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ITEM NO: 35

### ROLL CALL

SACRAMENTO CITY COUNCIL, SACRAMENTO REDEVELOPMENT AGENCY, SACRAMENTO HOUSING AUTHORITY, SACRAMENTO PARKING AUTHORITY

MOVED BY: Sh      SECONDED BY: Jer      DATE: 9/6/83

MOTION: close hearing

	AYE	NO	ABSTAIN	ABSENT
FISHER D2	/			
GARCIA D6	/			
KASTANIS D7	/			
POPE D3	/			
ROBIE D8	/			

	AYE	NO	ABSTAIN	ABSENT
RUDIN D4	/			
SERNA D5	/			
SHORE D1	/			
MILLER M	/			

NOTES: Marty Van Duyn, Planning Director, gave a verbal presentation.

Gary Breiter, rep Chamber of Commerce, expressed concerns with ordinance.

Christie Prim, rep Delta Shores and Lee Sannis, supports staff level approval, eliminate public hearing,

SEQUENCE ORDER 58

35-1

Marty Van Duyn rebutted testimony

Jim Jackson, City Attorney, feels that a public hearing is legally required because of discretionary power given

ROLL CALL

SACRAMENTO CITY COUNCIL, SACRAMENTO REDEVELOPMENT AGENCY, SACRAMENTO HOUSING AUTHORITY, SACRAMENTO PARKING AUTHORITY

MOVED BY: Sh      SECONDED BY: See      DATE: 9/6/83

MOTION: adopt Staff rec as amended

		AYE	NO	ABSTAIN	ABSENT
FISHER	D2		/		
GARCIA	D6	/			
KASTANIS	D7		/		
POPE	D3		/		
ROBIE	D8	/			

		AYE	NO	ABSTAIN	ABSENT
RUDIN	D4	/			
SERNA	D5	/			
SHORE	D1	/			
MILLER	M	/			

NOTES:

APPROVED  
BY THE CITY COUNCIL

SEP - 6 1983

OFFICE OF THE  
CITY CLERK

1119

SEQUENCE ORDER 29

9-6-83

#35

ORDINANCE NO. 83-110

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

SEP 6 1983

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-037)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

The Comprehensive Zoning Ordinance of the City of Sacramento (Ordinance No. 2550, Fourth Series, as amended) is hereby amended by adding thereto Section 2.7 relating to the manufacturing, research and development zone to read:

Section 2.7 Manufacturing, Research and Development (MRD) Zone

A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.

2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and,

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification;  
Use Regulations

1. The MRD zone classification shall be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for each use in this zone, except that the uses defined in subparagraphs 2a and 2b of this subsection B shall be permitted as a matter of entitlement and any such special permit review or conditions imposed under this section shall be limited to subjects other than whether the subparagraphs 2a or 2b uses are allowed.

2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

- Bio-Chemical
- Chemical
- Genetics
- Development Facilities for National Welfare on Land, Sea, Air or in Space
- Environmental and Natural Resources
- Film and Photography
- Electronics
- Instrumentation
- Laser Optics/Fiber Optics
- Medical, Dental, Surgical
- Metallurgy
- Pharmaceutical
- Robotics
- Solar
- Sonics and Sound Imaging
- Testing Laboratories
- X-Ray
- Educational or training facilities related to the foregoing uses

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

- Coils, Tubes, Semi-Conductors
- Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems
- Guidance Equipment and Systems
- Data Processing Equipment and Systems
- Glass Edging, Beveling and Silvering
- Graphics and Art Equipment
- Metering Instruments
- Optical Devices, Equipment, and Systems
- Phonographs, Audio Units, Radio and Television Equipment
- Radar, Infra-Red and Ultra-Violet Equipment and Systems
- Robotics
- Scientific and Mechanical Instruments
- Solar Equipment
- Testing Equipment
- Educational or training facilities related to the foregoing uses

c. Offices. Offices shall be allowed, provided that the square footage of development devoted to offices shall not exceed 50% of the total square footage of development approved for all property in the MRD zone at the time of planned unit development designation which is covered by said designation.

d. Warehousing and distribution facilities provided that such activities shall be conducted wholly within a completely enclosed building and shall not occupy more than fifty percent (50%) of the area of any building.

e. Employee recreational and dining facilities as an accessor use incidental to the primary use of the parcel, including but not limited to:

Swimming pools

Gymnasium

Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:  
Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

g. Child care centers are permitted subject to approval of a special permit.

3. The Planning Director - The Planning Director shall have authority to allow uses in addition to those set forth under 2A (&B) if he finds the proposed uses to be sufficiently similar to the allowed uses so that they are no more objectionable to the public welfare and consistent with the purpose of the MRD zone.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public streets.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions -

All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area

which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds forty (40) feet in height. However, if a mechanical penthouse is provided, an additional ten (10) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setbacks required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Change of Area, Height, Parking and Landscaping Regulations. The standards set forth in subsections C, D, E and F may be changed, when reasonable, as part of PUD review and approval pursuant to subsection B-1 of this Section and Section 8 of this Ordinance.

PASSED FOR PUBLICATION: **JUL 12 1983**

ENACTED: **SEP 6 1983**

EFFECTIVE: **OCT 6 1983**

**R. BURNETT MILLER**  
\_\_\_\_\_  
MAYOR

ATTEST:

**LORRAINE MAGANA**  
\_\_\_\_\_  
CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-037)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

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Section 2.7 Manufacturing, Research and Development (MRD) Zone

A. Purpose

- 1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.
- 2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards

so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification; Use Regulations

1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for any use in this zone.

2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

- Bio-Chemical
- Chemical
- Genetics
- Development Facilities for National Welfare on Land, Sea, Air or in Space
- Environmental and Natural Resources
- Film and Photography
- Electronics
- Instrumentation
- Laser Optics/Fiber Optics
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- Pharmaceutical
- Robotics
- Solar
- Sonics and Sound Imaging
- Testing Laboratories
- X-Ray

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

- Coils, Tubes, Semi-Conductors
- Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems
- Guidance Equipment and Systems
- Data Processing Equipment and Systems
- Glass Edging, Beveling and Silvering
- Graphics and Art Equipment
- Metering Instruments
- Optical Devices, Equipment and Systems
- Phonographs, Audio Units, Radio and Television Equipment
- Radar, Infra-Red and Ultra-Violet Equipment and Systems
- Robotics
- Scientific and Mechanical Instruments
- Solar Equipment
- Testing Equipment

c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

- Swimming pools
- Gymnasium
- Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed: Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

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a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from

the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an additional fifteen (15) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

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b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Section 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which does not utilize hazardous materials regulated by City Ordinance No. 82-097 (City Code Chapter 71) and which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given fifteen (15) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c.

The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within fifteen (15) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

M83-037

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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT  
927 TENTH STREET  
SUITE 300  
SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

July 6, 1983

APPROVED  
BY THE CITY COUNCIL

JUL 12 1983

City Council  
Sacramento, California

OFFICE OF THE  
CITY CLERK

Honorable Members in Session:

SUBJECT: Ordinance adding Section 2.7 relating to the manufacturing, research and development zone (MRD) to the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended) (M83-037)

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.

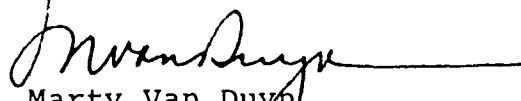
BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to July 19, 1983.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 7-19-83

MVD:cp  
Attachment  
M83-027

July 12, 1983  
District - All

ORDINANCE NO.

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-027)

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2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the

value of the parcel; and

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification; Use Regulations

1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for any use in this zone.

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- Solar Equipment
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c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

- Swimming pools
- Gymnasium
- Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:

Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private streets.

b. No loading facility shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an

additional ten (10) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall

~~be determined in connection with each Special Permit.~~

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Sections 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

M83-027

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given ten (10) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c. The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within ten (10) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

# PROOF OF PUBLICATION

(2015.5 CCP)

STATE OF CALIFORNIA

S.S.

County of Sacramento

I am the principal clerk of THE DAILY RECORDER, a newspaper of general circulation published in the City of Sacramento, County of Sacramento, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case Number 16,180 that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

7/8

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*P. Cabano*

Signature

Dated July 8, 1983

## THE DAILY RECORDER

1115 H Street, P.O. Box 1048  
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JUL 12 12 21 PM '83

7-19-83  
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Proof of publication of  
PUB, Notice of Hearings

**CITY OF SACRAMENTO  
NOTICE OF HEARINGS**

PUBLIC NOTICE is hereby given that on the date of July 19, 1983, at the hour of 7:30 p.m., the following hearing(s) will be held in the Council Chamber, City Hall, Second Floor, 915 "I" Street, Sacramento, California:

Design Review of housing for CADA Site, #3 on west 1/3 block bounded by 7th, 8th, N and O Streets. (D1) (APN: 006-203-12) (DR83-137) (P-83103)

Comments of the Design Review Board for new Sutter General Hospital. Loc. Blocks bounded by 28th, 29th and W Streets, and Capitol Avenue. (D4) (APN: 007-173-134-007-114-03) (DR83-123) (P-9600)

Tentative Map to divide 4.5 more or less acres (24 corner lots) into 48 halfplex lots for property located on corner lots within London River Estates, West Pocket Area. (D8) (A-P-N: 033-113-3-6-0-13,15,07,09,09,05,03,37,38,22,24,16,23; 031-370-24,20,21,26,27,01,31,33,40,39) (P-83168)

Time extension for Tentative Map to divide 7 lots into 14 halfplex lots for property located on various corner lots on Northlite Circle, Southlite Circle and Westlite Circle. (D8) (APN: 030-054-33; 030-060-45; 030-061-01,17,23,26,37) (P-9421)

Appeal of the Environmental Coordinator's decision to prepare a Negative Declaration for a 332 unit apartment complex known as Center Parkway Apartments located at the southwest corner of Mack Road and Center Parkway. (D7) (APN: 117-011-24) (P-83149)

Amend the Sacramento City Zoning Ordinance No. 2550, Fourth Series, creating a new High Technology zoning classification (D-A11) (M-83037)

Further information may be obtained from the Office of the City Clerk, 915 "I" Street, Room 203, Sacramento, California (916) 449-5426.

**SACRAMENTO CITY COUNCIL  
BY: LORRAINE MAGANA  
CITY CLERK**  
AD NO. 5237  
29276- July 8, 1983

## ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-037)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

### SECTION 1.

The Comprehensive Zoning of the City of Sacramento (Ordinance No. 2550, Fourth Series, as amended) is hereby amended by adding thereto Section 2.7 relating to the manufacturing, research and development zone to read:

#### Section 2.7 Manufacturing, Research and Development (MRD) Zone

##### A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.

2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification;  
Use Regulations

1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for any use in this zone.

2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

Bio-Chemical  
Chemical  
Genetics  
Development Facilities for National Welfare on  
Land, Sea, Air or in Space  
Environmental and Natural Resources  
Film and Photography  
Electronics  
Instrumentation  
Laser Optics/Fiber Optics  
Medical, Dental, Surgical  
Metallurgy  
Pharmaceutical  
Robotics  
Solar  
Sonics and Sound Imaging  
Testing Laboratories  
X-Ray

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

Coils, Tubes, Semi-Conductors  
Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems  
Data Processing Equipment and Systems  
Glass Edging, Beveling and Silvering  
Graphics and Art Equipment  
Metering Instruments  
Optical Devices, Equipment and Systems  
Phonographs, Audio Units, Radio and Television Equipment  
Radar, Infra-Red and Ultra-Violet Equipment and Systems  
Robotics  
Scientific and Mechanical Instruments  
Solar Equipment  
Testing Equipment

c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

Swimming pools  
Gymnasium  
Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:  
Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from

the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an additional fifteen (15) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Section 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which does not utilize hazardous materials regulated by City Ordinance No. 82-097 (City Code Chapter 71) and which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given fifteen (15) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c.

The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within fifteen (15) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

---

MAYOR

ATTEST:

---

CITY CLERK

M83-037

## ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-037)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

### SECTION 1.

The Comprehensive Zoning of the City of Sacramento (Ordinance No. 2550, Fourth Series, as amended) is hereby amended by adding thereto Section 2.7 relating to the manufacturing, research and development zone to read:

#### Section 2.7 Manufacturing, Research and Development (MRD) Zone

##### A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.
2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification;  
Use Regulations

1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for any use in this zone.

2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

Bio-Chemical  
Chemical  
Genetics  
Development Facilities for National Welfare on  
Land, Sea, Air or in Space  
Environmental and Natural Resources  
Film and Photography  
Electronics  
Instrumentation  
Laser Optics/Fiber Optics  
Medical, Dental, Surgical  
Metallurgy  
Pharmaceutical  
Robotics  
Solar  
Sonics and Sound Imaging  
Testing Laboratories  
X-Ray

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

Coils, Tubes, Semi-Conductors  
Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems  
Data Processing Equipment and Systems  
Glass Edging, Beveling and Silvering  
Graphics and Art Equipment  
Metering Instruments  
Optical Devices, Equipment and Systems  
Phonographs, Audio Units, Radio and Television Equipment  
Radar, Infra-Red and Ultra-Violet Equipment and Systems  
Robotics  
Scientific and Mechanical Instruments  
Solar Equipment  
Testing Equipment

c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

Swimming pools  
Gymnasium  
Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:  
Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from

the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an additional fifteen (15) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Section 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which does not utilize hazardous materials regulated by City Ordinance No. 82-097 (City Code Chapter 71) and which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given fifteen (15) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c.

The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within fifteen (15) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

---

CITY CLERK

M83-037

# PROOF OF PUBLICATION

(2015.5 CCP)

STATE OF CALIFORNIA

S.S.

