

## Comments on ARB version of Proposed Ordinance Review

Shani Kleinhaus <shani@scvas.org>

Sun 7/28/2024 1:49 PM

To: Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>

Cc: French, Amy <Amy.French@CityofPaloAlto.org>; Dash Leeds <dashiell.leeds@sierraclub.org>; Julianne Wang <julianne.junyanw@gmail.com>

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July 28, 2024

Dear Kelly,

We have reviewed the proposed lighting ordinance (the version that was available to the ARB) and **our comments are Available Here:**

<https://docs.google.com/document/d/1qx7FHxwGwm46ms-PuX1Ap4RBAFRqouByALIV91EfJvw/edit?usp=sharing>

Please note that we are still looking at this, and comparing with our **Model Lighting Ordinance Ordinance, Available Here:**

<https://docs.google.com/document/d/1Nqe19ColokeJGwsWsXCwZz9-Mx2mrTaJQwYLzmeepfg/edit#heading=h.406ajo23pzbb>)

Thank you so much,  
shani

Shani Kleinhaus, Ph.D.  
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July 28, 2024

Dear Kelly,

We have reviewed the proposed ordinance (the version that was available to the ARB) and our comments are attached,

Please note that we are still looking at this, and comparing with our Model Lighting Ordinance Ordinance (Available Here:

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Thank you so much,  
shani

### **Lighting (Repeal PAMC Section 18.40.250)**

#### **Consider adding:**

- Please include Lumens caps (e.g., allowed amount of lumens per improved acre) to limit over-lighting. Malibu's ordinance has Lumen caps, often 850 lumens. Brisbane has a maximum lumen/square foot. Our Model Lighting ordinance suggests:
  - Illumination Levels: Lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens shall not be installed or used without a conditional use permit.
- Please add regulations for parking garages? Our Model Ordinance requires Lighting Controls for Lighting under canopies or lighting for tunnels, parking garages, and garage entrances.
- The ordinance should include a restriction on the total amount of unshielded lighting allowed on a property. This would capture string lighting, for example.

#### **Comments on the proposed ordinance (ARB version):**

##### **(a) Purpose.**

"The intent of this section is to establish exterior lighting standards to reduce light pollution. Exterior lighting of parking areas, pathways, and common open spaces, including fixtures on building facades and free-standing lighting should aim to:"

- **Comment:** It's unclear why the preamble specifically calls out "exterior lighting of parking areas, pathways, and common open spaces, including fixtures on building facades and free-standing lighting". The statement in section (c) says that the ordinance applies to "require separate planning approval". It's just odd that the phrasing in (a) is so specific, and omits many other potential exterior lighting areas.

- **Suggestion:** Consider replacing “Exterior lighting of parking areas, pathways, and common open spaces, including fixtures on building facades and free-standing lighting should aim to:” with “Exterior lighting should aim to accomplish the 5 Principles for Outdoor Lighting, directing light to be 1) useful, 2) targeted, 3) low level, 4) controlled, and 5) warm-colored and”

(1) Reduce light pollution and its adverse effects on environment, wildlife habitat, and human health.

- **Comment:** The Night Sky, visibility of stars, is important.
- **Suggestion:** Add “the night sky” or replace “environment” with “the night sky”

(4) Achieve maximum energy efficiency.

- **Comment:** The important thing is to reduce overlighting in time and space that wastes energy. We are concerned with specifying “Maximum efficiency” as it may lead to installation of very fixtures of high Correlated Color Temperature, which conflicts with the intent of this section.
- **Suggestion:** Replace “Achieve maximum energy efficiency” with: “promote lighting systems and practices that conserve energy and prevent overlighting”

**(b) Definitions.** Notwithstanding the definitions in Chapter 18.04 of the Municipal Code, for purposes of this chapter only, the following words and phrases are defined as follows:

(b) (1) “Correlated Color Temperature” or “Color Temperature” means 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.

- **Comment:** This wording confuses color temperature with the hue of light.
- **Suggestion:** Replace: "Warmer color temperatures are a lower number, and cooler color temperatures are a higher number." with the more accurate "Sources that appear warm or yellowish have lower CCT values, and sources that appear cool or blue have higher values".

