



CITY OF MERCED

Meeting Agenda

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

City Council/Public Finance and Economic Development Authority/Parking Authority

Monday, March 21, 2016

7:00 PM

Council Chambers, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

Study Session at 5:30 PM/Regular Meeting at 7:00 PM

NOTICE TO PUBLIC

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org, or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

A. STUDY SESSION ROLL CALL

B. STUDY SESSION

- B.1. [16-087](#) **SUBJECT: Joint Planning Commission/City Council Study Session on the Draft Zoning Ordinance**

REPORT IN BRIEF

The City Council will meet in a joint study session with the Planning Commission to discuss suggested changes to the Public Review Draft of the Merced Zoning Ordinance discussed at the December 7, 2015, Joint Study Session.

RECOMMENDATION

Provide direction to staff on the Zoning Ordinance.

B.2. [16-096](#)

SUBJECT: Study Session - Fire Fee Study

REPORT IN BRIEF

Draft of Fire Fee Study.

C. CALL TO ORDER

C.1. Invocation - Monika Grasley, Lifeline Community Development Corp.

C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority, and Public Financing and Economic Development Authority. City Council Members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority and Public Financing and Economic Development Authority receive no compensation.

E. SPECIAL PRESENTATIONS

E.1. CivicSpark Presentation - Rebecca True, CivicSpark Fellow

E.2. Homeless Presentation - Steven S. Carrigan, City Manager

F. WRITTEN PETITIONS AND COMMUNICATIONS

G. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. The Mayor may, at his discretion, decrease the time allotted to speakers in order to accommodate as many speakers as possible. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

H. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

H.1. [16-083](#) **SUBJECT:** Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

H.2. [16-085](#) **SUBJECT:** Administering Agency Amendment Modification Summary (E-76) for a Congestion Mitigation and Air Quality Improvement (CMAQ) Grant for Sidewalk Infill on Alexander Avenue, CML-5085(041), Project 114051

REPORT IN BRIEF

Consider accepting California Department of Transportation Program Amendment Modification Summary (E-76), CMAQ Grant Funding, in the amount of \$332,076, for construction costs associated with the sidewalk infill on Alexander Avenue, bounded by Bel Air Drive and Nottingham Lane.

RECOMMENDATION

City Council - Adopt a motion:

A. Accepting and appropriating \$332,076 in grant funds from CMAQ for construction costs associated with sidewalk infill on Alexander Avenue; and,

B. Transferring matching funds of \$43,024 from Street and Signal CIP Fund 450-1104-637.65-00-Projects to be Determined to 450-1104-637.65-00-114051; and,

C. Approving the use of pooled cash until reimbursement is received from the grant; and,

D. Authorizing the City Manager or his designee to execute the necessary documents.

- H.3. [16-035](#) **SUBJECT:** Increase Contingency Percentage and Approve Change Order for Black Rascal Creek Bike Path Project 111065

REPORT IN BRIEF

Authorizes approval of a change order to the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue construction contract in the amount of \$2,756.60 for additional electrical work.

RECOMMENDATION

City Council - Adopt a motion increasing the contingency to 13% and approving a change order for the Black Rascal Creek Bike Path - McKee Road to Yosemite Avenue Project 111065, to Avison Construction, Inc., in the amount of \$2,756.60; and, authorizing the City Manager to sign the necessary documents.

- H.4. [16-062](#) **SUBJECT:** Blue Star Memorial

REPORT IN BRIEF

Approve request from Merced Garden Club to locate Blue Star Memorial in Applegate Park.

RECOMMENDATION

City Council - Adopt a motion approving the request from the Merced Garden Club to locate the Blue Star Memorial in Applegate Park, and authorizing the City Manager to execute the necessary documents.

- H.5. [16-022](#) **SUBJECT:** Brokerage Services Agreement With McLaughlin Hay Service, Incorporated for Wastewater Treatment Plant Land Application Crops

REPORT IN BRIEF

Authorizes a three-year agreement with McLaughlin Hay Service, Inc. for the Wastewater Treatment Plant Land Application Area fodder crops.

RECOMMENDATION

City Council - Adopt a motion authorizing the approval of the agreement for brokerage services with McLaughlin Hay Service, Incorporated for the Wastewater Treatment Plant Land Application crops, and authorizing the City Manager to execute the necessary documents.

- H.6. [16-092](#) **SUBJECT:** City School District Crossing Guards Agreement

REPORT IN BRIEF

Authorize a three-year agreement with the City School District to reimburse a portion of the cost associated with the School Crossing Guard Program.

RECOMMENDATION

City Council - Adopt a motion approving the agreement with the Merced City School District for reimbursement of a portion of the cost associated with the School Crossing Guard Program and authorizing the City Manager to execute the necessary documents.

H.7. [16-084](#)

SUBJECT: Street Closure #16-04 for Sacred Heart Catholic Church to Host the "Stations of the Cross" Reenactment and the Silent March for Good Friday

REPORT IN BRIEF

Consider a request for use of City streets.

RECOMMENDATION

City Council - Adopt a motion approving the street closures of 13th Street (between M Street and Canal Street), Canal Street (between 13th Street and 11th Street), 11th Street (between Canal Street and M Street), M Street (between 11th Street and 13th Street), and the two alleyways located within the street closure boundary, as requested by Sacred Heart Catholic Church, on Friday, March 25, 2016, from 3:00 p.m. to 4:30 p.m. and from 7:00 p.m. to 8:00 p.m.; subject to the conditions outlined in the administrative staff report.

H.8. [16-094](#)

SUBJECT: Transfer of 19th and "N" Streets Property to Merced Designated Local Authority

REPORT IN BRIEF

Authorizes transfer of the property at 19th and "N" Streets to the Merced Designated Local Authority, which - in turn - will license the property to UC Merced as a construction staging site for UC Merced's new downtown administrative building project.

RECOMMENDATION

Parking Authority - Adopt a motion authorizing the Executive Director of the Parking Authority to sign all necessary documents to facilitate the transfer of the parcel at the corner of 19th and "N" Streets to the Merced Designated Local Authority, the successor agency to the Merced Redevelopment Agency.

ALTERNATIVES

1. Approve as recommended;
2. Refer back to staff with specific direction;
3. Take no further action regarding this matter.

I. REPORTS

- I.1. High Speed Rail Plan Update - Diana Gomez, HSR Representative

J. BUSINESS

- J.1. [16-088](#) **SUBJECT: Recreation and Parks Commission Appointments**

REPORT IN BRIEF

Consider accepting nominations and appointing individual(s) to the Recreation and Parks Commission.

RECOMMENDATION

City Council - Adopt a motion accepting nominations and appointing one individual to serve as a member of the Recreation and Parks Commission until July 2017 and one individual to serve as a member until July 2019.

- J.2. Request to Add Item to Future Agenda

- J.3. City Council Comments

K. ADJOURNMENT



ADMINISTRATIVE REPORT

Agenda Item: B.1.

Meeting Date: 3/21/2016

Report Prepared by: *Kim Espinosa, Planning Manager, Development Services Department*

SUBJECT: Joint Planning Commission/City Council Study Session on the Draft Zoning Ordinance

REPORT IN BRIEF

The City Council will meet in a joint study session with the Planning Commission to discuss suggested changes to the Public Review Draft of the Merced Zoning Ordinance discussed at the December 7, 2015, Joint Study Session.

RECOMMENDATION

Provide direction to staff on the Zoning Ordinance.

ALTERNATIVES

None

AUTHORITY

Title 20 of the Merced Municipal Code is the current Merced Zoning Ordinance.

CITY COUNCIL PRIORITIES

Under the "Future Planning" section, the Zoning Ordinance Update is listed as a Council priority.

DISCUSSION

Introduction

On December 7, 2015, the Planning Commission and City Council held a joint study session on the Public Review Draft of the Merced Zoning Ordinance that was released in September 2015. At the study session, Council Member Belluomini provided an outline of different issues that he wanted to have addressed in the new ordinance. After briefly discussing these items, the Planning Commission and City Council asked that the Zoning Ordinance Focus Group meet again to discuss the items in more detail.

Focus Group Recommendations

Focus Group meetings were held on January 21, and February 4, 2016. Staff had provided the Focus Group with information to facilitate the discussion as well as a feedback form for those members who were not able to attend the meetings (Attachment 1). Unfortunately, attendance at both meetings was sparse (see Attachment 1) and no members took advantage of the feedback

form. However, those Focus Group members who did attend had very thorough and thoughtful discussions about the items and did come to a consensus regarding each item. Council Member Belluomini was able to attend the meetings and described his proposals in detail with the Focus Group members present.

The Zoning Ordinance Focus Group made the following recommendations by consensus regarding the specific items from Council Member Belluomini.