County of Sacramento

I am the principal clerk of THE DAILY RECORDER, a newspaper of general circulation published in the City of Sacramento, County of Sacramento, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case Number 16,180 that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

7/15

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

*P. Cabano*

Signature

Dated July 15, 1983

## THE DAILY RECORDER

1115 H Street, P.O. Box 1048  
Sacramento, California 95805  
(916) 444-2355

Mail Proof of Publication to:

City Clerk  
City of Sacramento  
915 I Street, Room 203  
Sacramento, CA 95814

This space is for the County Clerk's filing stamp

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO

JUL 19 2 29 PM '83

Proof of publication of  
PUB, Ordinances

*M-83037*

CITY OF SACRAMENTO  
ORDINANCES  
On July 12, 1983, the following ordinances were considered by the Sacramento City Council. In accordance with Section 32, Sacramento City Charter, the titles are herein published:  
**ORDINANCES TO BE FINALLY CONSIDERED AT THE REGULAR MEETING OF JULY 19, 1983:**  
Ordinance adding Section 2.7 relating to the manufacturing, research and development zone (MRD) to the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended (~~M-83037~~) (*M-83037*)  
Anyone interested in the full text of the above ordinances may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 203, phone (916) 449-5426.  
SACRAMENTO CITY COUNCIL  
BY: LORRAINE MAGANA  
CITY CLERK  
AD N: 05241  
29467- July 15, 1983

②

23

- 7) Landscaping: Landscape requirements are more stringent than for the existing M-1S and M-2S zones in recognition of the desired campus park-like type of environment sought. However, design flexibility is provided by including plazas, pools, fountains, streams, ponds, lakes and other comparable features under the definition of the term landscaping.

Concerns of the Planning Commission

1. **Does the City's Hazardous Material Disclosure Ordinance require the disclosure to the Planning Department of proposed hazardous materials to be used for a facility at the time a Special Permit is applied for?** The ordinance would have to be amended for such disclosures; however, PUD Guidelines provide such requirements.
2. **How will the City's Environmental Review Process apply to the provisions of Section I of the ordinance (which permits the approval of Special Permits by the Planning Director), especially for projects which utilize hazardous materials or generate hazardous wastes?** The City Attorney indicates that this will need to be researched.
3. **How does the 35 foot height limit (plus 10 extra feet for mechanical penthouse) contained in the proposed MRD ordinance compare with the ordinances of other jurisdictions, and with high tech structures which have been proposed or built in the Sacramento area?** The 48 foot height limit is not overly restrictive and is competitive with other jurisdictions.
4. **How should employee-related commercial uses be treated within the MRD Zone (main vs. accessory use)?** Accessory commercial uses for the convenience of employees is allowed in the proposed MRD zone. Providing large commercial nodes in an MRD zone area would disrupt the campus-like atmosphere of a hi tech park.
5. **Should child care facilities be permitted within the MRD zone for use by employees?** Staff has included children's day and group care centers as an accessory use.
6. **Should hazardous waste transfer facilities be permitted within the MRD zone as the primary use of a parcel?** A waste transfer facility as opposed to treatment or disposal facility would benefit a large concentration of hi tech. The State could require such a facility to accept wastes from beyond the hi tech park, City or Sacramento area. A transfer facility should be permitted within the MRD zone at this time. This matter should be researched by the City Attorney as to the City's authority to conditionally approve such facilities.
7. **Does the City's recently adopted Hazardous Materials Disclosure ordinance deal with storage and handling?** The Commission recommended staff prepare a comprehensive hazardous material ordinance.

23  
CWA

8. **Are there any regulations for hi tech air quality emissions?** The Sacramento County Air Pollution Control District indicated there are no regulations which limit the emissions of organic compounds, solvents and hazardous materials from semi-conductor and electronics industries. Since this subject must be dealt with on a regionwide basis, not case-by-case, the Commission recommended that the City forward a communication to the Air Pollution Control District requesting that they develop and adopt air pollution control regulations on the emission to the air of organic compounds, solvents and hazardous materials from semi-conductor and electronics industries located within its jurisdiction. It should be noted that the Bay Area Air Quality Management District has recently formulated similar regulations which are presently undergoing public hearings.

Changes by the Planning Commission

1. Subsection 5(b) on Page 5 to state that:

"No loading facility, including incidental parking and maneuvering areas, . . ."

Staff concurs with this change.

2. Section D(1) on Page 7 to provide:

". . . an additional fifteen (15) feet shall be permitted to accommodate the mechanical penthouse."

Staff does not concur with this change. Examination of the height standards contained in Exhibits B-1 and B-2 indicate that the 10 feet proposed by staff for a mechanical penthouse (thus a 45 foot height permitted overall) is consistent with most of the other jurisdictions surveyed. More importantly, each of the existing major high tech facilities in the Sacramento area today (Hewlett Packard, Shugart, NEC and Prospect Business Parks) would all comply with the height limit proposed by staff.

3. Section G(1) on the top of Page 9 would prevent the fast track Special Permit process from applying to projects which:

". . . utilize Hazardous Materials defined and regulated by City Ordinance No. 82-097. . ."

Staff does not concur with this change. The purpose of Section G is to recognize the need for fast track processing of development requests by hi tech users due to the extreme nationwide competition among jurisdictions trying to attract such industry. Since most high tech industry will utilize hazardous materials, the Commission's proposed change will prevent the high tech industry from utilizing the fast track permit process. If the Council agrees with the Commission's change, staff would recommend deleting Section G from the Ordinance entirely.



4. Subsection (b) on Page 9 was revised to require 15 day notice of the issuance of a Special Permit and a 15 day appeal period of the Planning Director's action.

Staff does not agree. All other provisions of the Zoning Ordinance require a 10 day notice and 10 day appeal period. For the sake of consistency, this should be maintained.

Attached for the Council's consideration are:

- Exhibit A - Commission recommended MRD ordinance
- Exhibit B - June 28 staff report
- Exhibit C - June 13 staff report which includes the Sunnyvale Hazardous Material Storage Ordinance

#### VOTE OF PLANNING COMMISSION


On June 30, 1983 the Planning Commission by a vote of 5 ayes, 2 abstain, and 2 absent recommended adoption of the proposed ordinance.

#### RECOMMENDATION

The staff and Planning Commission recommend that the City Council:

1. Ratify the Negative Declaration;
2. Adopt the new Manufacturing, Research and Development (MRD) zone classification;
3. Refer the Sunnyvale Hazardous Materials Storage Ordinance to staff for report on whether the City should develop similar Citywide regulations;
4. Transmit a letter to the Sacramento County Air Pollution Control District requesting the development and adoption of air pollution control regulations on the emission of organic compounds, solvents, and hazardous materials from semi-conductor and electronics industries.

Respectfully submitted,

  
Marty VanDuyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MVD:CC:cp/7DSV2  
Attachments  
M83-037

July 19, 1983  
D-11

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE 6/30/83  
 ITEM NO. 2 FILE NO. P-  
 M- 83-037

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE

- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- ENVIRONMENTAL DET.
- OTHER ESTABLISH "MCD"
- ORDINANCE  
(CONT. FROM 6-16-83)

Recommendation LOCATION: CITY WIDE

- Favorable
- Unfavorable
- Petition
- Correspondence

<u>NAME</u>	<u>PROPOSERS</u>	<u>ADDRESS</u>
STEVE JENKINS	PLANNING STAFF	CITY
<u>NAME</u>	<u>OPPOSERS</u>	<u>ADDRESS</u>
Christina Plum	Delta Surco Village	101 Capitol
Sam Williams	resident	Meadowview
Imogene Grosswhite	"	1730 Detroit Blvd.

MOTION NO. 1

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FINDINGS OF FACT DUE
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER Recommend approval with amendments

	YES	NO	MOTION	2ND
Augusta	✓			✓
Fong	✓			
Holloway	ABSTAIN			
Hunter	✓		✓	
Ishmael	ABSTAIN			
Larson	✓			
Silva	ABSENT			
Simpson	ABSENT			
Goodin	✓			

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) (M83-037)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

The Comprehensive Zoning of the City of Sacramento (Ordinance No. 2550, Fourth Series, as amended) is hereby amended by adding thereto Section 2.7 relating to the manufacturing, research and development zone to read:

Section 2.7 Manufacturing, Research and Development (MRD) Zone

A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.

2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. To upgrade industrial development standards so as to:

a. Protect the owner of each parcel within the zone against development and uses which could depreciate the value of the parcel; and

b. To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhoods.

B. Utilization of the MRD Zone Classification; Use Regulations

1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance. A special permit shall be required for any use in this zone.

2. Uses Allowed - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a. Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

Bio-Chemical  
 Chemical  
 Genetics  
 Development Facilities for National Welfare on  
 Land, Sea, Air or in Space  
 Environmental and Natural Resources  
 Film and Photography  
 Electronics  
 Instrumentation  
 Laser Optics/Fiber Optics  
 Medical, Dental, Surgical  
 Metallurgy  
 Pharmaceutical  
 Robotics  
 Solar  
 Sonics and Sound Imaging  
 Testing Laboratories  
 X-Ray

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

Coils, Tubes, Semi-Conductors  
 Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems  
 Data Processing Equipment and Systems  
 Glass Edging, Beveling and Silvering  
 Graphics and Art Equipment  
 Metering Instruments  
 Optical Devices, Equipment and Systems  
 Phonographs, Audio Units, Radio and Television Equipment  
 Radar, Infra-Red and Ultra-Violet Equipment and Systems  
 Robotics  
 Scientific and Mechanical Instruments  
 Solar Equipment  
 Testing Equipment

c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

- Swimming pools
- Gymnasium
- Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:  
Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility, including incidental parking and maneuvering areas shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from

the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an additional fifteen (15) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Section 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which does not utilize hazardous materials regulated by City Ordinance No. 82-097 (City Code Chapter 71) and which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given fifteen (15) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c.

The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within fifteen (15) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

M83-037

June 28, 1983

Sacramento City Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Comments by Planning Commission at the June 16, 1983 Commission hearing on Zoning Ordinance amendments to create a new Manufacturing, Research and Development (MRD) Zone classification for high technology uses (M83-037)

SUMMARY

At its meeting on June 16, 1983, the Planning Commission considered a staff report and Preliminary Draft Ordinance creating a new Manufacturing, Research and Development (MRD) Zone classification. At the conclusion of the public hearing, the Commission forwarded several comments to the staff for analysis and report back on June 30, 1983. Staff has responded to each of the Commissioner's concerns and recommends that the Commission approve the revised Preliminary Draft Ordinance attached as Exhibit "A".

BACKGROUND INFORMATION

Subsequent to the June 16, 1983 Commission hearing, staff has completed additional research leading to the preparation of the revised Preliminary Draft Ordinance attached as Exhibit "A". This Ordinance has also been reviewed by the City Attorney's Office as to form and legality.

Commission Comments: At its meeting on June 16, 1983 the Commission voiced its general satisfaction with the proposed Preliminary Draft MRD Zone but requested staff to report back on the following items:

- 1) **Does the City's Hazardous Material Disclosure Ordinance require the disclosure to the Planning Department of proposed hazardous materials to be used for a facility at the time a Special Permit is applied for?**

Staff Response: The City Attorney indicates that the Ordinance as adopted by the City Council does not require such disclosure. Amendment of the Ordinance would be necessary to accomplish such disclosure. This information will be required for the Delta Shores Village PUD, however, as a requirement of the PUD Guidelines.

- 2) **How will the City's Environmental Review Process apply to the provisions of Section I of the Ordinance (which permits the approval of Special Permits by the Planning Director), especially for projects which utilize hazardous materials or generate hazardous wastes?**

Staff Response: The City Attorney indicates that this question cannot be answered at this time. Depending upon the characteristics of each proposed project which qualifies for consideration of a Planning Director's Special Permit under Section I, the project may either require a focused EIR or Negative Declaration.

- 3) **How does the 35 ft. height limit (plus 10 extra feet for mechanical penthouse) contained in the proposed MRD Ordinance compare with the Ordinances of other jurisdictions, and with high tech structures which have been proposed or built in the Sacramento area?**

Staff Response: Exhibits B-1 and B-2 provide a comparison between the provisions of the proposed MRD Zone and similar regulations applicable to the high tech industry both nationwide and in the Sacramento area. These Exhibits are based on additional staff research conducted subsequent to the Planning Commission hearing on June 16th and, therefore, supercede Exhibit B contained in the previous staff report dated June 13, 1983 regarding this matter.

In the opinion of staff, the 45 ft. height limit (35 ft. to plate plus 10 feet for mechanical equipment) is not overly restrictive and is competitive with other jurisdictions when the actual method of height measurement is taken into account (see Exhibit B-1). In addition, Exhibit B-1 contains information on the height of four actual high tech structures built within the Sacramento area (Hewlett Packard, NEC, Shugart, and the Prospect Business Park Theme Building). Each of these structures would conform with the height limits proposed for the MRD Zone. The Hewlett Packard buildings are two stories in height plus a mechanical mezzanine having the appearance of a flat roof due to a parapet wall. The Prospect Park Theme building adjacent to Highway 50 is also two stories with all mechanical equipment contained under the pitched roof for aesthetic purposes.

- 4) **How should employee-related commercial uses be treated within the MRD Zone (main vs. accessory use)?**

Staff Response: The preliminary draft ordinance currently allows accessory commercial uses for the convenience of employees if located in such a manner that there is not direct outside customer access. The applicant for the Delta Shores project has requested that limited commercial and recreational uses be permitted (assumed to mean freestanding). Staff agrees with the applicant and Planning Commission's perception that there may be a need to have commercial uses, beyond those within a company building, to serve the employees of several businesses. However, staff strongly suggests that these commercial uses not be located on individual MRD parcels but planned and located as part of a well thought out PUD.

As an example, the Delta Shores project currently designates 3 commercial areas comprising 42 acres. If approved, these areas will be zoned commercial not MRD. Should additional commercial areas prove to be needed for employee convenience for market demand, or for other reasons, this additional need should be planned into the PUD as a commercial node and designated at what is determined to be the best location and not spread out over individual MRD parcels. Changing the ordinance as requested would invite piecemeal applications and considerations for commercial uses.

5) Should child care facilities be permitted within the MRD Zone for use by employees?

Staff Response: Staff has included children's day or group care centers as an accessory use under Section B2(f) of the Ordinance.

6) Should hazardous waste transfer facilities be permitted within the MRD Zone as the primary use of a parcel?

