

DIVISION 5 – PERFORMANCE STANDARDS

CHAPTER 17.50 – PERFORMANCE STANDARDS

Sections.

- 17.50.010 – Purpose.
- 17.50.020 – Applicability and Exempt Uses.
- 17.50.030 – General Standards and Specific Conditions.
- 17.50.040 – Documenting Compliance.
- 17.50.050 – Air Quality.
- 17.50.060 – Cold, Heat and Humidity.
- 17.50.070 – Construction Impacts.
- 17.50.080 – Discharges to Water and Public Sewer System.
- 17.50.090 – Energy Conservation.
- 17.50.100 – Hazardous Materials.
- 17.50.110 – Noise.
- 17.50.120 – Property Maintenance.
- 17.50.130 – Reflective Surfaces.
- 17.50.140 – Vibration.

17.50.010 – Purpose. (NEW)

The purpose of this Chapter is to establish performance standards intended to mitigate dangerous or objectionable environmental effects of proposed and existing uses and guard against activities, uses and conditions that would adversely affect the health and safety of residents, the community and the surrounding areas and adjoining premises. When there is an inconsistency between this Chapter and the City’s General Plan, the California Building Code or other government regulation, the stricter of the regulations shall apply.

17.50.020 – Applicability and Exempt Uses. (NEW)

The performance standards in this Chapter shall apply to all new and existing uses in all zoning districts, except for the following:

- A. Legal nonconforming uses, which may have an established right not to comply with the provisions of this Chapter.
- B. Temporary special events approved by the Permit Committee or through other approvals, where such activities otherwise comply with other applicable provisions of the El Monte Municipal Code (EMMC).
- C. Any emergency activity on the part of the City, Los Angeles County, State of California or Federal government.

- D. Temporary construction activity except where such activity is explicitly regulated per Section 17.50.070 of this Chapter and by other regulations of the EMMC.
- E. Existing uses as of January 1, 2022, where a subsequent rezoning or other amendment subjects the property to more restrictive performance standards. Such uses shall not be required to change their operations to comply with the new performance standards. However, if the use expands by more than 25 percent (either by building or land area square footage), such use shall be required to comply with all current standards of the new zoning or other amendment.

17.50.030 – General Standards and Specific Conditions. (NEW)

- A. Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- B. These performance standards are general requirements and shall not be construed to prevent the review authority from imposing, as part of project approval, specific conditions that may be more restrictive in order to meet the intent of this Title.

17.50.040 – Documenting Compliance. (NEW)

Upon submittal of an application for an entitlement or building permit, the applicant may be required to submit information documenting how the proposed use will comply with all applicable performance standards. This may include information on the proposed machinery, processes and products and their effects on adjacent properties and the environment. Such information may require reports provided by expert consultants. When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practices.

17.50.050 – Air Quality. (NEW)

- A. **Discharge Prohibited.** The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g. carbon, dust, fumes, gases, mist, noxious acids, odors, particulate matter, smoke, soot and sulfur compounds) into the atmosphere that exceed any local, state or federal air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.
- B. **Compliance with Rules and Regulations.** Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (CalEPA), the California Air Resources Board (ARB) and the South Coast Air Quality Management District (SCAQMD).
- C. **SCAQMD Permit Filing Requirements.** If requested by the Community Development Director, operators of uses, activities or processes that require SCAQMD approval to operate shall file a copy of the permit with the Community Development Department within 30 days of approval by SCAQMD.
- D. **Minimum Separation Distances.** The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. For the purposes

of this Section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g. athletes, children, the elderly, those with illnesses) than the population at large.

E. Odor Emissions:

1. No existing or proposed use, activity or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.
2. All commercial and industrial uses shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the point of determination established in Table 17.50-1:

Table 17.50-1 – Point of Odor Determination	
Zone in Which Activities are Located	Point of Determination
All R zoned properties and properties in the C-1, C-2 and OS zoning districts.	At or beyond any lot line of the lot containing the activities.
All other zoning districts.	At or beyond any boundary of any R zoning district.

