

OUTDOOR LIGHTING ORDINANCE TASK FORCE MEETING

JANUARY 28, 2016 – 4:00-6:20 PM

Task Force Members in Attendance:

Carol Lynn Alpert
Chris Basler
Peter Calkins
David Chilinski
Steve Lenkauskas
Ranjit Singanayagam
Charles Teague

City Staff in Attendance:

Lisa Hemmerle
Rona Abrahams

Consultants:

Jeffrey Berg

Members of Public in Attendance:

City Councilor Jan Devereux
Bill Dines
John Greenup
Sheila Headley
Glenn Heinmiller
Carol O'Hare
Susan Ringler
Betty Saccoccio
Marie Saccoccio
Carolyn Shipley
Tom Stohlman
Kenneth Taylor
Marilyn Wellons
Phil Wellons

Thirteenth meeting of Lighting Ordinance Task Force was held in the 2nd Floor Conference Room of the City Hall Annex, 344 Broadway, Cambridge, Massachusetts.

MEETING NOTES:

Lisa Hemmerle welcomed everyone to the 13th 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 December 23, 2015, and additional updates that were under review after the December meeting. She thanked everyone for their continued participation in the process and mentioned that after a recommendation is submitted to the City Manager there will be additional opportunities for comment by the public during the Ordinance Committee hearing and City Council meeting, if the proposed ordinance moves forward.

Comments continued to be submitted by TFMs and the public at large leading up to the meeting and not all comments were included in the draft under review at the meeting.

The first point of discussion for the meeting concerned the rooftop lights on the Zinc Building at 22 Water Street. The Economic Development Division received a number of complaints about the lights that illuminated the mechanical screens on the three rooftops. Ranjit Singanayagam, Commissioner for Inspectional Services Department (ISD), talked with the property representative and pointed out that the developer stated in the submissions that accompanied

their application for a Special Permit from the Planning Board that there would be no rooftop lighting. The lights that have raised the concerns have been turned-off.

Additional questions were raised about how the Zinc Building would comply under the LEED Light Pollution Reduction Credit (LEED LPRC) or the Cambridge Zoning Ordinance. Ranjit pointed out that the lights would not be allowed to oscillate or change color but that needed further review.

Jeff Berg, the Task Force consultant with Parsons Brinckerhoff, mentioned that the lights would be required to follow the curfew under the LEED LPRC and would need to be turned off between Midnight and 6:00 AM. Charlie Teague, Task Force Member (TFM), stated he believed that the lighting could still be allowed to remain on throughout the night under the existing standards and requested the City and the Task Force Consultant analyze how the Zinc Building relates to the proposed ordinance using both the Prescriptive Standard and Performance Standard. The City agreed to review this test case based on the information available.

Carol Lynn Alpert, Task Force Member, expressed her concern that the LEED Light Pollution Reduction Credit would allow for too much exterior lighting with specific exemptions for architectural, landscape, or signage applications and that architectural and landscape lighting is too broad a category. If it was considered signage lighting then it would not be allowed that high without a variance from zoning regulations and would not be allowed to change colors but not clear if there are any other limitations for that category. It was pointed out that not all signage falls under Article 7 of the zoning ordinance but those are usually sandwich-board signs in the public way that must permission form the City.

Carol Lynn asked how the rooftop lighting would be treated under the Prescriptive Standard and Ranjit replied that category of lighting would still have to comply with the ordinance. Chris Basler, Task Force Member, explained that the lumen level would be restricted to either 315 lumens for unshielded lights, at a minimum distance of 4 feet apart, or 1,050 lumens for a shielded directional light fixture that is 4 feet apart. Charlie pointed out that you could still have a bank of lights, 315 lumens, as long as the fixtures were 4 feet apart horizontally and vertically. Lisa cautioned that we do not want to be too restrictive with architectural lighting and that category of lighting can be very subjective. While some hate the Zinc Building lights there are others that like it. The impact may be more of a personal preference than measurable standard.