Staff Response: Staff is of the opinion that waste transfer facilities (as opposed to treatment or disposal facilities) would be of benefit to large concentrations of high tech users envisioned by the MRD Zone, including the Delta Shores Village project. It is recognized that some on-site treatment of waste would probably occur at the transfer facility so as to minimize the ultimate quantity of wastes which would have to be transported to a disposal site. However, waste treatment should not be the primary purpose of the facility.

In researching this matter, Section 25200 of the State Health and Safety Code requires that all such hazardous waste transfer, treatment and disposal facilities obtain a permit to operate such facilities from the State Department of Health. Furthermore, the Department may impose, as a condition of the permit, that the facility not refuse to accept a hazardous waste based on the geographical origin of the waste. As a result, it is likely that a transfer facility permitted within the City by the MRD Zone would have to accept wastes from areas outside of the immediate PUD, the City or even the Sacramento area. Because of this concern, staff does not believe that such transfer facilities should be permitted within the MRD Zone at this time.

Instead, this matter should be researched by the City Attorney as to City's authority to conditionally approve such facilities. Any future amendment of the MRD Zone should then be patterned after the following provisions:

Hazardous waste transfer facilities shall be permitted subject to each of the following conditions:

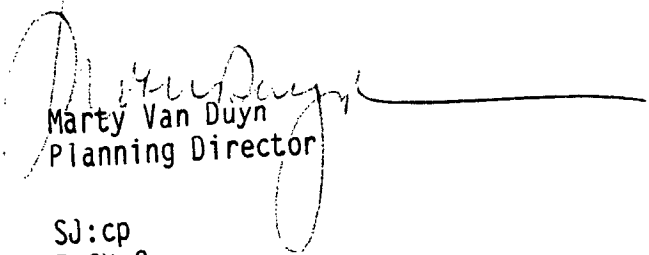
- i) No hazardous waste transfer facility shall be permitted within the MRD zone which is located either within 1000 feet of a more restrictive zone classification or on a parcel adjacent to or abutting land zoned for residential use or designated for residential use by the City General Plan, Community Plan or PUD Schematic Plan for the area.
- ii) No hazardous waste or materials shall be stored in waste piles, surface impoundments, open containers or by any other method in which the hazardous waste or materials are placed in direct contact with the land or atmosphere.
- iii) No hazardous waste or materials shall be treated in surface impoundments, by land spreading or by any other method in which the hazardous wastes are placed in direct contact with the land or atmosphere.

- iv) No hazardous waste or materials shall be disposed of on or into the land, including, but not limited to landfill, surface impoundment, waste piles, deep well injection, land spreading, and co-burial with municipal garbage.
- v) The hazardous waste transfer facility shall be limited in size and capacity so as to only be utilized for the treatment or transfer of the type and quantity of hazardous wastes or materials generated by users within the PUD in which the hazardous waste transfer facility is located.
- vi) Notwithstanding any other provision of this Ordinance to the contrary, all hazardous waste transfer facilities shall require the approval of a Special Permit by the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve the Revised Draft Ordinance attached as Exhibit "A" and transmit the Ordinance to the City Council for adoption.

Respectfully submitted,

  
 Marty Van Duyn  
 Planning Director

SJ:cp  
7DSV-2

## ORDINANCE NO.

AN ORDINANCE ADDING SECTION 2.7 RELATING TO THE MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD) TO THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

The Comprehensive Zoning of the City of Sacramento (Ordinance No. 2550, Fourth Series, as amended) is hereby amended by adding thereto Section 2.7 relating to the manufacturing, research and development zone to read:

Section 2.7 Manufacturing, Research and Development (MRD) Zone

A. Purpose

1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.

2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related support uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.

3. Upgrade industrial development standards so as to:

Protect the owner of each parcel within the zone against development and uses which could depreciate the

Medical, Dental, Surgical  
 Metallurgy  
 Pharmaceutical  
 Robotics  
 Solar  
 Sonics and Sound Imaging  
 Testing Laboratories  
 X-Ray

b. Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts including but not limited to the following categories:

Coils, Tubes, Semi-Conductors  
 Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems  
 Data Processing Equipment and Systems  
 Glass Edging, Beveling and Silvering  
 Graphics and Art Equipment  
 Metering Instruments  
 Optical Devices, Equipment and Systems  
 Phonographs, Audio Units, Radio and Television Equipment  
 Radar, Infra-Red and Ultra-Violet Equipment and Systems  
 Robotics  
 Scientific and Mechanical Instruments  
 Solar Equipment  
 Testing Equipment

c. Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure.

d. Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.

e. Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, including but not limited to:

Swimming pools  
 Gymnasium  
 Tennis, racquet, paddle or handball courts

f. The following commercial uses are allowed:

Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct customer access from the outside of the main structure. Uses may include cafeterias, children's day care, or group care centers, barber shops, beauty salons, banking services. Other accessory commercial uses may be allowed on an individual project basis if the Planning Commission finds that such uses are consistent with the purposes of the MRD zone.

3. The Planning Commission shall have authority under Section 2A to determine other uses, in addition to those specifically listed in this section, which may be allowed in the MRD zone classification, if it finds that such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

4. Open Storage - Open storage of materials, goods, parts and equipment, including company owned or operated trucks and other motor vehicles, is allowed only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than six (6) feet in height or by equivalent screening using landscaping and earth berms so that no stored materials, goods, parts or equipment are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.

5. Loading Facilities - If loading facilities are provided, such facilities shall conform to the provisions of Section 6B of this Ordinance and shall be provided and maintained on the same parcel which they are intended to serve.

a. Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private street.

b. No loading facility shall extend into any required minimum yard setbacks established herein.

6. Enclosed Building Requirement; Exceptions - All allowed uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.

7. Signs - All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

C. Area Regulations

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

a. Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.

b. Front and Side Street Yards - Buildings and structures shall be set back at least fifty (50) feet from all adjacent streets having rights-of-way of one hundred (100) feet or greater, and at least thirty-five (35) feet from all adjacent streets having rights-of-way of less than one hundred (100) feet.

c. Rear and Interior Side Yards - Buildings and structures, except fences and walls, shall be set back at least fifteen (15) feet from all rear and side property lines.

d. Setbacks When Abutting Residentially Used Zoned or Designated Land; Wall Requirement - When abutting an area which is designated for residential use by the City General or the applicable Community Plan, a PUD Schematic Plan, or an area which is residentially used or zoned, buildings and structures (except fences and walls), shall be set back at least seventy-five (75) feet from the abutting property line. The common boundary between the MRD zoned property and such property which is residentially zoned, used or designated shall be demarcated by a solid masonry wall of not less than six (6) feet in height to be constructed on the MRD zoned property at the time of development.

D. Height

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds thirty-five (35) feet in height. However, if a mechanical penthouse is provided, an

additional ten (10) feet shall be permitted to accommodate the mechanical penthouse.

E. Parking

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a. The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area

Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.

b. Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

F. Landscaping

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.

2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall

be determined in connection with each Special Permit.

3. Twenty-five (25) feet of the required rear and interior yard setbacks immediately abutting residentially used, zoned or designated property as described in Section C-1-(d) shall be landscaped consistent with the PUD Development Guidelines adopted for the area, including trees capable of reaching a height of thirty (30) feet at maturity to be planted at least every thirty (30) feet along the barrier wall required by Subsection C-1-(d).

4. In addition to landscaping in all required yard setbacks, landscaping shall be provided on the remainder of the parcel in accordance with a landscaping and irrigation plan submitted to and approved by the Planning Director which is consistent with the PUD guidelines in connection with each Special Permit. The term "landscaping" shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

G. Special Permit Review and Approval

1. Notwithstanding the provisions of Sections 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

a. Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.

b. The Planning Director shall review the site plans and information so submitted and if, in his judgment, the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purposes and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit. No Special Permit issued by the Planning Director shall become effective until the Planning Director has given ten (10) days notice of the issuance of the Special Permit by posting the property and by mailing to the persons in the manner described in Section 15-C-3-c. The notice shall describe the Special Permit issued, and shall state that any person dissatisfied with the Planning Director's action can appeal to the Planning Commission within ten (10) days of the date of the notice. Appeals from the action of the Planning Director shall be governed by the provisions of Section 15K. The applicant shall, prior to the hearing thereon, pay a fee therefor established by resolution of the City Council to defray the City's costs.

c. The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXHIBIT B-1  
COMPARISON OF MRD ZONE WITH SACRAMENTO AREA STANDARDS

	Proposed MRD	City M-1(S) M-2(S)	County MP Zone	Prospect Business Park (Hwy 50)	Port of Sacto Ind. Park (Warehouse)	Lake Forest Tech Ctr. (Folsom)	El Dorado Hills Bus. Park	Hewlett Packard (Roseville)	Shugart (Roseville)	NEC (Roseville)	Prospect Bus. Park Theme Bldg (Hwy 50)
BUILDING HEIGHT	45'	None	40' plus Mech. Pent.	Same as MP zone	65'	40'	50'	44'	One story	24'-32'	42'
HOW HEIGHT MEASURED	35' to plate plus 10' mech pent.	-	Top of roof -- Mech.pent. not regulated	Same as MP zone	To top of structure inc. mech. penthouse	To top of structure inc. mech. penthouse	To top of structure inc. mech. penthouse	Top of structure inc. mech penthouse	-	Top of structure	Top of structure inc. mech. penthouse
MAXIMUM LOT COVERAGE BY BUILDINGS	35%	None	None	Same as MP zone	50%	50%	50%	Phase I 12%	24%	9%	-
USE: COMMERCIAL USE PERMITTED	Access. use	Main use	Some as main use	Same as MP zone	Not permitted	Not permitted	Access. use	-	-	-	-
OFFICE USE PERMITTED	Access. use	Main use	Main use	Same as MP zone	Access. use	Main use	Access. use	-	-	-	-
WAREHOUSE USE PERMITTED	Access. use	Main use	Main use	Same as MP zone	Main use	Access. use	Main use	-	-	-	-
PARKING	1/300 s.f. R & D 1/350 s.f. Manuf. Assmby	1/1000 s.f.	1/500 s.f. or 2 per 3 employees	Same as MP zone	1/500 s.f.	1/500 s.f.	1 per employee	2 spaces per 3 employees	2 spaces per 3 employees	2 spaces per 3 employees	Per County MP zone
BUILDING SET-BACKS: FRONT	50'/35'	25'	25'	Same as MP zone	50'/40'	20'	20'	580'	238'	210'	Per County MP zone
SIDE STREET	50'/35'	25'	25'	Same as MP zone	50'/40'	20'	20'	-	-	-	Per County MP zone
REAR/SIDE	15'	None	None	Same as MP zone	15'	20'	None	Side 400' Rear -	Side 110'/175' Rear -	Side 950'/300' Rear 220'	Per County MP zone
ADJ. TO RESIDENTIAL	75'/25' landscaped	None	150'/75' landscaped	Same as MP zone	None	None	30'/30' landscaped	-	-	-	-

EXHIBIT B-2

COMPARISON OF MRD ZONE WITH NATIONWIDE STANDARDS

	Proposed MRD	Research Triangle Park, N.C.	Stanford Research Park Palo Alto	Irvine Industrial Park	Oakmead Village (Santa Clara)	Colorado Springs	Waltham R & D Parks (Boston)
BUILDING HEIGHT	45'	Case by Case	50'	None	None	45'	35'
HOW HEIGHT MEASURED	35' to Plate plus 10' mech. penthouse	-	35' plus 15' for mech. penthouse	-	-	To top of structure inc. mech. penthouse	Top of structure inc. mech. pent.
MAXIMUM LOT COVERAGE BY BUILDINGS	35%	15%	30%	50%	None	30%	20%
PARKING	1/300 s.f. R & D 1/350 s.f. Manuf. Assmbly	Case by Case	1/300 s.f.	1/500 s.f. or 2/3 employees	Case by Case	1/600 s.f. or 1/3 employees	1/400 s.f. R & D 1/2 Emp. Manuf.
BUILDING SETBACKS: FRONT	50'/35'	150'	70'/50'	30'	35'/25'	50'	150'
SIDE STREET	50'/35'	150'	70'/50'	30'	35'/25'	50'	150'
REAR/SIDE	15'	150'	20'	None	None	50' rear 30' side	100'
ADJ. TO RESIDENTIAL	75' (25' landscaped)	(at least 150')	20' (20' landscaped)	None	None	100' (25' landscaped)	(At least 100')

ЕХНІВІТ С

June 13, 1983

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Sacramento City Planning Commission  
Sacramento, California

Members in Session:

- SUBJECT: 1. Environmental Determination  
2. Zoning Ordinance amendments to create a new Manufacturing, Research and Development (MRD) Zone classification for high technology uses (M83-037)

SUMMARY

On April 13, 1982 the City Council adopted Resolution No. 82-251 approving Growth Policy Recommendations for the City of Sacramento. Recommendation No. 4 on Page 19 of the Growth Policy states:

"The City's zoning ordinance should be amended to add a new high quality industrial park zoning district which will include industrial performance standards, toxic chemical use restrictions, and aesthetic requirements."

On June 28, 1982 the Moss Land Company filed an application with the City Planning Department requesting approval of the Delta Shores Village PUD, including 350 acres to be zoned for High Technology Industry.

Planning staff has drafted a new Manufacturing, Research and Development Zone Classification for Planning Commission consideration. A preliminary draft ordinance (attached as Exhibit A) has been submitted to the City Attorney, Moss Land Co., ECOS,, the Chamber of Commerce, Board of Realtors, County Planning Department, and the SACTO Organization for their preliminary review and comment.

Staff recommends the Planning Commission discuss the preliminary draft MRD Zone Ordinance, hear public comments and provide staff with direction for preparing a final ordinance for formal public hearing on June 30, 1983. Following Planning Commission approval of the new zone classification and adoption by City Council, it is proposed that this new zone be applied to the Delta Shores Village Project.