1. *Variation in Lot Dimensions for R-1-6 subdivisions*: The Focus Group recommended that this section remain as written.
2. *Development Guidelines for C-C and B-P Zoning Districts, Pedestrian Circulation*: The Focus Group recommended that functional awnings “should” (but not “shall”) be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.
3. *Development Standards for Industrial Zoning Districts*: The Focus Group recommended to increase the Heavy Industrial (I-H) Exterior Setback from zero to 15 feet.
4. *Side Court Apartments*: The Focus Group recommended that the following additional subsections be added: “4a) The side courtyard shall be a shared space accessible to all building residents. 4b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site.”
5. *Off Street Parking Requirements for Multi-Family Dwellings*: The Focus Group recommended the following modified Option C from Attachment 5 of Attachment 1: “1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 (instead of 2 as originally proposed by Council Member Belluomini) in each unit.”
6. *Standards for Solar Carports*: The Focus Group recommended that such standards be developed by staff and presented to City Council in the future due to the evolving nature of this technology but should not hinder the adoption of the ordinance at this time.
7. *Design Standards for Single-Family Dwellings*: The Focus Group recommended that a reference to the Fire Code requirement for addresses to be a certain height and visible from the street be added.
8. *“Defensible Space” Design Standards for Multi-Family*: The Focus Group recommended that Items #8, #9, #10, #11, and #12 be included as guidelines (“should”) instead of standards (“shall”) so that they were recommendations only and not strict requirements.
9. See #8 above.
10. See #8 above.
11. See #8 above.
12. See #8 above.
13. *Development Standards for Residential Zoning Districts*: The Focus Group recommended that the Interior Yard (a.k.a. “backyard”) setback remain at 10 feet, not 12 feet as proposed by Council Member Belluomini, for all residential zones.
14. *12 Foot by 20 Foot Outdoor Private Space*: The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.
15. *6 Foot by 12 Foot Balcony*: The Focus Group recommended that such spaces should be

encouraged as guidelines (“should”), but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.

Purpose of Study Session

The purpose of tonight’s study session is for the Planning Commission and City Council to give direction to staff regarding the following:

1. Should staff incorporate the Focus Group recommendations on the suggestions from Council Member Belluomini into the draft Zoning Code?
2. Are there any additional suggestions or changes that staff should incorporate into the draft Zoning Code?
3. Does the Planning Commission and City Council want to have more joint study sessions on the Draft Zoning Code to review the document in detail using the review questions in Attachment 2?
4. If not, should staff proceed with scheduling public forums and public hearings to consider adoption this summer?

Please bring your copy of the Public Review Draft of the Merced Zoning Ordinance to the study session with you.

IMPACT ON CITY RESOURCES

No appropriation of funds is necessary.

ATTACHMENTS

1. Focus Group Recommendations (February 2016)
2. Zoning Ordinance Review Questions (September 2015)

MEMORANDUM

DATE: February 4, 2016
TO: City Council and Planning Commission
FROM: Kim Espinosa, Planning Manager
SUBJECT: Final Recommendations from Merced Zoning Ordinance Update Focus Group regarding Specific Items from the Planning Commission/City Council Study Session on December 7, 2015

Introduction

On December 7, 2015, the Planning Commission and City Council held a study session on the Public Review Draft of the Merced Zoning Ordinance that was released in September 2015. At the study session, Council Member Belluomini provided an outline of different issues that he wanted to have addressed in the new ordinance. After briefly discussing these items, the Planning Commission and City Council asked that the Zoning Ordinance Focus Group meet again to discuss the items in more detail. The Planning Commission and City Council expressed a great deal of respect for all the time and effort that the Focus Group had put into reviewing the Draft Ordinance and, therefore, wanted the Focus Group's opinions of the proposed changes.

Focus Group Meetings

Focus Group meetings were held on January 21, and February 4, 2016. Staff had provided the Focus Group with information described below to facilitate the discussion as well as a feedback form for those members who were not able to attend the meetings. Unfortunately, attendance at both meetings was sparse (see below) and no members took advantage of the feedback form despite it being sent out several times. However, those Focus Group members who did attend had very thorough and thoughtful discussions about the items and did come to a consensus regarding each item. Council Member Belluomini was able to attend the meetings and described his proposals in detail with the Focus Group members present.

Focus Group Members in Attendance on January 21, 2016: Kenra Bragonier, Adam Cox, Tony Dossetti, Flip Hassett, Jack Lesch, Elmer Lorenzi, Michelle Paloutzian, and Acting Chairman Guy Maxwell (Note: Items #1 through #5 were discussed.)

Focus Group Members in Attendance on February 4, 2016: Ann Andersen, Kenra Bragonier, Tony Dossetti, Jack Lesch, Elmer Lorenzi, and Acting Chairman Guy Maxwell (Note: Items #5 through #15 were discussed.)

Focus Group Recommendations

The Zoning Ordinance Focus Group made the following recommendations by consensus regarding the specific items from Council Member Belluomini. (Please note that Council Member Dossetti abstained from the voting since the City Council would be making the final decision, and Adam Cox abstained since Council Member Belluomini was presenting the same items to the Greater Merced Chamber of Commerce of which he is the CEO.)

- 1) *Variation in Lot Dimensions for R-1-6 subdivisions:* The Focus Group recommended that this section remain as written.
- 2) *Development Guidelines for C-C and B-P Zoning Districts, Pedestrian Circulation:* The Focus Group recommended that functional awnings “should” (but not “shall”) be added to protect pedestrians from the rain when walking along building frontages of businesses which abut each other.
- 3) *Development Standards for Industrial Zoning Districts:* The Focus Group recommended to increase the Heavy Industrial (I-H) Exterior Setback from zero to 15 feet.
- 4) *Side Court Apartments:* The Focus Group recommended that the following additional subsections be added: “4a) The side courtyard shall be a shared space accessible to all building residents. 4b) Pathways shall be provided from each unit to the side courtyard and from the side courtyard to a public sidewalk adjacent to the site.”
- 5) *Off Street Parking Requirements for Multi-Family Dwellings:* The Focus Group recommended the following modified Option C from Attachment 5: “1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 3 (instead of 2 as originally proposed by Council Member Belluomini) in each unit.”
- 6) *Standards for Solar Carports:* The Focus Group recommended that such standards be developed by staff and presented to City Council in the future due to the evolving nature of this technology but should not hinder the adoption of the ordinance at this time.
- 7) *Design Standards for Single-Family Dwellings:* The Focus Group recommended that a reference to the Fire Code requirement for addresses to be a certain height and visible from the street be added.
- 8) *“Defensible Space” Design Standards for Multi-Family:* The Focus Group recommended that Items #8, #9, #10, #11, and #12 be included as guidelines (“should”) instead of standards (“shall”) so that they were recommendations only and not strict requirements.
- 9) See #8 above.
- 10) See #8 above.
- 11) See #8 above.
- 12) See #8 above.
- 13) *Development Standards for Residential Zoning Districts:* The Focus Group recommended that the Interior Yard (a.k.a. “backyard”) setback remain at 10 feet, not 12 feet as proposed by Council Member Belluomini for all residential zones.

- 14) *12 Foot by 20 Foot Outdoor Private Space:* The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.
- 15) *6 Foot by 12 Foot Balcony:* The Focus Group recommended that the such spaces should be encouraged as guidelines (“should”) but not required (“shall”) and if provided, that they be useable spaces, not just decorative, of a minimum size of 5 feet by 8 feet.

Background Information Provided to Focus Group

The background information provided to the Focus Group included the following:

- At Attachments 1 and 2, the suggested changes from Council Member Belluomini in the form of a memo and an op-ed that was published in the Merced County Times are included. His comments have been numbered by staff.
- Relevant excerpts from the Draft Zoning Ordinance (with the corresponding number above) are included at Attachment 3. Please note that although Council Member Belluomini did not indicate where in the actual ordinance he would prefer to see the proposed standards for multi-family development mentioned in the op-ed piece, staff would recommend that if those changes are made, that they be added to Chapter 20.46—Residential Design Standards, which is also included in Attachment 3.
- Attachment 4 is the Feedback form.
- Attachment 5 is a memo dated January 21, 2016, regarding Multi-Family Parking Options (relating to Item #5 in Attachment 3), including calculations based on three recent multi-family projects reviewed by the City.

Attachments

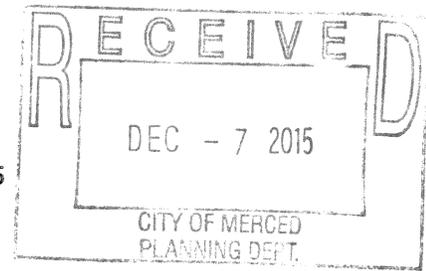
1. Memo from Council Member Belluomini (dated December 7, 2015)
2. Opinion Editorial by Council Member Belluomini (dated November 2015)
3. Relevant excerpts from the Public Review Draft of the Merced Zoning Ordinance (September 2015) regarding Attachments 1 and 2
4. Focus Group Feedback Form on Suggestions
5. Multi-Family Parking Options Memo (January 21, 2016)

To : Merced City Council , and Merced Planning Commission

Dec. 7, 2015

From : Michael Belluomini

Michael Belluomini



Reference : Comments on Revised and Reorganized Zoning Code

Attached are comments that apply to all higher density residential zones regarding standards of design and livability of private open space which appeared in the County Times newspaper. In addition to these comments which apply broadly to many zones, below are listed specific pages and sections for which there are comments.