(2) “Dark Sky Compliant or Equivalent” means a light fixture from which all light emitted, directly or indirectly, is projected below a horizontal plane.

- **Comment:** this could confuse property owners. No one owns the term "dark sky compliant", so words like that appear in sales literature and on product packaging for lighting that doesn't meet the stated definition here. Someone could make an honest effort to comply and still fail because "dark sky compliant" is essentially a meaningless term.
- **Suggestion:** Remove this definition, replace with specific requirements.

(5) “High Intensity Lighting”

- **Comment:** This term is ambiguous in that it implies a number or other metric that explains why the "intensity" is "high". A veteran lighting consultant we talked to stated that he has never before seen an instance where this term was intended to refer specifically to outdoor sports lighting.

(9) "Luminaires"

- **Suggestion:** Please make clear that this term does not include poles or mounting surfaces.

(11) "Security lighting"

- **Comment:** There's no consistent evidence that lighting can "detect intrusions or other criminal activity occurring on a property or site". It may help people feel secure, and perhaps the intent is to *deter rather than detect* criminal activity. There is no evidence to suggest that works, either.

(c) Applicability

For the purposes of this Section, all new structures and exterior modifications that require separate planning approval shall comply with the lighting standards and guidelines set forth in this section

- **Comments/Suggestions:** Expand Applicability to Existing Fixtures
  - A recent feature of several adopted Dark Sky Ordinances is the application of Dark Sky standards to existing lighting fixtures, as seen in Malibu and Brisbane. Existing, non-compliant lighting that can be adjusted without replacing the fixture should be brought into compliance within a short grace period of time. Lighting that requires new fixtures or installations should be allowed a grace period of up to 5 years. Addressing existing lighting will empower neighbors affected by light pollution to seek resolution through code enforcement if needed.
  - The proposed ordinance suggests a 10 PM curfew for new permitted buildings, but does not apply to existing structures. We ask for a curfew on outdoor lighting to apply to existing buildings. If only new buildings are subject to curfew, the result will be a patchwork of compliance that undermines the ordinance's goals. It's also unfair for new structures to comply while existing structures do not.

(d) Lighting Guidelines

(1) Lighting of the building exterior, parking areas and pedestrian ways should be of the lowest intensity and energy use adequate for its purpose, and be designed to focus illumination downward to avoid excessive illumination above the light fixture.

- **Comment:** Here, too, we are not sure why the bullet calls out "lighting of the building exterior, parking areas and pedestrian ways". Rather, ***all exterior lighting should follow the guidelines.***

(2) Unnecessary continued illumination, such as illuminated signs or back-lit awnings, should be avoided. Internal illumination of signs, where allowed, should be limited to letters and graphic elements, with the surrounding background opaque. Illumination should be by low intensity lamps.

- **Comment:** we recommend against using language in ordinances like "should be avoided". Either something complies with the law or it doesn't. Language that is only advisory and not binding

shouldn't appear in statutory law. Also, the use of "low intensity" here is like the objection above to "high intensity lighting" -- there is no metric that establishes what either "high" or "low" is. Please be specific!

## (e) Lighting Standards

### (1) Shielding

- **Suggestion:** lead with a statement like "Unless specifically exempted by subsection (E) of this section".

(1)(D) No direct off-site glare from a light source shall be visible above three feet at a public **right-of-way**

- **Comment:** This is a good standard. We wonder how this may be enforced. Is a citizen complaint, if someone complains. Is the attestation of code compliance staff that they observe glare sufficient to establish a violation? (they usually do n

(1)(E)(ii): Low voltage lighting used to illuminate outdoor art or public monuments that do not have to be shielded fixtures.

- **Question:** Does lightning of art have to comply with curfew directions?
- **Comment/Suggestion:** "Low voltage lighting" needs a number, like the 150-lumen limit in item (E)(i).

(1)(E)(iii): Lighting located on property lines (including zero lot line developments), provided it is controlled by a motion sensor that automatically extinguishes the lights within 10 minutes of activation.

- **Comment/Suggestion:** 10 minutes is a long time for a light to be on when controlled by a motion sensor. We recommend no more than 5 minutes. Also, the onus should be on the owner of the equipment to ensure that the trigger threshold is set such that it does not trigger inappropriately (due to, e.g., small animals)

### (2) Lighting Height:

(2)(A) Exterior lighting fixtures shall be mounted less than or equal to 15 feet from grade to top of fixture in parking lots in residential development and 20 feet in parking lots with commercial and mixed-use development.