F. Dust and Dirt. Land use activities that may create dust emissions (e.g. construction, grading) shall be conducted so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible, including, but not limited to, the following:

1. Scheduling. Grading activities shall be scheduled to ensure that repeated grading will not be required and that implementation of the proposed land use will occur as soon as possible after grading
2. Operations during high winds. Clearing, earthmoving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
3. Area of disturbance. The area disturbed by clearing, demolition, earthmoving, excavation operations or grading shall be the minimum required to implement the allowed use.
4. Dust control. During clearing, demolition, earthmoving, excavation operations or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g. hydroseeding), subject to the approval of the City Engineer.
 - a. Material(s) excavated or graded shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.

- b. Material(s) transported off-site shall be either sufficiently watered or securely covered to prevent dust.
 - 5. On-site roads. On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically and/or shall be chemically stabilized.
 - 6. Revegetation. Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three (3) months shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the City Engineer.
 - 7. Exhaust emissions. Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.
- G. **Smoke.** No existing or proposed use, activity or process or portion thereof shall, from any source whatsoever, discharge smoke or other particulate matter into the atmosphere, except as may be permitted by the SCAQMD.

17.50.060 – Cold, Heat and Humidity. (NEW)

- A. **Cold and Heat.** Every existing or proposed use, activity or process producing heat or cold shall be carried on in such a manner that the heat or cold caused is not perceptible at or beyond any property line. The presence of heat in the form of heat waves within the boundaries of a property shall not in itself constitute a violation of this Section.
- B. **Humidity.** Every existing or proposed use, activity or process producing humidity in the form of steam or moist air shall be carried on in such a manner that the humidity caused is not perceptible at or beyond any property line. The presence of humidity in the form of steam or moist air within the boundaries of a property shall not in itself constitute a violation of this Section.

17.50.070 – Construction Impacts. (NEW)

Any use that requires discretionary approvals that include the demolition of more than 10,000 square feet and/or the construction of more than 5,000 square feet shall comply with specific constructions impacts requirements as may be established, and amended from time to time, by resolution of the City Council. Such requirements may include the following:

- A. **Notification of Construction.** The applicant shall distribute a notice to all residents within 300 feet of the project boundaries prior to the commencement of construction activities. The notice shall include the contact information of the project manager and Planning Division staff.
- B. **Securement of Site.** Prior to commencing demolition and site preparation activities, the project site shall be secured with a fence to prevent unauthorized access to the site and the fence shall contain a screening material to screen construction activities from view. The temporary screening fence shall be maintained in good condition (free of tears, holes, crack lines, debris, etc.) at all times. At the primary entrance to the site, the screening

material shall be reduced to a maximum height of four feet to provide visibility into the site at all times and for public safety purposes.

- C. **Preconstruction Meeting.** Prior to the commencement of construction on the site, the applicant shall schedule a pre-construction meeting between the general superintendent or field representative and the Planning Division to discuss the approved plans and construction requirements.
- D. **Construction Hours:**
 - 1. Residential zoning districts. Construction activities limited to 7:00 a.m. to 6:00 p.m. Mondays through Fridays and 8:00 a.m. to 6:00 p.m. on Saturdays. No construction shall occur on Sundays or Federal holidays.
 - 2. All other zoning districts. 6:00 a.m. to 7:00 p.m. Mondays through Fridays and 8:00 a.m. to 7:00 p.m. on Saturdays, Sundays and Federal holidays.
 - 3. All projects. The Community Development Director may extend the construction hours beyond those listed above provided the applicant has demonstrated that: it is a necessity; additional measures have been taken to reduce noise impacts on adjacent properties; all residentially zoned or used properties have been notified; and the duration will not extend beyond ten (10) consecutive days.
 - 4. The construction hours listed above may be further limited by the City Council, Planning Commission, Zoning Review Committee or Community Development Director as a condition of approval.
 - 5. If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two shall apply.
- E. **Truck/Traffic Management Plan.** A plan is required for the project pursuant to the City's Public Works Department. All construction traffic regarding the movement of heavy equipment and graded materials shall be limited to off peak hours. This plan shall be approved by the Public Works Department and Planning Division prior to the issuance of building permits.
- F. **Staging Areas.** The staging area for the project shall be approved by Planning Division staff prior to the issuance of building permits. All construction related activities are prohibited within the public right-of-way. All such activities shall be conducted on the project site or another designated property within 500 feet of the project site.
- G. **Refuse Disposal.** All construction and demolition debris shall be removed from the property in compliance with State law and Chapter 8.20 (Solid Waste – Removal, Collection, Disposal and Diversion) of the EMMC. The removal of all solid waste arising out of the construction and demolition process shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services for construction and demolition projects within the City. The removal of all other waste from the property shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services to residential and commercial properties within the City.