BACKGROUND INFORMATION:

In drafting the proposed ordinance, staff received similar ordinances from other jurisdictions, and especially the CC&R's from various high tech type developments (see the comparison matrix attached as Exhibit B). Although the ordinance will be Citywide in application, the proposed CC&R's for the Delta Shores PUD were also reviewed since that project will be the first to utilize the provisions of the ordinance.

Key Features of the Proposed MRD Zone

- 1) Purpose: To permit the development of high quality, campus park-like areas for the manufacturing, assembly, research and development of "high technology" type industries, which would not otherwise be possible under the City's present M-1 and M-2 zone classifications without the possibility of other incompatible industrial and commercial uses being developed as well.
- 2) PUD Required: Because of the desire to create an overall campus park-like environment, staff believes that the proposed MRD Zone should only be used in connection with a PUD designation for the area. Use of the MRD zone on a lot by lot basis would not adequately create such an environment without the possibility of intervening incompatible uses or development.
- 3) Permitted Uses: Primary uses would include research and development, manufacturing, assembly, repair and testing related to "high technology" industries. Because of the rather vague and ever changing definition of the high technology field, examples of broad categories which would be permitted are listed on page 2 of the proposed ordinance. However, recognizing the need for flexibility, item 2 on page 3 would authorize the Planning Commission to permit other uses which in its judgement would be consistent with the purpose of the MRD zone. In addition, in order to protect and preserve prime industrial land for high quality industrial uses, offices and warehousing would only be permitted as an accessory use incidental to the primary industrial use of the property. Selected commercial and recreational uses would also be permitted to serve the employees, both as an amenity consistent with the campus park-like environment and to minimize vehicular traffic in the area.
- 4) Area Regulations: Consistent with the highly landscaped park-like environment desired by many high technology industries, yard and setback requirements for the proposed MRD zone would be somewhat more restrictive than that required by the present M-1S and M-2S zones. Landscaped setbacks adjacent to residential areas are also established for the protection of both the residential and industrial area from incompatible uses.
- 5) Height: The proposed 35 foot height limit is in keeping with the campus type environment and the flexibility for ceiling heights required by some high tech users. However, provisions also permit an additional 10 feet to accommodate mechanical penthouses.
- 6) Parking: Proposed parking standards are generally based on similar provisions contained in various PUD Guidelines adopted by the City Council for other projects in the City, as well as projected numbers of employees per acre for expected high tech uses. However, it is recognized that parking demand can vary widely for different types of uses due to number of shifts, mechanization and the increasing use of robots. As a result, existing provisions contained in Section 6 of the Zoning Ordinance permit the Commission to vary the amount of required parking.

- 7) Landscaping: Landscape requirements are more stringent than for the existing M-1S and M-2S zones in recognition of the desired campus park-like type of environment sought. However, design flexibility is provided by including plazas, pools, fountains, streams, ponds, lakes and other comparable features under the definition of the term landscaping.
- 8) Special Permit Review and Approval: The proposed ordinance recognizes the need for fast track processing of development requests by high tech users due to the extreme nationwide competition among jurisdictions trying to attract such industry. As a result, Section I would permit the Planning Director to approve Special Permits for projects which are consistent with the policies of the General Plan, the PUD development guidelines adopted for the area, and the purpose and requirements of the MRD zone. The action of the Planning Director would, of course, be appealable to the Planning Commission in accordance with other provisions of the Zoning Ordinance.
- 9) Other Concerns: On November 30, 1982 the City Council adopted Ordinance No. 82-097 relating to Hazardous Materials Disclosure. This Ordinance will apply to all users of hazardous materials in the Delta Shores Village project and will require the disclosure of the types and quantities of such materials used. However, the Ordinance only relates to disclosure and does not deal with the construction, maintenance and repair of hazardous materials storage facilities, including monitoring or containment capabilities.

Recent problems in Santa Clara Valley involving groundwater contamination due to long-term leakage of hazardous materials from underground storage tanks has resulted in the preparation of a Model Ordinance regulating the construction, maintenance and repair of facilities used for the storage of hazardous materials. A copy of the Ordinance as adopted by the City of Sunnyvale on March 29, 1983 is attached as Exhibit C. The Ordinance was drafted with the assistance of the State, and staff recommends that the City Council consider for adoption various provisions of the Ordinance which are not in conflict with City Ordinance No. 82-097, not preempted by State or Federal jurisdiction, and which relate to the construction, maintenance and repair of hazardous materials storage facilities, including monitoring and containment capabilities. This subject must be dealt with on a Citywide basis, not case-by-case. In the meantime, however, staff has proposed conditions of approval for the Delta Shores Village PUD application which deal with the preparation of a Hazardous Materials Management Plan and Groundwater Monitoring Program for the project.

- 10) Air Quality Emission: Air quality emissions from manufacturing facilities in the Delta Shores Village project will be regulated by the Sacramento Air Pollution Control District. However, staff discussions with the District indicate that they presently do not have regulations which limit the emissions of organic compounds, solvents and hazardous materials from semi-conductor and electronics industries located within its jurisdiction. Since this subject must be dealt with on a regionwide basis, not

case-by-case, staff recommends that the City forward a communication to the Air Pollution Control District requesting that they develop and adopt air pollution control regulations on the emission to the air of organic compounds, solvents and hazardous materials from semi-conductor and electronics industries located within its jurisdiction. It should be noted that the Bay Area Air Quality Management District has recently formulated similar regulations which are presently undergoing public hearings.

ENVIRONMENTAL DETERMINATION

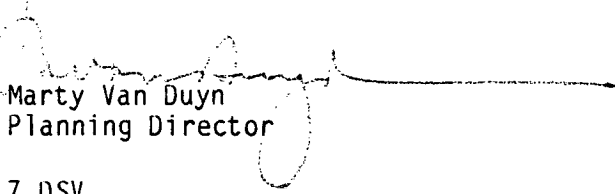
The Environmental Coordinator has posted a Negative Declaration on the proposed ordinance.

RECOMMENDATION

Staff recommends the following actions:

1. Staff recommends the Planning Commission discuss the preliminary draft MRD Zone Ordinance, hear public comments and provide staff with direction for preparing a final ordinance for formal public hearing on June 30, 1983. Following Planning Commission approval of the new zone classification and adoption by City Council, it is proposed that this new zone be applied to the Delta Shores Village project.
2. That the Commission review the Sunnyvale Hazardous Materials Storage Ordinance (attached as Exhibit C) and also consider on June 30th a recommendation that the City Council refer the Ordinance to City staff for report and recommendation as to City adoption of various provisions of the Ordinance which are not in conflict with City Ordinance No. 82-097, not preempted by State or Federal jurisdiction, and which relate to the construction, maintenance and repair of hazardous materials storage facilities, including monitoring and containment capabilities.
3. That the Commission, on June 30th, recommend that the City forward a communication to the Air Pollution Control District (or Board of Supervisors as appropriate) requesting that the APCD develop and adopt air pollution control regulations on the emission to the air of organic compounds, solvents and hazardous materials from semi-conductor and electronics industries located within its jurisdiction.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

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EXHIBIT A

SECTION \_\_\_: MANUFACTURING, RESEARCH AND DEVELOPMENT ZONE (MRD)

The following purpose and regulations shall apply in the "MRD" Manufacturing, Research and Development Zone.

A. PURPOSE

- 1. To ensure the proper development and use of land and improvements in a manner so as to achieve a high quality, campus park-like, nuisance-free environment for manufacturing, assembly, research and development type land uses in accordance with the policies of the City General Plan, Community Plans, and the PUD Development Guidelines adopted for the area.
- 2. To protect and preserve prime industrial land for high quality manufacturing, assembly, research and development and related supporting uses, and prohibit unrelated and incompatible industrial, commercial, office, residential and other non-industrial uses.
- 3. To upgrade industrial development standards so as to:
  - a) Protect the owner of each parcel within the zone against development and uses which could depreciate the value of his parcel; and
  - b) To reduce to a minimum the impact of industry on the use and development of the surrounding non-industrial property or neighborhood.

B. UTILIZATION OF THE MRD ZONE CLASSIFICATION

- 1. The MRD zone classification shall only be utilized in connection with a Planned Unit Development designation established in accordance with the provisions of Section 8 of this Ordinance, and shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance.

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C. USE REGULATIONS

1. Permitted Uses - No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, except for one or more of the following uses:

a) Uses primarily engaged in research and development (R & D) activities, including but not limited to research laboratories and facilities, development laboratories and facilities, and compatible light manufacturing such as but not limited to the following categories:

- Bio-Chemical
- Chemical
- Genetics
- Development Facilities for National Welfare on Land, Sea, Air or in Space
- Environmental and Natural Resources
- Film and Photography
- Electronics
- Instrumentation
- Laser Optics/Fiber Optics
- Medical, Dental, Surgical
- Metallurgy
- Pharmaceutical
- Robotics
- Solar
- Sonics and Sound Imaging
- Testing Laboratories
- X-Ray

b) Uses primarily engaged in manufacture, assembly, testing and repair of components, devices, equipment, systems and parts such as but not limited to the following categories:

- Coils, Tubes, Semi-Conductors
- Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems
- Data Processing Equipment and Systems
- Glass Edging, Beveling and Silvering
- Graphics and Art Equipment
- Metering Instruments
- Optical Devices, Equipment and Systems
- Phonographs, Audio Units, Radio and Television Equipment
- Radar, Infra-Red and Ultra-Violet Equipment and Systems

Robotics  
 Scientific and Mechanical Instruments  
 Solar Equipment  
 Testing Equipment

- c) Offices, including regional or home offices, as an accessory use incidental to the primary use of the structure
- d) Warehousing and distribution facilities as an accessory use incidental to the primary use of the parcel, provided that such activities shall be conducted wholly within a completely enclosed building.
- e) Employee recreational and dining facilities as an accessory use incidental to the primary use of the parcel, such as but not limited to:

- Swimming pools
- Gymnasium
- Tennis, racquet, paddle or handball courts

- f) The following commercial uses are permitted:

Commercial, as accessory uses to the primary use, may be established solely for the convenience of the employees. Such accessory commercial uses shall be located internally and have no direct access from the outside of the main structure. Uses may include cafeteria, barber shop, beauty salon, banking service. Other accessory commercial uses may be permitted and will be determined for appropriateness by the Planning Commission on an individual project basis.

- 2. The Planning Commission shall have authority under Section 2A of the Zoning Ordinance to determine other uses, in addition to those specifically listed in this section, which may be permitted in the MRD zone classification, when in its judgment such other uses are consistent with the purpose of the MRD zone and similar to and no more objectionable to the public welfare than those listed.

3. Open storage of materials, goods, parts and equipment, including company owned or operated trucks and motor vehicles, is permitted only as an accessory use incidental to the primary use of the parcel, provided that all such activities shall be screened by a solid masonry wall no less than 6 feet in height or by equivalent screening using landscaping and earth berms so that no stored materials are visible from any adjacent public or private streets. No such storage area shall extend into any required front or street side setback area or any required landscaped setbacks established herein.
4. Loading facilities conforming with the provisions of Section 6B of this Ordinance shall be provided and maintained on the same parcel which they are intended to serve.
  - a) Loading facilities shall be designed as an integral part of the building which they serve, and shall be located in the most inconspicuous manner possible. No loading facility shall be permitted which is visible from any adjacent public or private streets.
  - b) No loading facility, parking area or vehicle maneuvering area shall extend into any required minimum yard setbacks established herein.
5. All permitted uses and accessory activities shall be conducted wholly within a completely enclosed building with the exception of off-street parking spaces, off-street loading facilities, open storage areas, and employee recreational facilities.
6. All signs erected or maintained within the MRD zone shall conform with the provisions of the PUD Guidelines established for the area.

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D. AREA REGULATIONS

1. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yard setbacks, lot coverage, lot width and lot areas are provided and maintained in connection with such building, structure or enlargement:

- a) Lot Coverage - Not more than 35% of the area of any lot may be covered by buildings, including accessory buildings.
- b) Front and Street Side Yard - Buildings and structures shall setback at least 50 feet from all adjacent streets having rights-of-way of 100 feet or greater, and at least 35 feet from all adjacent streets having rights-of-way of less than 100 feet.
- c) Rear and Interior Side Yard - Buildings and structures shall setback at least 15 feet from all rear and side property lines.
- d) Setbacks When Abutting Residential Zones - When abutting an area designated for residential use by City General or Community Plans, a PUD Schematic Plan, or a residential zone as enumerated in Section 1 of this Ordinance, buildings and structures shall setback at least 75 feet from the abutting property line. The common boundary between the MRD zoned property and the residential zoned property shall be demarcated by a solid masonry wall of not less than six feet in height to be constructed on the MRD zoned property at the time of development.

E. HEIGHT

1. No building or structure shall be erected, enlarged or maintained in the MRD zone which exceeds 35 feet in height. However, if a mechanical penthouse is provided, an additional 10 feet shall be permitted to accommodate the mechanical penthouse.

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F. PARKING

1. Off-street parking shall be provided in accordance with the provisions of Section 6 of this Ordinance in order to accommodate all of the parking needs created by each parcel, including employees, visitors, company vehicle and loading activities, except that the following additional provisions shall apply to the use of parcels within the MRD zone:

a) The following off-street parking requirements are hereby adopted:

<u>Land Use</u>	<u>Spaces Required for Each Land Use</u>
Research & Development	1 space per 300 s.f. gross floor area
Manufacture, Assembly, Testing, Repair	1 space per 350 s.f. gross floor area
Accessory uses as herein provided for shall be in accordance with Parking Standards established by the PUD Guidelines for the area.	

b) Except for driveways providing street access, parking stalls and vehicle maneuvering areas shall not be permitted in the required front and street side yard setbacks.

G. LANDSCAPING

1. All required front and street side yard setback required herein shall be landscaped with evergreen trees, shrubs and groundcover, and shall be irrigated with permanent timed automatic underground systems.
2. Minimum yard setbacks abutting public or private streets shall contain landscaped undulating berms which will screen parking areas from said streets. The height of the berms shall be determined in connection with each Special Permit.
3. Fifteen feet of the required rear and interior yard setbacks that are abutting residentially used and/or zoned property shall be landscaped and planted with trees capable of reaching a height of 30 feet at maturity to at least every 30 feet along the barrier wall required by Subsection D1(d).