1 Page 14 section 20.08.030B3 Variation in Lot Dimensions for R-1-6 subdivisions

"Excluding corner lots, no more than 40% of the remaining lots may be less than the minimum required width."

40% is excessively high for lots to deviate from the zone standard for lot size. What is the point of having a standard when nearly half of the lots can not conform to it ? Recommend changing to 25% of the lots may be less than the required minimum width similar to the section B2 of the same section.

2 Page 31 Section 5 a Pedestrian Circulation, add to the last sentence "and protect pedestrians from the rain when walking along building frontages of businesses which abut each other." This makes awnings more than decorative but also serve to keep shoppers dry in the rain.

3 Page 36 section 20.12.030 Table 20.12-2 Development Standards for Industrial Zoning Districts

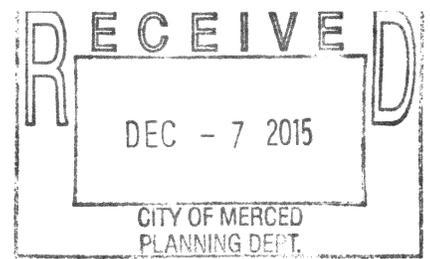
I-H (Heavy Industrial Zone) Exterior (Front Yard) Setback change from zero to 15 ft. As written the wall of a factory can come next to the public sidewalk and street. The publicly viewed street frontage of heavy industrial development should be attractive even if interior yards are not.

4 Page 84 h Side Court Apartments. Add sections (3) Pedestrian Access; (4) Central Courtyard; and (5) Frontage found on page 86 describing standards for Courtyard Apartments to provide residents good access to outdoor common areas.

5 Page 120 Table 20.38-1 Off - Street Parking Requirements Multiple Family Dwelling/Condominiums add phrase end of last sentence (shown here with underlining) "...plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 space per additional full or partial bathroom over 2 in each unit." This addresses student dormitory apartment designs using three and four bathroom apartments.

6 Page 132 Parking lot do standards not provide uniform, predictable design guidelines for incorporating solar panel "carports" which conflict with landscape requirements. There are no clear standards in the solar panel section of the ordinance on page 160 either regarding parking lot landscaping. We need staff to develop alternate draft standards to consider.

7 Page 165 section 20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes C. Exterior Walls add section 4 as follows : "4. The street address number of the house shall be on the front wall of the house clearly visible from the street and of a minimum height of 4 inches." This provides easier delivery of services and products to homes especially in emergency situations.



Opinion Editorial by Michael Belluomini November 2015

The city is about to approve a revised and reorganized zoning ordinance. Zoning laws affect our daily lives at home, at work, while shopping, and our experience of how safe and attractive we perceive our surroundings to be. Zoning requirements strongly influence how visitors and residents of Merced experience living in the city as enjoyable, safe, convenient, and welcoming, or not. I write this article to express concerns regarding the proposed revised zoning ordinance's treatment of housing especially apartments and other forms of high density with the hope that the citizens and leaders of Merced will make changes to improve the proposed ordinance.

The proposed zoning ordinance allows high density residential in a zone labeled as "Inner Village Residential" which sounds rustic and pastoral but is the opposite. Inner Village Residential at 36 apartments per acre allows more apartments per acre than the traditional R-3 apartment zoning. As proposed it may be allowed within a quarter mile of any neighborhood shopping center which includes an area of approximately 80 acres and allows approximately 3,000 apartments. To achieve 3,000 apartments around a supermarket shopping center it allows apartment buildings 40 feet tall and individual house lots as small as 30 feet wide and 100 feet deep. High density housing and apartments are not necessarily bad but years of experience in analyzing apartments and high density housing have taught city planners that careful design precautions must be taken to make high density living safe, healthy, attractive, enjoyable, and resistant to criminal activity. Such design precautions are not included in the proposed zoning ordinance.

Important principles in high density housing design make major improvements in the residents' sense of safety and enjoyment of their homes. These principles are :

8

1) Placement of windows and doors should facilitate neighbor surveillance of their neighbor's entryways thereby creating potential spontaneous "neighborhood watch" for vandals, thieves etc.

9

2) Limiting the number of apartments that enter their front door from the same hallway or courtyard, so that residents can learn to recognize neighbors who belong there and distinguish them from visitors and intruders who can be questioned as to their purpose for being there.

10

3) Designing of apartment common recreational areas to be easily viewed by residents while their children or neighbors are using them, and designing such common areas to have boundaries that define them as symbolically "belonging to" a limited

number of adjoining apartments such that neighbors are recognized and intruders are easily identified and challenged.

11

4) Using physical changes to mark and define areas near a dwelling as its "territory" in which residents and neighbors can challenge intruders. Examples of such "territory" markers are a picket fence, a covered porch, a raised platform/deck around an entryway, and a continuous landscape feature separating the entryway area from other common or public areas.

12

5) Including keyed access gates and surveillance cameras to enter common areas of apartment complexes.

These principles should to be added to the proposed zoning ordinance for higher density residential development in order to promote safety, enjoyment of the dwelling and yard, and to discourage crime.

13

Besides being safe, high density developments in Merced ought to be enjoyable to live in --- they should have "livability". The proposed zoning ordinance allows rear yards of only ten feet from house wall to rear fence in the following residential zones: R-1-5, R-1-6, R-1-10, R-2, R-3-2, R-3-1.5, and R-4. In townhouse developments the rear yard can be only five feet from house to fence !! In the R-3 zone the ten foot rear yard can be converted to an asphalt/concrete carport. Is this how we want people to experience living in Merced?

14

Merced is not the big city where dwellings are cold structures with no connection to nature. Peoples' physical and mental health need outdoor living space to enjoy sunshine, exercise, a fresh breeze, the rain, to garden, and enjoy pets and native wildlife. Backyards provide a private space for friends and family to enjoy Merced's good weather to barbecue and eat together or to play games with each other or with their pets. A ten foot narrow backyard doesn't work to do these outdoor activities. Using the seating of eight people around a table with a barbecue at one end and room to move around the table, the minimum width is 12 feet from house wall to backyard fence and a minimum length of 20 feet. This additional two feet of rear yard width makes the difference between a functional space and a nonfunctional outdoor storage space. **The zoning ordinance should implement the principle that every dwelling which is on the ground floor should have a private outdoor space of a minimum of 12 feet by 20 feet.**

Similarly those living in apartments not on the ground floor are still in need of the benefits of a private outdoor space to recreate, dine, socialize and nurture pets/plants. For six friends or family to sit around three sides of a table to dine and socialize requires a balcony with a minimum size of six feet deep and 12 feet wide. The zoning ordinance

15 should implement the principle that every apartment above the ground floor should have a private balcony at least six feet by 12 feet in size.

In many ways the standards for "livability" and high density residential design established by the revised zoning ordinance will set Merced's cultural expectations for what is an acceptable living environment for residents of Merced in the future, be they college students, low income housing residents, senior citizens, single parent households, single people or families. What do we want it to be like to experience living in Merced ?

The revised zoning ordinance will be reviewed by the Planning Commission and City Council at a joint meeting at 5:30pm on December 7 and subsequent meetings in December and January . Let your council members and planning commissioners know what you think regarding this matter.

Michael Belluomini, Merced City Council Member

Excerpts from Merced Zoning Ordinance Public Review Draft (September 2015) regarding Suggestions from Council Member Belluomini

(See Attachments 1 and 2)

1. Page 14, Section 20.08.030.B3

20.08.030 Development Standards for Residential Zoning Districts

B. Variation in Lot Dimensions for R-1-6 Subdivisions. The Planning Commission may approve reduced lot widths for an R-1-6 subdivision when the following conditions are met: **[No Change from MMC 20.10.065]**

1. The subdivision creates at least 10 lots.
2. Excluding corner lots, at least 25 percent of the remaining lots are at least 5 feet above the minimum required width.
3. Excluding corner lots, no more than 40 percent of the remaining lots may be less than the minimum required width. **[Proposal would be to decrease to 25 percent]**
4. No lot shall have a length less than the minimum required length or a width less than 15 feet below the minimum required width.
5. No corner lot may be less than the minimum required width or area.
6. No more than two lots below the minimum required width may be adjacent to one another.

2. Page 30 and 31, Section 20.10.030 5A

1. Development Guidelines for the C-C (Regional Centers Only) and B-P Zoning Districts. The City shall consider the following guidelines when reviewing development project applications in the C-C (for Regional Centers only, outside of the Downtown C-C District) and B-P Zoning Districts: **[NEW]**

1. Site Design [NEW]

- a. All buildings should relate visually to one another and appear to be part of a unified design theme.
- b. Larger buildings should be broken down into a group of buildings clustered into traditional building compounds or campus configurations.
- c. When multiple structures are proposed as part of a single project, the structures shall be designed to appear as part of an integrated complex within a unified site design and architectural characteristics.
- d. Building entries should be located so that they are easily identifiable. Each project should provide a well-defined entry sequence for pedestrian and vehicular uses from the street to the building.