1. Prior to the issuance of a building permit, the applicant shall submit to the Building and Safety Division and the Code Enforcement Division, the name and contact information for the contracted waste hauler. It shall be the developer's obligation to ensure that the waste contractor utilized has obtained permits from the City to provide such services.
 2. Prior to final approval for occupancy, and in addition to any other requirements set forth under the EMMC or by the Chief Building Official, the developer shall submit to the Building and Safety Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed and/or diverted.
 3. Except as otherwise authorized pending the completion of the construction and demolition activities authorized under this Section, solid waste containers and bulky items may not be stored or maintained at locations designated for parking and must be maintained in those locations designated for the temporary storage of solid waste and bulky items.
- H. **Maintenance.** The project site and the public right-of-way adjacent to any portions of the site shall be maintained in a condition which is free of debris both during and after the construction, addition or implementation of the entitlements granted by the City.

17.50.080 – Discharges to Water or Public Sewer System.

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with all requirements of the EMMC, as well as requirements of the Regional Water Quality Control Boards, the California Department of Fish and Wildlife and any other regulatory agency with jurisdiction over the activity.
- B. Discharges to the City sewer system, whether direct or indirect, shall conform with all requirements of the EMMC.

17.50.090 – Energy Conservation.

The use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

17.50.100 – Hazardous Materials. (NEW)

- A. **Required Entitlements.** A Conditional Use Permit is required for the storage of hazardous materials in conjunction with an on-site primary use in the Light Manufacturing (M-1) and General Manufacturing (M-2) zoning districts.
- B. **Reporting Requirements.** All businesses required by state law (per Chapter 6.95 of the California Health and Safety Code) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director.
- C. **Underground Storage.** Underground storage of hazardous substances shall comply with all applicable requirements of state law (Chapter 6.7 of the California Health and Safety Code

and Section 79.1 13(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall notify the Community Development Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.

- D. **Aboveground Storage.** Aboveground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.
- E. Any other use, handling, storage and distribution of hazardous materials shall comply with the applicable provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system, or into the ground.

17.50.110 – Noise. (NEW)

- A. **Ambient Noise Standards.** Unless otherwise specifically indicated, the following ambient noise standards shown in Table 17.50-2 shall apply to all property within their assigned zoning districts and said standards shall constitute the permissible noise level:

Table 17.50-2 – Permissible Noise Levels		
Zoning Districts	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
R-1 zoning districts	50 dBA	45 dBA
R-2, R-3 & R-4 zoning districts	55 dBA	50 dBA
C-1, C-2, C-3 & zoning districts	65 dBA	60 dBA
M-1 & M-2 zoning districts	70 dBA	70 dBA

1. It is unlawful for any person to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels for a cumulation period of 15 minutes in any hour.
 2. At the boundary line between a residential zoning district and a commercial and/or manufacturing zoning district, the noise level of the residential zoning district shall be used.
 3. If a residential use is located within a commercial or manufacturing zoning district, the ambient noise level shall not exceed 50 dBA between the hours of 10:00 p.m. and 7:00 a.m.
- B. **Corrections to Noise Limits.** The numerical limits given in Subsection (A) above shall be adjusted by the corrections outlined in Table 17.50-3.

C. Special Noise Sources:

1. Radios, Television Sets and Similar Devices. Any noise level from the use or operation of any radio receiving set, musical instruments, phonograph, television set, computer, phone or other machine or device for the producing or reproducing of sound at any hour of the day, which exceeds the noise limit at the property line of any receiving property shall be a violation of the provisions given in Subsection (A) above.

