

## **DIVISION 5. OVERLAY DISTRICTS**

### **CHAPTER 1. GENERAL PROVISIONS**

#### **Section EV5.0101 Intent**

- (a) Overlay Districts are established in order to recognize and map environmental constraints or amenities which should be taken into consideration when land development is being proposed. Overlay Districts will be designated in conjunction with those land use districts that are affected by an environmental constraint or amenity.
- (b) For example, special development standards are necessary in earthquake fault areas in order to protect the health, welfare and safety of the public. Therefore, when a residential land use district is proposed for an area that has active earthquake faults, an overlay district will be established to map the hazardous areas and to propose special development standards.
- (c) An overlay district may be mapped over any land use district. The development standards used for a site shall be those set forth in the overlay district or the land use district, whichever is more restrictive.
- (d) The procedures for using overlay districts shall be as provided by this Division.
- (e) When appropriate, deviations from standards set forth in the overlay districts may be granted in accordance with the provisions of the deviation procedures of the reviewing agency.

#### **Section EV5.0105 Format**

- (a) Overlay districts are divided into two (2) groups.
  - (1) The Preservation Overlay Districts are intended to preserve and protect valuable resources which have been identified by a community as needing such protection. In the East Valley Corridor Specific Plan, a Preservation Overlay District has been established to protect historical and archaeological resources.
  - (2) Safety Overlay Districts are intended to identify natural or man-made conditions which are a potential threat to public health and safety and to formulate requirements to mitigate that threat. In the East Valley Corridor Specific Plan, Safety Overlay Districts have been established for areas subject to flooding and for areas prone

- to high noise levels.
- (b) Each Overlay District Chapter contains the following Sections: "Intent", "Locational Requirements", and "Development Standards". The "Intent" and "Locational Requirements" Sections provide the necessary information for locating overlay districts within the Specific Plan. The "Development Standards" Section provides the necessary regulatory guidance for land use proposals that are within an overlay district in addition to those required by the applicable land use district, Specific Plan standards and/or other development requirements of the reviewing agency.

**Section EV5.0110 Overlay District Application**

The regulations and development standards established by an overlay district shall be imposed in addition to those established by the underlying land use district, shall prevail when they are more restrictive, and shall overlay all land use districts on all parcels or portions thereof which are encompassed or circumscribed by one or more overlay districts. The land use districts may augment and strengthen the standards and provisions specified by an Overlay District.

**Section EV5.0115 Implementation Review**

- (a) When an application for a land use decision or development permit is accepted for an area that lies within an overlay district, the reviewing authority that has accepted the application shall determine if there is adequate review of the proposed project to determine compliance with the provisions of the overlay district. If the application process for the land use decision does provide adequate review, then no additional application shall be required.
- (b) In the event that the land use application does not provide for adequate review of the proposed project, the reviewing authority that has accepted the application shall require that the applicant submit the proposed project to the appropriate department within the reviewing agency, to ensure compliance with the development guidelines of the Overlay District.

**Section EV5.0120 Uses Permitted**

The uses permitted on a parcel which has an overlay district shall be those uses allowed by the primary land use district subject to the provisions of all applicable overlay districts and development requirements of the reviewing agency. Where the regulations or standards established by an overlay district conflict with provisions of a primary land use district, the more stringent regulations or standards shall govern.

**Section EV5.0125 Establishment and Change of an Overlay District**

The provisions of each Chapter of this Division, in conjunction with the applicable Specific Plan provisions, shall provide the criteria for the establishment or change of the applicable overlay district. Each overlay district is an individual land use designation that is a separate and independent designation from the primary land use district and remains with the property irrespective of the underlying land use district unless specifically changed. A change in the primary underlying land use district does not change an overlay district designation.

Overlay Districts shall be established or amended by way of a Specific Plan Amendment as provided in Section EV1.0505.

## **CHAPTER 2. PRESERVATION- HISTORICAL/ARCHAEOLOGICAL OVERLAY DISTRICT**

### **Section EV5.0201 Intent**

- (a) This District is intended to assist in the identification and preservation of significant archaeological and historic resources.
- (b) Preservation of such cultural resources provides a greater knowledge of community history, thus promoting community identity and conserving historic and scientific amenities for the benefit of future generations.

### **Section EV5.0205 Locational Requirements**

- (a) This District P-HA may be applied to those areas where archaeological and historic sites which warrant preservation have been specifically identified or are believed likely to be present. Specific identification of cultural resources are indicated by listings in one or more of the following inventories:

- California Archaeological Inventory
- California Historic Resources Inventory
- California Historical Landmarks
- San Bernardino County Points of Historic Interest
- National Register of Historic Places

- (b) In the East Valley Corridor Specific Plan, this Overlay is applied to an area approximately 600 feet on either side of the original course of the Mission Zanja irrigation channel. This area was the site of early settlement and is believed to contain cultural and historical resources. In addition, potential historic structures (that are 50 years old or older) that are located within the Preservation/Historical-Archaeological Overlay District are included on the Overlay District Map.