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- 4. In addition to the above, landscaping shall be provided internal to the proposed development of the parcel in accordance with a landscaping and irrigation plan submitted to the Planning Director in connection with each Special Permit. The term landscaping shall include decorative plazas, pools, fountains, streams, ponds, lakes or other comparable features in addition to trees, shrubs and groundcover.

H. LIMITATIONS

- 1. All permitted buildings and structures shall be so constructed, all machinery and equipment shall be so installed, operated and maintained, and all activity shall be so conducted within the MRD zone as to not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical, electro-magnetic or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or elements in a manner or amount as to adversely affect, injure or annoy persons residing or working in the surrounding area.

I. SPECIAL PERMIT REVIEW AND APPROVAL

- 1. Notwithstanding the provisions of Sections 8 and 15 of this Ordinance, which require that a Special Permit be approved at a public hearing of the City Planning Commission for development within an area designated for planned unit development, the following procedure shall apply to any request for development within the MRD zone which is consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, and the purpose and requirements of the MRD zone:

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12

- a) Site plans and other appropriate information required by this Ordinance and the PUD Guidelines related to the requested Special Permit shall be submitted to the Planning Director.
- b) The Planning Director shall review the site plans and information so submitted and if, in his judgment the plans and information are consistent with the policies of the General Plan, the PUD Development Guidelines adopted for the area, the purpose and requirements of the MRD zone, and the Special Permit qualifications established by Section 15A of this Ordinance, the Planning Director may approve or conditionally approve the Special Permit.
- c) The Planning Director may, at his discretion, schedule for hearing by the Planning Commission under the provisions of Section 15 of this Ordinance, any such request for Special Permit.

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42

EXHIBIT B  
COMPARISON OF DEVELOPMENT STANDARDS

	Proposed MRD	City M-1(S) M-2(S)	County MP Zone (3)	Research Triangle Park, N.C.	Stanford Research Park	Irvine Indus. Park	Oakmead Park	Port of Sacto (4) Ind Park	Lake (5) Forest Tech Ctr.	E1 Dorado Hills Bus. Pk.
Building Height	35'/45'	None	40'	Case by Case	-	None	None	65'	40'	50'
Maximum Lot Coverage (1)	35%	None	None	15%	40%	50%	None	50%	50%	50%
Setbacks: Front (2)	50'/35'	25'	25'	150'	50'	30'	35'/25'	50'/40'	20'	20'
Side Street (2)	50'/35'	25'	25'	150'	20'	30'	35'/25'	50'/40'	20'	20'
Rear/Side	15'	None	None	150'	20'	None	None	15'	None	None
Parking	1/300 s.f. 1/350 s.f.	1/1000 s.f.	1/500 s.f. or 2 per 3 employees	Case by Case	1/250 s.f.	1/500 s.f. or 2 per 3 employees	Case by Case	1/500 s.f.	1/500 s.f.	1 per employee

Notes:

- 1) Delta Shores Village proposes 25% maximum lot coverage by buildings.
- 2) Delta Shores Village proposes 50' or 35' street setback depending on street width.
- 3) County MP Zone also applies to Prospect Business Park
- 4) This is an industrial warehouse project.
- 5) Located in Folsom.

23

ORDINANCE NO. 2056-83

Sunnyvale Municipal Code TITLE 20

HAZARDOUS MATERIALS STORAGE

TABLE OF CONTENTS

STORAGE OF HAZARDOUS MATERIALS ORDINANCE

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>PAGE</u>
20.04.010	Purpose.....	1
20.04.020	General Obligation - Safety and Care..	1-2
20.04.030	Specific Obligation.....	2
20.04.040	Definitions.....	2-4
20.04.050	Professional Assistance for City Determinations.....	4-5
20.08.010	Materials Regulated.....	5-6
20.08.020	Exclusions.....	6-7
20.12.010	Containment of Hazardous Materials....	7
20.12.020	New Storage Facilities.....	7-10
20.12.030	Existing Storage Facilities.....	10-12
20.12.040	Out of Service Storage Facilities.....	12
20.12.050	Monitoring.....	12-13
20.12.060	Maintenance, Repair or Replacement....	13
20.12.070	Handling.....	13-14
20.12.080	Secured Facilities.....	14
20.12.090	Emergency Equipment.....	14
20.12.100	Posting Emergency Procedures.....	14
20.16.010	Hazardous Materials Management Plan...	14
20.16.020	Standard Form HMMP.....	15-20
20.16.030	Short Form HMMP-Minimal Storage Site..	20
20.20.010	Hazardous Materials Inventory.....	21
20.20.020	Information Required.....	21-22
20.20.030	Public Records.....	22
20.20.040	Trade Secrets.....	22-26
20.24.010	Reporting Unauthorized Discharge.....	27-29
20.24.020	Clean-up Responsibility.....	29-30
20.24.030	Indemnification.....	30
20.28.010	Inspections by City.....	30-31
20.28.020	Inspections by Permittee.....	31
20.28.030	Special Inspections.....	32
20.28.040	Substituted Inspections.....	32
20.28.050	Maintenance of Records.....	32
20.32.010	Permit.....	32-33
20.32.020	Application for Permit.....	33
20.32.030	Investigation.....	33
20.32.040	Approval of Permit.....	33
20.32.050	Provisional Permit.....	33-34
20.32.060	Temporary Permit.....	34
20.32.070	Issuance of Permits.....	34
20.32.080	Additional Approvals.....	35
20.32.090	Term.....	35
20.32.100	Renewal.....	35-36
20.32.110	Determination.....	36
20.32.120	Fees.....	36
20.32.130	Transfer of Permit.....	36
20.32.140	Effective Date of Permit.....	36-37
20.36.010	Denial of Application.....	37
20.36.020	Grounds for Denial.....	37
20.36.030	Transmittal of Decision.....	37
20.36.040	Appeal to Board of Appeals.....	37
20.36.050	Hearing on Appeal.....	37
20.36.060	Disposition of Appeal.....	37-38
20.40.010	Grounds for Remedial Action.....	38
20.40.020	Notice of Noncompliance.....	38
20.40.030	Notice of Hearing.....	39
20.40.040	Suspension Prior to Hearing.....	39
20.40.050	Remedial Action.....	39-40

<u>CHAPTER</u>	<u>SUBJECT</u>	<u>PAGE</u>
20.40.060	Transmittal of Decision.....	40
20.40.070	Authority after Suspension, Revocation, or Expiration.....	40
20.40.080	Return of Permit.....	40
20.44.010	Hearing Rules.....	40
20.44.020	Hearing Notices.....	40
20.48.010	Criminal Penalties.....	41
20.48.020	Civil Penalties.....	41
20.48.030	Remedies not Exclusive.....	41
20.48.040	Civil Action for Retaliation.....	41
20.52.010	Disclaimer of Liability.....	42
20.52.020	Guidelines.....	42
20.52.030	Duties are Discretionary.....	42
20.52.040	Conflict with Other Laws.....	42-43
20.52.050	Severability.....	43
20.56.010	Time Table for Initial Compliance.....	43-44

ORDINANCE NO. 2056-83

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYVALE ADDING TITLE 20 TO THE  
SUNNYVALE MUNICIPAL CODE RELATING TO  
STORAGE OF HAZARDOUS MATERIALS

WHEREAS, a number of facilities in the city store hazardous materials in the normal course of conducting their operations; and

WHEREAS, the public health, safety and welfare of the citizens of the city may be endangered by the improper storage of such hazardous materials; and

WHEREAS, it is necessary for protection of all citizens that the storage of hazardous materials be regulated; and

WHEREAS, the City Council has on March 22, 1983, approved a Negative Declaration prepared in compliance with California Environmental Quality Act provisions, as amended, and Resolution No. 162-80, with regard to the Hazardous Materials Storage Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE. Title 20 is hereby added to the Sunnyvale Municipal Code to read as follows:

TITLE 20

HAZARDOUS MATERIALS STORAGE

Chapter 20.04

GENERAL PROVISIONS

20.04.010 Purpose.

The purpose of this title is the protection of health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials.

20.04.020 General Obligation - Safety and Care.

A. No person, firm or corporation shall cause, suffer or permit the storage of hazardous materials:

1. In a manner which violates a provision of this title or any other local, federal or state statute, code, rule or regulation relating to hazardous materials; or

2. In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.

B. City shall have discretion to exempt an applicant from any specific requirement of this title, other than the requirement for secondary containment in underground storage facilities, except as provided in Section 20.12.020.C.4., or to require applicant to meet additional or modified requirements, where such action would be appropriate and consistent with achieving the general obligation of this title for protecting public health, safety and welfare.

20.04.030 Specific Obligation.

A. Any person, firm, or corporation which stores any material regulated by Section 20.08.010 which is not excluded by Section 20.08.020 shall obtain and keep current a Hazardous Materials Storage Permit.

B. All such hazardous materials shall be contained in conformity with Chapter 20.12.

C. The storage of such hazardous materials shall be in conformance with the approved Hazardous Materials Management Plan.

20.04.040 Definitions.

Unless otherwise expressly stated, whenever used in this title, the following terms shall have the meanings set forth below:

A. Abandoned, when referring to a storage facility, means out of service and not safeguarded in compliance with this title.

B. Facility means a building or buildings, appurtenant structures, and surrounding land area used by a single business entity at a single location or site.

C. Hazard class means Explosives A, Explosives B, Explosives C, Blasting agents, Flammable liquids, Combustible liquids, Flammable solids, Oxidizers, Organic peroxides, Corrosive materials, Flammable gases, Nonflammable gases, Poisons A, Poisons B, Irritating materials, Etiologic agents, Radioactive materials, Other Regulated Materials (ORM) A, B, C, D and E. For purposes of this chapter, the U.S. Department of Transportation (DOT) definitions in 49 CFR Part 173, as amended, shall be utilized; however, whenever the definitions in 49 CFR 173 refer to transportation or hazards associated with transportation, they shall be deemed to refer to

storage or other regulated activity under this title.

D. Hazardous material means any material which is subject to regulation pursuant to Chapter 20.08. A mixture shall be deemed to be a hazardous material if it either is a waste and contains any material regulated pursuant to Chapter 20.08, or is a nonwaste and contains one percent (1%) by volume or more of any material regulated pursuant to Chapter 20.08.

E. Officer means the employee assigned by City to administer this title, or any designee of such employee.

F. Permit means any Hazardous Materials Storage Permit issued pursuant to this title, as well as any additional approvals thereto.

G. Permit quantity limit means the maximum amount of hazardous material that can be stored in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this title.

H. Permittee means any person, firm, or corporation to whom a permit is issued pursuant to this title, and any authorized representative, agent or designee of such person, firm, or corporation.

I. Pipes means pipeline systems which are used in connection with the storage of hazardous materials exclusively within the confines of a facility and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

J. Primary containment means the first level of containment, i.e. the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

K. Product-tight means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be

product-tight, the container shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

L. Secondary containment means the level of containment external to and separate from the primary containment.

M. Single-walled means construction with walls made of but one thickness of material. Laminated, coated, or clad materials shall be considered as single-walled.

N. Storage facility means any one or combination of tanks, sumps, wet floors, waste-treatment facilities, pipes, vaults or other portable or fixed containers, used, or designed to be used, for the storage of hazardous materials at a facility.

O. Sump means a pit or well in which liquids collect.

P. Unauthorized discharge means any release or emission of any hazardous material which does not conform to the provisions of this title, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Regional Water Quality Control Board pursuant to the Porter Cologne Water Quality Act, or with local sewer pretreatment requirements for Publicly Owned Treatment Works.

Q. Wet floor means a floor which is used to routinely collect, contain or maintain standing liquids or to transmit standing liquids on a more or less continuous basis.

20.04.050 Professional Assistance for City Determinations

Whenever the approval or satisfaction of city may be required in this title for a design, monitoring, testing or other technical submittal by an applicant or permittee, city may, in its discretion, require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitably qualified independent engineer, or chemist, or other appropriate professional consultant,

party storing this material in compliance with the requirements of the EPA or the California Department of Health Services, or which should have been, but was not, determined to be hazardous due to the deliberate failure of the party storing the material to comply with the requirements of the EPA and/or the Department of Health Services; or

5. Any material which has been determined by the party storing it, through testing or other objective means, to be likely to create a significant potential or actual hazard to public health, safety or welfare. This subsection shall not establish a requirement to test for the purposes of this title.

20.08.020 Exclusions.

This title does not apply to the following:

A. Certain Elemental Metals.

The following elemental metals included within the purview of Section 20.08.010 shall not be considered hazardous materials for purposes of this title unless they are stored in a friable, powdered or finely divided state: Beryllium, Cadmium, Chromium, Copper, Lead, Nickel and Silver.

B. Retail Products.

Hazardous materials contained solely in consumer products packaged for distribution to, and use by, the general public or commercial products used at the facility solely for janitorial or minor maintenance purposes such as paint thinner or wax strippers.

C. Work Station

Hazardous materials located at a work station in a quantity reasonably required for use as determined by city under the circumstances.

D. Exemption.

The city shall exempt any material from the requirements of this title where it has been demonstrated to the satisfaction of city that the material in the quantity and/or solution stored

does not present a significant actual or potential hazard to the public health, safety or welfare.

CHAPTER 20.12

CONTAINMENT STANDARDS

20.12.010 Containment of Hazardous Materials.

No person, firm or corporation shall store any hazardous materials regulated by this title until a permit or approval has been issued pursuant to this title. No permit or approval shall be granted pursuant to this title unless permit applicant demonstrates to the satisfaction of city, by the submission of appropriate plans and other information, that the design and construction of the storage facility will result in a suitable manner of storage for the hazardous material or materials to be contained therein.