Table 17.50-3 – Corrections to Noise Limits (between 7:00 a.m. and 10:00 p.m.)	
Noise Condition	Correction in dBA
Impulsive sound, pure tone or sounds with a cyclically varying amplitude.	-5 dBA
Noise occurring for a cumulation period of more than five (5) minutes but less than 15 minutes in an hour.	+5 dBA
Noise occurring more than one (1) minute but less than five (5) minutes in any hour.	+10 dBA
Noise occurring less than one (1) minute in any hour.	+15 dBA

2. Machinery, Fans and Other Mechanical Devices. Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle which exceeds the noise limits at any property line, of any receiving property shall be a violation of the provisions given in Subsection (A) on the previous page.

D. Amplified Sound. The use of loudspeakers or sound amplifying equipment in the city which exceeds the noise limits at any property line of a receiving property shall be a violation of Subsection (A) on the previous page.

E. Loading/Unloading. In residential zoning districts, the opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance is not permitted between the hours of 10:00 p.m. and 7:00 a.m.

F. Exemptions:

1. Lawfully conducted parades or assemblies;
2. Emergency work;
3. All operations and activities the control of which is by law exclusively vested in another agency of government;
4. Bells or chimes while being used in conjunction with religious or patriotic services; and
5. The provisions of this regulation shall not preclude the construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including

those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.

- G. **Other Provisions.** If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two shall apply.

17.50.120 – Property Maintenance. (NEW)

- A. **Multiple-family Residential Ownership Projects.** Ownership projects with three (3) or more units. Covenants, Conditions and Restrictions (CC&Rs) for property maintenance shall be submitted to the City. The CC&R's should include, but not be limited to, the following:
1. The project's Conditions of Approval shall be transferred to the individual property owners of the parcels/units at the time of ownership transfer from the applicant to the buyers;
 2. The Owners' Association shall be administered by a professional property management company. The CC&R's shall be submitted for review by the City Attorney and shall be approved and recorded before building permits are issued;
 3. All residential and guest parking shall be allocated and properly marked for use.
 4. Include all the provisions outlined in Subsection (B) below.
- B. **Multiple-family Rental and Nonresidential Projects.** The applicant shall record a maintenance agreement to ensure the ongoing repair and upkeep of the property and all improvements (for multiple-family ownership projects with three (3) or more units, the items in the maintenance agreement shall be incorporated as part of the CC&Rs). Such improvements should include, but not be limited to the following:
1. The removal of trash and debris found on the property;
 2. The proper and timely removal of graffiti;
 3. The timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; and
 4. The timely maintenance, repair and upkeep of exterior paint, parking areas/stripping, pedestrian pathways/open space areas, lighting and irrigation fixtures, walls and fencing, landscaping and related landscape improvements.

17.50.130 – Reflective Surfaces. (NEW)

- A. **One-family (R-1) and Low-density Multiple-family Dwelling (R-2) Zoning Districts:**
1. Reflective building materials shall not be permitted, except as allowed in this Section.
 2. Metallic finishes (e.g. exposed metal cladding) may be permitted subject to the approval of a Minor Design Review.
 3. Exterior paint colors shall not exceed a light reflective value greater than 50 percent.

B. All Other Zoning Districts:

1. The ground floor. The use of clear glass is required on the ground floor of a building facing the public right-of-way, a driveway or required parking. After installation, clear glass windows at the ground floor shall not later be treated so as to become opaque or to be blocked so as to prevent visibility of the ground floor interior.
 2. The rest of the building. For new structures or additions to existing buildings, reflective glass, tinted glass or other mirror-like materials that are highly reflective shall not cover more than 25 percent of a structure's surface. This may be exceeded subject to the approval of a Minor Design Review.
 3. Exterior paint colors shall not exceed a light reflective value greater than 60 percent.
- C. Refer to Section 17.60.050 (General Property Development Standards – Outdoor Lighting) of this Title for additional requirements.

17.50.140 – Vibration. (NEW)

All uses shall be so operated so as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the source is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.