- **Comment:** Seems redundant with subsection (e)(1)(b). Is there any substantial difference?

### (3) Illumination Level

(3)(A) All light sources shall be Dark Sky Compliant or Equivalent and have a maintained correlated color temperature of 3,000 Kelvin or less.

- **Comment:** confusing in that this standard is about color temperature, not illumination level. It should be in its own subsection.

- **Comment:** There is no sound reason to ask for 3000K for outdoor lighting. Lighting should not exceed 2700K. PA should not use an industrial indoor safety for outdoor lighting. To our human eyes, there is no difference between these two color temperatures in terms of discerning the environment. But many genera of wildlife, however, are far more sensitive to bluer color temperatures than we are, including birds, fish, insects, and sea turtles. For example, migratory birds use blue-green spectrum light for navigation. High kelvin lights in the city can disorient them, especially in an important stopover like San Francisco Bay. It seems that inertia from times that 2700K were hard to procure has a daunting effect here - LED technology has improved and we should not stick to old harmful technology when alternatives are available. If Los Altos and San Jose can require 2700K for outdoor lighting, so can Palo Alto.

(3)(B) Where the light source is visible from outside the property boundaries on an abutting residential use, such lighting shall not exceed 0.5 foot-candle as measured at the abutting property line.

- **Comment:** This standard only envisions that light trespass can occur "on an abutting residential use". This should change in two respects. First, the nature of the use shouldn't matter (residential or any other use). And second, it shouldn't be limited only to "abutting" properties. The light trespass threshold should not be exceeded on ANY other property line, whether abutting or not.
- **Comment/Suggestion:** Why not prohibit light sources from being visible from a) above and b) beyond the property line? That would reduce glare and light trespass, and allow public/neighbors to address one of the most common complaints. It will also ensure that shielding is effective.
- **Suggestion:** Replace with Brisbane's ordinance for this standard: *"Unless exempt from the ordinance or from the shielding requirements in the ordinance, no light source (e.g., light bulb) may be directly visible from off-site."*

(3)(C) The maximum light intensity on a site shall not exceed a maintained value of 5 foot-candles. Areas of higher or lower levels of illumination should be indicated on project plans.

- **Comment:** This statement is ambiguous: "Areas of higher or lower levels of illumination should be indicated on project plans." Does this mean it's possible for the allowed illuminance to exceed 5 foot-candles? If so, perhaps don't state 5 fc as a "shall not exceed" in the first place?
- **Comment:** Brisbane has a maximum 1.75 Lumens per sq. ft. of Developed area. Is this a better measure?
- **Comment:** May need to exempt sport fields, where the IES recommended practice potentially prescribes more than this

(4)(A) All outdoor lighting shall be fully extinguished or be motion sensor operated by 10:00 p.m. or when people are no longer present in exterior areas, whichever is later.

- **Comment:** We are very supportive of this standard, but it is not clear how the presence of people is determined...

- **Comment:** Are there any exceptions that the City can envision? We hope there are none.

(4)(B) All lighting activated by motion sensor shall be set up to extinguish no more than 10 minutes after activation.

- **Comment:** Same as above, the 10-minute allowance here should be no more than 5.

(4)(E) Exceptions.

(E)(ii) Lighting of an appropriate intensity, allowed in conjunction with uses that are permitted to operate past 10:00 p.m., with a conditional use permit; and

- **Comment:** What is "an appropriate intensity"? Who decides that?

#### (f) Special Purpose Lighting

(f)(1) Outdoor Security Lighting. Security lighting may be provided when necessary to protect persons and property. When security lighting is utilized only the following standards shall apply:

- **Comment:** who decides when lighting is "necessary to protect persons and property"? The property owner?

(f)(1)(i) Security lighting shall be controlled by a programmable motion-sensor device, except where continuous lighting is required by the California Building Code. All lighting activated by motion sensors shall extinguish no more than 10 minutes after activation. Automated controls shall be fully programmable and supported by battery or similar backup.

- **Comment:** Again, 5 minutes should suffice.

