

## Chapter 19.21: General Site Standards

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### **19.21.010 Purpose**

The purpose of this Chapter is to establish specific site standards that apply to several or all districts.

### **19.21.030 Development on Lots Divided by District Boundaries**

- A. **Generally.** The regulations applicable to each district shall be applied to the area within that district and no use shall be located in a district in which it is not a permitted or conditionally permitted use, except in situations listed in Subsection (B) below. When deemed appropriate, the applicant or City shall initiate a zone change to make the zoning district lines consistent with parcel lines.
- B. **Exception.** If more than 60 percent of the lot is in one zoning district; the Zoning Administrator may grant exceptions to Subsection A, above, based on consideration of the proposed use of the parcel, and the existing uses on surrounding parcels. Such an exception shall be considered through the Administrative Use Permit process, following the provisions of Chapter 19.34: Use Permits.

### **19.21.040 Mechanical Equipment Screening**

All mechanical and electrical equipment and antennas shall be screened or incorporated into the building design so as not to be visible from a public street, freeway, BART tracks, or adjacent private property in residential districts. These include, but are not limited to, all roof-mounted equipment, utility meters, cable equipment, telephone entry boxes, backflow preventers, irrigation control valves, electrical transformers and pull boxes. Screening materials shall be consistent with the materials of the building and blend into the architectural character of the building.

### **19.21.050 Performance Standards**

The following performance standards shall apply to development within the city:

- A. **Lighting.** Lighting shall be provided subject to the following requirements:
1. **All Exterior Lights.** All exterior lights shall be designed, located, installed, directed and shielded in such a manner as to prevent glare across property lines. Exterior lighting shall be directed downward and away from adjacent properties and the public right-of-way. Shielded shall mean that the light rays are directed onto the project site, and any objectionable glare is not visible from an adjacent property or rights-of-way.
  2. **Protection and Shielding.** All exterior bulbs shall be protected by weather- and-vandal resistant covers.
  3. **Residential Buildings.** Aisles, passageways and recesses related to and within a building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
  4. **Nonresidential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light. Lighting devices shall be protected by weather- and vandal- resistance covers.
- B. **Noise.** The following noise standards are guidelines and performance-based standards only as shown in the Noise section of the Resources and Hazards element of the General Plan. If an area currently is below the desired maximum noise levels, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the increase in existing noise levels and potential for adverse community impact.
1. **Definitions.** The following definitions apply to the provisions of this Section only.
    - a. “*Normally acceptable*” noise exposure means that the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
    - b. “*Conditionally acceptable*” noise exposure means that the specified land use may be permitted with the preparation of a noise study and only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
    - c. “*Unacceptable*” noise exposure means that new construction or development should generally not be undertaken because mitigation is usually not feasible to comply with Noise Element policies.
  2. **Outdoor Noise Levels.** All new development shall comply with the outdoor noise standards established in Table 19.21 – A below.

TABLE 19.21 – A: OUTDOOR NOISE LEVELS			
Land Use Type	Exterior Noise Exposure (Ldn or CNEL, dB)		
	Normally Acceptable	Conditionally Acceptable	Unacceptable
Residential, Hotel and Motels	60	75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	65	80	>80
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches	60	75	>75
Office Buildings, Business Commercial, and Professional	60	80	>80
Auditoriums, Concert Halls, Amphitheatres	--	70	>70
Industrial, Manufacturing, Utilities and Agriculture	70	85	--

- a. *Outdoor Noise Levels for Residential Areas.* The goal for maximum outdoor noise levels in residential areas is an Ldn of 60 dB. This level is a requirement to guide the design and location of future development and is a goal for the reduction of noise in existing development. This goal will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and open space areas in multi-family housing projects). The outdoor standard will not normally be applied to the small decks associated with apartments and condominiums but these will be evaluated on a case-by-case basis. Where the Zoning Administrator determines that providing an Ldn of 60 dB or lower outdoors is not feasible, the outdoor goal may be increased to an Ldn of 65 dB at the discretion of the Planning Commission.
  - b. *Impacts of BART Noise on Residential Uses.* If the noise source is BART, then the outdoor noise exposure criterion should be 70 Ldn for future development, recognizing that BART noise is characterized by intermittent loud events.
  - c. *Other Non-Transportation Noise Sources.* For other non-transportation related noise sources, noise levels outdoors should not exceed the limits in Table 19.21-A: Outdoor Noise Levels, above.
3. *Indoor Noise Levels.* All new development shall comply with the indoor noise standards established in Table 19.21 – B below.

