

## *Chapter 19.590 PERFORMANCE STANDARDS*

### **19.590.010 Purpose.**

- A. This chapter describes certain characteristics associated with the design and operation of development that have the potential to create negative impacts on surrounding uses. Provisions herein identify the potential nuisance, establish thresholds for compliance, and explain the intent of development and operational standards to reduce potential impacts.
- B. Performance standards are provided to:
  - 1. Establish standards by which potential development related nuisances can be assessed, measured, and otherwise dealt with factually and objectively.
  - 2. Ensure that all such nuisances are controlled in the design and engineering phases of new development projects.
  - 3. Provide a framework by which potential impacts can be assessed and appropriate conditions applied in granting special use and conditional use permits.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

### **19.590.020 Applicability.**

- A. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses, as determined by the Community & Economic Development Director or his/her designee.
- B. Compliance may be waived by the City Council if a building condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exceptions from compliance with the performance standards are as follows:
  - 1. Temporary activities, such as festivals and other special events with approved temporary use permits or other required permits, where such activities otherwise comply with other applicable provisions of the Zoning Code.
  - 2. Emergency activities subject to approval of an appropriate City Authority.
  - 3. Construction activities, where such activity is temporary in nature and explicitly regulated by other sections of the Municipal Code.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

### **19.590.030 Hazardous and toxic materials.**

- A. The intent of this section is to protect local health, safety and general welfare by ensuring that the design and operational characteristics of a property or use does not adversely impact neighboring property owners, neighboring property users or the general public through the accidental or intentional release or use of hazardous materials.

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- B. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division (4). The U.S. Environmental Protection Agency (EPA) and the California Department of Health Services (DHS) identify hazardous materials and prescribe handling, use and disposal practices. The use, storage, manufacture and disposal of hazardous materials shall be regulated and monitored according to the standards established by these agencies and any delegated government agencies.
  - C. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of the Uniform Fire Code. No gasoline or other inflammables or explosives shall be stored unless the location, plans, and construction conform to the laws and regulations of the State of California and have the approval of the City of Riverside.
  - D. Toxic gases or matter shall not be emitted that can cause any damage to health, to animals or vegetation, or other forms of property, or that can cause any excessive soiling beyond the lot lines of the use.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.050 Radioactivity.**

No use shall be permitted that emits radioactivity in dangerous amounts. The use, handling, storage, and transportation of radioactive materials shall comply with the provisions of the California Radiation Control Regulations (California Administrative Code, Title 17).

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.060 Electric and electromagnetic disturbances and hazards.**

No use shall be permitted where electric or electromagnetic interference results and adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.070 Light and glare.**

- A. Lighting for safety purposes shall be provided at entryways, along walkways, between buildings, and within parking areas.
- B. Except for stadium and playing field lighting, lighting support structures shall not exceed the maximum permitted building height of the zone where such lights are located. Furthermore, the height of any lighting shall be the minimum required to accomplish the purpose of the light. Freestanding pole lights shall not exceed a maximum height of 14 feet within 50 feet of a residentially zoned property or residential use.
- C. The candle-power of all lights shall be the minimum required to accomplish the purpose of the light.
- D. Flickering, flashing or strobe lights shall not be permitted. All lights shall be constant and shall not change intensity or color more often than once every 30 minutes.
- E. Aircraft search lights normally used to draw attention to a business from off-site are prohibited.
- F. Lighting where required for parking lots shall be provided at a level no less than one foot candle throughout the lot and access areas, and such lighting shall be certified as to its coverage, intensity and adherence to Section 19.590.070 (Light and Glare) and Chapter 19.556 (Lighting) by a qualified lighting engineer.

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- G. All lights shall be directed, oriented, and shielded to prevent light from shining onto adjacent properties, onto public rights-of-way, and into driveway areas in a manner that would obstruct drivers' vision.
  - H. Lighting for advertising signs shall not cause light or glare on surrounding properties.
  - I. Lighting shall not be directed skyward or in a manner that interferes with the safe operation of aircraft.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.080 Odor.**

- A. This section establishes regulations intended to prevent the exposure of persons to offensive odors. Odors from gases or other odorous matter shall not be of such intensity beyond the lot line of the use so as to be offensive to a reasonable person of normal sensitivity.
- B. Any process that creates or emits any odors, dust, smoke, gases, or other odorous matter shall comply with applicable standards set by the South Coast Air Quality Management District (SCAQMD).