2. Building Design. [NEW]

- a. Buildings shall feature quality design and architectural interest that enhances the aesthetics of the site and general vicinity.
- b. New development should include a variety of building types and designs in addition to the concrete tilt-up type construction which is often used.

- c. Buildings should appear to be of a pedestrian scale. Pedestrian scale building design can be achieved through outdoor patios; awnings, overhangs, and trellises; changes in building massing; changes in building materials and colors; defined building facades with an identifiable base, middle, and top; and other similar features.

3. Landscaping. [NEW]

- a. Development projects shall provide adequate, sustainable, drought-tolerant landscaping to enhance the appearance of buildings and provide an attractive environment for employees and the general public.
- b. Landscaping should provide an aesthetically pleasing transition between the building and adjacent sidewalks or pedestrian paths. Landscaping should soften the visual impact of buildings when viewed from the street, parking areas, or adjacent properties.
- c. Landscaping shall be provided along street frontage to provide visual interest, support a unifying character to the street, incorporate on-site storm drainage facilities, and enhance the appearance of individual developments. Landscape elements should be coordinated with adjacent properties to provide a compatible visual character.

4. Parking. [NEW]

- a. In order to reduce public views of parking areas, a significant amount of a development's parking area should be located beside or behind the building that it serves.
- b. Surface parking areas should be divided into smaller units to decrease visual impacts associated with large expanses of pavement and vehicles.
- c. Parking areas shall include designated pedestrian access to building entrances.
- d. Visual screening shall be provided for parking areas that can be viewed from adjacent development sites or from public streets. Screening may be in the form of trees and shrubs and/or landscaped berms.

5. Pedestrian Circulation [NEW]

- a. Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the development site **and protect pedestrians from the rain when walking along building frontages of businesses that which abut each other (proposed new language is underlined).**
- b. Pedestrian systems should be physically separated from vehicular circulation as much as possible. Areas where the two systems cross or are physically adjacent should be minimized to reduce traffic hazards and make the pedestrian system more efficient, pleasant, and visually attractive.
- c. Intersections where pedestrian routes cross vehicular circulation shall be clearly marked for visual identification by both motorists and pedestrians.

3. Page 36, Table 20.12-a

[Only changes to MMC 20.34 and 20.36 would be to eliminate the 40 foot height limit]

TABLE 20.12-2 DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DISTRICTS

	Figure Label	Standard by Zone	
		I-L	I-H
Parcel Area (min.)		20,000	1 Acre
Yards (min.)			
Exterior	A	15 ft. [1]	None [Proposed change to 15 feet]
Interior	B	20 ft. [2]	None
Height (max.) [3]	C	None, except for adjacent to residential zones or within Airport Compatibility Plan area	None, except for adjacent to residential zones or within Airport Compatibility Plan area

Notes:

[1] When a parcel is located on a block with 40 percent of the parcels occupied by structures with exterior yards of less than 15 feet, the minimum setback shall be equal to the average exterior setback of structures on the block. **[No Change from MMC 20.34.060(B)]**

[2] Interior yards less than 20 feet are permitted for building in compliance with the Fire Code with approval of a Site Plan Review Permit. **[No Change from MMC 20.34.060(C)]**

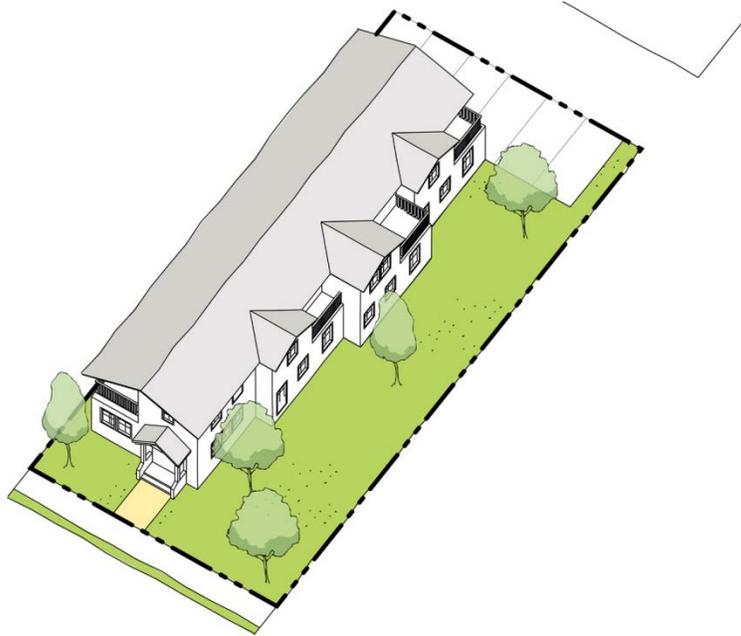
[3] The maximum height of industrial structures when directly adjacent to residential zones will be established with the Site Plan Review Permit/Interface process, based on impacts to the adjacent residential uses. Industrial structures shall also comply with the Merced County Airport Land Use Compatibility Plan. **[Changes MMC 20.34.060, which requires a CUP from the Planning Commission to go over the current 40 ft height limit]**

4. Page 84, Section 20.22.040.D3h--

h. Side Court Apartments.

- (1) **Definition.** A 2- to 3-story structure that contains multiple dwelling units and most of its dwelling units facing an active side yard.

Figure 20.22-9 Side Court Apartments Example



- (2) **Standards.** Side court apartments shall comply with the development standards shown in Table 20.22-9, unless otherwise approved through the Minor Use Permit or Site Plan Review Permit process.

Table 20.22-9 Development Standards for Side Court Apartments

	Minimum	Maximum
Building Standards		
Setbacks		
Exterior, Front	10 ft.	20 ft.
Interior, Rear	15 ft. [1]	-
Side, Inactive	4 ft.	-
Side, Active and Street	20 ft.	-
Height	-	35 ft.

Notes: [1] The minimum rear setback shall be 5 feet when abutting an alley.

Proposed New Language to be Added which matches that from Section 20.22.040.D3i for Courtyard Apartments below:

- (3) **Pedestrian Access.** The primary entry to individual units or the interior lobby of a courtyard apartment building shall be through the central courtyard.
- (4) **Central Courtyard.**
 - a) The central courtyard shall be a shared space accessible to all building residents.
 - b) Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.
 - c) The central courtyard shall be visible from the primary street frontage.
 - d) The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area.
 - e) The central courtyard shall be at least 30 feet in width.
- (5) **Frontage.** The active side yard shall front the street on a corner lot.

5. Page 120, Table 20.38-1—Parking Standards

[Refer to Table D1 on pg. 140A for Current Ordinance; “NC”= No change from current ordinance; “MOD”= Modified from current code; & “NEW”= New requirement.]

TABLE 20.38-1 OFF-STREET PARKING REQUIREMENTS	
Land Uses	Number of Required Parking Spaces
RESIDENTIAL LAND USES	
Multiple Family Dwellings/Condominiums <u>[MOD-- MMC 20.58.035 for Condos, which varies based on # of garages; & changes Multi-Family to address # of bedrooms]</u>	1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit <u>and 1.0 spaces per additional full or partial bathroom over 2 in each unit. {Proposed new language}</u>

Note: Staff recommends that bathrooms not be used as a standard. If the 0.5 space per additional bedroom over 2 units is not enough, then that ratio can be adjusted to 0.75 or 1.0 instead. At the meeting, staff will provide some calculations based on some recent projects that were considered by the City so the Focus Group can determine which ratio to recommend.

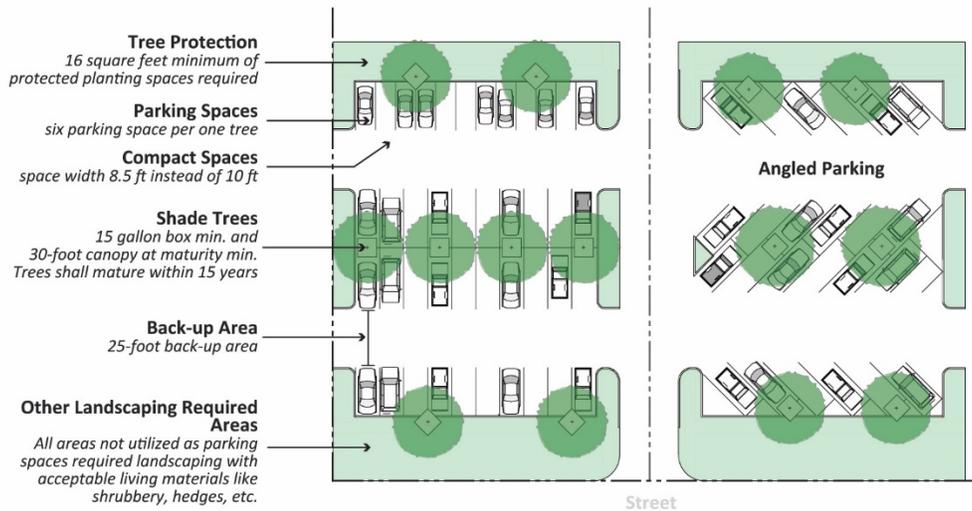
6. Page 133, Section 20.38.070.F3b

F. Landscaping. [Modifies MMC 20.58.385 to spell out requirements instead of referring to a separate document adopted in 1985 and not as readily accessible as the City Standards.]