TABLE 19.21 – B: INDOOR NOISE LEVELS	
<i>Land Use Type</i>	<i>Indoor Noise Levels</i>
Residential	45 dB <sup>1</sup>
Commercial, Industrial and Office	Evaluated on a case-by-case basis; generally 45 Leq (hourly average or less)
<sup>1</sup> As required by the State of California Noise Insulation Standards	

- a. ***Indoor Instantaneous Noise Levels.*** Interior noise levels in new residential units exposed to an Ldn of 60 dB or greater should be limited to a maximum instantaneous noise level of 50 dBA in the bedrooms. Maximum instantaneous noise levels in other rooms should not exceed 55 dBA. The typical repetitive maximum instantaneous noise level at each site would be determined by a noise meter. Examples would include trucks passing by on busy streets, BART trains passing by, and train warning whistles.
4. ***Evaluation of Noise Impacts in Existing Residential Areas.*** The noise environment in existing residential areas shall be protected. The City shall require the evaluation of mitigation measures for projects under the following circumstances:
    - a. The project would cause the Ldn to increase three dBA or more.
    - b. Any increase would result in an Ldn greater than 60 dBA.
    - c. The Ldn already exceeds 60 dBA.
    - d. The project has the potential to generate significant adverse community response.
  5. ***Noise Study Required.*** The Zoning Administrator may require a noise study to be prepared for all new uses with outdoor noise levels within the conditionally acceptable range in Table 19.21-A above, or uses that, in the Zoning Administrator’s opinion, may not meet the standards of the Noise Section of the Resources and Hazards General Plan Element. The noise study shall, at a minimum, conform to the following standards:
    - a. The analysis shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.
    - b. Noise levels shall be documented with sufficient sampling periods and locations to adequately describe local noise conditions and noise sources.
    - c. Existing and projected noise levels shall be estimated in terms of Leq and Ldn or CNEL. Levels shall be compared to the existing ambient noise levels.

- d. Mitigation shall be recommended, giving preference to site planning and design rather than noise barriers, where feasible.
  - e. Noise exposure after the prescribed mitigation measures have been implemented shall be estimated.
6. **Noise Mitigation Measures.** The approval body may require a project to incorporate any noise mitigation measures deemed necessary to ensure that noise standards are not exceeded.
- C. **Fire and Explosion Hazards.** All activities involving the use of, or storage of, flammable and explosive materials shall be operated with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire-suppression equipment and devices, as approved by the fire department. All incineration is prohibited.
- D. **Radioactivity or Electrical Disturbance.** No use, activity or process, other than wireless communications which are regulated specifically in Chapter 19.28: Telecommunications, or other activities regulated by Federal agencies, shall cause electromagnetic interference with normal radio or television reception in residential districts, or with the function of other electronic equipment beyond the property line of the site on which they are situated.
- E. **Vibration.** No use, activity or process shall produce vibrations that are perceptible without instruments by a reasonable person at or beyond the property line of the site on which they are situated.
- F. **Smoke, Particulate Matter, Odor and Other Air Contaminants.** All uses, activities or processes, except those properties with single-family homes, shall be conducted to prevent the emission of particulate matter or air contaminants that are readily detectable without instruments by a reasonable person beyond the property line of the site on which they are situated. All required permits from the Bay Area Air Quality Management District shall be obtained.
- G. **Humidity, Heat and Cold.** All uses shall be operated so as not to produce humidity, heat or cold which is perceptible without instruments by a reasonable person at or beyond the property line of the site on which such uses are situated.
- H. **Liquid or Solid Wastes.** The following standards apply:
- 1. **Discharges to Water or Sewers.** Discharges into any groundwater or waterways (whether direct or indirect), public or private sewer or sewage disposal system, or into the ground, shall conform with the requirements of the Regional Water Quality Control Board, the California Department of Fish and Game, the California Department of Public Health, or such other relevant governmental agency.
  - 2. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Suitable containers shall

be provided to prevent scattering of trash by animals or wind. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables.