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.090 Noise.**

- A. These regulations aim to prohibit unnecessary, excessive and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. The standards apply to all land uses in all zones unless otherwise specified in the Zoning Code or other applicable law. In addition to the requirements of this chapter, any use or activity within the City shall comply with the noise regulations of Title 7 (Noise Control) of the Riverside Municipal Code.
- B. No person shall create nor allow the creation of noise that causes the noise level when measured on any property to exceed the noise standards set forth in Title 7 (Noise Control) of the Riverside Municipal Code.
- C. Utilization of compressors or other equipment, including but not limited to vents, ducts, and conduits, but excluding window or wall-mounted air-conditioners, that are located outside of the exterior walls of any building, shall be enclosed within a permanent, noncombustible, view-obscuring enclosure to ensure that the equipment will not emit noise in excess of the American National Standards Institute specifications for sound level meter ANSI S1.4-1971 or the latest approved revision thereof.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.100 Heat.**

Heat from any source shall not be produced beyond the lot lines of the use so as to be offensive to a reasonable person of normal sensitivity.

(Ord. 7331 §95, 2016; Ord. 6966 §1, 2007)

#### **19.590.110 Retail storefront window transparency**

- A. Intent. These regulations aim to enhance retail storefront design and encourage safe, attractive and dynamic commercial areas.

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- B. At least 75% of the window surface area shall be transparent. Fully opaque treatments or coverings, exceeding 25% of the window surface area are prohibited.
- C. Window signs as defined in Chapter 19.910 shall not be applied to more than 25% of the window area.
1. Storefronts with all windows completely opaque or “blacked-out” with no transparency is prohibited.
  2. Vacant storefronts with no business occupying the tenant space may temporarily apply window signs up to 100% of the window area, until the tenant space is occupied.
    - a. Window signs for vacant storefronts may promote leasing contacts for the property subject to the permit requirements of 19.620.090 Temporary Signs.
- D. Window signs shall comply with the requirements of Chapter 19.620.
- E. Exceptions. Areas for storage or mechanical and/or utility equipment shall not be subject the provisions of this section.

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## **19.650.020 Designated approving authority.**

### **A. *General provisions.***

1. The Approving and Appeal Authority, as designated in Table 19.650.020 (Approving and Appeal Authority), shall approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) applications in accordance with the requirements of the Zoning Code.
2. Table 19.650.020 (Approving and Appeal Authority) identifies both recommending (R) and final (F) authorities for each application.
3. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 19.650.030 (Concurrent Processing of Land Use Development Permits).

### **B. *Appeals.*** An action of the Approving or Appeal Authority may be appealed pursuant to procedures set forth in Chapter 19.680 (Appeals).

### **C. *Approval authority on referral.***

1. Referral by the Community & Economic Development Department Director, or his/her designee, or the Development Review Committee.
  - a. The Community & Economic Development Department Director, or his/her designee, or the Development Review Committee, instead of taking any action, may refer the matter to the Planning Commission.
  - b. The action of the Planning Commission, following referral, may be appealed to the City Council.
  - c. Action taken by the City Council is not subject to an appeal.
2. Community & Economic Development Department Director, or his/her designee, decisions.
  - a. All administrative and discretionary decisions of the Community & Economic Development Department Director, or his/her designee, shall be transmitted to the City Council.
  - b. The Mayor or any member of the City Council may refer the decision for consideration by the City Council at a public hearing by notifying the Community & Economic Development Department Director, or his/her designee.
  - c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Community & Economic Development Department Director, or his/her designee, is final.
3. Development Review Committee decisions.
  - a. All decisions of the Development Review Committee shall be transmitted to the City Council.
  - b. The Mayor or any member of the City Council may refer the matter for consideration by the City Council at a public hearing by notifying the Community & Economic Development Department Director, or his/her designee.
  - c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Development Review Committee is final.
4. Planning Commission Administrative and Discretionary Items.
  - a. All decisions of the Planning Commission on administrative and discretionary items shall be transmitted to the City Council the next business day following Planning Commission action.

- b. The Mayor or any member of the City Council may refer the matter for consideration by the City Council at a public hearing by notifying the Community & Economic Development Department Director, or his/her designee.
- c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of Planning Commission action, the action of the City Planning Commission is final. (See Section 19.690.020(A) - Effective Date of Permits and Actions).

(Ord. 7552 §23, 2021; Ord. 7520 §1(Exh. A), 2020; Ord. 7331 §101, 2016; Ord. 7091 §5, 2010; Ord. 6997 §7, 2008; Ord. 6966 §1, 2007)

**Table 19.650.020**  
**Approving and Appeal Authority**

R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as Community & Economic Development Director or Development Review Committee on Referral

Type of Permit or Action	Approving and Appeal Authority			
	Community & Economic Development Department Director	Development Review Committee (DRC)	City Planning Commission <sup>(9,11)</sup>	City Council <sup>(1,11)</sup>
<i>Administrative</i>				
Design Review		F <sup>(3)</sup>	A/AR <sup>(3)</sup>	A <sup>(3)</sup> /F
Fair Housing and Reasonable Accommodation		F	AR	A <sup>(4)</sup> /F
Minor Conditional Use Permit		F	A <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Administrative Planned Residential Development Permit	F		A <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
<u>Creative Sign Permit</u>	<u>F</u>		<u>AR</u>	
Nonconforming Determination	F		A <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Recycling Center Permit	F			AR/A/F
Room Rental Permit	F		AR	A/F
Street, Alley, & Walkway Vacations (Summary)				F