(f)(1)(iii) Security lights intended to illuminate a perimeter, such as a fence line, are permitted only if such lights do not result in light trespass above 0.5 foot-candle onto an adjacent or nearby property, with the illumination level measured at the property line between the lot on which the light is located and the adjacent lot, at the point nearest to the light source.

- **Comment:** Same concerns as before about how the light trespass threshold and measurement point is defined. Security lighting should not cause trespass on any other property, whether "adjacent or nearby" or not.

(f)(1)(iv) Motion-activated security lights shall not use luminaires that exceed 100-watt incandescent bulb or LED equivalent, or a maximum of 1,600 lumens.

- **Comment:** Since there is no cap on installed lumens on any property, setting a threshold like this isn't very meaningful. Under this provision, a property owner could install as many security lights as they like as long as no individual source exceeded 1600 lumens.
- **Suggestion:** Provide a cap on lumen (see above)

(f)(3) Gasoline Service Station Lighting

(f)(3)(i) Lighting fixtures in the ceiling of canopies shall be fully recessed or mounted directly to the underside of the canopy. All lighting fixtures shall be located so as to shield direct rays from adjoining properties or public rights-of-way.

- **Comment:** Instead of limiting trespass to "adjoining properties", it should be limited to "any property".

(f)(3)(iii) The maximum light intensity under the canopy shall not exceed an average maintained foot-candle (horizontal) of 12.5, when measured at finished grade.

- **Comment:** It's unclear where the 12.5 foot-candle figure comes from, but seems ok. Is this what local gas stations in Palo Alto currently use?

#### (f)(4) String Lighting

(f)(4)(i) String lighting is not considered holiday or seasonal lighting.

- **Comment:** Thank you for this clarification.

(f)(4)(ii) String lighting must not exceed 3,000 Kelvin or 42 lumens and shall not be blinking or chasing.

- **Comment:** This is so confusing... why 3000K and not 2700? What is the "42 lumens" limit here per lamp? Per unit length of string? Total emission of all lamps on the string? Brisbane has "String lights (max. 300 lumens per string) when used in occupied decks or patios."
- Why is string lighting in residential areas not required to turn the lights off at 10PM? people use string lighting as ornaments on fences, trees etc. A curfew is very much needed.

(f)(4)(iii) For nonresidential areas, string lighting shall be extinguished at 10:00 pm or 2 hours after close of business, whichever is later.

- **Comment:** The reason for allowing string lighting to remain on up to "2 hours after close of business" is unclear. If, as in item (iv), its use is limited to "outside dining or display areas or common open space (i.e. courtyard or patio)", why should it be allowed to remain on after the business closes to the public?

(f)(5) Lighting near Streams. In addition to lighting standards established in Section 18.40.250(e), lighting near streams shall conform to the following requirements:

(f)(5)(i) Nighttime lighting shall be directed away from the riparian corridor of a stream.

- **Comment:** We need to see how this is addressed in the Creek protection ordinance update. At a minimum, we should require absolutely no light trespass into a stream and its associated riparian corridor. This means within the banks plus any riparian vegetation as defined by the dripline of riparian trees.

(f)(5)(ii) The distance between nighttime lighting and the riparian corridor of a stream should be maximized.



- **Comment:** "should be maximized" isn't really meaningful unless something like a minimum allowable distance is stated. Otherwise this is sufficiently subjective as to be meaningless. At a minimum, this should entail the creek within its banks plus any riparian vegetation as defined by the dripline of riparian trees, and setback requirements that are likely to be specified in the upcoming Creek protection ordinance, whichever is widest!

(g) Prohibited Lighting. The following types of lighting are prohibited except emergencies by police, fire, or medical personnel or at their direction:

- **Comment:** how are "emergencies" defined? Declared emergencies by local civil authorities? Or some other mechanism?

(g)(2) Lighting that unnecessarily illuminates any other lot or substantially interferes with use or enjoyment of that lot.

- **Comment:** The meaning of the word "unnecessarily" is unclear. Who decides what is necessary?