The Task Force then discussed the extent of notification about these types of projects and who is considered an abutter. Lisa pointed out that under this proposed municipal ordinance that anyone can file a complaint with ISD and that notification regarding applications for an Administrative Exemption would be sent out to direct abutters. Ranjit stated that this includes property owners immediately adjacent to the property line and directly across a public way.

Carol Lynn asked if the Zinc building and buildings like it would have to comply with the Interim Modifications provision in the Ordinance. It was stated that all property owners would need to

make improvements where possible to eliminate or minimize light trespass. Charlie recommended that we remove “interim” to describe the improvements that are made within the 5 year phase-in period. This change was agreed upon by the TFMs.

Charlie requested more information on which building projects in Cambridge have achieved the LEED LPRC and the process that must be followed to document the buildings. Jeff pointed out that not many LEED buildings have applied for the LPRC even if they follow the standard. It was mentioned there are only three buildings in Cambridge that followed the LPRC standard and those are the Harvard Student Housing and Martin Luther King School in the Riverside Neighborhood and Forest City’s building at 300 Massachusetts Avenue in Central Square.

It was discussed that a licensed architect or professional engineer would be required to sign a construction control affidavit that the exterior lighting meets the required Performance Standard or the licensed electrician signs a permit and affidavit that the proposed exterior lights meet the Prescriptive Standard when applicable. The design and construction professionals in attendance verified that this is standard practice in the building and design trades and an individual’s licensure is at risk if not meeting appropriate standards. Both David Chilinski and Peter Calkins, Task Force Members, agreed that this certification is taken very seriously.

The topic turned to the proposed changes included as an addendum to the proposed ordinance draft. Discussion on suggested updates were:

- The latest draft removes all specific citations to the zoning ordinance to avoid conflict with the ordinance, now or in the future. The only remaining citation is exempting signage as defined by Section 7 so that we do not create a conflict with items that fall under that standard.
- General Requirements – Conformance with all Applicable Codes: Carol Lynn and Charlie had a concern that the way this is stated would not provide guidance where the lighting ordinance conflicts with another ordinances in the future. They requested that language be included that indicates the more stringent standard applies.

Lisa pointed out that the Law Department has reviewed this language and feels it is consistent with the other City ordinances and that it does not create a conflict. Since the Law Department is responsible defending all the municipal ordinances it is their responsibility to determine the appropriate language based on the intent of the Task Force.

- It was pointed out that the language in this ordinance may impact a private party’s ability to bring a civil suit in court if the additional adjustments are not made to the text. The Law Department will be made aware of this concern.
- Proposed changes to the Interim Modification language as follows:

Upon the effective date of this Ordinance, property owners shall make ~~interim~~ improvements where possible to eliminate or minimize light trespass onto adjacent lots by: (1) replacing a ~~light bulb(s)~~ lamp(s) within an existing light fixture to be in conformance with the lumen limitations and Color Standards of this Ordinance, and/or (2) changing the shielding and/or direction of elements of an existing fixture to be directed downward or away from other ~~affected~~ abutting other properties.

- The proposed changes to the wording about exemptions for Sports Facility were accepted.
- Laser Lights – Lisa offered 2 options for Task Force members to consider:
 - No Ban – wait for additional ruling from FDA; or
 - Ban of product in Class 2 and 3A for outdoor use, which include products like laser pointers.

The original proposal to ban all lasers for outdoor advertising and use was put forth as a third option and seemed to have support from the TFMs. Further information will be provided on this suggestion at the next meeting.

- There was a discussion on what is considered a “Public Way”. It was pointed out that a private way that is constructed under the authority of statute and open to the public would also can fall under public way. David described his experience with these designated areas and it is not assigned in an arbitrary fashion. Charlie commented that Public Way is used in zoning and requested that we review that definition.

Carol Lynn raised the concern that the Task Force’s definition for Shielded Directional Light Fixture would create a loop-hole for up-lighting and multi-directional lighting and proposed that we bring back the definition of “Fully-Shielded”. It was pointed out that the combination of the two types of fixtures created a sufficiently restricted practice that required a property owner to light a specific area for limited purposes and would minimize light trespass and light pollution under the Prescriptive Standard. David agreed that the language proposed under this standard was sufficient to address light trespass and light pollution concerns.

