

Staff Note: Deletions of current text indicated by ~~strikeout~~; additions indicated by underline.

Chapter 17.120

PERFORMANCE STANDARDS

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17.120.010 Title, purpose, and applicability

The provisions of this chapter shall be known as the performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of all activities. These standards shall apply to the indicated activities in the zones and situations specified herein. (Ord. 11895 & 6, 1996; prior planning code & 7700)

17.120.020 Existing activities.

Activities existing on the effective date of the Zoning regulations, or of a subsequent rezoning or other amendment thereto applying more restrictive performance standards to such activities, shall not be required to change their operations to comply with the performance standards. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized under Section 17.120.310 and the development agreement procedure in Chapter 17.138. (Prior planning code & 7701)

17.120.030 Proof of compliance.

The Director of City Planning may require the applicant for a building permit or business license to submit such information with respect to proposed machinery, processes, products, or environmental effects as may be necessary to demonstrate the ability of the proposed activities to comply with applicable performance standards. Such required information may include reports to expert consultants. Any such requirement, and any determination by the Director as to sufficiency of proof, may be appealed pursuant to the administrative appeal procedure in Chapter 17.132 (Prior planning code & 7703).

17.120.040 Measurements.

When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practice. (Prior planning code & 7704)

17.120.050 Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsections A, B, or C as modified where applicable by the adjustments indicated in subsection D, E, ~~or F~~. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

A. Residential and Civic Noise Level Standards.

The noise level received by any residential zone ~~or by any legal residential activity, school, child care, health care or nursing home, public open space which is existing on or prior to the date of the adoption of these amendments, and similarly sensitive land use~~ shall not exceed the following:

**MAXIMUM ALLOWABLE
RECEIVING NOISE LEVEL STANDARDS, dBA**

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Daytime	Nighttime
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

B. Commercial Noise Level Standards. The noise level received by any land use activity within any commercial or Housing and Business Mix (HBX) zone ~~land use~~ shall not exceed the following:

**MAXIMUM ALLOWABLE
RECEIVING NOISE LEVEL STANDARDS, dBA**

Cumulative Number of Minutes in Either the Daytime or Nighttime One Hour Time Period	Anytime
20	65
10	70
5	75
1	80
0	85

C. Manufacturing, Industrial, Agricultural and Extractive Noise Level Standards. The noise level received by any land use activity within any industrial, manufacturing or mining and quarrying ~~land use zone~~ shall not exceed the following:

**MAXIMUM ALLOWABLE
RECEIVING NOISE LEVEL STANDARDS, dBA**

**Cumulative Number of Minutes in Any One Anytime
Hour Time Period**

20	70
10	75
5	80
1	85
0	90

D. In the event the measured ambient or noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.

E. Each of the noise level standards specified above in subsections A, B, and C shall be reduced by five dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulse noise such as hammering or riveting.

~~F. Legal Nonconforming Residential Facilities. The applicable receiving noise level standard under subsection A of this section shall be increased by five dBA for legal nonconforming residential facilities located in the M-30, M-40, or any other zone as provided in Section 17.114.010.~~

F. Noise Measurement Procedures. Utilizing the “A” weighing scale of the sound level meter and the “slow” meter response (use “fast” response for impulsive type sounds), the noise level shall be measured at a position or positions at any point on the receiver’s property. In general, the microphone shall be located four to five feet above the ground; ten feet or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made within the effected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration.

G. Temporary Construction or Demolition Which Exceed the Following Noise Level Standards.

1. The daytime noise level received by any residential, commercial, or industrial land use which is produced by any nonscheduled, intermittent, short-term construction or demolition operation (less than ten days) or by any repetitively scheduled and relatively long-term construction or demolition operation (ten days or more) shall not exceed:

**MAXIMUM ALLOWABLE RECEIVING NOISE
LEVEL STANDARDS, dBA**

	Daily	Weekends
	7 a.m. to	9 a.m. to
	7 p.m.	8 p.m.
Short-Term Operation		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation		
Residential	65	55
Commercial, Industrial	70	60

2. The nighttime noise level received by any land use and produced by any construction or demolition activity between weekday hours of seven p.m. and seven a.m. or between eight p.m. and nine a.m. on weekends and federal holidays shall not exceed the applicable nighttime noise level standards outlined in this section.

H. Residential Air Conditioning Units and Refrigeration Systems. The exterior noise level associated with a residential air conditioning unit or refrigeration systems shall not exceed fifty (50) dBA with the exception that systems installed prior to the effective date of this section shall not exceed fifty-five (55) dBA.

I. Commercial Refrigeration Units, Stationary and mobile commercial refrigeration units shall not produce a noise level greater than the noise level standards set forth in this section. Between the hours of ten p.m. and seven a.m., a mobile refrigeration unit shall not be located within two hundred (200) feet of any ~~legally occupied residential facility~~ residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060.

J. Commercial Exhaust Systems. Unnecessary noise caused by exhaust from ventilation units, or other air control device shall not produce a noise level greater than the noise level standards set forth in this section between the hours of ten p.m. and seven a.m. and shall not be located within two hundred (200) feet of any ~~legally occupied residential facility~~ residential zone boundary unless such unit is within an enclosure which reduces the noise level outside the enclosure to no more than sixty (60) dBA and reduces vibration to a level below the vibration perception threshold set forth in Section 17.120.060. (Ord. 11895 & 7, 1996: prior planning code & 7710)

17.120.060 Vibration.

All activities, except those located within the IG or M-40 zone, or in the IG or M-30 zone-more than four hundred (400) feet from any ~~legal residential occupied property~~, residential zone boundary

shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard. (Ord. 11895 & 8, 1996: prior planning code & 7711)

17.120.070 Smoke.

All Commercial, Manufacturing and Industrial Activities located in the M-10, S-3, or S-13 zone, or in any HBX or CIX zone shall be so operated as not to emit visible smoke as dark as Ringlemann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringlemann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time. (Prior planning code & 7712)

17.120.080 Particulate matter and air contaminants.

All Commercial and Manufacturing and Industrial Activities which are located in a residential zone or the M-10, M-20, S-3, ~~or~~ S-13 zone, or any HBX or CIX zone, or which are located in the M-30, IBX, IG or IO zone within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to emit particulate matter of air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities. (Prior planning code & 7713)

17.120.090 Odor.

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination:

Zone in Which Activities are Located	Point of Determination
Any residential zone, M-10, M-20, S-3, or S-13	At or beyond any lot line of the lot containing the activities of the lot containing the
M-30 zone if within 400 feet of any boundary of a residential zone.	At or beyond any boundary of the nearest residential zone.

(Prior planning code & 7714)

17.120.100 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial, Industrial and Manufacturing Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by

the average person at the following points of determination:

Zone in Which Activities are Located	Point of Determination
Any residential zone, M-10, M-20, S-3, or S-13 <u>HBX 1,2 or 3, or CIX.</u>	At or beyond any lot line of the lot containing the activities
M-30 , IBX, IG or IO zone if within 400 feet of any residential zone.	At the nearest boundary of a residential zone.

(Prior planning code & 7715)

17.120.110 Electrical disturbance.

All Commercial, Industrial and Manufacturing Activities located in a residential zone or the M-10, M-20, S-3, S-13, HBX or CIX zone, or located in the IBX, IG or M-30 or M-40 zone and that is within four hundred (400) feet of any boundary of a residential zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot. (Prior planning code & 7716)