- 1. **General Standards.** All landscaping within parking areas shall comply with the requirements of Chapter 20.36 (Landscaping) in addition to the standards within this section.
- 2. **Landscaping Defined.** Except as otherwise specified in this section, landscaping and landscaped areas shall consist of drought-tolerant plant materials, including any combination of trees, shrubs, and ground cover.

3. **Parking Lot Standards.** As illustrated in Figure 20.38-2 (Parking Lot Landscaping Standards), the following landscaping standards shall apply to parking lots containing six or more parking spaces. All landscape areas shall have an irrigation system.

FIGURE 20.38-2 PARKING LOT LANDSCAPING STANDARDS



- a) **Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped with plantings with drought-tolerant, non-invasive species. **[NEW]**
- b) **Shade Trees. [Matches Current Standards]**
- (1) One shade tree shall be provided for every six parking spaces, or portion thereof, in a parking lot in addition to street trees.
 - (2) Shade trees shall be a minimum 15 gallon box in size and shall provide a minimum 30-foot canopy at maturity.
 - (3) Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-approved list of canopy tree species suitable for the Valley climate.
 - (4) Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage at noon on August 21 within 15 years of planting.
 - (5) The above standards may be modified with a Minor Use Permit if alternative shade structures are provided. **[Proposal is to add standards for shade structures and solar carports instead of leaving up to staff to address with Minor Use Permits]**

7. Page 165, Section 20.46.020.C

20.08.020 Design Standards for Single-Family Dwellings and Mobile Homes

- A. **Applicability.** The following standards shall apply to all single-family developments and mobile homes. **[No change to MMC 20.54.250]**
- B. **Siding.** No shiny or reflective exterior siding materials, which are more reflective than semi-gloss paint, shall be permitted. **[No change to MMC 20.54.250(B)]**
- C. **Exterior Walls.**

1. Materials shall extend to the ground where a unit is mounted at grade-level or the top of the solid concrete or masonry perimeter foundation where an above-grade foundation is used. [No change to MMC 20.54.250(A)]
2. Materials shall be limited to stucco, wood, brick, stone, glass, or decorative concrete block. No tin or other metallic exterior wall material shall be used. [No change to MMC 20.54.250(F)]
3. Materials shall be the same as or complementary to the wall materials and roofing materials of the dwelling unit. [No change to MMC 20.54.250(K)]
4. **"The street address number of the house shall be on the front wall of the house clearly visible from the street and of a minimum height of 4 inches." {Proposed new language}**

8. Addition to Pages 167-170, Section 20.08.030 and 20.08.040

Note: If Council Member Belluomini's suggestions #8 through #12, #14, and #15 are added, they should be added to the sections below.

20.08.030 General Design Standards for Multi-Family Dwellings

[MMC 20.54.290, 20.54.300, and 20.54.310 spells out design standards for Multi-family projects of 3 different types (Planned Developments, Non-Planned Developments of 6 or More Units, and Non-Planned Developments of 2-5 units). The DRAFT below takes all the common standards between the 3 types and puts them in this "General Standards" section and then takes the ones that differ between the 3 types and puts them in the following Section of "Specific Design Standards. There are no proposed changes to the standards themselves.]

- A. **Applicability.** The following standards shall apply to all multi-family residential development of 3 units or more in any zoning district.
- B. **Exterior Treatment.**
 1. Blank walls shall be treated with a variety of textures, use of projecting details that create shade/shadow and contrasting trim materials.
 2. Any pipes, vents or tubes, etc., on the roof shall be painted or otherwise covered to match roof color or shall be screened.
 3. Ground-mounted air conditioning units shall be screened from public view, using either landscaping or a combination of landscaping and screening comprised of the same materials as used on the buildings.
- C. **Landscaping.** (Also refer to Chapter 20.36.)
 1. An automatic irrigation system shall be provided to all planting areas within the project.
 2. Landscaping other than turf shall be located a minimum of 3 feet from any fire hydrant to allow access.
- D. **Parking.**
 1. Parking areas shall be screened from public right-of-way by landscaping, which may include berms or fencing/screening.
 2. Parking areas shall be landscaped with a minimum of 1 tree per every 6 spaces.
 3. Parking areas shall be lit at night for security reasons, but the lighting shall not spill over onto adjacent properties.
- E. **Trash Collection Area.**
 1. No trash collection area shall be located within 10 feet (horizontal) of the outermost extent allowable for a roof projection on a residential structure.

2. Refuse collection areas shall be screened with the same and/or complementary materials and colors used on the main buildings.

F. Apartment Unit.

1. Each apartment unit shall have unique identification (i.e. numbers, letters, etc.) and all unit identification shall be in proper sequential order.
2. Unit identifications shall be 6 inches to 8 inches in height.
3. Unit identifications shall be treated so that it is clearly read from a street or access.
4. The project "mail directory" required by the postal service shall be located to be only accessible to the postal carrier, and not to the general public.

- G. Location.** Each dwelling shall face or have frontage upon a street or permanent means of access to a street by way of a public or private easement other than an alley. Such easements shall not be less than 10 feet in width.

20.08.040 Specific Design Standards for Multi-Family Dwellings

- A. All Multi-Family Dwelling in the Planned Development Zoning District and Multi-Family Dwellings with Five or More Units (or Three or More Units on Corner Lots) in Non-Planned Development Zoning Districts.** In addition to the standards in Section 20.46.040 above, such units shall comply with the following:

1. Building construction shall not exceed the plane established by 1:1 height and setback ratio from any exterior property line of a lot or parcel, for more than 50 percent of the allowable building area at any established distance from said exterior property line.
2. A minimum of 1 tree per 3 units is required, and foundation plantings with a minimum mean horizontal depth of 3 feet covering the equivalent of a minimum of 50 percent of the overall horizontal building frontage shall be required in the overall project area.
3. **Fences.**
 - a. Private balconies or patios shall be screened with solid or near-solid fencing/railings.
 - (1) Materials used shall be comparable quality and aesthetics to those used on the rest of the project.
 - (2) The color shall complement or match building trim.
 - b. Patio or Swimming Pool. Following standards exclude perimeter fencing.
 - (1) Fencing shall use the same materials, textures and colors as are used for the main building.
 - (2) Fencing shall not include chain link.
 - c. Chain link may be allowed for tennis courts if it uses vinyl-covered (or equivalent shading) chain link in complementary colors and masonry pilasters with complementary landscaping.
4. **Parking, Garage, and Carports.**
 - a. Carports shall have fascia boards. Materials for the fascia board shall match building material(s) of main structures; both fascia boards and vertical members (supports, screening elements, etc.) shall be painted to match or complement building trim.
 - b. A directory, with a list of all apartment unit identifications and a schematic or other locational device/site plan, shall be required in proximity to each parking lot entrance for use by emergency vehicles or visitors:
 - (1) Materials and color(s) of the directory will match/complement the building(s).
 - (2) City's approval is required for its placement and dimension, including orientation and lighting arrangements.

5. Mechanical and Utility Equipment and Trash Collection Area.

- a. No roof-mounted air-conditioning equipment shall be permitted.
- b. **Trash Collection Areas.**
 - (1) The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the City.
 - (2) Decorative gates shall enclose a trash area; walk-in access for tenants, other than the main gates to the trash area, shall be provided unless otherwise required by the City.
- c. Utility meters shall not be located within setback nor should they be visible from the public right-of-way, consistent with the following:
 - (1) A 3-foot clear space shall be provided in front of the meters;
 - (2) The meters shall be located near the front of the complex, but may be along the side of a unit;
 - (3) The meters may be screened with plants or materials as long as the utility company can still reach the meters to read them;
 - (4) Screening materials shall be the same as used on main buildings and shall be painted to match/complement building colors; and,
 - (5) The meters shall be located away from parking areas where they could be hit or backed into.

B. Multi-Family Dwellings in the Planned Development Zoning District. In addition to the standards in Section 20.46.030 and 20.46.040.A above, such units shall comply with the following: No composition roof materials shall be permitted except three-dimensional, architectural grade shingles.

