

## **Article 25      Performance Standards**

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### **15-2501 Purpose**

The purpose of this article is to:

- A. Establish permissible limits and allow objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions;
- C. Protect industry from arbitrary exclusion from areas of the city; and

### **15-2502 Applicability**

The minimum requirements in this article apply to land uses in all zoning districts, unless otherwise specified.

### **15-2503 General Standard**

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.

### **15-2504 Location of Measurement for Determining Compliance**

Measurements necessary for determining compliance with the standards of this article shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### **15-2505 Maintenance**

Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

- A. **Fences, Hedges, and Walls.** Collectively referred to as fences, shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
- B. **Signs.** Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.
- C. **Landscaping/Yards.** All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
- D. **Trees.** Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
- E. **Parking Lots.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

### **15-2506 Noise**

The provisions of this section apply to noise sources resulting from and relating to new development or the expansion of a use or activity. Should there be a conflict between this section and any rule or regulation set forth in an airport plan, the airport plan shall govern. Exceptions to this section are listed in Subsection G. Noise-Related Definitions are located in Section 15-6802. All projects are subject to FMC Chapter 10, Article 1, Noise Regulations.

- A. **Acoustic Study.**
  - 1. An acoustic study shall be required for any proposed project which could create or be subject to noise exposure in excess of the standards set by Tables 15-2506-B and 15-

2506-C. Noise attenuation measures determined from the results of the acoustic study shall be applied in order to meet said standards.

2. An acoustic study shall also be required when a project proposes to be located in an area where existing and/or future transportation-related noise exposure levels are identified as requiring study in Table 15-2506-C.
3. Any required acoustic study shall be paid for by the project applicant and shall be prepared by a qualified acoustical consultant as determined by, and managed under the supervision of, the Review Authority.

B. **Transportation Noise Standards.** The standards listed in Table 15-2506-B represent maximum allowable noise exposure from transportation-related (vehicles and trains) noise sources.

<b>TABLE 15-2506-B: NOISE EXPOSURE FROM TRANSPORTATION NOISE SOURCES</b>			
<i>Noise-Sensitive Land Use</i>	<i>Maximum Exterior Noise Level<sup>1, 2</sup></i>	<i>Maximum Interior Noise-Level</i>	
	<i>(Ldn/CNEL, dB)</i>	<i>(Leq, dB)</i>	
Residential	65 <sup>3</sup>	45	-
Transient Lodging	65 <sup>3</sup>	45	-
Medical Care Facility	65 <sup>3</sup>	45	-
Religious Assembly Facility, Meeting Hall	65 <sup>3</sup>	-	45
Theatre, Auditorium	-	-	35
Office Building	-	-	45
School, Library, Museum	-	-	45
Other Noise-Sensitive Uses	As determined by the Review Authority		
Notes:			
1. Exterior noise areas Exclude: a) front and side yards and b) outdoor areas for projects along Bus Rapid Transit (BRT) corridors and/or within Activity Centers (where application of the standards will be detrimental to the realization of mixed-use, multi-modal oriented-objectives). Include: a) rear yards and courtyards and b) balconies or roof decks (not adjacent to BRT), if they are included in on-site open space calculations.			
2. Where the location of exterior areas is unknown or not applicable, the exterior noise level standard shall be applied at the property line.			
3. While 65db is the maximum level, projects should strive to reach 60db.			

C. **Land Use Compatibility for New Development Proposed near Transportation Noise Sources.** Table 15-2506-C establishes the range of acceptable and unacceptable transportation noise exposure levels in order to determine whether a project is allowed to be sited near a transportation noise source and if noise attenuation measures would be required.

1. **A: Satisfactory.** The project may be permitted without requiring noise attenuation.

2. **B: Analysis Required.** The project is required to provide an analysis that details noise reduction measures that shall be integrated into the project design in order to reduce noise exposure to a conforming level.
3. **C: Acoustic Study Required.** The project is required to perform an acoustic study (see Subsection A of this section) and incorporate the resulting noise attenuation measures to reduce noise exposure to a conforming level.
4. **D: Not Allowed.** The project shall not be permitted.
5. **E: Restricted.** Only the specified project types shall be permitted.