#### **19.21.060 Recycling and Solid Waste Facilities in New Development**

- A. **Purpose.** The City of El Cerrito must divert 50 percent of its solid waste through source reduction, recycling, composting activities and other mechanisms. The lack of adequate designated areas in commercial, residential and industrial projects proposed in the city for the collecting, storing and loading of recyclable materials is a significant impediment to the City’s ability to meet this requirement. The purpose of this section is to provide that projects designate areas for the collecting, storing and loading of recyclable materials, subject to the conditions specified herein.
- B. **Definitions.** The following definitions apply to the provisions of this Section only.
1. “*New development project*” means any newly constructed commercial, industrial, or institutional building or cluster of buildings, for which an application for a building permit or other discretionary approval is submitted on or after February 1, 1994.
  2. “*New project*” means any new development project, new residential project, and new public facility, as those terms are defined by this Section.
  3. “*New residential project*” means a newly constructed residential project for which an application for a building permit or other discretionary approval is submitted on or after February 1, 1994, and which consists of either of the following:
    - a. A single building having three or more dwelling units; or
    - b. A residential project consisting of more than one dwelling unit where solid waste is not collected and loaded from each individual unit’s curbside but is instead collected and loaded in locations intended to serve more than one dwelling unit.
  4. “*Existing development project*” means any commercial, industrial, or institutional building, or cluster of buildings, constructed prior to February 1, 1994.
  5. “*Existing project*” means any existing development project and existing residential project, as those terms are defined by this Section.
  6. “*Existing residential project*” means a residential project which was constructed before February 1, 1994 and which consists of either of the following:
    - a. A single building having five or more dwelling units; or

- b. A residential project consisting of five or more dwelling units where solid waste is not collected and loaded from each individual unit’s curbside, but is instead collected and loaded in locations intended to serve more than five dwelling units.
  - 7. “*New public facility*” means any new public facility where solid waste is collected and loaded, and any improvements for areas of a public facility used for collecting and loading solid waste which is constructed on or after February 1, 1994.
  - 8. “*Recycling area (areas for recycling)*” means the interior or exterior space allocated for collecting, storing and loading recyclable material.
- C. **New Projects.** Any new development project, new residential project, or new public facility for which a building permit is required shall include adequate, accessible and convenient areas for collecting, storing and loading recyclable materials, subject to the following requirements:
- 1. No building permit shall be issued for any new project until the recycling area is approved for design review by the Zoning Administrator or the Design Review Board, pursuant to Chapter 19.38: Design Review, based on the recommendations from the Integrated Waste Services Manager.
  - 2. In reviewing the recycling area, the Design Review Board, the Zoning Administrator and the Integrated Waste Services Manager shall consider the standards listed in subsection (E) below.
  - 3. As a condition of approval for any new project by the City, the applicant must first obtain approvals from the Integrated Waste Management department.
- D. **Existing Projects.** By June 30, 1995, the owners or operators of each existing development project and each existing residential project which has not by that date constructed a City- approved recycling area, shall submit a plan to the Integrated Waste Services Manager providing for the location and construction of an adequate, accessible and convenient area for collecting, storing and loading recyclable materials. Such plan must first be approved by the Integrated Waste Management department prior to further City review. The recycling area and plan are subject to the following requirements:
- 1. In the case of an existing development project, the recycling plan may include the designation of a recycling area to be shared by two or more of the owners or operators of the development project, or of two or more contiguous projects, so long as adequate space for all expected recyclable materials are provided.
  - 2. In the case of an existing development project where solid waste is collected and stored in a location which serves multiple tenants of the development project, the proposed recycling area shall be designed in such a manner as to be adequate, accessible and convenient to the needs of these multiple tenants and the recycling collector(s).

3. The Integrated Waste Services Manager shall review the plan for the recycling area based on the standards of subsection (E) below. Once the plan is approved by the Zoning Administrator, the owner or operator of the project shall have 60 days to implement the plan and provide the approved recycling area. A decision of the Zoning Administrator regarding the recycling area may be appealed to the Planning Commission in accordance with the time limits and procedures specified in Chapter 19.39: Appeals of this Zoning Ordinance.
  4. If, prior to June 30, 1995, the owner or operator of an existing development project or an existing residential project seeks either: (1) a building permit for project renovations in an amount equal to or exceeding twenty thousand dollars (\$20,000) in any consecutive 12-month period; or (2) a discretionary permit from the El Cerrito Zoning Administrator, Planning Commission or Design Review Board, the owner or operator of the project shall submit a plan providing for the location and construction of an adequate, accessible and convenient area for collecting, storing and loading recyclable materials.
  5. For those projects requiring a discretionary permit described in subsection (D)(4) above, conditions regarding the recycling area may be attached to any permit issued by the Planning Commission or the Design Review Board for permits and renovations subject to review by those bodies. For renovations not subject to review by the Planning Commission or the Design Review Board, the Zoning Administrator, based on a recommendation from the Integrated Waste Services Manager, must approve the recycling area before a building permit may be issued. A decision of the Zoning Administrator regarding the recycling area may be appealed to the Design Review Board in accordance with the time limits and procedures specified in Chapter 19.39: Appeals, of this Zoning Ordinance.
  6. In reviewing the plans for a recycling area, the Zoning Administrator, Planning Commission or Design Review Board shall rely on the standards contained in subsection (E) below.
- E. **Recycling Area Standards.** The following criteria shall apply to the review of the plans for a recycling area:
1. The recycling area shall be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation.
  2. The design, construction and location of the recycling area shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation circulation or safety.
  3. Driveways and travel aisles should provide unobstructed access for the collection, storage and loading of recyclable materials.
  4. Developments and transportation corridors adjacent to the recycling area shall be adequately protected from any adverse impacts such as noise, odor, vectors or