C. Multi-Family Dwellings with 3 to 5 Units in Non-Planned Development Zoning District. In addition to the standards in Section 20.46.030 above, such units shall comply with the following: Roof-mounted air conditioning units are prohibited unless approved by the Site Plan Review Committee. If so approved, they shall be:

- 1. Mounted on the side of the building away from the public right-of-way, and,
- 2. Screened (to provide sufficient air circulation) with materials that will blend into the rest of the roof structure and block any view of the unit.

9. See #8 Above

10. See #8 Above

11. See #8 Above

12. See #8 Above

13. Page 16 & 17, Tables 20.08-2 and 20.08-3 for Interior Yards (Note: The City does not have a “back yard” setback requirement, it is for “one interior yard” and it can be either the back or the side yard. Current standard is 10 feet; proposal is for 12 feet for all residential zones.)

[No changes from MMC 20.10.050 and MMC 20.10.060, except to add R-R standards and remove maximum stories of 2.5 in all districts.]

TABLE 20.08-2 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

	Figure Label	Zoning District				
		R-R [NEW]	R-1-20	R-1-10	R-1-6	R-1-5
Lot and Density Standards (Minimums)						
Lot Area		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Lot Width [2]						
Interior Lots		125 ft.	85 ft.	70 ft.	60 ft.	50 ft.
Corner Lots		125 ft.	85 ft.	70 ft.	65 ft.	55 ft.
Lot Depth [3]		None	125 ft.	100 ft.	100 ft.	80 ft.
Lot Area per Dwelling Unit		1 acre [4]	20,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.
Primary Structure Standards						
Setbacks (min.)						
Exterior Yards, Front	A	30 ft.	30 ft.	20 ft.	20 ft.	15 ft. [1]
Exterior Yards, Side (<i>Corner Lots only</i>)	B	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Exterior Yards, Cul-De-Sacs		30 ft.	30 ft. [1]	15 ft. [1]	15 ft. [1]	15 ft. [1]
One Interior Yard	C D	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	25 ft.	10 ft.	7 ft.	5 ft.	5 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Lot Coverage (max.)		25%	30%	40%	45%	50%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		As required by the California Building Code				

*

*

Notes:

[1] 20-foot minimum for garages.

[2] Lots located on curved streets, turnarounds, or cul-de-sac bulbs shall meet the minimum lot width requirement at the established front setback line. **[No change from MMC 20.54.270]**

[3] Cul-de-sac lots located on the cul-de-sac bulbs shall meet the minimum lot depth requirement measured at the mean horizontal distance between the front and rear lot lines, but at no point shall be less than 80 feet in depth. **[Modified MMC 20.54.270 to fit standard practices]**

[4] May be reduced to 1/3 acre if City sewer and water serves the property. **[NEW, but consistent with General Plan and County requirements]**

[No changes from MMC 20.12.060 for R-2; MMC 20.14.060 for R-3; MMC 20.16.060 for R-4; and MMC 20.50.080 & 20.50.090 for R-MH, except as noted and maximum stories removed for all.]

TABLE 20.08-3 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS

	Figure Label	Zoning District				
		R-2	R-3-2	R-3-1.5	R-4	R-MH
Lot and Density Standards (Minimums)						
Lot Area		6,000 sq. ft.	6,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	10 acres
Lot Width						
Interior Lots		60 ft.	60 ft.	60 ft.	70 ft.	200 ft.
Corner Lots		65 ft.	65 ft.	65 ft.	70 ft.	200 ft.
Lot Depth		100 ft.	-	-	-	200 ft.
Lot Area per Dwelling Unit		3,000 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.	[1]
Primary Building Standards						
Setbacks (min.)						
Exterior Yards, Front	A	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.
Exterior Yards, Side (<i>Corner Lots Only</i>)	B	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
One Interior Yard	C D	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
All Other Interior Yards	C D	5 ft.	5 ft.	5 ft.	6 ft. [2]	10 ft.
Height (max.)	E					
Feet		35 ft.	35 ft.	35 ft.	40 ft.	35 ft.
Other Standards						
Accessory Structure Standards		See Chapter 20.28				
Driveway Length (min.)		20 ft.	-	-	-	-
Lot Coverage (max.)		50%	55%	55%	65%	65%
Off-Street Parking		See Chapter 20.38				
Projections Into Required Yards		See Chapter 20.26				
Separation Between Structures (min.)		15 ft.	15 ft.	15 ft.	10 ft.	15 ft.

*

*

Notes:

[1] The maximum residential density in the R-MH zoning district is ten dwelling units per acre. **[NEW, but minimum dimensions for each mobile home and setbacks for each space in MMC 20.50.090 have been deleted or modified.]**

[2] Rear yard minimum 10 feet for structures over 25 feet in height, an additional 1 foot per each additional 5 feet in height. **[No change from MMC 20.16.060(E)]**

14.Addition to Pages 167-170, Section 20.08.030 and 20.08.040 (See #8 above)

15.See #8 Above

Zoning Ordinance Focus Group

Feedback on Suggestions from Council Member Belluomini

(To help you in your review, staff has provided the following form for you to mark your agreement or not with each suggestion. If you are unable to attend the January 21, 2016, please feel free to simply mark this form and email it back to Kim at espinosak@cityofmerced.org)

Do you agree, disagree, or are neutral regarding making these changes to the Draft Zoning Ordinance?

Please see Attachments 1 and 2 for the Numbered Suggestions.

Suggestion	Agree	Disagree	Neutral
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Additional Comments: _____

Focus Group Member: _____

MEMORANDUM

DATE: January 21, 2016
TO: Merced Zoning Ordinance Update Focus Group
FROM: Kim Espinosa, Planning Manager
SUBJECT: Options for Multi-Family Parking Requirements

In my memo to the Focus Group on December 15, 2015, I noted that one of the issues that the Planning Commission and City Council was most interested in was the parking requirements for multi-family. As noted on Attachment 3, page 5 of that memo, City staff is providing several options regarding the parking requirements (see below with the changes from the current ordinance in underlined text). To illustrate each option, staff has provided the parking calculations for each option for recent multi-family projects that have been considered by the City. We hope that this will help the Focus Group in determining which parking ratio to recommend.

Options for Parking Requirements for Multi-Family

Option A—Current Zoning Ordinance = **1.75 spaces for each unit up to 30 units and 1.5 spaces for ea. unit thereafter.**

Option B—Public Review Draft (Sept 2015) = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit.**

Option C—Councilmember Belluomini’s suggestion = **1.75 spaces per unit of 2 bedrooms or less up to 30 units and 1.5 spaces per unit thereafter, plus 0.5 spaces per additional bedroom over 2 in each unit and 1.0 spaces per additional full or partial bathroom over 2 in each unit.**

Option D—Increase to 0.75 spaces per Bedroom = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 0.75 spaces per additional bedroom over 2 in each unit.**

Option E—Increase to 1.00 spaces per Bedroom = **1.75 spaces for ea. Unit up to 30 units and 1.5 spaces for ea. unit thereafter, plus 1 space per additional bedroom over 2 in each unit.**

Parking Calculations for Recent Projects

- 1) Apartment Project for BP Investors on Merrill Place, east of G Street and north of Cardella (CUP #1200 approved by City Council on appeal on August 3, 2015)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	12	12	12	n/a	n/a	n/a	n/a	n/a
2 Bedroom/1 Bath	27	54	27	n/a	n/a	n/a	n/a	n/a
2 Bedroom/2 Bath	48	96	96	n/a	n/a	n/a	n/a	n/a
4 Bedroom/2 Bath	51	204	102	n/a	51	51	77	102
4 Bedroom/4 Bath	78	312	312	n/a	78	234	117	156
Baseline Parking (Based on # Units)	n/a	n/a	n/a	332	332	332	332	332
Total	216	678	549	332	461	617	526	590
<i>Ratio Per Bedroom</i>				0.49	0.68	0.91	0.78	0.87

Note: The developer included 362 parking spaces, which is a 0.53 spaces per bedroom

- 2) Compass Pointe Apartments, Phase 2 on southeast corner of Pacific Dr and Compass Point (approved by Planning Commission on January 6, 2016)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	28	28	28	n/a	n/a	n/a	n/a	n/a
2 Bedrooms/2 Bath	56	112	112	n/a	n/a	n/a	n/a	n/a
3 Bedrooms/2 Bath	44	132	88	n/a	22	22	33	44
Baseline Parking (Based on # Units)	n/a	n/a	n/a	200	200	200	200	200
Total	128	272	228	200	222	222	233	244
<i>Ratio Per Bedroom</i>				0.75	0.81	0.81	0.86	0.90

Note: The Developer proposed 263 spaces (0.96 per bedroom) and also offered to include 57 more spaces for a total of 322 (1.18 per bedroom). However, the Planning Commission felt that the additional spaces were not necessary.

