

OUTDOOR LIGHTING ORDINANCE TASK FORCE MEETING

APRIL 27, 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:

Kelly Beatty
John Greenup
Glenn Heinmiller
Sarah Kennedy
Carol O'Hare
Kenneth Taylor
Tracy Wax
Marilyn Wellons

City Staff and Consultants in Attendance:

Councilor Jan Devereux
Lisa Hemmerle

Paul Lutkevich
Jeffrey Berg

Seventeenth 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 17th and final 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 April 20, 2016 (redlined and clean draft), map of proposed Lighting Zones with 100 ft buffer zone, text of proposed edits recommended by Carol O'Hare, text of proposed edits recommended by Carol Lynn Alpert, and a copy of zoning recommendations to mention in the Memorandum by the Task Force to the City Manager.

Lisa thanked everyone for their continued participation in the process. She outlined the process moving forward and mentioned that the edits made tonight would be the final edits by the Task Force before the Recommendations Memorandum was transmitted to the City Manager. The Task Force members would have three weeks to complete the memo while the Law Department would review the proposed draft ordinance with 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 discussed the status of the memo and Bob Woodbury sent the committee an initial draft for review. Carol Lynn Alpert suggested edits to this document and sent around a copy to the Task Force members. Each of the committee members should feel

free to propose edits but the recommendations should be items agreed upon by the Task Force. Additional letters of support or concern can be provided individually.

Lisa continued the meeting with a review of the proposed edits for the draft ordinance. Minor changes proposed to the definitions for “Façade Lighting” and “Parties in Interest”; along with minor text changes to “General Requirements, Applicability”, “Interim Modifications”, “Prescriptive Standard Table” and “Performance Standard” were adopted and are indicated in the redlined draft posted on May 2nd. Also, “intended by this Ordinance and Zoning Ordinance” was added to the Performance Standard to emphasize intent.

Charlie Teague raised concerns that the light levels under the Performance Standard were too high and should not be allowed in the proposed Lighting Zone 2 designation. Carol Lynn agreed that the Performance Standard should only be allowed as an option in Lighting Zone 3. Lisa disagreed with this proposal since it has been discussed at length and the consultants from Parsons Brinckerhoff have concluded that whichever light trespass requirement property owners follow, the LEED Light Pollution Reduction Credit (BUG Rating Method or Calculation Method) will provide appropriate protections for standard light installations.

Charlie asked about the wording for suggested edits to the Urban Design Objectives and Indicators in Article 19 under the Cambridge Zoning Ordinance. Suggested language was provided to the Task Force members by e-mail prior to this meeting and in a handout distributed to the attendees of this meeting. The final text of the proposed changes will not be developed until after the proposed Outdoor Lighting Ordinance is adopted. Charlie was concerned that the actual text was not provided and that proposed changes to the zoning ordinance in earlier Task Force meetings included the exact text. Chris Basler explained that the text for the previous recommended changes to the zoning ordinance was thought to be necessary to avoid conflicts with the proposed municipal outdoor lighting ordinance. However, it was determined by the Law Department that there was not a conflict between the two ordinances so no change was necessary at that time. Charlie stated if the Task Force was allowed to change the Zoning Ordinance in the earlier meetings then it should have the authority to propose changes with the exact text at this point in the process.

Lisa pointed out that current Project Review requirements are still in place and already look at all outdoor lighting for projects required to follow Article 19. She stated that Jeff Roberts was working on the text for the changes to Article 19 and would share it when it becomes available but probably not before the Task Force completes the proposed municipal ordinance and memorandum to the City Manager. It was also pointed out that any rooftop lighting must follow the current limits and standards for Lighting Zone 2 and 100 feet into Lighting Zone 3. Ranjit Singanayagam also pointed out that any project which received a Special Permit under Article 19 would have to comply with the application and decision of the Planning Board and the construction documents approved by the Inspectional Services Department (ISD). Unless roof top lighting was requested and approved by the Planning Board and received a permit from ISD then the property owner would need to apply for a new Special Permit to include the lighting installation before an electrical permit is pulled.

Carol Lynn requested that the source of the LZ2 light trespass requirements be cited in the ordinance and was concerned that the information presented about the Model Lighting Ordinance Prescriptive Standard, BUG Rating Tables and the LEED Light Pollution Reduction Credit (LPRC) was not timely or comprehensive. She felt that in these three instances when formulating the proposed ordinance that the consultants were not up front with the Task Force members and that they were cherry-picking standards from the Model Lighting Ordinance and different versions of the LEED LPRC. Chris Basler disagreed with her assertion but did not disagree with the insertion of the LEED LPRC version citation.

Lisa moved to the review of proposed Exemptions from Applicability. Steve Lenkauskas raised a concern about the language in the first exemption which addresses light fixtures attached to utility poles in the public way that light private property. He stated it would adversely impact 100-150 buildings in the city with light installations for properties close to the street that use fixtures on utility poles. The ordinance might be misconstrued to indicate that type of lighting is not allowed and the utility company would remove all lights instead of meeting the standards in the ordinance. The Task Force decided to remove the statement indicating what was not exempted since it was unnecessary.

The Task Force agreed with the proposed exemptions as written with the addition of language to #13 to read as “lighting as otherwise requested by the City on private property for purposes of safety and security” in case there is a public interest to provide more light than is allowed under the ordinance.