All installation, construction, repair or modification, closure, and removal shall be to the satisfaction of city. City shall have the discretion to exempt an applicant from any specific requirement, other than the requirement of secondary containment in underground storage facilities except as provided in Section 20.12.020.C.4 or to impose reasonable additional or different requirements in order to better secure the purpose and general obligation of this title for protection of public health, safety, and welfare. The guidelines approved pursuant to Section 20.52.020 shall serve as an advisory interpretation of the provisions of this chapter addressed in such guidelines.

20.12.020 New Storage Facilities:

A. No person, firm or corporation shall construct or install any new storage facility until a permit or approval has been issued pursuant to this title.

B. Monitoring Capability.

All new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP) shall be designed and constructed with a monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment.

Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by city. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.

Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

C. Containment Requirements.

Primary and secondary levels of containment shall be required for all new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP), unless specifically herein exempted by city.

1. All primary containment shall be product-tight.
2. Secondary containment:
  - a. All secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material.
  - b. In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least 110% of the volume of the primary container.

c. In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain 150% of the volume of the largest primary container placed in it, or 10% of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.

d. If the storage facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four (24) hour rainfall as determined by a twenty-five (25) year storm history.

3. Laminated, coated, or clad materials shall be considered single walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

4. Variance. A variance from the requirement for secondary containment in an underground storage facility may be granted upon a written finding by the officer issuing the permit, which has been reviewed and approved by the director of public safety that based on the special circumstances applicable to the specific storage facility only, and not a class or category of storage facilities:

- a. the requirement of secondary containment creates an unusual and particular hardship; and,
- b. an equivalent or superior degree of protection is provided by the proposed alternative and the proposed alternative has been appropriately so certified in accordance with Section 20.04.050.

D. Overfill Protection.

Means of overfill protection may be required for any primary container. This may be an overfill prevention device and/or an attention-getting high level alarm.

E. Separation of Materials.

Materials that in combination may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid intermixing.

F. Drainage System.

Drainage of precipitation from within a storage facility containing hazardous materials which are liquids or solids at STP shall be controlled in a manner approved by the city so as to prevent hazardous materials from being discharged. No drainage system will be approved unless the flow of the drain can be controlled.

20.12.030 Existing Storage Facilities.

Any storage facility in existence as of the effective date of this title, or any storage facility for which a building permit was issued prior to the effective date of this title which does not meet the standards of Section 20.12.020 may be permitted pursuant to this title as long as it is providing suitable storage for hazardous materials. In addition, storage facilities which contain hazardous materials which are liquids or solids at standard temperature and pressure (STP) must be monitored in accordance with a plan approved by city as set forth herein.

A. A monitoring plan for each such storage facility containing hazardous materials which are liquids or solids at STP, shall be submitted to city as part of the Hazardous Materials Management Plan.

B. Monitoring under such plan shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a semi-annual or more frequent basis may be approved by city .

C. Alternative method(s) of monitoring may include but are not limited to: pressure testing of piping systems, groundwater monitoring well(s) which are downgradient and adjacent to the storage facility; vapor analysis within the well(s) where appropriate; and analysis of the soil boring(s) at the time of initial installation of the well(s). The number of well(s), depth of well(s), and sampling frequency shall be approved by the city .

D. Such monitoring devices and methods, as approved by city shall be installed and operating within six (6) months of the issuance of a provisional permit in accordance with Section 20.32.050 and Section 20.56.020.B.1. City may grant an extension of this compliance date; however, such extension shall not exceed one (1) additional year. The full term permit may be issued when compliance with this subsection has been achieved.

E. The continued use of, and permit approval for, existing storage facilities is subject to review and modification or termination by city whenever there has been any unauthorized discharge. It shall also be reviewed by the city each time the permit is renewed. In determining whether continued storage in such storage facility is suitable, city shall consider the age of the storage facility, the methods of containment, the methods of monitoring, the feasibility of the required retrofit, the concentration of the hazardous materials contained, the severity of potential unauthorized discharge, and the suitability of other long term preventive measures which meet the intent of this title.

F. Existing storage facilities which are not approved in accordance with this section must be upgraded to comply with this title or be closed in accordance with Section 20.12.040 below within one

(1) year of a decision not to issue a full term permit. An extension of time for compliance with this subsection, not to exceed one (1) additional year may be granted by city .

20.12.040 Out of Service Storage Facilities.

- A. No storage facility shall be abandoned.
- B. Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.
- C. Any storage facility which is not being monitored and inspected in accordance with this title must be closed or removed in a manner approved by city in accordance with Section 20.32.080.
- D. Any person, firm or corporation having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned storage facility is located upon such property shall make a reasonable effort to locate such storage facility within six (6) months of the effective date of this title.
- E. Whenever an abandoned storage facility is located, a plan for the closing or removing or the upgrading and permitting of such storage facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Section 20.32.080.

20.12.050 Monitoring.

- A. Monitoring Methods. Monitoring methods shall include at least one system for detecting leakage from the primary container. A monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment shall be provided. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by city . Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.

Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

B. Monitoring, Testing and Inspection. Every permittee under this title shall provide testing, monitoring (if applicable) and inspections in compliance with the Hazardous Materials Management Plan and shall maintain records adequate to demonstrate compliance therewith.

20.12.060 Maintenance, Repair or Replacement.

A. Permittee shall carry out maintenance, ordinary upkeep, and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.

B. Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city and approved in accordance with Section 20.32.080 prior to the initiation of such work.

C. Permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have been started, permittee shall seek approval pursuant to Section 20.32.080 by submitting drawings or other information adequate to describe the repairs to city .

D. Replacement of any storage facility for hazardous materials which are liquids or solids at STP, must be in accordance with the new installation standards of Section 20.12.020.

20.12.070 Handling.

A. Dispensing and mixing of hazardous materials must not be done in such a manner as to substantially increase the risk of an unauthorized discharge.

B. When hazardous materials are moved into or out of a storage facility, they shall remain in the travel path only for the time

reasonably necessary to transport the hazardous material and such movement shall be in a manner which will not substantially increase the risk of an unauthorized discharge.

20.12.080 Secured Facilities.

Access to the storage facilities shall be secured by means of fences and/or locks. The access to the storage facilities shall be kept securely locked when unattended.

20.12.090 Emergency Equipment.

Emergency equipment shall be provided which is reasonable and appropriate for potential emergencies presented by the stored hazardous materials. Such equipment shall be regularly tested and adequately maintained.

20.12.100 Posting of Emergency Procedures.

Simplified emergency procedures shall be posted conspicuously in locations where hazardous materials are stored.

CHAPTER 20.16

HAZARDOUS MATERIALS MANAGEMENT PLAN

20.16.010 Hazardous Materials Management Plan.

Each applicant for a permit pursuant to this title shall file a written plan, for city's approval, to be known as a Hazardous Materials Management Plan (HMMP), which shall demonstrate the suitable storage of hazardous materials. The HMMP may be amended at any time with the consent of city. The HMMP shall be a public record except as otherwise specified. Approval of the HMMP shall mean that the HMMP has provided adequate information for the purposes of evaluating the permit approval. Such approval shall not be understood to mean that the city has made an independent determination of the adequacy of that which is described in the HMMP.

20.16.020 Standard Form HMMP.

The standard form Hazardous Materials Management Plan must be submitted unless the facility qualifies as a minimal storage site under Section 20.16.030 below. The HMMP shall include the following:

A. Facility Description:

1. General Information:

The HMMP shall contain the name and address of the facility and business phone number of applicant, the name and titles and emergency phone numbers of the primary response person and an alternate, the number of employees, number of shifts, hours of operation, and principal business activity.

2. General Facility Description:

The HMMP shall contain a map drawn at a legible scale and in a format and detail determined by city . It shall show the location of all buildings and structures, chemical loading areas, parking lots, internal roads, storm and sewer drains, and shall specify the uses of adjacent properties.

The city may also require information as to the location of wells, flood plains, earthquake faults, surface water bodies, and/or general land uses (schools, hospitals, institutions, residential areas) within one mile of the facility boundaries.

3. Facility Storage Map:

a. The HMMP shall contain a Facility Storage Map at a legible scale for licensing and enforcement purposes. The information in this section is provided for purposes of ensuring the suitable and secure storage of hazardous materials and for the protection and safety of emergency response personnel of city . City shall take reasonable precautions to ensure the confidentiality of the information provided pursuant to this subsection.

The Facilities Storage Map shall indicate the location of each hazardous materials storage facility, including all interior, exterior, and underground storage facilities, and access to such storage facilities. In addition, the map shall indicate the location of emergency equipment related to each storage facility, and the general purpose of the other areas within each facility.

For each storage facility, the map shall contain information as prescribed below, except that where the hazardous material being stored is a trade secret, it shall be identified in a coded manner (together with its key) and not in a manner which would reveal trade secret information:

- (i) a floor plan to scale and the permit quantity limit;
- (ii) for each nonwaste hazardous material which is stored in a quantity greater than the quantities specified in Section 20.20.020.A., the general chemical name, common/trade name, major constituents for mixtures, United Nations (UN) or North America (NA) number, if available, and physical state. For each waste hazardous material stored in any quantity within the storage facility, the presence of wastes shall also be indicated;
- (iii) for all hazardous materials, including wastes, stored in each storage facility, the hazard class or classes and the quantity range for each such class, aggregated within each storage facility, in the following ranges:

<u>Quantity Range Number</u>	<u>Range Amounts</u>
1	Up to and including 500 pounds for solids, 55 gallons for liquids, and 200 cubic feet at STP for compressed gases;
2	Between 500 and 5,000 pounds for solids, 55 and 550 gallons for liquids, and 200 and 2,000 cubic feet at STP of compressed gases;
3	Between 5,000 and 25,000 pounds for solids, 550 to 2,750 gallons for liquids, and 2,000 to 10,000 cubic feet at STP for compressed gases;
4	Between 25,000 and 50,000 pounds for solids, 2,750 and 5,500 gallons for liquids, and 10,000 and 20,000 cubic feet at STP for compressed gases;
5	More than 50,000 pounds for solids, 5,500 gallons for liquids, and 20,000 cubic feet at STP for compressed gases;

(iv) for materials not regulated under this title, but regulated under the Uniform Fire Code, such as radioactives or cryogens, or for materials stored in storage facilities exempted by Section 20.52.040.A. and B., the city may require that the hazard class or classes and the quantity range of each such hazard class, using the quantity ranges listed in subsection (iii) above, be provided;

(v) for tanks, the capacity limit of each tank, and the hazardous material contained in each tank by general chemical name,

common/trade name, major constituents for mixtures, United Nations (UN) or North America (NA) number, if available, and physical state.

b. Due to the threat to the security of the facility posed by the disclosure of the information in the Facility Storage Map, this information shall be maintained by city for law enforcement purposes only and shall not be made public. Public disclosure of this information could endanger the security of the facility or present a clear danger to public health and safety. City shall not disclose this information to the public without the consent of the permittee or permit applicant unless ordered to do so by a court of competent jurisdiction. Permittee or permit applicant shall be deemed a real party in interest in any such action. Prompt notice of a law suit to compel disclosure shall be given by city to permittee or permit applicant. However, city shall be under no duty to prevent disclosures where there has been any unauthorized discharge of hazardous materials stored in storage facility(s) shown on such map or where such disclosure arises out of any official emergency response relating to the storage facility(s).

c. The Facility Storage Map shall be updated annually or whenever an additional approval is required for the facility or whenever the Hazardous Materials Inventory Statement is required to be amended pursuant to Section 20.20.010.

B. Hazardous Materials Inventory Statement:

A Hazardous Materials Inventory Statement shall be filed in accordance with Chapter 20.20.

C. Separation of Materials:

The HMMP shall contain a description of the methods to be utilized to ensure separation and protection of stored hazardous materials from factors which may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of the primary or secondary containment.

D. Monitoring Program:

The HMMP shall contain a description of the location, type, manufacturer specifications (if applicable), and suitability of monitoring methods to be used in each storage facility storing hazardous materials which are liquids or solids at STP. It shall also specify the frequency of inspections of storage facilities which will be conducted by the permittee.

E. Record Keeping Forms.

The HMMP shall contain an inspection checklist or log designed to be used in conjunction with routine inspections. The checklist or log shall provide for the recording of the date and time of inspection, and for monitoring activity the date and time of any corrective action taken, the name of the inspector, and the counter signature of the designated safety manager for the facility or the responsible official as designated in the HMMP.

F. Emergency Equipment:

The HMMP shall describe emergency equipment availability, testing, and maintenance.

G. Variation in Information.

1. Additional information may be required for the HMMP where such information is reasonably necessary to meet the intent of this title.
2. Requirements for information in the HMMP may be waived where such information is not reasonably necessary to meet the intent of this title.
3. Whenever permittee has submitted a plan which includes substantially the same information as is required for any component(s) of the HMMP to any other public agency regulating hazardous materials, such plan may be submitted to city in lieu of such component(s). The city may give deference to any approval of such plan by the other public agency.

20.16.030

Short Form HMMP - Minimal Storage Site.

- A. A facility shall qualify as a minimal storage site if the quantity of each hazardous material stored in one or more storage facilities in an aggregate quantity for the facility, is 500 pounds or less for solids, 55 gallons or less for liquids, or 200 cubic feet or less at STP for compressed gases.
- B. The applicant for a permit for a facility which qualifies as a minimal storage site may opt to file the short form Hazardous Material Management Plan. Such plan shall include the following components:
  1. General application information;
  2. A simple line drawing of the facility showing the location of the storage facilities and indicating the hazard class or classes and physical state of the hazardous materials being stored and whether any of the material is a waste;
  3. Information describing that the hazardous materials will be stored in a suitable manner and will be appropriately contained, separated and monitored;
  4. Description of emergency equipment to be maintained;
  5. Assurance that the disposal of any hazardous materials will be in an appropriate manner.

## CHAPTER 20.20

## HAZARDOUS MATERIALS INVENTORY

20.20.010 Hazardous Materials Inventory Statement.

A Hazardous Materials Inventory Statement (HMIS) shall be filed with city in accordance with this Chapter. Any person, firm, or corporation which stores any hazardous material in an amount which is equal to or greater than the quantities specified in Section 20.20.020.A. is required to file an HMIS. Such person, firm or corporation shall amend the HMIS within thirty (30) days of the storage of any hazardous material not listed thereon but required to be listed by Section 20.20.020.A or of an increase above the quantity range listed in accordance with Section 20.20.020.C.