#### (h) Exemptions.

The following types of lighting are exempt from the lighting requirements of the section:

(h)(2) Temporary construction or emergency lighting

- **Comment:** We have seen very bright, unshielded construction and security lights on construction sites with offensive glare on large construction projects that lasted several years.
- **Suggestion:** The term "temporary" should be defined here.
- **Suggestion:** The term "construction lighting" should be defined. **The ordinance should clarify the** Construction lighting should only be allowed at the hours construction actually occurs. The definition should exclude security lighting at a construction site from the definition of construction lighting. Security lighting at a construction site should abide by the ordinance.

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(h)(3) Short-term lighting authorized by a special events or special use permits

- **Comment:** This seems like it needs more detail or a more thorough description of the procedure in terms of how permits will be evaluated in order to ensure that "temporary" lighting doesn't become effectively "permanent". Season and location are important: a laser show in the baylands during spring or fall bird migration seasons, for example, could be disastrous.

(h)(4) Seasonal lighting during the period of October 15 through January 15 of each year

- **Question:** Is seasonal lighting subject to curfew? Why not set a curfew?

- **Comment:** An October 15 start to the "seasonal lighting" season seems very early and is well within the fall bird migration in Palo Alto.
- **Comment:** We have heard that setting a fixed range of calendar dates for this type of lighting that correspond to certain religious holidays might run afoul of the First Amendment's Establishment Clause.
- **Suggestion:** Disallow seasonal lighting during migration and nesting seasons. This provides a biological, rather than cultural basis:
  - Nesting season: Feb. 1 - August 31.
  - Spring Migration: March - mid June
  - Fall Migration: August - mid November.
  - **Remaining period when seasonal lighting is ok: Mid November - February 1st.**

(h)(6) Lighting for Airport Operations. Nothing in this section shall be interpreted to restrict, limit, or otherwise regulate lighting that, in the reasonable judgment of the Airport Manager, is prudent or necessary for airport operations, airport safety, or air navigation in connection with operations at the Palo Alto Municipal Airport.

- **Comment:** This section should just refer to lighting required by the FAA and not leave the decision up to "the reasonable judgment of the Airport Manager". The FAA rules are very prescriptive and ensure safe operations of airports.

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## SCLP and SCVBA Comments on Palo Alto Dark Sky Ordinance

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**From** Dashiell Leeds <dashiell.leeds@sierraclub.org>

**Date** Tue 10/29/2024 1:09 PM

**To** Planning Commission <Planning.Commission@cityofpaloalto.org>; Armer, Jennifer <Jennifer.Armer@CityofPaloAlto.org>

**Cc** Clerk, City <city.clerk@cityofpaloalto.org>; Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>; James Eggers <james.eggers@sierraclub.org>; Mike Ferreira <michaeljferreira@gmail.com>; Gita Dev <gd@devarchitects.com>; Wils Cain <wils.cain@sierraclub.org>; advocate@scvas.org <advocate@scvas.org>

 1 attachments (240 KB)

SCLP + SCVBA Joint Comments on PA DS Ordinance.pdf;

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Dear Chair Chang and Commissioners,

The Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter would like to extend our sincere gratitude for your decision to require that all light sources be fully shielded and maintain a correlated color temperature of 2700K. This is a significant commitment to minimizing light pollution and protecting the natural night environment, and it will greatly benefit both our community and the surrounding ecosystems.

We have two major recommendations to improve the draft ordinance, which we hope you will consider. Please see the attached letter for our recommendations.

Sincerely,

Dashiell Leeds  
Conservation Coordinator  
Sierra Club Loma Prieta Chapter

Julianne Wang  
Environmental Advocacy Assistant  
Santa Clara Valley Bird Alliance



# SIERRA CLUB

## LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES



October 29, 2024

Palo Alto Planning and Transportation Commission

Re: Sierra Club Loma Prieta Chapter and Santa Clara Valley Bird Alliance Comments on the Draft Dark Sky Ordinance

Dear Chair Chang and Commissioners,

The Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter are organizations united by our shared commitment to the protection of the environment, nature, and open space. We have been advocating for a reduction of light pollution in the region, and have engaged with the City of Palo Alto Council and the Planning and Transportation Commission in promoting human and environmental health through reducing and preventing the proliferation of artificial light at night.

We would like to extend our sincere gratitude for your decision to require that all light sources be fully shielded and maintain a correlated color temperature of 2700K. This is a significant commitment to minimizing light pollution and protecting the natural night environment, and it will greatly benefit both our community and the surrounding ecosystems.

