

CHAPTER 30: ZONING

§ 30-24 PERFORMANCE STANDARDS

§ 30-24.6. PERFORMANCE STANDARDS

The criteria used to determine when any condition, substance, or element becomes detrimental to the public health, safety, or welfare shall be called performance standards. The following performance standards are hereby established:

- a. **Air Pollution.** No smoke, dust, fly ash, vapor, fume, odor, or any other form of air pollution shall be permitted in excess of the standards set forth by the Air Quality Management District of the County. In no event shall such elements be permitted which can cause any damage to human health, animals, or vegetation or which can cause excessive soiling at any point of measurement. The point of measurement shall be the same as utilized by the Air Quality Management District of the County. No use shall emit noxious odors or fumes. During grading, earthwork, and/or building construction activities, adequate dust suppression methods shall be utilized. Such methods include frequent watering and the use of dust palliatives. All soil materials that are being transported on or off the project site shall be covered, and all materials deposited within a public right-of-way shall be removed immediately.
- b. **Noise.** No discrete noise source in the City shall exceed 76 decibels on the Community Noise Equivalent Level (CNEL) weighted scale as measured on any property line. No discrete noise source in the City shall exceed 55 decibels on the CNEL weighted scale at any property line of a residentially zoned property. No discrete noise source in the City shall exceed 55 decibels on the CNEL weighted scale within 100 feet of an existing building used as a hospital, school, library, rest home, convalescent home, senior citizens' home, mental institution, or other similar noise-sensitive land use as determined by the Community Development Director. The regulations in Municipal Code Chapter 7-12 (Noise) shall apply.
- c. **Vibration.** No vibration associated with any use shall be allowed which is discernible beyond the boundary line of the subject property.
- d. **Fire and Explosion Hazards.** All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.
- e. **Exterior glare, heat, humidity and light.**
 1. **Glare, Heat, or Light.** Glare, heat, or light from mechanical or chemical processes, or from reflective materials used or stored on a site, shall be shielded or modified to prevent emission of glare, heat, or light beyond the property line.
 2. **Heat and Humidity.** Uses, activities and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at any property line of the site on which they are situated, that cause material distress, discomfort, or injury to a reasonable person.
 3. **Exterior Lighting.** Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are confined within the boundaries of the subject parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. Lighting shall not blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

4. Exemptions. Exemptions from outdoor lighting requirements.

- (a) Lighting of the American flag and lighting not subject to this section by State or federal law.
 - (b) Street lighting installed within the public right-of-way.
 - (c) Lighting required by the Building Code.
 - (d) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less.
 - (e) Construction and emergency lighting used by construction workers, police, firefighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting
- f. Underground Tanks Out of Service For One Year.** Any underground tank which has been out of service for one year or more shall be permanently abandoned in accordance with the Uniform Fire Code. Permanent abandonment shall comply with the requirements of the Los Angeles County Ordinance No. 83-0206V and meet all standards of Section 25284 of the California Health and Safety Code. The Fire Chief shall verify that abandonment has been completed prior to any application for a conditional use permit, variance, change of zone or certificate of occupancy.
- g. Radioactivity or Electric Disturbance.** No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- h. Liquid or Solid Wastes.** No discharge shall be permitted at any point into any public sewer, private sewage system, or stream or into the ground, except in accord with standards approved by the State and County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.
- i. Maintenance of Property.** Each person, company or corporation residing in and/or utilizing a property in the City of Albany shall, at all times, maintain such property in good order and at a level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, in conformance with accepted community standards as interpreted by the Community Development Director. Responsibilities in this regard shall include, but not be limited to, repair and maintenance of all structures, fences, signs, walks, driveways, retaining walls, lawns, landscaping, painted surfaces, and removal of litter and debris.
- j. Special Height Restrictions Around Airports.** No building or structure constructed or altered after May 4, 1978, may exceed thirty-five (35) feet in height on land within 1,000 feet of an airport, regardless of zoning.
- k. Property Development Standards for Schools, Religious Institutions, Institutions, Small and Large Family Group Homes and Other Residential Care Facilities in Residential Zones.**
- 1. Setbacks.** In all residential zones no building shall be erected, structurally altered, or used for a school, religious institution, institution, large family group home, or other similar use unless such building is located 15 feet from every property line.
 - 2. Overconcentration.** In all residential zones no building shall hereafter be erected, structurally altered, or used for a school, religious institutions, institution, small or large group home or other residential care facility within 300 feet of any existing or proposed similar facility.

- I. **Exceptions.** The provisions of this section shall not preclude emergency work made necessary to restore property to a safe condition following public calamity, or work required to protect persons' property from an imminent danger, or work by private or public utilities when restoring utility service.

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