Also, the Task Force agreed to add an exemption allowing city-authorized endeavors with oversight by an expert review process to provide lighting of structures, monuments, and open spaces that are historically or culturally significant or provide an artistic and aesthetic value that might not be allowed under the current lighting standards. The wording was added to the draft ordinance, along with the caveat that all of the exemptions must minimize light pollution and light trespass when possible. Carol Lynn provided additional language for this exemption that would be included in the next draft of the ordinance.

Lisa thanked everyone for their efforts working with the committee. She went over the goals of the Task Force and stated how proud she was to present the document to the City Manager. She will provide the final edits to everyone before sending the proposed draft to the Law Department for review. She expressed her appreciation to the public for attending the meetings and giving their input throughout the process.

The Task Force agreed to review the latest drafts of the memorandum, provide input via e-mail, and meet to discuss the latest version on Wednesday, May 11th at 4:00 PM with the location to be determined and posted.

Lisa closed the Task Force discussion and opened up the public comment period.

PUBLIC COMMENT

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

- 1) Carol O'Hare, resident and attorney
 - She disagreed with Chris Basler's assertion that creating and legalizing lighting standards where no measurable standards currently exist is "doing no harm". She indicated that unless sufficient details are provided in the standards and regulations that loopholes are created in the application and enforcement of the rule.
 - Concerned that low-income residents that are forced to live in commercial districts will be subjected to excessive lighting that is allowed under this proposed ordinance. This is not the case for residents with higher incomes that live in residential neighborhoods.
 - Concerned that when Ranjit decides to leave the City that there will not be continuity with enforcement and compliance.
 - Roof-top lighting needs to be banned.
- 2) Kelly Beatty, resident and lighting professional
 - He is very happy with the process and the Task Force's efforts with a complex subject.
 - He is glad to see that the Task Force embraced the Model Lighting Ordinance as one of the guiding standards.
 - He is concerned about the removal of the language in the first exemption since the utility companies need to be put on notice to further encourage them to meet the lighting standards that have been proposed. Lighting private property from public utility poles is common practice and a problem.
 - He looks forward to the implementation of the proposed ordinance as it stands.
- 3) John Greenup, resident and attorney
 - Congratulated the Task Force for the hard work on this ordinance.
 - Concerned that the Performance Standard is a little too squishy and will allow developers a "second bite at the apple" where builders can install inappropriate lights if not allowed under a previous review process. Carol Lynn pointed out that provisions were included for addressing this concern and that more stringent rules apply and there are commissioning and maintenance compliance requirements.
- 4) Marilyn Wellons, resident.
 - Thanked everyone for their time during this long process.
 - Seconded the comments by Carol O'Hare, particularly with the difference in light levels that are allowed Lighting Zone 3 as opposed to Lighting Zone 2 since residential units are allowed in both.
 - Points out that the issue of public health is not listed anywhere in this document and concerned that it was not effectively addressed.

- She does not have faith in the industry standards and the consultants since she believes that residents are not a primary concern by the industries.
 - Thanks the residents on the Task Force for being vigilant and is encouraged by everyone's efforts but will hold judgement until she can see the final product.
- 5) Sarah Kennedy, business representative
- Concerned that the increase in residential units in mixed-use areas, such as Kendall Square, will create a compliance problem for both businesses and residents.
 - She is also concerned about the fact that anyone can make a complaint, even if it is not a neighboring property.
- 6) Glenn Heinmiller, resident and lighting professional.
- Asked if there would be more changes by the Task Force on the proposed ordinance or if this was the final submission. He was informed that this was the final review by the Task Force before it will be open to the public for comment at the Ordinance Committee or City Council.
 - He has been to every meeting and has heard repeated comments about that there are huge loopholes in the Performance Standard. He believes that the Task Force has made their intentions clear in the ordinance and that these loopholes do not exist. The LEED LPRC is rarely used because it is so restrictive and that is represented in the proposed ordinance.
 - This ordinance will be a powerful tool for the City and everyone should be congratulated for developing it.

David Chilinski stated that all codes need to be revised eventually and there should be some look-back period and review process to determine if the ordinance is effective. The City should be committed to review the lighting standards from time to time. Also, he wanted to make sure that the Task Force is kept apprised of the progress and next steps for the proposed Ordinance.

Carol Lynn commented that her fear is the draft proposed by the Task Force will get changed and lose its "internal logic". She asked if the memorandum can include a request that any movement to make change to the ordinance would include participation by the Task Force members. Lisa thought that would be a good item to be in the memo but that there be agreement among the Task Force members.

Marilyn Wellons asked what she can tell her neighbors about the building near them. Chris said that the building will have to follow the Prescriptive Standard or the Performance Standard for Lighting Zone 2.

Carol O'Hare asked again if existing buildings under 25,000 square feet can get Zinc-type lighting. Lisa and Paul Lutkevich and Jeff Berg from Parsons Brinckerhoff said Zinc-type lighting would not be allowed. Carol did not accept that answer and wanted more assurances or that

she would write to everyone in the city to tell them that Zinc-type lighting would be allowed under the ordinance. She did not understand why any rooftop lighting was allowed.

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

The meeting of the Task Force members to discuss the proposed cover memorandum to the City Manager is scheduled for Wednesday, May 11th at 4:00 PM with the location to be determined.