glare through the incorporation of conditions including, but not limited to, adequate separation, fencing and landscaping.

5. Areas for recycling shall be adequate in capacity, number and distribution to serve the project, and shall be placed in a location and manner which best serves the convenience of the intended users of the recycling area. Recycling areas shall be accessible by recycling collector(s), their equipment and trucks, and must be easily accessed from the street or alleyway.
6. Recycling area dimensions shall be adequate to accommodate the needs of the project.
7. An adequate number of bins or containers to allow for the collection, storage and loading of recyclable materials shall be located within the recycling area.
8. Recycling areas will be located in or adjacent to refuse collection areas in order to provide clear recycling and garbage disposal options for users of the building(s). Exceptions may be made in unity at the discretion of the Zoning Administrator, upon consultation with the Integrated Waste Services Manager.

F. **Change in Recycling Area Location.** An owner or operator may not modify the design, location or configuration of a recycling area approved by the Zoning Administrator, Planning Commission or Design Review Board, without first consulting the Zoning Administrator to determine if any other City approvals are required.

G. **Solid Waste and Recycling Enclosures**

1. Purpose. The purposes of this Section are to:
  - a. Establish design and locational criteria for the construction of solid waste and recycling-container enclosures.
  - b. To ensure that enclosures are functional, serviceable, durable, unobtrusive, and architecturally compatible with adjacent buildings.
  - c. To ensure adequate areas for the storage of recyclable materials as required by the California Solid Waste Reuse and Recycling Access Act of 1991.
2. General Requirements and Alternatives.
  - a. Generally. Solid waste and recycling-container enclosures are required for four or more new dwelling units and for commercial or industrial buildings that exceed 10,000 square feet.
  - b. Alternatives. Projects with 10 or fewer residential units may have individual trash containers for each unit, provided that there is a designated screened storage location for each individual trash container

adjacent to the dwelling unit, that each unit brings solid waste and recycling containers to the curbside for regular weekly or bi-weekly collection, and that all containers are removed from the curbside and put in their storage location within 24 hours of collection.

3. Location and Orientation. All enclosures shall comply with the California Fire Code and shall meet the following requirements unless it is demonstrated that they are infeasible. A building permit shall not be issued for a project until documentation of approval of the location is provided by the Zoning Administrator.
  - a. No enclosures shall be located within any required front yard or street side yard setback areas unless it is satisfactorily demonstrated to the Zoning Administrator that due to originality of design, architectural treatments, and lack of visibility of loading areas, the location meets the intent of this Section.
  - b. Solid waste and recycling enclosures shall be located so that the then current equipment used by the City of El Cerrito's franchised solid waste collector and El Cerrito's municipal recycling collection trucks have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. The enclosure pad shall have an apron with a minimum width of 10 feet and length of 30 feet. Projects and applicants are responsible for procuring current equipment size and turning radius from the City of El Cerrito's franchised solid waste collector and El Cerrito's municipal recycling collection division.
  - c. All enclosure types shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. For multi-family residential projects, there should be a minimum of one trash enclosure per fifty units and the enclosure should be located within 100 feet of the residential units. Exceptions may be approved by the Zoning Administrator to take into account specifics of the site plan and unit location.
  - d. The area in front of and surrounding all enclosure types shall be kept clear of obstructions, shall not be utilized for parking, and shall be painted, striped, and marked "No Parking."
4. Materials, Construction, and Design. The materials, construction and design of solid waste and recycling enclosures for single-family projects shall be subject to design review pursuant to Chapter 19.38: Design Review, in special situations where design review of structures is required. For commercial and multi-family projects, the various components of solid waste and recycling-container enclosures shall be constructed and thereafter maintained as follows:

