

OUTDOOR LIGHTING ORDINANCE TASK FORCE MEETING

APRIL 7, 2016 – 4:00-6:20 PM

Task Force Members in Attendance:

Carol Lynn Alpert
Chris Basler
Andrea Boyer
Peter Calkins
David Chilinski
Steve Lenkauskas
Ranjit Singanayagam
Charles Teague
Bob Woodbury

Members of Public in Attendance:

Glenn Heinmiller
Carol O'Hare
Chris Ripman
Betty Saccoccio
Marie Saccoccio
Kenneth Taylor
Marilyn Wellons

City Staff and Consultants in Attendance:

Lisa Hemmerle
Lt. Leonard DiPietro
Stuart Dash
Suzannah Bigolin

Paul Lutkevich
Jeffrey Berg

Sixteenth meeting of Lighting Ordinance Task Force was held in the Fourth Floor Meeting Room of the City Hall Annex, 344 Broadway, Cambridge, Massachusetts.

MEETING NOTES:

Lisa Hemmerle welcomed everyone to the 16th meeting and pointed out the handouts to the Task Force Members (TFMs), including the meeting agenda, a copy of the revised outdoor lighting ordinance draft dated March 24, 2016 (redlined and clean draft), copy of 2 proposed timelines for the Task Force to consider, and a copy of an article written by Carol O'Hare and Heather Hoffman that was posted to the Cambridge Day website.

Lisa thanked everyone for their continued participation in the process. She outlined two scenarios for proceeding with a recommendation by the Task Force. Scenario 1 outlined April 7th as the final meeting, depending on what was completed tonight, with the Task Force working on a memo to accompany the recommendations and proposed draft ordinance to the City Manager. The Task Force members would have two weeks to complete the memo while the Law Department would review the proposed draft ordinance with documents submitted to the City Manager by April 25th. The second scenario calls for the final meeting of the Task Force to be held the last week of April with the Law Department reviewing the proposed draft beginning May 3rd and final documents submitted to the City Manager by May 24th. This would allow the City Manager to review the recommendations, and if approved, submit to the City Council for consideration at the June 6th Council Meeting. The Task Force members in attendance agreed with these two scenarios.

Lisa introduced Stuart Dash, Director of Community Planning, and Suzannah Bigolin, Urban Design Project Planner, to discuss the Planning Board's review of roof-top lighting. Stuart noted that the Planning Board is tasked with making judgements based on criteria such as indicators and that Article 19 can be made more robust to address issues of lighting, including rooftop lighting. He further explained that changes in the application process and necessary documentation would not require a change in the Zoning Code.

However, a complete ban on roof-top lighting as proposed by some Task Force members would not achieve a desirable result for the community. Lisa pointed out that a ban on all roof-top lighting would be an extreme measure that would eliminate any possibility for review of creative lighting. Suzannah explained that lighting can enhance the public realm, architectural features of a building and be implemented in an appropriate manner that follows the intent of the proposed Outdoor Lighting Ordinance.

Light trespass is handled in the current draft ordinance under prescriptive and performance standards. The gaps that allow unregulated roof-top lighting for buildings that have a great impact on a neighborhood can be greatly mitigated with the Article 19 review. Stuart explained that Urban Design Objectives in Article 19 can include requiring applicants to list measures taken to mitigate light pollution from outdoor or exterior lighting, including façade and landscape lighting. Also, making it clear to applicants that the indicators listed under 19.33 include façade and landscape lighting.

Charlie Teague raised concerns that only a few projects appear before the Planning Board each year and don't include the majority of buildings that could fall within the exemption for roof-top lighting under the Performance Standard. It was pointed out by Chris Basler that the buildings which are reviewed under the Special Permit process are the same buildings that have the greatest impact on the neighborhood and would incorporate roof-top lighting.

Charlie proposed as an alternative that any building in Lighting Zone 3 that wants to follow the Performance Standard must apply to the Planning Board for a Special Permit to install roof-top lighting. Stuart described a number of situations where staff already reviews exterior lighting with Large and Small Project Review that can produce non-binding recommendations and are most likely followed by the applicant.

When addressing existing buildings, the binding requirements of a Special Permit would list the conditions that must be followed. If roof-top lighting for those buildings contradicted the application or conditions outlined in the Special Permit then the property owner would need to request another Special Permit. The application and review process is very time consuming for applicants so property owners would not go through this endeavor on a whim.

