

## Article 2: General Development Regulations

### Division 7: Off-Site Development Impact Regulations

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §142.0701 Purpose of Off-Site Development Impact Regulations

The purpose of these regulations is to provide standards for air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting. The intent of these regulations is to minimize negative impacts from *development* to surrounding property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §142.0705 When Off-Site Development Impact Regulations Apply

(a) This division applies to all *development* that produces air contaminants, noise, electrical/radioactivity disturbance, glare, or lighting in any zone, whether or not a permit or other approval is required for the use.

(b) In addition to these regulations, the California Department of Public Health standards and the Air Pollution Control District (APCD) regulations should be consulted for additional off-site *development* impact regulations.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §142.0710 Air Contaminant Regulations

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the *premises* upon which the use emitting the contaminants is located.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §142.0720 Noise Regulations

Loud, unnecessary, or unusual noises that violate the Noise Ordinance of the Municipal Code Chapter 5, Article 9.5, shall not be permitted to emanate beyond the boundaries of the *premises* upon which a permitted use is located.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §142.0725 Electrical/Radio-Activity Regulations

Electrical and radio-activity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

**§142.0730 Glare Regulations**

- (a) A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light reflectivity factor greater than 30 percent.
- (b) Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0740 Outdoor Lighting Regulations**

- (a) Purpose and Intent
  - (1) Outdoor lighting fixtures shall be installed in a manner that minimizes negative impacts from light pollution including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination.
  - (2) Regulation of outdoor lighting is also intended to promote lighting design that provides for public safety and conserves electrical energy.
  - (3) It is the intent that, in addition to the regulations set forth in Section 142.0740, outdoor lighting fixtures shall be installed and operated in compliance with the following regulations, to the extent applicable:
    - (A) California Energy Code, California Code of Regulations, Title 24, Part 6;
    - (B) Green Building Regulations (Chapter 14, Article 10); and
    - (C) Electrical Regulations (Chapter 14, Article 6).

(b) Applicability

All new outdoor lighting fixtures, including the replacement of *previously conforming* outdoor lighting fixtures, shall comply with Section 142.0740. Maintenance, repair, and replacement of parts within a *previously conforming* outdoor lighting fixture shall be exempt if the new parts are of generally the same type and size as those that comprise the existing outdoor lighting fixture.

- (c) General regulations that apply to all outdoor lighting:
  - (1) Outdoor lighting shall comply with the applicable California Energy Code lighting power requirement for the lighting zones identified on Map C-948 filed in the office of the City Clerk.
  - (2) Shields and flat lenses shall be required to control and direct the light below an imaginary horizontal plane passing through the lowest point of the fixture, except for:
    - (A) Residential entrance lights installed in accordance with the California Building Code and Electric Code requirements;
    - (B) Outdoor lighting fixtures less than 4,050 lumens including landscape lighting and decorative lighting;
    - (C) Outdoor lighting installed to meet Federal Aviation Administration requirements;
    - (D) *A designated historical resource*;
    - (E) Lighting for sports and athletic fields;
    - (F) Outdoor illuminated *signs*; and
    - (G) Maintenance to existing outdoor lighting when the following applies:
      - (i) The work does not involve the installation of a new light standard, a new lighting fixture or new wiring;
      - (ii) The work does not result in an increase in electrical load; and
      - (iii) Where applicable, the spacing of existing *previously conforming* light standards is greater than six times the mounting height of the existing outdoor lighting.
  - (3) New outdoor lighting fixtures shall minimize light trespass in accordance with the Green Building Regulations where applicable, or otherwise shall direct, shield, and control light to keep it from falling onto surrounding properties. Zero direct-beam illumination shall leave the *premises*.
  - (4) Outdoor lighting shall not exceed nominal 4000 Kelvin Color Correlated Temperature (CCT).
  - (5) All outdoor lighting, including search lights, shall be turned off between 11:00 P.M. and 6:00 A.M. except:

- (A) Outdoor lighting may remain lighted for commercial and industrial uses that continue to be fully operational after 11:00 P.M. such as sales, assembly, and repair; and for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots subject to the following:
    - (i) Adequate lighting for public safety shall be maintained. Outdoor lighting shall otherwise be reduced after 11:00 P.M. where practicable.
    - (ii) Within 30 miles of the Palomar and Mount Laguna observatories, outdoor lighting after 11:00 P.M. shall be limited to a maximum of 4,050 lumens per fixture or a maximum of 2500 Kelvin CCT.
  - (B) Outdoor lighting for the following is permitted to remain lighted after 11:00 P.M. and is exempt from the maximum Kelvin CCT and maximum lumen requirements specified in Section 142.0740(c)(4) and (c)(5)(A):
    - (i) Outdoor lighting used to illuminate recreational activities that are not in a residential zone may continue after 11:00 P.M. only when equipped with automatic timing devices and shielded to minimize light pollution.
    - (ii) Illuminated on-premises *signs* for businesses that are open to the public after 11:00 P.M. may remain lighted during business operating hours only. Illuminated off-premises *advertising display signs* shall not be lighted after 11:00 P.M. *Signs* located both on-and off-premises shall be equipped with automatic timing devices.
    - (iii) Outdoor lighting for automated teller machines and associated parking lot facilities and access areas shall be provided during hours of darkness in accordance with California Financial Code Sections 13040-13041.
  - (C) Outdoor lighting for illumination of the flag of the United States of America.
- (6) On properties which are adjacent to or contain *sensitive biological resources*, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological resource* areas.

- (7) Prior to installation of an outdoor light fixture, an Electrical Permit shall be obtained when required in accordance with Section 129.0302. When an Electrical Permit is required, the *applicant* shall identify the proposed light fixture schedule to the satisfaction of the Building Official including the number of lumens and the backlight, up light, and glare rating for each fixture to demonstrate compliance with Section 142.0740.
- (d) Outdoor lighting within the Centre City Planned District, Gaslamp Quarter Planned District, and Marina Planned District is exempt from the flat lens, color temperature, and curfew requirements identified in Section 142.0740(c)(2), (4), and (5) in order to meet the unique needs of downtown including active night time commercial and entertainment uses, high pedestrian activity, and enhancement of the City's downtown skyline in accordance with the Downtown Community Plan.
- (e) Temporary outdoor lighting (including lighting for temporary uses, special events, and seasonal holiday lighting) is exempt from Section 142.0740(c)(2), (4), and (5) where the lighting does not exceed 60 consecutive days or more than 120 days during any one year period.
- (f) Deviations from Section 142.0740 may be requested with a Process Four Planned Development Permit in accordance with Section 126.0602(b)(1).
- (g) Outdoor lighting on facilities or lands owned, operated, controlled or protected by the United States Government, State of California, County of San Diego, City of San Diego, or other public entity or public agency not subject to City of San Diego ordinances is exempt from the requirements of this division. Voluntary compliance with the intent of Section 142.0740 is encouraged.

*(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*

*(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)*

*(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)*

*(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)*

*(Amended 7-31-2012 by O-20186 N.S.; effective 9-6-2012.)*

**[Editors Note:** Amendments as adopted by O-20186 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language [http://docs.sandiego.gov/municode\\_strikeout\\_ord/O-20186-SO.pdf](http://docs.sandiego.gov/municode_strikeout_ord/O-20186-SO.pdf) ]