



CITY OF MERCED ZONING ORDINANCE UPDATE FOCUS GROUP

MINUTES

Merced Civic Center
First Floor Sam Pipes Room

678 W. 18th Street
Thursday, September 26, 2013
8:15 a.m.

Mission of Focus Group

Update the Zoning Ordinance to be more user-friendly and easier to understand for the Community.

A. CALL TO ORDER

Chairperson Logue called the meeting to order at 8:19 a.m.

B. ROLL CALL

Members Present: Christina Alley, Ann Andersen, Todd Bender, Kenra Bragonier, Adam Cox, Tony Dossetti, Ron Ewing, Loren Gonella, Flip Hassett, Jack Lesch, Bruce Logue, Elmer Lorenzi, Guy Maxwell, Michelle Paloutzian, Joe Ramirez, Stan Thurston

Members Absent: Jim Abbate, Forrest Hansen, Carole McCoy, Garth Pecchenino, Mike Salvadori, Brandon Williams, and Jim Xu

Staff Present: Director of Development Services David Gonzalves, Planning Manager Kim Espinosa, Associate Planner Julie Sterling

Other: Jana Mowrer, candidate for City Council

APPROVAL OF ACTION MINUTES

M/S Lorenzi-Ramirez, and carried by unanimous voice vote (7 absent), to approve the Minutes of September 12, 2013, as submitted.

C. ITEMS

1. A Planner's Confessions...The Top Ten Things about the Zoning Ordinance That Drive Me Crazy (Continued from July 31, August 22, and September 12, 2013). Final Focus Group Comments on Items #1 – Food Trucks and #2 – Home Occupations.

Director of Development Services David Gonzalves explained that it's time for the Focus Group to look at the proposed levels of approval for different land uses in the new ordinance whether it is from staff or the Planning Commission and City Council. He asked that the group keep in mind that the Zoning Ordinance will be around a long time so it's prudent to think about its long term impacts. Mr. Gonzalves stated that the City Manager and City Council have indicated their preference to streamline the development process; and, stressed the need for the group's input as their recommendation will be going to the City Council.

Planning Manager Kim Espinosa continued the discussion from the previous meeting (September 12, 2013) on two topics outlined below.

Home Occupations (Home-Based Businesses)

Ms. Espinosa explained common issues with home occupations as well as striking a balance to allow certain businesses that have customers come to the home and not be an impact to neighbors, such as piano lessons versus swimming lessons. She asked if the group would be in favor of this and if there would be standards if allowed. Ms. Espinosa also advised that Cottage Food Operations are allowed by State law as a home occupation which allows people to purchase food items from a residence.

Ms. Espinosa explained that the Consultants have proposed having two categories for home occupations, a minor home

occupation - allowed by right, and major home occupation - requires a “minor” (staff level review) conditional use permit (CUP). She added that there would be certain restrictions with the minor CUP to address deliveries, number of employees and clients, outdoor storage, and authorizes the Director of Development Services to suspend the activity if detrimental to the health and safety of the neighbors. Additionally, there is an appeal process to Planning Commission (if denied by staff), and City Council (if denied by the Planning Commission). A minor CUP would require a public hearing where neighbors are invited.

There was some discussion that the process was too vague, that entrepreneurs should be given more flexibility, that the requirements should be clear and address noise, parking for staff and customers, hours of operation, etc. For the most part the consensus was that staff is heading in the right direction.

Food Trucks

Ms. Espinosa described the difference between Street and Sidewalk Vendors and Food Vendors at Fixed Locations and issues to consider such as complaints regarding debris, loitering, parking, time limits, etc. The discussion included whether or not to allow food trucks at birthday parties which could be in residential neighborhoods, a park, or street fairs, etc. Other suggestions were to have a moratorium, or setting up a location where food trucks could gather on a rotating basis, allowing a food truck to replace a previous one (similar to “new” fireworks booth vendors), and allow these businesses to grow. “Off the Grid” in the Bay Area was given as a successful organized business (private developer) with local bands and new food truck businesses could locate there to give their business a shot.

It was also suggested to keep in mind the changes in population especially students (UC Merced and Merced College) and others who communicate using Facebook and other social

media. Lastly it was suggested that the requirement restricting food vendors near churches holding regular services on Sundays should extend to other days of the week as well.

2. Review of Modified Ordinance for Residential, Commercial, and Industrial Zoning Districts

Focus Group Comments on the “Homework” Assignment.

When asked about the homework assignment, a few members requested to see the table of contents, the purpose of zoning and otherwise wanted to see the “big picture” in the event there is a relationship to other areas. Additionally there was concern with the “new” definitions not being consistent with the “old.”

When asked what specific land uses should be discussed, daycares, higher densities versus zero lot lines in lower densities and whether or not to allow by right or perhaps the need for new standards. Also, whatever level of approval is provided, there needs to be standards so that there is fairness to applicants, property owners, and everyone else coming through the door. Lastly, the text could give clarity by giving examples (“such as.....”) in the code.

Ms. Espinosa asked if the Focus Group wanted to continue the discussion on October 3rd or October 17th, and the consensus was to keep the momentum going by meeting on October 3, 2013 (next week). She indicated that staff will provide information on daycares, residential care facilities, and cottage food uses that are regulated by the State.

D. ADJOURNMENT

The meeting was adjourned at 9:35 a.m. to the next meeting on Thursday, October 3, 2013, at 8:15 a.m.

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Respectfully submitted,

/s/ David Gonzalves

DAVID GONZALVES, Secretary
Zoning Ordinance Update

APPROVED:

Bruce Logue, Chairperson
Zoning Ordinance Update