Carol Lynn Alpert pointed out that the primary concern about roof-top lighting is the lumen level and that technology to provide brighter and cheaper lights is readily available. She asked City staff what process could be enacted that provides a check on excessive lumen levels for

new or existing buildings of any size, not just those that are reviewed by the Planning Board. She also agreed that a Special Permit process could address the roof-top issue for new and existing buildings. Stuart indicated that the criteria for roof-top lighting could be established under the Special Permit process that could capture smaller buildings. However, he wasn't sure what building size threshold would be appropriate. Currently, the Task Force has included the requirements for buildings over 10,000 square feet to submit a lighting plan so that gross floor area size would seem to be appropriate.

Lisa moved to the next topic on the agenda. There has been a concern throughout the process that the primary area of conflict over excessive exterior lighting has been between commercial and residential zones. The proposed Prescriptive Standard reduces the amount of direct light trespass and light pollution substantially across all zoning districts when applied by property owners but can limit the effectiveness and efficiency for larger developments. The Performance Standard involves a more complex system that allows greater flexibility and light levels in large commercial development districts which increase effectiveness and efficiency of appropriate lighting design. However, previous ordinance drafts have not addressed the conflict between residential areas that border these commercial development districts.

City staff and the Task Force consultants have looked into this issue and propose to include a buffer zone of 100 feet between Lighting Zones 2 and 3. Exterior light fixtures that are located in Lighting Zone 3 but are within 100 feet of Lighting Zone 2 must comply with the LEED Light Pollution Reduction Credit (LPRC) rules for Lighting Zone 2. Where the Lighting Zone line occurs within a public street, the 100 feet shall be measured from the centerline of the street. Where the Lighting Zone line lies within a lot, the 100 feet shall begin at the lot line that divides the subject lot from another lot in a different Lighting Zone.

Questions were raised how ISD would address complaints about a neighboring property that uses the Performance Standard and Ranjit Singanayagam replied that the Inspector would review the documentation in the permit application and determine if the existing conditions meet the items listed in the approved electrical permit.

Charlie raised a concern that the BUG ratings for Lighting Zone 2 are excessive and would create substantially higher lumen levels under the Performance Standard than those allowed under the Prescriptive Standard. This conflict would still occur with properties within Lighting Zone 2. The consultants pointed out that there are several components that need to be calculated under the BUG method, including shielding, mounting height, distance from the lighting boundary, and zonal lumen limits. Taking the maximum zonal lumens allowed under one category of light is misleading since it does not count the limitations under the other categories that reduce the overall light levels.

Carol Lynn asked if there are any other issues associated with applying LEED LPRC in Cambridge besides the exemption for façade and landscape lighting in Lighting Zone 3. The consultants could not identify any because of the number of conditions and variables that would need to be addressed under the LEED LPCR before a lighting system could be approved using the

Performance Standard. Charlie remained concerned that the LEED LPRC still allowed a higher lumen level than the Prescriptive Standard. Carol Lynn and Lisa agreed that the Performance Standard's intent to allow for complex designs that provide more effective and efficient lighting needs to meet the goal of the ordinance to reduce light trespass and light pollution. The intent to meet this goal should be emphasized in the required lighting plan.

Lisa mentioned the presentation she provided at the Combined Business Association Forum and the work conducted by the Task Force. Those business and property owners in attendance expressed concern that the 5-year phase-in period was too short. Also, Lisa pointed out the concern expressed by the Police Commissioner that there might be additional lighting required for safety and security purposes in certain areas, in particular necessary light levels for property owners with security cameras.

Lisa moved down the agenda to a discussion on Light Cambridge. This separate project involves representatives from different City departments and community members that are considering façade lighting for architecturally and/or culturally significant buildings and places in Cambridge. Ken Taylor, architect and organizer of the Light Cambridge initiative, described that the standards in the proposed ordinance would not allow some types of façade lighting that would be necessary and appropriate to highlight architectural details.

Carol Lynn asked how this project could be reviewed under a waiver process. The current waiver process would not consider façade lighting as a condition for relief from the proposed standards. Carol Lynn pointed out that all the Task Force members would like to architecturally significant buildings have appropriate façade lighting but does not want to see another group subvert all of the work by the Task Force. Should the City of Cambridge designate a "Light Cambridge" panel that proposes to provide façade lighting for certain structures and open spaces then it could be reviewed under the current exemptions for public art or historic buildings, if appropriate. If it does not fall under these exemptions then an amendment could be proposed during the Ordinance Committee public hearing to create an exemption for Light Cambridge or similar program that creates a public benefit.