20.20.020 Information Required.

A. Information shall be included in the HMIS for each hazardous material stored in a facility (aggregated over all such material stored in one or more storage facilities) where the aggregate quantity throughout the facility is greater than five hundred (500) pounds (lb.) in weight for solids, greater than fifty-five (55) gallons for liquids, or greater than two hundred (200) cubic feet at standard temperature and pressure (STP) for compressed gases.

B. The information in the HMIS shall include either:

## 1. For non-wastes:

The general chemical name, common/trade name, major constituents for mixtures, the manufacturer, United Nations (UN) or North America (NA) number, if available, and the hazard class or classes and the Material Safety Data Sheet (MSDS) or equivalent information as required by city.

2. For wastes: The Department of Health Services manifest for wastes or equivalent information, and the hazard class or classes.

C. In addition, the HMIS shall state the aggregate quantity range stored at the facility of each hazardous material listed in terms of the quantity ranges stated in 20.16.020.A.3a(iii)(2-5).

D. Where a claim for trade secret protection is made for any hazardous material pursuant to Section 20.20.040, the HMIS to be publicly disclosed shall indicate the number of materials claimed to be trade secrets and the aggregate quantity range stored at the facility for each such hazardous material stated in terms of the quantity ranges set forth in Section 20.16.020.A.3a(iii)(2-5).

20.20.030 Public Records.

The HMIS is a public record except that no trade secret shall be disclosed. Any request for a public record hereunder shall be submitted in writing to the city officer responsible for administering this title.

20.20.040 Trade Secrets:

- A. Permittee or permit applicant may make a claim for the protection of the identity of any hazardous material which is its trade secret by filing a declaration under penalty of perjury on a form provided by city, signed by the permittee or permit applicant, supporting the trade secret status, for each such hazardous material asserted to be a trade secret. The name of the hazardous material shall not be disclosed on said declaration.
- B. The exact name of the trade secret material, its quantity range by storage facility, and all other information required under Section 20.20.020.8. must, subject to the approval of city, be placed in a double keyed lockbox and maintained in at least two locations at the facility. One key shall be provided to city at the time the permit becomes effective. The other key shall be maintained on site at all times, and readily accessible to permittee's designated emergency response person. Such emergency response person shall cooperate with city in opening the lockbox at any time city responds to an emergency or unauthorized

discharge on the site involving the storage facility in which the trade secret material is contained. In the event that the permittee's designated emergency response person is not immediately available to assist city emergency response personnel to open the lockbox, such city personnel are authorized to break the lockbox.

C. In addition to providing the lockboxes, the permittee or permit applicant shall provide information to the city under one of the following alternatives:

1. Alternative One.

In lieu of submitting the exact chemical name of said trade secret material, permittee or permit applicant may submit a description of the hazardous material, including but not limited to, the chemical and physical properties, hazard class, reactivity characteristics, fire and explosion characteristics, of the trade secret material, at a level of specificity satisfactory to city, and on a form provided by city. The description must include health hazard information including remedies and countermeasures appropriate for emergency response and in case of human exposure to the trade secret material. Such description must be adequate to enable city to assess the suitability of the proposed containment and the proposed monitoring plan. The description must be certified as accurate, in writing, by a chemist or chemical engineer; or

2. Alternative Two.

Instead of submitting the name of the trade secret to city, the trade secret information, together with all submittals pursuant to this title, may be submitted to an independent chemical engineer or equivalent licensed professional, subject to approval by city, who shall certify, in writing, the suitability of the containment

design, the monitoring methods and plans, and the separation of materials, and the accuracy of the facility storage map with regard to the information relevant to the trade secret. All such submittals remain subject to city 's review and approval under this title; or,

3. Alternative Three.

The trade secret information sought to be protected, may be submitted to city on a separate form or forms, clearly and conspicuously marked or labeled as containing trade secret information, and said form or forms must be submitted only to a city official designated by city to receive trade secret information. If this method of protecting the trade secret information is chosen by permittee or permit applicant, such party shall also submit a waiver, relieving city of any and all liability resulting from disclosure of the trade secret in violation of this chapter.

a. The city official shall endeavor to protect from disclosure any and all trade secrets which come into the city's possession pursuant to this subsection. If an action is instituted under California Public Records Act for the release of such trade secrets, the permittee or permit applicant shall be deemed a real party in interest in any such action. Notice of a lawsuit to compel disclosure shall be given by city to permittee or permit applicant promptly upon receipt of such notice by city. The permittee or permit application shall have the option to defend city in any such action. The permittee or permit applicant shall indemnify the city in any such action. The permittee or permit applicant shall indemnify the city for all of city's attorneys' fees, costs and expenses incurred in any proceeding related to this section, as well as for any judgment imposed pursuant to California Government Code Section 6259.

b. Any information reported to the city officer, under this subsection, which is exempt from disclosure pursuant to this section, shall not be disclosed to anyone other than as required by law, except an officer or employee of the city in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors with the city and their employees, if in the opinion of the city officer such disclosure is necessary and required for the satisfactory performance of a contract for performance of work.

c. Any person who by virtue of employment, contractual relationship or official position has obtained possession of or has had access to information, the disclosure of which is prohibited by this section,

and who knowing that disclosure of the information is prohibited, intentionally or recklessly discloses the information in any manner to any person not entitled to receive it, or uses the information for his or her own use or advantage, shall be guilty of a misdemeanor.

d. Information certified by appropriate officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protections against disclosure as specified by such official or in accordance with the laws of the United States.

e. The City Council shall, by resolution, adopt a procedure designed to prevent knowing or negligent disclosure of trade secret information. Such procedure shall identify which officials shall have access to the information, and the means by which access will be controlled and monitored. Trade secret information shall be maintained in secured facilities which are designed to prevent inadvertent or unauthorized access or disclosure.

f. The confidential treatment, pursuant to this subsection, of the identity of such trade secret disclosed to the city does not apply where there has been any unauthorized discharge related to such trade secret material which is reportable in compliance with Section 20.24.010 or where such disclosure arises out of any official emergency response relating to the storage facility(s) involving such trade secret information by public safety personnel of city.

Chapter 20.24  
RESPONSIBILITY

20.24.010 Reporting Unauthorized Discharge.

A. Liquids and Solids at STP.

As soon as any person in charge of a storage facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized discharge of a hazardous material which is liquid or solid at STP, such person shall take all necessary steps to ensure the discovery and containment and clean up of such discharge and shall notify city of the occurrence as required by this section.

1. Confirmed Unauthorized Discharge.

a. Recordable Unauthorized Discharge

Any recordable unauthorized discharge shall be contained and safely disposed of in an appropriate manner by permittee and such occurrence and the response thereto shall be recorded in the permittee's monitoring records. A recordable unauthorized discharge is any unauthorized discharge of a hazardous material which meets all of the following criteria:

- (i) The discharge is from a primary containment to a secondary containment or to a rigid above ground surface covering capable of containing the discharge until clean up of the hazardous material is completed; and
- (ii) The permittee is able to adequately clean up the discharge before it escapes from such secondary containment or such above ground surface, but if the clean-up requires more than eight (8) hours, it becomes a reportable discharge in accordance with subsection b. below.

(iii) There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid above ground surface.

(iv) An otherwise recordable unauthorized discharge does not need to be recorded if the discharge is not the result of the deterioration or failure of the primary container and the quantity discharged is less than one ounce by weight, and can be cleaned up within fifteen minutes.

b. Reportable Unauthorized Discharge.

Any unauthorized discharge which is not determined to be recordable under subsection a. above, must be reported to city immediately. The reporting party shall provide information to city relating to the ability of permittee to contain and dispose of the hazardous material, the estimated time it will take to complete containment and disposal, and the degree of hazard created. City may verify that the hazardous material is being contained and appropriately disposed. City, at any time upon a determination that permittee is not adequately containing and disposing of such hazardous material, shall have the power and authority to undertake and direct an emergency response in order to protect the public health and/or safety.

2. Unconfirmed Unauthorized Discharge.

a. Indication of Loss in Inventory Records.

Whenever a material balance or other inventory record, employed as a monitoring technique under the HMMP, indicates a loss of hazardous material, and no unauthorized discharge has been confirmed by other means, permittee shall have five working days to determine whether or not there has been an unauthorized discharge. If before the end of such period, it is determined that there has been no unauthorized discharge, an entry explaining the occurrence shall be made in permittee's monitoring records. Where permittee has not been able, within such period, to determine that there has been no unauthorized discharge, an unauthorized discharge is

deemed confirmed and permittee shall proceed in accordance with subsection 1.b. above.

b. Test Results.

Whenever any test results suggest a possible unauthorized discharge, and no unauthorized discharge has been confirmed by other means, the permittee shall have five (5) working days to retest. If second test results obtained within that period establish that there has been no unauthorized discharge, the results of both tests shall be recorded in permittee's monitoring records. If it has not been established within such period that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and permittee shall proceed in accordance with subsection 1.b. above.

B. Gases at STP.

Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a gas at STP, must immediately report such discharge to the city if such discharge presents a threat of imminent danger to public health and safety.

20.24.020 Clean-up Responsibility.

Any person, firm or corporation responsible for storing the hazardous material shall institute and complete all actions necessary to remedy the effects of any unauthorized discharge, whether sudden or gradual. City shall undertake actions to remedy the effects of such unauthorized discharge itself, only if it determines that it is reasonably necessary under the circumstances for the city to do so. The responsible party shall be liable to reimburse city for all costs incurred by city in remedying the effects of such unauthorized discharge, including the costs of fighting fires to the extent allowed by law. This responsibility is not conditioned upon evidence of willfulness or negligence of the

party storing the hazardous material(s) in causing or allowing such discharge. Any responsible party who undertakes action to remedy the effects of unauthorized discharge(s) shall not be barred by this title from seeking to recover appropriate costs and expenditures from other responsible parties except as provided by Section 20.24.030.

20.24.030 Indemnification.

The permittee shall indemnify, hold harmless and defend the city against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized discharge in connection with permittee's operations under this permit except as arises from city's sole willful act or sole active negligence.

Chapter 20.28

INSPECTIONS AND RECORDS

20.28.010 Inspections by City .

City may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this title and causing to be corrected any conditions which would constitute any violation of this title or of any other statute, code, rule or regulation affecting the storage of hazardous materials.

Permittees are not required to disclose the identity of hazardous materials protected as trade secrets pursuant to Section 20.20.040 to anyone other than the official designated for that purpose pursuant to Section 20.20.040 except in the case of an emergency response or an unauthorized discharge related to the storage facility in which the trade secret material is contained. Therefore, permittee may put temporary coverings over the labels of trade secret materials during the course of city inspections conducted by other than the city official so designated.

A. Right of Entry.

Whenever necessary for the purpose of investigating or enforcing the provisions of this title, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this title, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officers by law; provided that if such structure or premises be occupied, the officer shall first present proper credentials and request entry, and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

B. Inspections by City - Discretionary.

All inspections specified herein shall be at the discretion of the city and nothing in this title shall be construed as requiring the city to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this title shall be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

20.28.020 Inspections by Permittee.

The permittee shall conduct regular inspections of its own facilities to assure compliance with this title and shall maintain logs or file reports in accordance with its Hazardous Materials Management Plan. The inspector conducting such inspections shall be qualified to conduct such inspections.

20.28.030 Special Inspections.

In addition to the inspections specified above, city may require the periodic employment of special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous material safety evaluation and to determine compliance with the provisions of this title.

- A. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the city .
- B. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this title where appropriate. A copy of the report shall be filed with city at the same time that it is submitted to permittee.
- C. Permittee shall, within thirty (30) days of said report, file with city a plan to implement all recommendations, or shall demonstrate to the satisfaction of city why such recommendations shall not be implemented.

20.28.040 Substituted Inspections.

An inspection by an employee of any other public agency may be deemed by the city as a substitute for any requirement above.

20.28.050 Maintenance of Records.

All records required by this title shall be maintained by the permittee for a period not less than three (3) years. Said records shall be made available to city during normal working hours and upon reasonable notice.

Chapter 20.32

APPLICATION FOR PERMIT

20.32.010 Permit.

Any person, firm, or corporation which stores any hazardous material shall obtain and keep current a Hazardous Materials Storage Permit issued pursuant to this title. One such permit shall be issued for a single facility. Additional approvals shall be obtained for any storage facility thereafter connected, installed, constructed, repaired as

required by Section 20.12.060, substantially modified, replaced, closed, or removed, or for any change or addition in hazardous materials stored, not in accordance with the prior approval. Notwithstanding the above, permittee shall have thirty (30) days to apply for an additional approval for the storing of a new or different hazardous material with the same hazard class as stated on the existing permit approvals where such storage does not increase the hazard of fire or explosion or the hazard of the production of flammable or poisonous gas. Storage of new or different hazardous materials, not meeting all of these criteria, shall require the prior additional approval.

20.32.020 Application for Permit.

Application for a new, amended, or renewed permit or an additional approval shall be made to the designated officer on the form provided by city. In addition to the information required by such form, applicant shall submit the Hazardous Materials Management Plan required by Section 20.16.010 and construction plans, if any, in conformity with Section 20.12.010. Applicant shall specify the permit quantity limit requested to be permitted for each storage facility.

20.32.030 Investigation.

The officer to whom an application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this title.

20.32.040 Approval of Permit.

A permit shall not be approved until the issuing officer is satisfied that the storage approved adequately conforms to the provisions of this title.

20.32.050 Provisional Permit.

If the officer to whom application has been made finds that the proposal does not completely conform to the provisions of this title, the officer may approve a provisional permit, subject to conditions to be imposed by the officer, when such a provisional permit is feasible and

does not appear to be detrimental to the public interest. The applicant must be informed in writing of the reasons why a full term permit was not issued.