- a. Enclosure Material. Enclosure wall material shall be a minimum of six foot high solid masonry or concrete tilt-up with a decorative exterior-surface finish compatible to the main structure(s).
- b. Gate Material. Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material. If not visible from a public street, public parking area, or residential area, the enclosure gates may be constructed of chain link with wood or plastic slats.
- c. Enclosure Pad. Four-inch-thick-minimum concrete pad.
- d. Bumpers. Six inches by six inches thick and made of concrete, steel, or other suitable material and shall be anchored to the concrete pad.
- e. Protection for Enclosures. Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
- f. Travelways and Area in Front of Enclosure. An adequate base to support a truck weight of 62,000 pounds.
- g. Maintenance. Enclosures shall contain a functioning hose bib, and shall be maintained in a clean and orderly fashion.
- h. Visibility. Enclosures shall not be situated so as to obstruct vehicular or pedestrian visibility in an unsafe manner.

### **19.21.070 Artificial Bodies of Water: Swimming Pools, Hot Tubs, and Ponds**

The following standards apply to artificial bodies of water, including but not limited to, swimming pools, hot tubs and ponds in all districts:

#### **A. Lot Coverage.**

- 1. **Residential Districts.** The maximum area for an artificial body of water, measured at the high-water line, shall be no more than 15 percent of the lot area.
- 2. **All Other Districts.** The artificial body of water area shall be as approved by the decision-making body for any discretionary project, or by the Zoning Administrator if no discretionary approval is required.
- 3. **Rear Yard.** No artificial body of water shall occupy over 60 percent of the required rear yard. Coverage by an artificial body of water shall not be considered in measuring maximum lot coverage by structures unless it is enclosed in a roofed structure.

- B. **Location.** The minimum distance from a lot line to the nearest point of artificial body of water and associated equipment shall be as follows:

District	Front and Street Lot Line	Rear and Side Lot Line (not along street)
Residential	50 ft.	5 ft.
All Other Districts	As approved by the Design Review Board	

C. **Enclosures for Swimming Pools and Hot Tubs.**

1. **Swimming Pools.** All swimming pools shall be completely enclosed by a protective fence at least four and one-half feet in height, with no outside stringers. All entrances to the pool shall be protected by a self-closing and self-latching gate with latches installed at least four feet from the ground level. Any building may serve as a portion of the required enclosure so long as all doors leading from such buildings to the pool have self-closing and self-latching gates. Doors of occupied dwellings opening into pool area need not meet latch requirements.
  2. **Hot Tubs.** Hot tubs shall be either enclosed or screened to prevent noise and other disturbance to adjacent properties. When a hot tub is located in a required rear or side yard in a residential district, evergreen landscaping between six and eight feet in height shall be provided between the hot tub and fence separating adjacent properties to provide a privacy buffer. This requirement may be waived by the Zoning Administrator if there is a large setback from the property line, fencing taller than six feet, a structure enclosing the hot tub, or other feature that acts as a privacy buffer.
- D. **Filter and Heating Systems.** All pools and hot tubs located within 40 feet of a lot line shall provide adequate enclosure of all filter and heating systems to prevent noise and other disturbance to adjacent properties. Enclosures may consist of a double-walled structure, concrete block or concrete structure or pit, or insulation.
- E. **Public Pool and Semipublic Pool.** A Conditional Use Permit shall be obtained from the Planning Commission before the construction of any public pool. All public and semipublic pools shall meet all of the requirements of the state and local health departments, building codes, and the provisions of this Zoning Ordinance.
- F. **Permanent Wading Pools.** Permanent wading pools are not permitted in any required setback area and shall not be located or maintained in a manner contrary to the public health and safety of the people residing in the area.
- G. **Engineer’s Statement.** A written statement from a civil engineer registered in the State of California that certifies that construction of the pool will not have a detrimental effect on any neighboring structures, may be required by the Building Official prior to the issuance of a building permit.

- H. **Elevated Swimming Pools.** All elevated swimming pools, constructed on the ground, may not be higher than four feet.

**19.21.080 Underground Utilities**

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall comply with all undergrounding requirements specified in Title 16: Buildings and construction and Title 18: Subdivisions, of El Cerrito’s Municipal Code.

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