<b>TABLE 15-2506-C: LAND USE COMPATIBILITY FOR NEW DEVELOPMENT PROPOSED NEAR TRANSPORTATION NOISE SOURCES</b>		
<i>Noise-Sensitive Land Use</i>	<i>Day/Night Average Sound Level (Ldn or CNL, dB)</i>	<i>Requirements and Limitations</i>
Residential; Transient Lodging; Medical Care Facility; Religious Assembly Facility, Meeting Hall; School, Library, Museum	Less than 65	A: Satisfactory
	65 to 70	B: Analysis and integration of noise reduction measures in project design
	70 to 75	C: Acoustic study and noise attenuation measures required
	Over 75	D: Not allowed
Theater, Auditorium, Concert Hall, Amphitheater	Less than 70	B: Analysis and integration of noise reduction measures in project design
	Over 70	D: Not allowed
Office Building	Less than 70	A: Satisfactory
	70 to 75	B: Analysis and integration of noise reduction measures in project design
	Over 75	C: Acoustic study and noise attenuation measures required
Industrial	Less than 75	A: Satisfactory
	Over 75	C: Acoustic study and noise attenuation measures required
Outdoor sports and recreation, parks	Less than 65	A: Satisfactory
	65 to 80	C: Acoustic study and noise attenuation measures required; avoid uses involving concentrations of people or animals
	Over 80	E: Limited to open space; avoid uses involving concentrations of people or animals

**D. Stationary Noise Standards.**

1. New or expanded development of noise-sensitive uses shall not be permitted if noise levels, due to existing stationary noise sources, would exceed the standards of Table 15-2506-D. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.

2. New or expanded development of major noise-generating stationary uses shall not be permitted if noise levels impinging on existing adjacent noise-sensitive uses would exceed the standards of Table 15-2506-D. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.
3. The Director shall determine uses that qualify as “noise-sensitive.”
4. When ambient noise levels exceed or equal the levels in this table, mitigation shall only be required to limit noise to the ambient plus five dB.

<b>TABLE 15-2506-D: NOISE EXPOSURE FROM STATIONARY NOISE SOURCES<sup>1</sup></b>		
	<i>Daytime 7am-10pm</i>	<i>Nighttime 10pm - 7am</i>
Hourly Equivalent Sound Level (Leq), dBA	50	45
Maximum Sound Level (Lmax), dBA	70	60
Notes:		
1. As determined at outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use.		

- E. **Best Available Technology.** New noise sources shall use the best available control technology to minimize noise emissions.
- F. **Noise Attenuation Measures.** Any project subjected to an acoustic study may be required, as a condition of approval, to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
  1. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
  2. Emphasis shall be placed upon site planning and project design measures.
  3. Operation-related measures may be incorporated, such as regulating the hours of operation, deliveries, etc.
  4. The use of noise barriers (i.e. walls) shall be considered only after all feasible design-related and operation-related noise measures have been incorporated into the project.
- G. **Noise Barriers.** When noise attenuation measures require the construction of a noise barrier to reduce overall noise levels, it shall comply with the following standards:
  1. The noise barrier shall be a masonry block or concrete wall. The Review Authority may approve new wall materials that become available in the future for use as an alternative to a masonry block or concrete wall based on its proven comparable properties for durability, sound, light, and glare attenuation.
  2. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered and required at time of project review.
  3. The additional standards represented in Table 15-2506-G shall apply for noise barriers that are used to mitigate noise from vehicles and trains.

TABLE 15-2506-G: NOISE BARRIER MINIMUM STANDARDS		
Overall Height of Wall	Earth Berm	Setback from Major Streets and railroad tracks (all streets require a min. 10 ft. setback. This standard shall be added to the min. <sup>1</sup> )
Less than 9 ft.	No requirement	No additional setback
9 ft. or taller (max. of 15 ft.)	6 inches for every ft. of wall height above 9 ft.	Additional ft. for every ft. that exceeds 10 ft.
1. A greater setback shall be provided if required by an Overlay District or a trail.		