### **Section EV5.0210 Development Standards**

When a land use is proposed or permit applied for within the Preservation-Historical/Archaeological Overlay District, the following criteria shall be used to evaluate the project's compliance with the intent of the overlay.

- (a) The presence (or absence) of archaeological and historical resources within a given project area must be determined through an appropriate

investigation by qualified personnel.

- (b) Data recovery or protection measures should be developed and implemented for identified cultural resources determined to be significant by a qualified archaeologist or historian. Such measures may include, but are not limited to:
  - (1) Site recordation;
  - (2) Mapping and surface collection of artifacts, with appropriate analysis and curation;
  - (3) Excavation of sub-surface deposits when present, along with appropriate analysis and artifact curation;
  - (4) Preservation in an open space easement and/or dedication to an appropriate institution with provision for any necessary maintenance and protection.
- (c) Archaeological and historical resources which are determined by qualified professionals to be extremely significant should be preserved as open space or dedicated to a public institution when possible.

### **CHAPTER 3. SAFETY-FLOOD OVERLAY DISTRICT**

#### **Section EV5.0301 Intent**

- (a) The Safety-Flood Overlay District is created to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions, by establishing regulations for any development within flood prone areas.
- (b) Flood Overlay District regulations and standards shall be imposed in addition to, and shall overlay al 1 other districts which are encompassed or circumscribed by one or more Flood Overlay Districts.

#### **Section EV5.0305 Locational Requirements**

- (a) This Overlay District is applied to areas of special flood hazard, identified by the Federal Emergency Management Agency or the Federal Insurance Administration. This Flood Insurance Study is the minimum area of applicability of this ordinance, which may be supplemented by studies for other areas as prepared by the County Flood Control District, the U.S. Army Corps of Engineers, or the Flood Insurance Administration.
- (b) The Flood District in the East Valley Corridor Specific Plan shall be subdivided into three (3) zones for regulation purposes, as follows:
  - (1) FP-1 (100-year Flood Area). Areas of 100-year flood as defined by the Federal Flood Insurance Regulations.
  - (2) FP-2 (500-year Flood Area). Areas between limits of the 100-year flood and 500-year flood; or areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood.
  - (3) Floodway (FW). Areas of flood flow, such as the channel of a river or drainageway, and those portions of the floodway adjoining the channels which are reasonably required to efficiently carry the discharge of flood water or flood flow of any river or stream.

Safety-Flood Overlay

as amended July 2, 1996

(c) In the East Valley Corridor Specific Plan, the Safety-Flood Overlay District shall be applied to areas adjacent to and prone to flooding from San Timoteo Creek and the Mission Zanja channel.

**Section EV5.0310 Development Standards**

When an application for a land use decision or development permit is accepted for an area that lies within a Safety-Flood Overlay District, the applicable development standards for flood hazard zones adopted by the governing authority shall be applied to the project.

## **CHAPTER 4. SAFETY-NOISE (S-N) OVERLAY DISTRICT**

### **Section EV5.0401 Intent**

The Safety-Noise Overlay District is created to provide greater public safety by establishing land use review procedures and requirements for land uses in areas with identified high noise levels.

### **Section EV5.0405 Locational Requirements**

- (a) The Safety-Noise Overlay should be applied to those areas where the Level (Day/Night) (Ldn) is 65 decibels, 65 dB (A) or greater.
- (b) Community noise acoustical reports may be required during developmental processes to determine actual noise levels and contours.
- (c) Certain land uses may not be compatible at 65 Ldn dB (A) or greater.
- (d) In the East Valley Corridor Specific Plan, this Overlay is established over areas subject to aircraft noise related to Norton Air Force Base, and to traffic noise generated on Interstate 10 and on major arterials.

### **Section EV5.0410 Development Standards**

When a land use is proposed within a Safety-Noise Overlay, the following standards shall apply with respect to residential uses:

- (a) Noise levels shall be identified. An acoustical report shall be performed to identify noise impact and land uses.
- (b) Interior noise levels in all one-family and multifamily residences and educational institutions shall not exceed 45 dB(A) Ldn emanating from sources outside of the residential building.
- (c) Exterior noise levels in all one-family residential land use areas and multi-family residential land use areas should not exceed 65 dB(A) Ldn. Exterior noise levels shall not exceed 70 dB (A) Ldn for any residential areas.

(d) Ability to mitigate exterior noises to the levels of 65 dB(A) Ldn and 70 dB(A) Ldn shall be considered by the reviewing authority when determining the actual Ldn level with which the land uses must comply.

(e) In areas where noise exceeds the noise standard, measures shall be taken to mitigate noise levels. An acoustical report identifying these mitigation measures shall be required and reviewed by the reviewing agency prior to issuance of any required permits or approval of land use applications.

(f) All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to meet the following criteria;

12-Hour Equivalent Typical Uses (Interior) dB(A) Ldn	Sound Level
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Educational Institutions,

Libraries, Ch

General Offic

Retail Stores

Other Areas for Manufacturing Assembly,

Test, Wareho

In addition, the average of the maximum levels of the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