Temporary Use Permit	F <sup>(5)</sup>			
Time Extensions	F		A/AR	A/F
Transportation Demand Management Regulations	F			A/F
Variance	F		A <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Zoning Code Interpretation	F		A/AR	A/F
<i>Public Hearing</i>				
Accessibility Appeals (Building Official decisions relating to access)			F	A/F
Airport Land Use Commission Appeals				A <sup>(10, 12)</sup> /F
Annexation or Detachment			R <sup>(6)</sup>	A/F
Conditional Use Permit			F <sup>(6, 9)</sup>	A/F
Condominium Conversion Permit			R <sup>(6)</sup>	A/F
Development Agreement and Amendment <sup>(8)</sup>			R <sup>(6)</sup>	A/F
Design Review			F <sup>(3)</sup>	A/F <sup>(3)</sup>
Floodplain Approval; Floodplain Variance			F	A/F
General Plan Text/Map Amendment			R <sup>(6, 9)</sup>	A/F
Planned Residential Development Permit			F <sup>(6, 9, 13)</sup>	A/F
Minor Planned Residential Development Permit			F <sup>(6, 9)</sup>	A/F

Small Lot Planned Residential Development Permit			F <sup>(6, 9)</sup>	A/F
Site Plan Review Permit			F <sup>(6)</sup>	A/F
Specific Plan and Amendments			R <sup>(6, 9)</sup>	A/F
Street, Alley, & Walkway Vacations			R <sup>(6)</sup>	A/F <sup>(7)</sup>
Street Name Change			R <sup>(6)</sup>	A/F
Traffic Pattern Modification Measures			R <sup>(6)</sup>	A/F <sup>(7)</sup>
Zoning Code Text/Map Amendment			R <sup>(6, 9)</sup>	A/F

;sz=8q; Notes:

1. Decisions of the City Council are final and cannot be appealed.
2. Reserved.
3. Planning Commission primary design review responsibility is limited to concurrent review with another case for which the Planning Commission has approval authority (Refer to Section 19.710.035 - Review Responsibilities of Planning Commission or Community & Economic Development Department Director). Appeal of Planning Commission action on design review is by the full City Council.
4. See Section 19.650.020 C - Designated Approving Authority.
5. Appeal of an action on a Temporary Use Permit shall be to the City Manager. The City Manager's decision is final.
6. If denied by the Planning Commission, the action is final unless appealed to the City Council (See Section 19.680.020 B - Appeal Authority) with the exception of City-initiated General Plan Text/Map Amendments, Zoning Code Text/Map Amendments and Specific Plan Amendments where the Planning Commission is a Recommending Authority only.
7. Street vacations and traffic pattern modification measures require two actions at the City Council: adoption of a resolution of intent to hold a public hearing and a public hearing.
8. See Government Code Section 65864 for more information on Development Agreements.
9. All decisions by the Planning Commission to approve or deny a permit or action are by simple majority of the members present and voting, with the following exceptions:
  - a. Conditional Use Permits, including revocations, and Planned Residential Development Permits require approval by a 2/3 majority of the Planning Commissioners present and voting; and
  - b. Zoning Code Text/Map Amendments, General Plan Text/Map Amendments, and Specific Plan Amendments require a majority vote of not less than four Planning Commissioners present and voting.
10. All decisions of the City Council to approve or deny a permit or action are by a majority vote of those present and voting except that a 2/3 vote of the total membership (five votes minimum) is required to approve an appeal of a decision of the Airport Land Use Commission (ALUC).



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11. All tied votes of the Planning Commission mean that an application failed to be approved and will be treated as a denial. When a tie vote exists before the City Council, the Mayor shall have the voting right as any member of the City Council and may cast a vote for or against an item to break a tie. In the Mayor's absence, in the event of a tie vote, the Mayor Pro Tempore shall not have the right to cast a tie-breaking vote; in this instance the City Council vote shall be treated as a denial (Riverside City Charter - Article IV, Section 405).
  12. Refer to Section 19.680.030 (E) for details regarding the ALUC appeal process
  13. The final decision-making authority for PRD's in the RC Zone shall be the City Council.

(Ord. 7683, § 14(Exh. H), 2024; Ord. 7552 §24(Exh. E), 2021; Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7487 § 2(Exh. A), 11-5-2019; Ord. 7331 §101, 2016; Ord. 7222 §5, 2013; Ord. 7163 §2, 2012; Ord. 7091 §6, 2010; Ord. 6966 §1, 2007)