

**Article 2: General Development Regulations**

**Division 7: Off-Site Development Impact Regulations**

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0701 Purpose of Off-Site Development Impact Regulations**

The purpose of these regulations is to provide standards for air contaminants, noise, electrical/radioactivity disturbance, glare, and lighting. The intent of these regulations is to minimize negative impacts from *development* to surrounding property.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0705 When Off-Site Development Impact Regulations Apply**

- (a) This division applies to all *development* that produces air contaminants, noise, electrical/radioactivity disturbance, glare, or lighting in any zone, whether or not a permit or other approval is required for the use.
- (b) In addition to these regulations, the California Department of Public Health standards and the Air Pollution Control District (APCD) regulations should be consulted for additional off-site *development* impact regulations.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0710 Air Contaminant Regulations**

Air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the *premises* upon which the use emitting the contaminants is located.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0720 Noise Regulations**

Loud, unnecessary, or unusual noises that violate the Noise Ordinance of the Municipal Code Chapter 5, Article 9.5, shall not be permitted to emanate beyond the boundaries of the *premises* upon which a permitted use is located.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§142.0725 Electrical/Radio-Activity Regulations**

Electrical and radio-activity disturbance from any *premises* shall not unduly interfere with the normal operation of equipment or instruments on adjacent properties or in the community.

*(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)*

**§142.0730 Glare Regulations**

- (a) A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light reflectivity factor greater than 30 percent.
- (b) Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§142.0740 Outdoor Lighting Regulations**

- (a) Outdoor lighting shall minimize impacts from light pollution including lights trespass, glare, and urban sky glow to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. Regulation of outdoor lighting is also intended to conserve electrical energy. Outdoor lighting is regulated by the State of California's Building Energy Efficient Standards of Title 24 of the California Code of Regulations, parts 1 and 6 [Title 24]. No light fixtures shall exceed the light emission requirements of Section 142.0740 unless the light emission requirements of Section 142.0740 do not comply with Title 24's energy efficient standards.
- (b) Outdoor lighting fixtures that are used to illuminate a *premises*, architectural feature or landscape feature on private property shall be directed, shielded, or located in such a manner that the light source is not visible offsite, to minimize light emission above the horizontal plane and so that light does not fall onto surrounding properties or create glare hazards within public *rights-of-way*.
- (c) Outdoor lighting on commercial and industrial properties shall be equipped with automatic timing devices.
- (d) Outdoor lighting fixtures that are existing and were legally installed before October 28, 1985, shall be exempt from Sections 141.0740(a) and (b), unless work is proposed over any period of time to replace 50 percent or more of the existing outdoor light fixtures or to increase the number of outdoor light fixtures by 50 percent or more on the *premises*.
- (e) All outdoor lighting, including search lights, shall be turned off between 11:00P.M. and 6:00A.M. except:
  - (1) Outdoor lighting in conjunction with commercial and industrial uses that continue to be fully operational after 11:00P.M. such as sales, assembly, and repair may remain lighted after 11:00P.M., provided that all lights are shielded, equipped with automatic timing devices, and utilize only the minimum amount of light necessary to conduct such uses;

- (2) Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots may remain lighted after 11:00P.M. where the lighting meets the following criteria:
    - (A) Where located within 30 miles of the Palomar Observatory or Mount Laguna Observatory, lighting fixtures below 4,050 lumens are permitted. Lighting fixtures above 4,050 lumens shall be limited to low pressure sodium or high pressure sodium and equipped with full cut-off optics (fixtures with flat lenses that limit lamination to below the horizontal plane of the fixture or 0 percent up-light). Where high pressure sodium lighting fixtures are proposed, a photometric study or lighting power density calculation of ground lighting levels shall be required to demonstrate that a 3-footcandle or 0.19 watts per square foot average will not be exceeded.
    - (B) Where located 30 miles or more from the Palomar Observatory or Mount Laguna Observatory, lighting fixtures below 4,050 lumens are permitted. Lighting fixtures above 4,050 lumens shall be limited to low pressure sodium or high pressure sodium and equipped with cut-off optics (fixtures that limit illumination to less than 2.5 percent up-light).
  - (3) Outdoor lighting used to illuminate recreational activities that are not in a residential zone may continue after 11:00P.M. only when equipped with automatic timing devices and shielded to minimize light pollution; and
  - (4) Illuminated on-premises *signs* for businesses that are open to the public after 11:00P.M. may remain lighted during business operating hours only. Illuminated off-premises *advertising display signs* shall not be lighted after 11:00P.M. Signs located both on-and off-premises shall be equipped with automatic timing devices.
  - (5) Outdoor lighting for automated teller machines and associated parking lot facilities and access areas shall be provided during hours of darkness in accordance with the California Financial Code Section 13040-13041. Lighting fixtures shall be directed or shielded so that light does not fall onto surrounding properties or create glare hazards within *public rights-of-way*.
- (f) On properties which are adjacent to or contain *sensitive biological* resources, any exterior lighting shall be limited to low-level lights and shields to minimize the amount of light entering any identified *sensitive biological* resource areas.

(g) Outdoor lighting on facilities or lands owned, operated, controlled or protected by the United States Government, State of California, County of San Diego, City of San Diego, or other public entity or public agency not subject to City of San Diego ordinances is exempt from the requirements of this division. Voluntary compliance with the intent of Section 142.0740 is encouraged.

*(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*

*(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)*

*(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)*