

CHAPTER 30.40
PERFORMANCE STANDARDS

30.40.010. PURPOSE

In order to minimize the adverse impacts of certain nuisance factors and to provide methods of determining compatibility between uses of land and buildings, the following performance standards are established. (Ord. 90-04)

A. NOISE

1. Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone.

Adjacent Zone	One Hour Average Sound Level	
	7am-10pm	10pm-7am
RR, RR-1, RR-2, R-3, R-5, R-8	50 dB	45 dB
R-11, RS-11, R-15, R-20, R-25, MHP	55 dB	50 dB
OP, LLC, LC, GC L-VSC, VSC	60 dB	55 dB
L-I, BP	60 dB	55 dB

2. ER/OS/PK - Will be governed by the limits applicable to the source of the complaint.
3. The interior noise level as required by the State of California Noise Insulation Standards must not exceed an LDN of 45 dB in multi-family dwellings. This interior standard shall also be applied to single family dwellings and offices in the City of Encinitas.
4. It shall be unlawful for any person on any property within the City to create any noise, or to allow the creation of any noise on property owned, leased,

occupied, or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed the following:

- a. The noise standard for cumulative period of more than 30 minutes in any hour; or
- b. The noise standard plus 5 dB for a cumulative period of more than 15 minutes in any hour; or
- c. The noise standard plus up to 15 dB for a cumulative period of more than 1 minute in any hour; or
- d. The noise standard plus 20 dB for any period of time.

5. For the purpose of this Chapter, the peak decibel reading for a noise with a fluctuating noise level (such as live or recorded music) shall be considered as the noise level for the entire cumulative period of the noise. Likewise, the time between repetitive intermittent noises (such as banging, pounding, or hammering) shall be included in the cumulative of the noise.

B. VIBRATION

Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the following:

Adjacent Zone	Vibration in Inches per Second	
	Impact	Steady-State
Residential	.006	.003
Commercial	.010	.005
Light Industrial	.040	.020
Public/Semi-Public	.010	.005

C. RADIOACTIVITY AND ELECTRICAL DISTURBANCES (Ord. 90-07)

1. Except with the prior approval of the City as to specific uses, the use of radioactive materials within any zone shall be limited to measuring, gauging, and calibration devices, as tracer elements in X-ray and like

apparatus, and in connection with the processing and preservation of foods. In no event shall radioactivity, when measured at each lot line, be in excess of two and seven-tenths (2.7) by ten (10) to the eleventh (11th) power microcuries per milliliter of air at any moment of time. Transportation of radioactive materials shall be only along routes approved by City Council.

2. All electrical and electronic devices and equipment shall be suitably wired, shielded, and controlled, so that in operation they shall not emit any electrical impulse or wave behind the lot lines, which will adversely affect the operation and control of any other suitably wired, shielded, and controlled electrical or electronic devices and equipment. (Ord. 90-07)

D. TOXIC MATERIALS, FIRE, AND EXPLOSION HAZARDS

All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the Uniform Fire Code.

E. DRAINAGE, GRADING AND EROSION CONTROL

1. All drainage shall be handled in a manner consistent with the Resource Management, Public Safety, and Land Use elements of the General Plan.

2. All surface drainage from any lot in the commercial and light industrial zones shall be collected and carried to the storm sewer in accordance with the City's Master Drainage Plan and in a manner acceptable to the City Engineer. In no case in these zones shall any surface drainage stream cross over the public sidewalk.

3. Any necessary grading shall be accomplished in a manner consistent with procedures detailed in the City of Encinitas Grading, Erosion and Sediment Control Ordinance, Chapter 23.24 of the Municipal Code.

4. All drainage courses should be maintained in natural or semi-natural vegetation utilizing existing topography as opposed to concrete ditches or pipes. Where possible, bridges should be used in lieu of pipes, box culverts or underground channels to preserve the integrity of the natural stream courses.

5. In any land use and development, grading and vegetation removal shall be limited to the minimum necessary in order to reduce erosion and sedimentation to the maximum extent possible.

F. HEAT AND HUMIDITY

Heat, Humidity, or other climatic influence from any source shall not be produced beyond the lot lines of the use.