We have two major recommendations to improve the draft ordinance, which we hope you will consider.

### **1. Reinstate applicability to include new luminaires (light fixtures) and replacement lighting**

Staff removed, “(3) Installation of new outdoor lighting, replacement of existing outdoor lighting fixtures, or changing the lighting type or system.” We recommend reinstating this provision. For buildings that cannot comply with this standard, we recommend adding a hardship exemption (see below).

The hardship exemption could read as follows: For any structures that are unable to meet the standards of this chapter due to financial hardship or technical infeasibility, they may apply to the Planning Director for an exemption, provided the applicant still complies with

the standards of this Chapter to the greatest extent practicable.

**Why this is important:** Without new or replacement lighting fixtures being subject to the ordinance, Palo Alto's light pollution will not reduce over time, therefore failing to achieve the expressed purpose of the ordinance. This creates a loophole which allows new development to replace dark sky-compliant luminaires with non-compliant luminaires after initial construction. Without any requirements for new and replacement lighting, this ordinance effectively has no teeth or ability to affect the lighting situation in Palo Alto over time. This provision, which was present in earlier drafts of Palo Alto's Dark Sky ordinance, should be reinstated.

There was some concern expressed by PTC Commissioners that certain older multi-family buildings may not be able to easily modify their lighting due to these structures having older wiring systems. We believe that a hardship exemption (see above) can be written for edge cases such as this without diluting the requirements for buildings that can comply with dark sky standards.

Examples of Applicability from other cities' Dark Sky Ordinances that include new and replacement lighting include the following.

- **Cupertino:** "New or replacement exterior lighting"
- **Brisbane:** "All outdoor light fixtures installed or replaced after the effective date of the ordinance from which this chapter is derived shall comply with this chapter."
- **Malibu:** "All outdoor light fixtures installed after the effective date of the ordinance codified in this chapter shall comply with this chapter."
- **San Louis Obispo:** "no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this section."

## **2. Prohibit light trespass entirely rather than establishing a threshold (which may be difficult to enforce and allow nuisance lighting)**

**The standard would read as follows:** "No direct glare from a light source shall be visible from any other property or public right of way".

Palo Alto's Current Draft: "No lighting shall trespass more than 0.5-foot candle as measured at the abutting property line."

**Why this is important:** 0.5 foot candle (Palo Alto's current draft limit) is still a lot of light. Light sources at or even below 0.5 foot candle can often be the source of nuisance complaints. Palo Alto could instead take the very simple approach that Brisbane took by prohibiting light trespass entirely. This makes light trespass requirements easier to enforce for the City, and easier for residents to understand when they install their own lighting systems. Should Palo Alto decide to allow some light trespass, we include language from Cupertino, which uses a more stringent threshold.

## Examples of more stringent light trespass language from other cities' Dark Sky Ordinances

- **Brisbane:** "Light trespass is prohibited"
- **Cupertino:** "No exterior light, combination of exterior lights, or activity shall cast light exceeding zero point one (0.1) foot-candle onto an adjacent or nearby property, with the illumination level measured at the property line between the lot on which the light is located and the adjacent lot, at the point nearest to the light source, except if two adjacent properties are non-residential, or function as a shopping center, and agree to coordinate lighting."

In addition, we have listed a few minor clarifications and suggestions.

### **3. Change the duration of motion sensor lighting to deactivate after 5 minutes of inactivity instead of 10 minutes**

5 minutes should be sufficient to allow for any activity, especially considering that motion sensor technology will keep lights on when there is continuous activity on a site.

- The 10-minute duration is currently used in
  - (e) Lighting Standards (1) Shielding (iii)
  - (f) Special Purpose Lighting (A)

### **4. Add definitions for the following terms**

- "Low intensity lamps"
  - Used in (d) Lighting Guidelines (2)
- "Low voltage"
  - Used in (e) Lighting Standards (C) (i) and (ii)
- "Short term lighting"
  - Used in (h) Exemptions (3)

### **5. Replace "fixture" with "luminaire" in all places where "fixture" is used**

"Light fixture" should be added to the definition of "Luminaire". These terms are used interchangeably, so clarifying the definition will help avoid confusion between the two terms.