Carol Lynn would like see a public process determine the allowance for façade lighting through Light Cambridge. Charlie suggested that Light Cambridge could be another category of lighting that could be allowed by the Planning Board under a Special Permit process. Stuart suggested looking at the language used to outline the process for the disposition of public property as an example of a public process to follow.

Lisa pointed out that "or determined by ISD to adversely impact parties in interest" under the Performance Standard requirement will need to be removed since ISD is not allowed to make a judgement call on a subjective standard. Charlie again expressed that a Lighting Commission should be formed to deal with all of the issues that need to be reviewed rather than going to ISD for an objective interpretation of a standard. Lisa replied that the Task Force and Consultants have established a standard of lighting best practices that can be applied evenly and fairly across the City and enforced by ISD.

Lisa closed the discussion period by the Task Force and told the group that City staff would provide additional language to address concerns about “Public Interest” or “Safety and Security” since there was no time left to discuss this piece of the agenda. She opened the comment period by the public.

PUBLIC COMMENT

Comments and concerns raised by members of the public attending include:

- 1) Betty Saccoccio, resident
 - Concerned that buildings of any size can create light trespass under this proposed ordinance. Building are in close proximity to each other and there is no reason for the excessive levels of light, even if it is a historic building.
 - The Zinc Building is an example of roof-top lighting that is not addressed under this proposed ordinance.

- 2) Marie Saccoccio, resident and attorney
 - The Zinc Building is outrageous and there is no reason for this type of lighting beyond the ego of the property owner.
 - Concerned that the Zinc-type lighting would not be addressed by this ordinance.

- 3) Carol O’Hare, resident and attorney
 - Concerned that excessive lighting is spreading into other areas of Cambridge, such as Fresh Pond.
 - Provided the Task Force with copies of a petition from 40 residents that do not want Zinc-type lighting in the City.
 - Roof-top lighting needs to be banned.
 - Concerned that excessive signage is proliferating throughout the City and ISD cannot enforce those rules as it is.
 - Believes that ISD does not have the personnel or resources to implement and enforce this proposed ordinance.
 - States that this is a quality of life issue.

- 4) Marilyn Wellons, resident.
 - Has been participating in this process and meetings from the very beginning.
 - Concerned that this Task Force has been assigned to the Economic Development Division and will focus on the interests of development rather than residents.
 - ISD is not setup to deal with residential issues in commercial districts.
 - Concerned that the response by the City towards residents that complain is that commercial development keeps your taxes low so if you don’t like it you can move.
 - Would like to see a cost-benefit analysis conducted on the detrimental impacts on health versus energy savings from cheaper and brighter lights.

- 5) Ken Taylor, resident and design professional.
 - Concerned there is no provision to allow for installing appropriate architectural lighting that does not comply with the proposed ordinance.
 - Concerned that buildings in Lighting Zone 3 that are not reviewed by the Planning Board can install any level of façade and landscape lighting as long as it is turned off from Midnight to 6:00 AM.
 - Would like the Task Force to consider additional language that would encourage good lighting rather than restrict everything.

- 6) Chris Ripman, lighting design professional.
 - Helped create the Light Boston program that Light Cambridge is modelled after.
 - Explained that it is very difficult to write an ordinance that restricts bad lighting but still allow good lighting.
 - Supports an exemption or process that produces lighting in the “public interest”.
 - If Light Cambridge proceeds then there is great opportunity to produce façade lighting in the public interest.
 - The primary question is “how do you legitimize the process for choosing buildings and the types of lighting”? Good criteria should not contradict the ordinance standards.
 - Suggests reviewing standards that allow 1-6 foot-lamberts.

- 7) Glenn Heinmiller, resident and lighting professional.
 - Believes that the proposed 100 ft. buffer between Lighting Zone 2 and Lighting Zone 3 will address most of the concerns over light trespass for those properties that follow the Performance Standard. Street lights will have a greater impact on light trespass than fixtures that follow the Lighting Zone 2 standards.
 - Most property owners in Lighting Zone 2 will follow the Prescriptive Standard and not the Performance Standard.
 - Walden Apartments will probably have to change the building’s exterior lighting to meet either standard.

Lisa thanked everyone for their time and the meeting was adjourned.

The final meeting is Wednesday, April 27th in the 4th Floor Conference Room at the City Hall Annex, 344 Broadway from 4:00-6:00 PM.