H. **Exemptions.** The following are exempted from conformance to the noise standards of this section.

1. **Noise-Sensitive Sites Adjacent to Elevated Noise-Generating Land Uses.** In instances where noise-generating land uses are elevated 12 feet or more (i.e., elevated State Routes) from the natural grade of a noise-sensitive site, and the Review Authority determines that a masonry wall would not mitigate outdoor noise to acceptable levels, a wall may be waived, however the interior of the noise-sensitive use shall not exceed the indoor space standards in Table 15-2506-B.
2. **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
3. **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
4. **Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.
5. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
6. **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
7. **Schools.** School bells and school-sanctioned outdoor activities such as pep rallies, sports games, and band practice.
8. **Religious Assembly Facilities and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious assembly facilities and other houses of religious worship, as such devices are played between the time period of 7 a.m. and 10 p.m. and the playing period does not exceed five minutes in any one hour.
9. **Agricultural.** Noise resulting from Crop Cultivation.

10. **Public Utility Facilities.** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping.

#### **15-2507 Vibration**

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

#### **15-2508 Lighting and Glare**

Activities, processes, and uses shall be operated in compliance with the following provisions:

- A. **Mechanical or Chemical Processes.** Light or glare from mechanical or chemical processes, high-temperatures processes such as combustion or welding, or from reflective materials on buildings or used or stored on a site, shall be shielded or modified to prevent emission of adverse light or glare onto other properties.
- B. **Lighting.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
- C. **Glare.**
  1. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
  2. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc.
  3. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.

#### **15-2509 Shadow Casting**

- A. When a structure will exceed 50 feet in height, the developer must submit an analysis of the shadows that the structure will cast on planned or existing residential property.
  1. The shadow analysis should demonstrate the maximum extent of the shadows cast by a building through at least the four quarters of the year, between one hour after sunrise and one hour before sunset.
  2. If the analysis indicates that the project shadow does not reach or significantly impact any residential properties, no further review of the project shadow will be required. However, if there is indication that the shadow would significantly impact residential properties, alternative designs or other mitigation measures shall be presented.

### **15-2510 Odors**

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, vehicle emissions, trucks, etc.) are exempt from this standard.

### **15-2511 Heat and Humidity**

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a person of reasonable sensitivity or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature to noticeably increase on another property.

### **15-2512 Air Contaminants**

Uses, activities, and processes shall not operate in a manner that emit dust, fumes, smoke, or particulate matter adverse to the public health, safety, or general welfare of the community or detrimental to surrounding properties or improvements.

- A. **Compliance.** Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).
- B. **SJVAPCD Permits.** Applicants shall be responsible for obtaining permits from the SJVAPCD.

### **15-2513 Liquid or Solid Waste**

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and as may be permitted by the City.
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards; and to facilitate recycling. Any solid wastes that would be conducive to the breeding of rodents and/or insects may only be stored outside in closed containers.

### **15-2514 Fire and Explosive Hazards**

- A. All activities, processes and uses involving the use of, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in accordance with the Fire Code. Fire-fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

- B. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.
- C. The use, handling, transportation, and storage of hazardous and extremely hazardous materials shall comply with the laws and regulations of Occupational Safety and Health Administration (OSHA), United States Department of Transportation (US DOT) and Environmental Protection Agency (EPA). Also add a requirement for compliance with all applicable federal and State laws, including, but not limited to, the Hazardous Materials Transportation Act of 1975, as may be amended.

**15-2515 Electromagnetic Interference**

No use, activity, or process shall cause electromagnetic interference with normal radio and television reception in any Residential District, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with applicable Federal Communications Commission regulations. This restriction shall not apply to activities related to amateur radio within the meaning of Title 47 of the Code of Federal Regulations, Part 97, *et. seq.*

**15-2516 Radioactivity**

No radiation of any kind shall be emitted that is dangerous to humans or other animals. This restriction shall not apply to radiation emitted in the course and scope of medical uses subject to the requirements of the Health and Safety Code (Sections 114840 through 114896).