Lisa noted there were a number of audience members that wanted to speak so she closed the discussion period by the Task Force and opened the comment period by the public.

PUBLIC COMMENT

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

- 1) Susan Ringler, resident.
 - Susan showed the room an example of an advertisement showing the New York City skyline and commented that it was not Cambridge and the City should not allow that level of exterior lighting.

- The ordinance should put equal emphasis on reducing energy use in the ordinance.
- The only lighting by the City should be the minimum necessary for safety and task specific.
- The ordinance should promote the Dark Sky vision.
- Suggested that we consider the ordinances introduced in Paris that puts a curfew on commercial buildings and storefront lights.

2) Sheila Headley, resident.

- Upset about the intrusion of light from the new Martin Luther King School on Putnam Avenue, across the street from her house.
- She feels there is unnecessary lighting at the school and that it should not be exempted from the ordinance. The lighting is not turned-off until 10:00 PM at night and then turned back on at 5:00 AM.
- The concerns expressed about the MLK will be reviewed by City staff.

3) Carol O'Hare, resident.

- Carol is concerned about the language in the Administrative Exemption and the grammatical use of "or" and "and" create a number of conflicts.
- The language in the Administrative Exemption process needs to be strengthened so it is not a "cakewalk" for applicants.
- Concerned that property owners can apply for variances from this ordinance.
- The existing language creates a number of loopholes.

4) Marilyn Wellons, resident.

- Seconds the comments shared by the previous speakers.
- She is concerned that the LEED LPRC is inadequate to meet the needs of the ordinance and is not strict enough, especially since it does not address interior light spilling out of buildings.
- Concerned that neighboring buildings at different grade changes are not addressed in this ordinance. Height limits are different from one property to the next.
- The inclusion of exemptions in an ordinance is a "red flag" that not all relevant issues will be addressed.
- Concerned that the City and most of the Task Force Members prefer to address the needs of developers over residents.
- This issue needs to be considered a detriment to Public Health but the City does not care about that viewpoint.

5) Phil Wellons, resident.

- Concerned that the whole process seems to only have a conversation between the City staff and two Task Force Members. It seems to be a predetermined discussion before the meeting and wonders about the public process and if there are meetings taking place outside of the public eye.

- 6) Ken Taylor, lighting professional and resident.
- He is concerned that the revision to the Light Color Standard would allow somebody to put up any kind of lighting.
 - He is concerned about the use of appropriate laser products and how will it be addressed by the ordinance.
 - Would like a more structured process for review of architectural lighting by the Planning Board or other review panel.
 - Asked about if the Matignon High School complies with the ordinance.
- 7) Marie Elena Saccoccio, resident.
- Concerned that the 5-year phase-in period is way too long. Lisa and Chris commented that 5 years was chosen because typical small business leases are in 5-year increments; most residential property owners will need a good period of time to change their outdoor lights to comply with the ordinance; and ISD will need time to receive the proper training to enforce the new standards.
 - She asked if the Zinc Building could go back to the Planning Board and request a Special Permit for the rooftop lights. Lisa commented that they would need to request an entirely new Special Permit and that the tenor of the neighborhood would probably preclude that.
 - She would like the Task Force to also include light pollution and trespass from interior light sources in the ordinance.
 - Cautioned that the ordinance and finding of the Task Force may impact a private person's ability to bring a nuisance suit.
 - The Task Force should have a better definition of Architectural Lighting.
- 8) Betty Saccoccio, resident.
- She echoes everyone's concern about the Zinc Building.
 - She feels that long-time residents are no longer welcome in the City because lights (exterior and interior) are on 24/7.
- 9) John Greenup, resident and Cambridge business owner.
- Requested that the Task Force take another look at the language associated with lighting at a main entrance under the Prescriptive Standard to make sure it is correct.
 - Requested that the Task Force doublecheck on what falls under the definition of "Public Way".
 - The Administrative Exemption process is just about right but the language might need to be a little tighter to not allow unintended consequences or loopholes.

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

The next meeting in February will be scheduled in the coming days.