- 3) Bellevue Ranch Apartments between M, Barclay, & Mandeville (tabled by City Council on July 6, 2015)

Unit Type	# of Units	# of Bdrms	# of Baths	Parking Spaces Required				
				Option A	Option B	Option C	Option D	Option E
1 Bedroom/1 Bath	144	144	144	n/a	n/a	n/a	n/a	n/a
2 Bedroom/2 Bath	192	384	384	n/a	n/a	n/a	n/a	n/a
3 Bedroom/3 Bath	64	192	192	n/a	32	96	48	64
4 Bedroom/4 Bath	32	128	128	n/a	32	96	48	64
Baseline Parking (Based on # Units)	n/a	n/a	n/a	656	656	656	656	656
Total	432	848	848	656	720	848	752	784
<i>Ratio Per Bedroom</i>				<i>0.77</i>	<i>0.85</i>	<i>1.00</i>	<i>0.89</i>	<i>0.92</i>

Note: The developer proposed 882 parking spaces, which is a ratio of 1.04 spaces per bedroom

Attachments

- 1) Site Plan for Apartments for BP Investors
- 2) Site Plan for Compass Point Apartments, Phase 2
- 3) Site Plan for Bellevue Ranch Apartments

GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street #8340
Menlo Park, CA 94024
Tel: (650) 722-3294
Fax: (650) 722-3294

PROJECT NO.: 2013-001

DATE: 10/20/13

BY: J.K.

CHECKED BY: J.K.

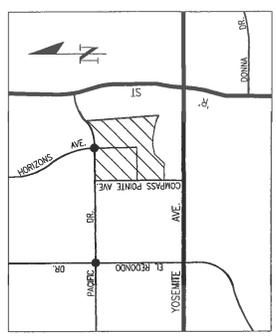
DATE: 10/20/13

PROJECT: STENER DEVELOPMENT AT WATERS

CITY OF MERCED

APARTMENT COMPLEX
SITE PLAN
APN: 206-070-006

C1.0



PHASE 2
UNITS TABULATION
10.42 Acres

BUILDING TYPE	# OF BLDGS	# OF UNITS
3 & 3 Bedroom	2	16
3 & 2 Bedroom	4	32
3 & 1 Bedroom	3	24
2 & 2 Bedroom	3	24
2 & 1 Bedroom	4	32
SITE TOTAL	16	128

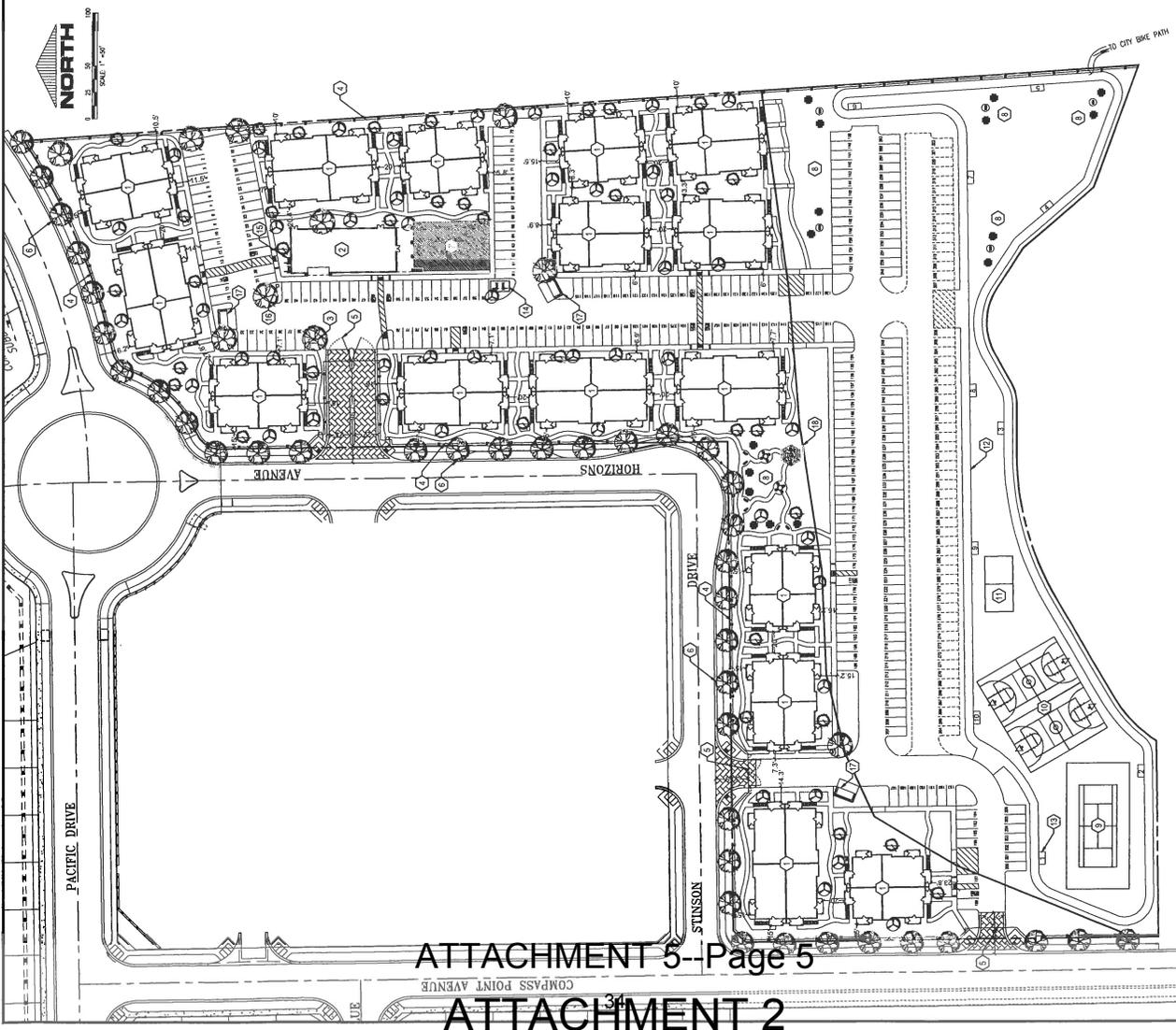
TYPE	# OF UNITS	TOTAL BDRMS.
3 Bedroom	44	132
2 Bedroom	56	112
1 Bedroom	28	28
SITE TOTAL	128	272

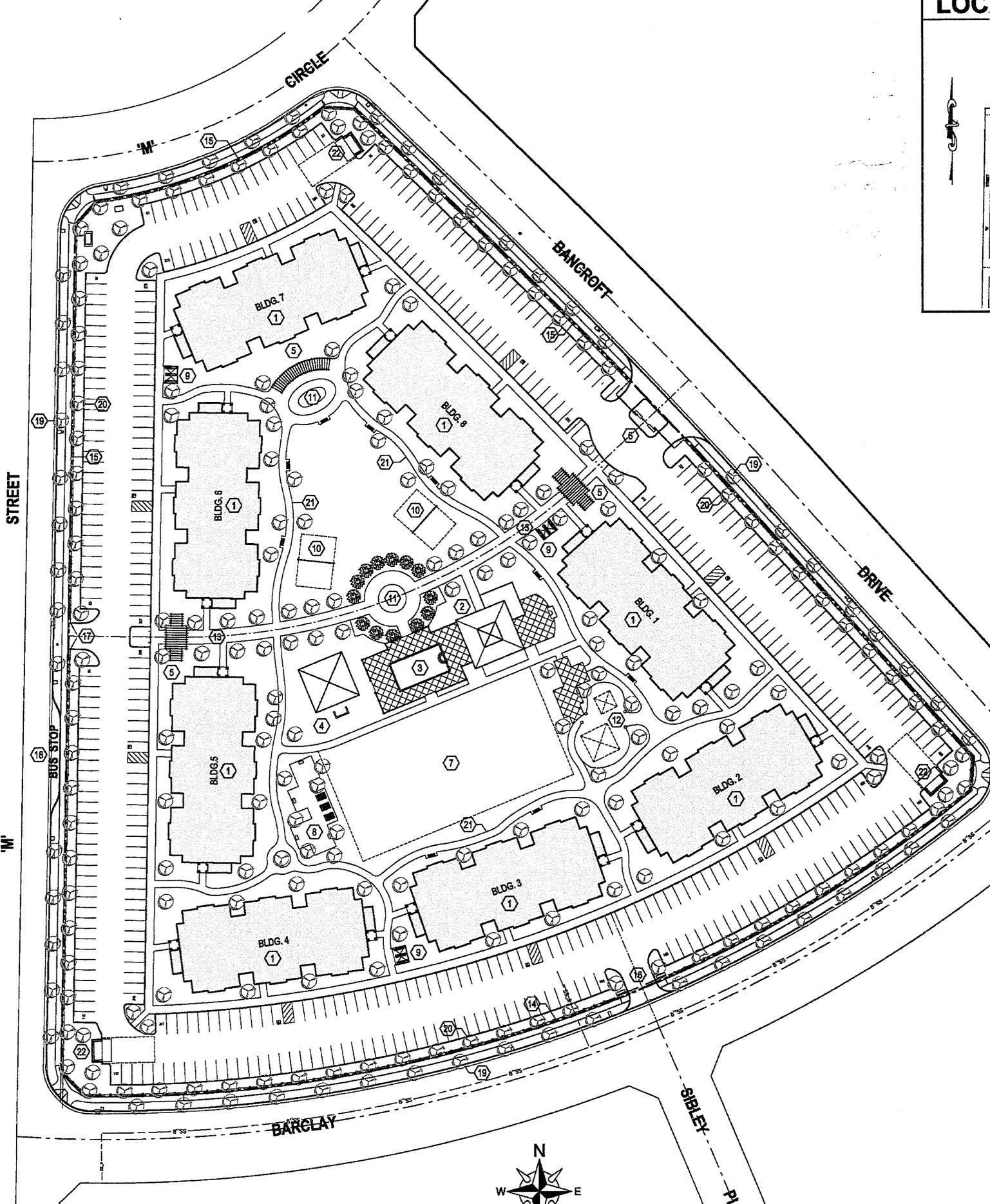
PARKING ANALYSIS EACH PARCEL:

