

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND
MICHAEL D. ANTONOVICH

January 24, 2012

Relates to Item #8

More than one year ago, at the request of Supervisor Antonovich and myself, the Board of Supervisors instructed County staff to prepare a “Dark Skies Ordinance” for the rural areas of the unincorporated County that would help protect the environment, maintain the views of the night sky, and defend the rural qualities that attracted residents of these areas to their homes in the first place. With a few important changes, and while reserving this Board’s right to craft more stringent requirements through Community Standards Districts where that is necessary, approving the ordinance that is before us today will help achieve those goals, while also balancing the need for public safety, saving taxpayer dollars, and preserving property rights. The changes proposed below are necessary to achieve the goals established by the Board of Supervisors when we approved the initial Dark Skies motion in 2010, and to be responsive to consistent input received from members of the public who represent various Town Councils in the Fifth Supervisorial District, and the rural communities of the Santa Monica Mountains.

However, yesterday—approximately 14 months after this Board directed staff to prepare this ordinance, and five months after the ordinance was scheduled to go before

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the Regional Planning Commission—Public Works delivered rough estimates about the cost to them of implementing this ordinance, if the Board did not include in the ordinance a special exemption for County facilities that would not be provided to members of the public. Their rough extrapolation was based on a tiny sample size. And, by the Department's own admission, it had not been closely reviewed by management. Despite these deficiencies in their analysis, the Department warned that if this special exemption was not included, the money would come out of affected road funds. These rough estimates are not credible, nor is the Department's funding scheme, or request for a special exemption appropriate. The Department of Public Works should find cost effective ways to comply with the ordinance like every other stakeholder, and they should do so out of their existing, non-special district budget.

WE, THEREFORE, MOVE that the Board of Supervisors approve one through three of staff's written recommendations, instruct County Counsel, in cooperation with the Director of Regional Planning and the Director of Public Works to prepare an ordinance amending Title 22 of the Los Angeles County Code as recommended by the Regional Planning Commission except as modified below, and bring the revised ordinance back to the Board of Supervisors for final approval with all of the following amendments:

- 1) While not mandating that street lighting be replaced within a pre-determined timeframe, require that all new or replacement street lighting fixtures utilize full-cutoff (flat glass lens) luminaries as approved by the Director of Public Works;
- 2) Clarify that the street lighting requirements contained in 22.44.560(A) (3) shall only be required only where the urban cross section (with sidewalk, curb, and gutter) is

used;

- 3) Eliminate all exemptions for public facilities, except for those public facilities that are operated by the Sheriff's Department or Probation Department, or that house (temporarily or permanently) incarcerated persons;
- 4) Allow the Director of Regional Planning to ministerially approve taller light standards than the heights specified in this ordinance where the property owner or applicant demonstrates that taller fixtures would reduce the total number of light fixtures needed, and would reduce the amount of light trespass; and,
- 5) On non-residential zoned properties, additionally require that outdoor lighting that causes light trespass onto open space zone property, or the improved portion of the public right of way, be removed or modified to eliminate the light trespass within six months of the effective date of this ordinance.

WE FURTHER MOVE that the Director of Public Works, the Director of Internal Services, and all other departments that operate facilities affected by this ordinance, be instructed to provide the Board of Supervisors with a report detailing how they plan to comply with this ordinance within six months, and as needed thereafter; instruct that this report should be prepared with the goal of finding the most cost-effective method of complying with this ordinance and reducing light impacts to the rural communities of Los Angeles County; and, prohibit Public Works from using Road Funds or Flood Control District funds for this purpose, unless they receive explicit permission at a later date from the Board of Supervisors.