

## Article 11. Performance Standards

### 9-5.1101 Purpose.

The purpose of these performance standards is to control and limit dangerous or objectionable environmental effects generated by, or inherent to, the use of land or buildings.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

### 9-5.1102 Applicability.

(a) New Uses. These performance standards shall apply to the operation of all new uses established after the effective date of the ordinance codified in these regulations.

(b) Existing Uses. These performance standards shall generally not apply to the ongoing operations of uses in existence on the effective date of the ordinance codified in these regulations or of a subsequent rezoning or other amendment applying more restrictive performance standards to such uses, with the following stipulations:

- (1) Existing uses shall be subject to any applicable performance standards that were in effect prior to the effective date of the ordinance codified in these regulations.
- (2) The operations of existing uses shall not be so changed as to result in a greater degree of nonconformity with respect to these performance standards.
- (3) Any expansion of an existing use shall be required to conform to these performance standards.
- (4) The establishment of a new use in proximity to an existing use shall not require the existing use to change its operations to comply with these performance standards.
- (5) Any existing use that is a legal conforming use with respect to these regulations, and that ceases operations for a period of one (1) year or more, shall comply with these performance standards upon resuming operations. Any existing use that is nonconforming with respect to these regulations shall be subject to the applicable provisions for nonconforming uses in Article 10 of this chapter and, if allowed to resume operations, shall comply with these performance standards.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

### 9-5.1103 Proof of Compliance.

The Director may require the applicant for a building permit or business license to submit such information with respect to proposed equipment, machinery, processes, products, or environmental effects as may be necessary to demonstrate the ability of the proposed use to comply with these performance standards. Such required information may include reports by expert consultants. Any such requirement, and any determination by the Director as to sufficiency of proof, may be appealed to the Planning Commission in accordance with the appeal procedures in Article 14 of Chapter 7.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

### 9-5.1104 Measurements.

When measurements are necessary in the enforcement of these performance standards, they shall be made by competent professionals in the applicable field, in accordance with accepted professional practice.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

### 9-5.1105 Air Quality: Noxious Materials.

All existing or proposed uses producing dust, dirt, ash, charred paper, soot, grime, carbon or other noxious material which can or may cause damage to the health of any individual, animal or vegetation, damage to property, or the physical soiling or discoloring of the surfaces of any structure or materials located outside the property lines of the parcel of land from which such emission emanates shall have the source of the contaminant muffled or controlled in a manner that will prevent the issuance, continuance or recurrence of any emission that is, or may be, detectable beyond the property line of the premises. All uses shall comply with the requirements of the Bay Area Quality Management District.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1106 Air Quality: Noncontaminated Emissions.**

All existing or proposed uses shall have all intakes and exhausts on all air-handling equipment designed, installed, and operated in such a manner so as to prevent any perceptible acceleration of air movement across property lines. Cooling towers and condensers shall be designed, installed, and operated in a manner which will prevent water spray from being carried across property lines.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1107 Light and Glare.**

All lighting, reflective surfaces, or any other sources of illumination shall be utilized in a manner which produces no glare on public streets or on any other parcel. Lights shall be shielded so as not to be directly visible from an adjoining residential property, except for low level lighting such as interior lights and porch lights.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1108 Liquid or Solid Waste.**

The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with Chapter [8](#) of Title [7](#), Wastewater Collection System; California Health and Safety Code Section [25100](#) et seq., Hazardous Waste Control; and any other applicable laws. See also Article 7 of Chapter 5, Hazardous Waste Facilities.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1109 Noise.**

(a) Noise Ordinance. All uses and activities shall be subject to the applicable provisions of the noise regulations in Chapter [13](#) of Title [5](#).

(b) Siting of New Uses. The community noise compatibility standards in Figure 6-11 of the General Plan shall be used as review criteria for new uses. These standards indicate the level of existing ambient noise to which such new uses may be exposed. Noise generated by such uses shall be regulated by subsection (c) of this section.

**Table 9-5.1109**

#### **Maximum Permitted Noise Level (dBA)**

Zone	Daytime	Nighttime
	Weekdays 7 a.m. to 9 p.m. Weekends 8 a.m. to 9 p.m.	Weekdays 9 p.m. to 7 a.m. Weekends 9 p.m. to 8 a.m.
RM Medium Density Residential Zone	65	55

Zone		Daytime Weekdays 7 a.m. to 9 p.m. Weekends 8 a.m. to 9 p.m.	Nighttime Weekdays 9 p.m. to 7 a.m. Weekends 9 p.m. to 8 a.m.
All Other Zones	Abutting a Lot in the RM Medium Density Residential Zone	65	55
	Not Abutting a Lot in the RM Medium Density Residential Zone	70	60

(c) Noise Generation. Noise generated by uses shall not exceed the maximum permitted noise level as set forth in Table 9-5.1109 at the property lines of the receiving land use, except that:

- (1) The noise levels set forth in Table 9-5.1109 may be exceeded by no more than five (5) dBA for a cumulate period of no more than fifteen (15) minutes per hour.
- (2) The noise levels set forth in Table 9-5.1109 may be exceeded by no more than ten (10) dBA for a cumulate period of no more than five (5) minutes per hour.
- (3) The noise levels set forth in Table 9-5.1109 may be exceeded by no more than fifteen (15) dBA for a cumulate period of no more than one (1) minute per hour.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1110 Odor.**

All uses shall be so operated as not to permit matter causing offensive odors which are perceptible to the average person at or beyond any lot line of the lot containing such uses. Adequate buffer distances shall be provided between offensive odor sources and sensitive receptors including schools, hospitals, and community centers. Cooking odors and smoke shall be controlled and prevented from becoming a nuisance to neighboring properties. An odor detected no more than fifteen (15) minutes in any one (1) day is acceptable.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)

#### **9-5.1111 Vibration.**

There shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site. This shall not apply to operations involved in the demolition of structures or caused by motor vehicles or trains.

(Sec. 2 (Exh. A) (part), Ord. 13-001, eff. Mar. 7, 2013)