G. ODORS TOXIC GASES AND OTHER AIRBORNE POLLUTANTS

1. Odors from gases or other odorous matter shall not be in such quantities as to create unreasonable odors at or beyond the lot line of the use.

2. Toxic gases or matter shall not be emitted which can cause any damage to human health, animals, vegetation, or other forms of property or which cause soiling beyond the lot lines of any use.

3. Applications for development proposals and/or use permits shall be evaluated for their potential to create odors that are offensive or inconsistent with the surrounding land use.

4. Applications for development proposals and/or use permits shall be evaluated for their potential to increase the level of air pollution and/or particulates and shall be reviewed by Air Pollution Control District (APCD) when warranted.

H. OUTDOOR LIGHTING REGULATIONS (ORD. 2003-10).

1. For what is known as the Olivenhain Community area, the following standards shall apply:

a. The purpose of these regulations is to preserve the quality of the night sky by minimizing light and glare nuisances to adjacent properties. (Ord. 2003-10).

b. The provision of this Section shall apply to what is known as the Olivenhain Community area. (Ord. 2003-10).

c.. Outdoor Recreational Facility shall mean any public or private facility providing recreational opportunities including, but not limited to, tennis courts, equestrian uses, public and private parks where lighting is necessary for night time use of the facility. (Ord. 2003-10).

d. The Illumination of outdoor recreational facilities shall be prohibited. (Ord. 2003-10).

I. PERFORMANCE STANDARDS - RESIDENTIAL LIGHTING STANDARDS. THE FOLLOWING STANDARDS SHALL APPLY TO ALL RESIDENTIAL AND COMMERCIAL ZONES: (2003-10).

1. All light sources shall be shielded in such a manner that the light is directed away from streets or adjoining properties.
2. All residential zones and commercial uses adjoining residential zones shall not have a measured sustained light standard in excess of one-half (0.5) foot-candle at the property line. Outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture. The luminary, lamp, or light source shall not be directly visible from any adjoining residential property. The shielding requirement shall not apply to decorative landscape lighting fixtures of 50 watts or less, holiday lighting, fossil fuel lighting, or lighting within front yard areas intended to illuminate pedestrian and vehicular entries, landscaping/architectural accents, and the like. Skylights, greenhouses, and agricultural production activities are exempt. Public recreational facilities are not subject to the performance standards, but shall be reviewed through the use permit process for minimizing lighting impacts to surrounding properties, and may be subject to restrictions on operating hours and/or the number and type of lighting fixtures.
3. All interior commercial lots shall not have a measured sustained light standard in excess of one (1.0) foot-candle at the property line. Outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture. Skylights, greenhouses, and agricultural production activities are exempt. Permitted lighting structures and fixtures in place as of December 31, 2004 associated with commercial uses shall be considered legal nonconforming pursuant to Chapter 30.76 of the Municipal Code, and as such may remain in

4. place as long as they are not altered in any matter increasing light trespass onto adjoining properties.
5. Street lighting is not subject to the performance standards, but shall be evaluated through proposed subdivision/projects and street design projects consistent with the modification process to street standards in order to preserve dark sky character of the community, while still maintaining the necessary lighting for safety purposes.

J. HEIGHT REGULATIONS FOR WALLS AND FENCES THAT ARE PART OF A PUBLIC RIGHT-OF-WAY DESIGN AND CONSTRUCTION PROJECT. (ORD. 2000-14)

1. The height of walls/fences that are part of a public right-of-way design and construction project shall be limited to the wall/fence height permitted by the underlying zone. When the wall/fence is located within a public right-of-way, the wall/fence height shall be limited to the wall/fence height permitted by the underlying zone of property located immediately adjacent to the section of public right-of-way where the wall/fence is to be constructed.
2. The City Council may approve walls/fences up to a maximum of eight (8) feet (measured from the highest grade adjacent to the wall) when a wall/fence is part of the right-of-way design, is an integral part of a road construction project, and is agreed to by the adjacent property owner(s). This regulation does not apply to N. & S. Coast Highway 101, La Costa Avenue and Manchester Avenue.