20.32.060 Temporary Permit.

A Temporary Permit for storage may be issued where storage does not exceed 30 days and occurs no more frequently than every six months. The Containment Standards of Chapter 20.12, the Hazardous Materials Management Plan of Chapter 20.16 and the Inspection and Records Requirements of Chapter 20.28 may be modified as appropriate under these circumstances for the storage of hazardous materials on a nonregular temporary basis.

20.32.070 Issuance of Permits.

A. Issuance.

Upon the approval of a temporary, provisional, or full term permit by the officer and upon the payment of any applicable fee, the officer shall issue and deliver the permit to the applicant. Such permit shall contain the following information:

1. The name and address of the permittee for purposes of notice and service of process;
2. The address of the facility for which the permit is issued;
3. Authorization of the storage facility(s) approved under the permit, the permit quantity limit(s) and the approved hazard class or classes for the storage facility(s);
4. The date the permit is effective;
5. The date of expiration;
6. When applicable, a designation that the permit is provisional or temporary;
7. Any special conditions of the permit.

B. Records.

The officer shall keep a record of all permits issued and all conditions attached thereto.

20.32.080 Additional Approvals.

A. When a request for an additional approval is filed as required by Section 20.32.010, the procedures set forth in this title for an application for a permit shall also apply to an application for an additional approval. Each application for an additional approval shall be accompanied by an appropriate amendment to the HMMP.

B. If the additional approval request is for closure of a storage facility, permittee shall apply for approval to close such storage facility not less than thirty (30) days prior to the termination of the storage of hazardous materials at the storage facility. Such closure shall be in accordance with a closure plan which describes procedures for terminating the storage of hazardous materials in each storage facility in a manner that:

- a. Minimizes the need for further maintenance; and
- b. Controls to the extent that a threat to public health or safety or to the environment from residual hazardous materials in the storage facility is minimized or eliminated; and
- c. Demonstrates that hazardous materials that were stored in the storage facility will be removed, disposed of, neutralized, or reused in an appropriate manner.

This thirty (30) day period may be waived by city if there are special circumstances requiring such waiver.

20.32.090 Term.

A permit may be issued for a term of five (5) years, excepting provisional permits which may be issued for any period of time up to six (6) months and temporary permits which may be issued for no longer than thirty (30) days.

20.32.100 Renewal.

Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty (30) days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city has made its determination pursuant to Section 20.32.110 and any administrative

appeal pursuant to Chapter 20.36 has been exhausted.

20.32.110 Determination.

City shall make a determination with regard to any application for a permit, an additional approval, or a renewal, within ninety (90) days from the date that the application has been completed or compliance with the appropriate provisions of the California Environmental Quality Act (CEQA), has been completed, whichever occurs later. This time limit may be further extended by mutual agreement between city and applicant.

20.32.120 Fees.

City shall establish fees sufficient to recover its costs in administering this title and no application shall be accepted unless and until the fees have been paid.

A. Delinquent Fees.

All permit fees delinquent for thirty (30) days or more shall be subject to an additional charge to be determined by city which shall be added to the amount of the fee collected.

B. Refund of Fees.

No refund or rebate of a permit fee shall be allowed by reason of the fact that the permit is denied or the permittee discontinues the activity or use of a facility prior to the expiration of the term or that the permit is suspended or revoked prior to the expiration of the term.

20.32.130 Transfer of Permit.

The permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this title at the time of the transfer of the business and document such transfer on a form provided by city within thirty (30) days of transfer of ownership of the business. Such transfer shall be subject to the approval of city.

20.32.140 Effective Date of Permit.

No permit shall become effective until the permit has been signed and accepted by the permittee. Where the permittee is a company,

firm or corporation, the acceptance must be signed by a person having the legal authority to bind the permittee.

Chapter 20.36

DENIAL

20.36.010 Denial of Application.

If the officer to whom application has been made has cause to deny the application and determines that it would not be feasible or in the public interest to approve a temporary or provisional permit, then the officer shall deny the application.

20.36.020 Grounds for Denial.

A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this title. In addition, a permit can be denied for any of the grounds upon which the permit would be subject to revocation pursuant to Chapter 20.40.

20.36.030 Transmittal of Decision.

The decision to deny the application shall be given to the applicant in writing, setting forth the findings upon which the decision is based.

20.36.040 Appeal to Board of Appeals.

Within thirty (30) days from the date of deposit of the decision in the mail in accordance with Section 20.36.020, the applicant may appeal, in writing to the board of appeals setting forth with particularity the ground or grounds for the appeal. For purposes of this Title the board of appeals shall be the Building Code Board of Appeals, as defined in Section 16.04.040(1) of this code.

20.36.050 Hearing on Appeal.

The board of appeals shall set a time and place for the hearing on the appeal and shall notify the applicant, in writing, of such date and time, not later than ten (10) working days from the date the appeal was received by the board of appeals. The hearing shall be conducted within thirty (30) days from the date the appeal was received by the board of appeals.

20.36.060 Disposition of Appeal.

After the hearing on the appeal, the board of appeals may refer the matter back to the originating officer for a new investigation and deci-

sion, may affirm the decision of the originating officer, may approve a provisional permit as provided in Section 20.32.050 or may approve the application with or without conditions. The decision of the board of appeals shall be the final administrative determination and is subject to judicial review.

Chapter 20.40

REMEDIAL ACTION

20.40.010 Grounds for Remedial Action.

A permit may be subjected to remedial action for any of the following causes, arising from the acts or omissions of the permittee, either before or after a permit is issued:

- A. Fraud, willful misrepresentation, or any willful inaccurate or false statement in applying for a new or renewed permit;
- B. Fraud, willful misrepresentation, or any willful inaccurate or false statement in any report required by this title;
- C. Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;
- D. Failure to correct conditions constituting an unreasonable risk of an unauthorized discharge of hazardous materials within a reasonable time after notice from a governmental entity;
- E. Failure to abide by the remedial action imposed by the city.

20.40.020 Notice of Noncompliance.

Unless the director of public safety finds that an immediate suspension under Section 20.40.040 is necessary to protect the public health or safety from imminent danger, the officer shall issue a notice of noncompliance for failure to comply with the provisions of this title, any permit conditions or any provisions of the Hazardous Materials Management Plan, prior to taking remedial action on the grounds of Section 20.40.010.D. Such notice shall be sent by certified mail to permittee. If the noncompliance is not abated, corrected, or rectified within the time specified, remedial action may be taken.

20.40.030 Notice of Hearing

A notice of hearing shall be given to the permittee by the director of public safety, in writing, setting forth the time and place of the hearing, the ground or grounds upon which the remedial action is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen (15) days prior to the hearing date.

20.40.040 Suspension Prior to Hearing.

Whenever the director of public safety finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the public health or safety from imminent danger, the director of public safety may immediately suspend any permit pending the hearing for remedial action. The director of public safety shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee. Permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three (3) working days of receiving written notice of such suspension.

20.40.050 Remedial Action.

If the director of public safety, after the hearing, finds that cause exists for remedial action, the director of public safety shall impose one or more of the following:

- A. A warning;
- B. An order to correct the particular noncompliance specified in the notice issued pursuant to Section 20.40.020;
- C. A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;
- D. Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six (6) months;
- E. Modification or addition of conditions of the permit;
- F. Revocation of the permit with no reapplication permitted for a specified period not to exceed five (5) years.

If the grounds for remedial action are based on Section 20.40.010 C, D or E and if such grounds are limited to one storage facility, the reme-

dial action taken shall be limited to that storage facility.

20.40.060 Transmittal of Decision.

Within ten (10) days of the hearing the director of public safety shall render a written opinion, stating the findings upon which the decision is based and the action taken, if any. The decision of the director of public safety shall be the final administrative determination and is subject to judicial review.

20.40.070 Authority after Suspension, Revocation or Expiration.

The suspension, revocation or expiration of a permit issued under this title shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.

20.40.080 Return of Permit.

In the event that a permit issued under the provisions of this title is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.

Chapter 20.44

HEARING PROCEDURE

20.44.010 Hearing Rules.

In any hearing under this title, all parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witnesses against them. Any hearing under this may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.

20.44.020 Hearing Notices.

All notices required by this chapter shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

Chapter 20.48  
ENFORCEMENT

20.48.010 Criminal Penalties.

As provided under Chapter 1.04, violations of the provisions of this title shall be subject to criminal sanctions.

20.48.020 Civil Penalties.

Any person, firm, or corporation who intentionally or negligently violates any provision of this title, except that an unauthorized discharge which is recordable and recorded in compliance with section 20.24.010, shall not be a violation of this title for purposes of this section, or fails to comply with any order issued thereunder, shall be liable for a civil penalty not to exceed Five Hundred Dollars per day for each violation which shall be assessed and recovered in a civil action brought in the name of the people by the City Attorney. In determining the penalty, the court shall consider all relevant circumstances, including, but not limited to, the following:

- A. The extent of harm or potential harm caused by the violation;
- B. The nature and persistence of the violation;
- C. The length of time over which the violation occurred;
- D. The frequency of past violations;
- E. The permittee's record of maintenance;
- F. Corrective action, if any, taken by the permittee.

In any civil action brought pursuant hereto, in which the City prevails, the court shall determine and impose reasonable expenses, including attorneys' fees, incurred by the city in the investigation and prosecution of the action.

20.48.030 Remedies not Exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

20.48.040 Civil Action for Retaliation.

A civil action may be instituted against any employer by an employee who has been discharged, demoted, suspended or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this title to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorneys fees. The court may award punitive damages in a proper case.

Chapter 20.52

MISCELLANEOUS

20.52.010 Disclaimer of Liability.

The degree of protection required by this title is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this title does not imply that compliance will ensure that there will be no unauthorized discharge of hazardous material. This title shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this title or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing, and disposing of hazardous materials within the city should be and are advised to determine to their own satisfaction the level of protection in addition to that required by this title necessary or desirable to ensure that there is no unauthorized discharge of hazardous materials.

20.52.020 Guidelines.

Guidelines approved by the director of public safety shall be maintained in the office of the city clerk. Such guidelines, in the areas addressed therein, shall serve as an advisory interpretation of this title.

20.52.030 Duties are Discretionary.

Subject to the limitations of due process, notwithstanding any other provision of this code whenever the words "shall" or "must" are used in establishing a responsibility or duty of the city, its elected or appointed officers, employees, or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

20.52.040 Conflict with Other Laws.

Notwithstanding any other provision of this title:

- A. A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this title.

- B. If the storage facility is required to have a permit from the Department of Health Services under Health and Safety Code § 25100 et seq., it shall be exempted from any provision of this title which is covered by the regulations adopted under the above cited statute.
- C. Whenever any provision of this title conflicts with the Fire Code as adopted by city , the stricter shall prevail.

20.52.050 Severability.

If any section, subsection, sentence, clause, or phrase of this title is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the title. The City Council hereby declares that it would have passed this title and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the title would be subsequently declared invalid or unconstitutional.

Chapter 20.56  
COMPLIANCE SCHEDULE

20.56.010 Time Table for Initial Compliance.

A. New Storage Facilities:

- 1. As of the effective date of this title, a Hazardous Materials Storage Permit for a facility must be obtained prior to the installation or use of any new storage facility unless a building permit for such new storage facility was issued prior to such date.
- 2. The Hazardous Material Management Plan must be filed at the time of application for a Hazardous Material Storage Permit.

23

B. Existing Storage Facilities:

1. A facility which has any existing hazardous materials storage facilities or had obtained a building permit for such a storage facility prior to the effective date of this title and to which no new storage facility is added shall have one (1) year from such effective date to file a completed application for a Hazardous Materials Storage Permit, including a monitoring plan in accordance with Section 20.12.030. The time limitation for determination specified in Section 20.32.110 shall not apply but the applicant shall be deemed to have a provisional permit of indefinite term, until city makes such determination.
2. Notwithstanding the above, a Hazardous Material Inventory Statement, if applicable, must be filed within ninety (90) days of the effective date of this title."

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty days from and after the date of its adoption.

SECTION 3. POSTING; PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three prominent places in the City of Sunnyvale and to cause publication once in the Valley Journal, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen days after adoption of this ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Sunnyvale on the 22d day of March, 1983 and was passed and adopted at a regular meeting of said Council on the 29th day of March, 1983 by the following called vote:

AYES: Gonzales, Wulfhorst, Cude, Briody, Stone, Mercer, McKenna  
 NOES: None  
 ABSENT: None

ATTEST:  
City Clerk

APPROVED:

By *Carol Ann Butler*  
Deputy City Clerk

*Joanne McKenna*  
Mayor

(SEAL)

# AFFIDAVIT

STATE OF CALIFORNIA,

County of Sacramento,  
City of Sacramento,

} ss.

Donald Norris

.....of lawful age, being first duly sworn, upon h.....oath, says that ....he is the Chief Clerk of The Sacramento Union Corporation, Publisher of the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, County of Sacramento, State of California.

That a true copy of the attached printed matter (which is made a part of this affidavit) which is a..... City Hall Rm. 203 (City of Sacramento Notice of Hearings)

has been published in said paper, as follows, to-wit:  
July 4, 1983

**CITY OF SACRAMENTO  
NOTICE OF HEARINGS**

PUBLIC NOTICE is hereby given that on the date of July 19, 1983, at the hour of 7:30 p.m., the following hearing(s) will be held in the Council Chamber, City Hall, Second Floor, 915 "I" Street, Sacramento, California:

Amend the Sacramento City Zoning Ordinance No. 2550, Fourth Series, creating a new High Technology zoning classification. (M-83037)

Further information may be obtained from the Office of the City Clerk, 915 "I" Street, Room 203, Sacramento, California (916) 449-5426.

SACRAMENTO CITY COUNCIL  
BY: LORRAINE MAGANA  
CITY CLERK

AD NO. 5235  
SU1125 (R1X: 7/4, 1983)

Subscribed and sworn to before me this...5...day of...July.....19...83

Deputy City Clerk in and for the City of Sacramento, County of Sacramento, State of California

# AFFIDAVIT

STATE OF CALIFORNIA,

County of Sacramento,

City of Sacramento,

Donald Norris

} ss.

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