## 6. Clarify language regarding string lighting

As currently written, the draft could be interpreted as requiring *either* 2,700 Kelvin *or* 42 lumens. Our recommendation is to clarify that both the 2,700 Kelvin and 42 lumens requirements apply and that they are not mutually exclusive.

- Current draft: (5) String Lighting (A): “String lighting must not exceed 2,700 Kelvin or 42 lumens, and shall not be blinking or chasing.”
- Recommended language (changes in red): String lighting must not exceed 2,700 Kelvin **and no individual lamp that is part of a string lighting installation may exceed a rating of** 42 lumens, and shall not be blinking or chasing.

Thank you for your time and consideration,

Dashiell Leeds

Conservation Coordinator

Sierra Club Loma Prieta Chapter

Julianne Wang

Environmental Advocacy Assistant

Santa Clara Valley Bird Alliance



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## Registering Opposition to "Bird Friendly" Creek Ordinance

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**From** Tom Fountain <fountain@cs.stanford.edu>

**Date** Mon 11/4/2024 9:24 PM

**To** Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>

**Cc** Kristin Sato <kristinsato@yahoo.com>

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Dear Ms. Cha:

My wife and I are residents and property owners in Crescent Park. We previously shared with you and Commissioners of the Planning & Transportation Commission (PTC) our opposition to the proposed Stream Corridor Protection ordinance in our letter of October 5, 2024. As you might imagine, we were shocked to subsequently learn following the October 30, 2024 PTC meeting that our property is now also subject to the proposed new Bird Friendly Design Standards related to buildings near creeks.

First, we want to register our strenuous objection to the new proposed Bird Friendly Design Standards. The ordinance should not be scoped to include developed urban areas such as our property. If protecting birds in urban areas is needed, why is the burden limited to only a few hundred residences? Requiring "Bird Friendly Treatments" dramatically reduces the desirability, value, and safety of properties impacted by these requirements in this setting. It is hard to imagine living in a house in such a developed area, so close to one of the Bay Area's primary freeways, yet be unable to have unobstructed windows. Finally, the extreme nature of this proposed new ordinance is likely to not only negatively impact housing values but meaningfully suppress future improvements in the neighborhood. With an aging property base, we fear owners will prefer to allow properties to deteriorate rather than sacrifice their ability to have normal windows. The code as written is entirely inappropriate for urban areas. We respectfully ask staff to address the scope and severity of the requirements in preparing staff's report and the draft ordinance for the City Council; at a minimum, we ask that you appropriately capture the extremely strong opposition of homeowners to this proposed ordinance. I have rarely seen a community band together so quickly to fight a local ordinance.

Second, we want to similarly register our opposition to the proposed new Dark Sky Regulations. While supportive of responsible outdoor lighting practices in general, the ordinance proposed is too extreme and proscriptive in the lighting standards required. For our property in particular, the lighting restrictions significantly reduce the safety of our property. This is especially acute given the repeated threat from unhoused persons, intentional and/or accidental wildfires in the creek, and increasing criminal activity. We strongly ask for much greater community discussion on which of these many new regulations are truly needed.

Finally, we are deeply disappointed and outraged by the City's constant onslaught of new ordinances seeking to reduce our rights. We have only lived in the City of Palo Alto for the last 18 months and have been aghast by the City's handling of this and other matters. In this case, we were not even



notified of the proposed bird friendly ordinance. Worse, the Commission unexplainably expanded the scope of this ordinance dramatically, and without community discussion. This marks the second occasion in just the last month that the City has utterly failed in notifying homeowners and engaging in public outreach. The result is disastrous for us as city residents. We are entirely lost to understand why the City's agenda appears to be driven by outside interests. We are similarly left wondering if this is yet another vehicle for stifling development in the insane fight between cities and the state, with us left as collateral damage. Taken together, we are offended by the speed with which staff and commissioners appear to be railroading through the Stream Corridor Protection and Bird Friendly Design Standard ordinances.

We will provide detailed opposition statements ahead of each future meeting on these topics. We ask the city to take a more measured and thoughtful approach to regulating development in the city. We are overwhelmed by the massive number of new proposed regulations that materially undermine our enjoyment, value, and safety of living in this city.

Respectfully,

Tom Fountain and Kristin Fountain