

23.56.030 Multifamily and nonresidential outdoor lighting standards.

Except as otherwise specified herein, outdoor lighting standards listed below apply to all new multifamily residential and nonresidential development. The designated approving authority may grant exceptions to the shielding requirements, maximum level of illumination, and height of outdoor light fixtures for outdoor recreation facilities on park sites with the finding that the light impacts do not create a public nuisance for abutting residential property.

A. Shielding Required. Except as otherwise exempt, all multifamily and nonresidential outdoor lighting shall be constructed with full shielding. Where the light source from an outdoor light fixture is visible beyond the property line, shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. See Figure 23.56-1.

**Figure 23.56-1
Shielding Provisions for Outdoor Lighting**



B. Level of Illumination. During hours of darkness, the minimum and average maintained foot-candles of light shall be consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required in conjunction with the development permit application and prior to issuance of a building permit or site improvement plans to ensure compliance with these provisions.

1. Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one (1 fc) foot-candle of light and an average not to exceed four (4 fc) foot-candles of light.

2. Pedestrian walkways shall be illuminated with a minimum maintained one-half (0.5 fc) foot-candle of light and an average not to exceed two (2 fc) foot-candles of light.

3. Exterior doors of nonresidential structures shall be illuminated during the hours of darkness with a minimum maintained one (1 fc) foot-candle of light, measured within a five (5' 0") foot radius on each side of the door at ground level.

4. In order to minimize light trespass on abutting residential, agricultural-residential, and agricultural property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1 fc) foot-candle.

C. Maximum Height of Freestanding Outdoor Light Fixtures. The maximum height of freestanding outdoor light fixtures for development abutting residential, agricultural-residential, and agricultural property shall be twenty (20' 0") feet. Additionally, exterior lighting within multifamily developments shall have a maximum height of fourteen (14' 0") feet. However, the designated approving authority may grant exceptions to this height restriction in conjunction with design review if the proposed lighting plan has negligible light glare and spill impacts on adjoining residential properties. Otherwise, the maximum height for freestanding outdoor light fixtures shall be thirty (30' 0") feet.

D. Type of Illumination. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.

E. Hours of Illumination. Automatic timing devices shall be required for all new outdoor light fixtures with off hours (exterior lights turned off) between 10:00 p.m. and 6:00 a.m. However, outdoor lights may remain on during the required off hours when:

1. The hours of operation of the associated use extend into the required off hours (lighting may stay on during the hours of operation of the use);

2. Illuminating flags representing country, state, or other civic entity (also see EGMC Section 23.62.090 (B)(4)); and

3. Functioning as security lighting (e.g., illuminating a pathway, building entry, etc.).

F. Outdoor Sports Field/Outdoor Performance Area Lighting.

1. The mounting height of outdoors sports field and outdoor performance area lighting fixtures shall be reviewed on a case-by-case basis by the designated approving authority.

2. The hours of operation for the lighting system for any game or event shall not exceed one (1) hour after the end of the event.

G. Auto and Vehicle Rental and Sales Uses. Auto and vehicle display areas shall have a minimum maintained one (1 fc) foot-candle of light and an average not to exceed thirty (30 fc) foot-candles of light. Illumination standards for all other areas outlined in subsection (B) of this section shall be adhered to.

H. Architectural/Landscape Lighting. Outdoor light fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.

I. Sign Lighting. The artificial illumination of signs, both from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties, and shall comply with EGMC Chapter 23.62, Signs on Private Property.

~~23.56.040 Lighting prohibited.~~

~~The following outdoor light fixtures shall be prohibited as specified below. Existing light fixtures legally permitted or authorized prior to adoption of this chapter may be maintained.~~

~~A. Neon tubing or band lighting along building structures as articulation.~~

~~B. Searchlights.~~

~~C. Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of architectural features authorized by the designated approving authority in conjunction with the required development permit(s).~~

~~D. Roof-mounted lights except for security purposes with motion detection and full shielding so that the glare of the light source is not visible from any public right-of-way.~~

~~E. Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.~~

23.56.040 Single Residential Unit and Two-Unit Residential Exterior lighting standards.

A. Standards. Exterior lighting for single residential units and two-units residential shall be subject to the following standards.

1. Attached Exterior Lighting Fixtures.

a. Attached exterior lighting fixtures on primary or accessory structures shall not exceed the height of the eave of the roof of the building or structure to which the lighting is attached.

b. Bulbs installed in attached exterior lighting fixtures may not exceed one thousand six hundred (1,600) lumens unless the light fixture is full cutoff.

2. Freestanding Exterior Lighting Fixtures:

a. Except as otherwise set forth in this Elk Grove Municipal Code Section 23.56.040, freestanding exterior lighting fixtures shall be full cutoff, shall not exceed a height of 12 feet (12'-0") feet, and shall not exceed one thousand six hundred (1,600) lumens.

b. Freestanding exterior lighting fixtures with a height between 12 feet (12'-0") and 20 feet (20'-0") may be approved through Minor Design Review with the submittal of a point-by-point photometric calculation listing the number, type, height, and level of illumination of all outdoor lighting fixtures. In such cases, illumination measured at any shared property line shall not exceed the moon's potential ambient illumination of one-tenth (0.1 fc) foot-candle. All freestanding lighting fixtures exceeding a height of 12 feet (12'-0") shall be full cutoff (no light above 90 degrees) and require automatic timing devices with off hours between 10:00 p.m. and 6:00 a.m. every day.

B. Exemptions. The following exterior lighting types are allowed by right and are exempt from the standards set forth in Section 23.56.040.A.

1. Temporary (maximum 90 consecutive days) lighting used for seasonal decoration.
2. Low voltage landscape lighting less than fifteen (15) volts.
3. Outdoor string lighting with bulbs not exceeding one hundred forty (140) lumens per bulb.
4. Exterior lighting fixtures existing and legally installed prior to the effective date of this section are exempt from the requirements of this section pursuant to the provisions of EGMC Chapter 23.84 (Nonconforming uses, buildings, and structures).

23.56.050 Lighting prohibited.

The following outdoor light fixtures shall be prohibited as specified below. Existing light fixtures legally permitted or authorized prior to adoption of this chapter may be maintained pursuant to EGMC Chapter 23.84 (Nonconforming uses, buildings, and structures).

A. Neon tubing or band lighting along building structures as used in lieu of articulation is prohibited. Accent eave lighting where the light source is not visible from any public right of way is allowed.

B. Searchlights.

C. Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of architectural features authorized by the designated approving authority in conjunction with the required development permit(s).

D. In multifamily residential and nonresidential development, roof-mounted lights except for security purposes with motion detection and full shielding (so that the glare of the light source is not visible from any public right-of-way).

E. Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

F. No permanently installed exterior lighting shall continuously blink or flash for any single unit residential development. Exterior temporary (maximum 90 consecutive days) lighting for seasonal decoration is permitted.

Section 23.100.020.F (“F” Definitions) shall be amended as follows:

...

11. “Full cutoff” means that there is no light above ninety (90) degrees.

1112. “Full shielding” means a technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

1113. “Future tenant signs” means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2024

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on August 28, 2024, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 11, 2024, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Brewer, Robles, Spease

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Suen

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California