TOTAL PARKING REQUIRED:
 53 spaces
 30 units - 1.25 x 80
 128 units - 1.00 x 80
 Total Required - 200 spaces

TOTAL PARKING PROVIDED:
 Total Parking - 263 spaces (ADA spaces included)
 Accessible Parking - 10 spaces
 Potential Additional Stalls - 59 spaces
 Total Potential Stalls - 322 spaces (ADA spaces included)

- KEYNOTES:**
- 1 2-STORY APARTMENT UNIT (8 UNITS EA. BLDG)
 - 2 2-STORY OFFICE/COMMERCIAL BUILDING
 - 3 COMMUNITY MAILBOX
 - 4 6' WROUGHT IRON FENCE
 - 5 GATED ENTRANCE
 - 6 CITY STREET TREES @ 47' O.C.
 - 7 SWIMMING POOL
 - 8 PICNIC AREA
 - 9 TENNIS COURT
 - 10 BASKETBALL COURTS
 - 11 SAND VOLLEYBALL COURT
 - 12 RUNNING TRACK
 - 13 TYPICAL WORKOUT STATION (10 TOTAL)
 - 14 COVERED BICYCLE STORAGE
 - 15 BICYCLE RACK
 - 16 ELECTRIC CAR CHARGING STATION
 - 17 TRASH ENCLOSURES
 - 18 FLOODWAY





STREET

CIRCLE

BANGROFT DRIVE

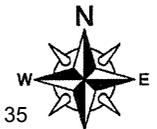
DRIVE

'M'

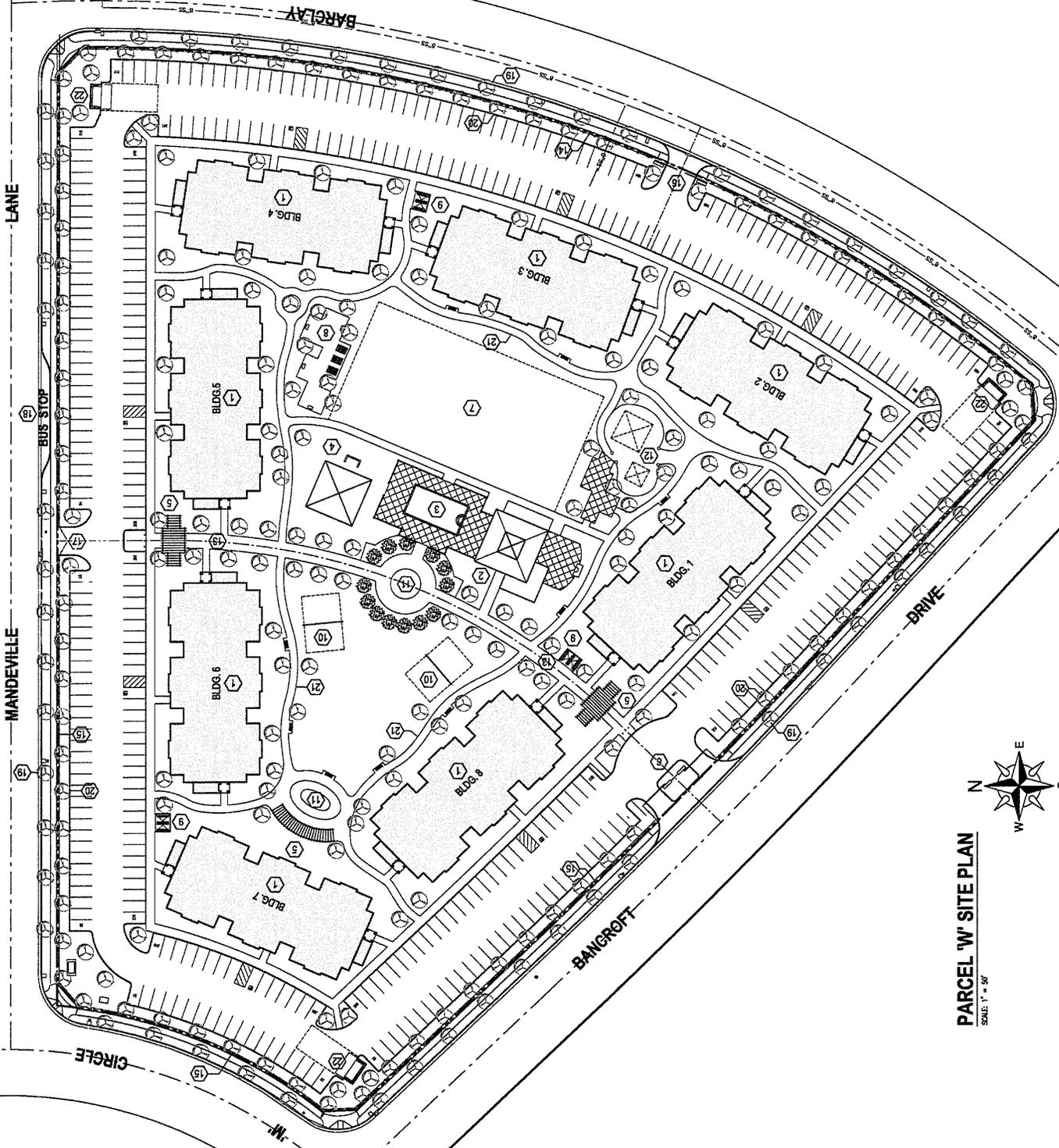
BUS STOP

BARCLAY

SIBLEY PLACE



35



PARCEL 'W' SITE PLAN
 SCALE: 1" = 50'

A north arrow is located to the right of the title, pointing upwards. Below it is a graphic scale bar with markings at 0, 10, 20, 30, 40, 50, and 100 feet. The text 'SCALE: 1" = 50'' is printed vertically to the right of the scale bar.

City of Merced
MEMORANDUM

DATE: September 8 & 9, 2015
TO: Planning Commission and City Council
FROM: Kim Espinosa, Planning Manager
SUBJECT: Public Review Draft of New Zoning Ordinance

Introduction

City staff is pleased to present the Public Review Draft of the new Merced Zoning Ordinance. This is the first comprehensive update of the Zoning Ordinance since its adoption in the early 1960's and represents a complete redesign, update, and modernization of the Zoning Ordinance in order to make the Ordinance easier to use and understand for the general public and to provide specific guidance to developers, making the development process simpler and faster. The goal was to facilitate the City's overall growth and development and enhance the community's overall appearance, access to services, and economic health.

The process began in 2012 with the hiring of a consultant, The Planning Center (now known as Placeworks), with the use of grant funds. Before the grant funds ran out in December 2013, the consultants prepared a preliminary draft of the new ordinance. Since that time, City Planning Staff took over responsibility for the project and facilitated the Focus Group meetings from July 2013 to March 2015 (see below). City staff also completely reformatted the ordinance with the use of color, enhanced graphics and photographs, and added provisions to address various issues that came up throughout the Focus Group process. In December 2014, City staff produced a Focus Group Review Draft for the Focus Group to review; and in September 2015, City staff produced this Public Review Draft with changes as asked for by the Focus Group along with various changes that arose from City staff's experience with implementing the current Zoning Ordinance.

Focus Group

The Merced Zoning Ordinance Update Focus Group was made up of Merced residents with various interests, including developers, engineers, planners, real estate, banking, and other interested citizens (see below for the members). The Zoning Ordinance Focus Group met a total of 17 times from July 2013 to March 2015. Over the course of the meetings, the Focus Group made recommendations on the draft Zoning Ordinance. Please see the enclosed document entitled "Zoning Ordinance Update Focus Group Recommendations" for a summary of the recommendations from the Focus Group.

Focus Group Members: Jim Abbate, Christina Alley, Ann Andersen, Todd Bender, Kenra Bragonier, Adam Cox, Tony Dossetti (Council Member), Ron Ewing, Loren Gonella, Forrest Hansen, Flip Hassett, Jack Lesch, Elmer Lorenzi, Des Johnston, Guy Maxwell, Carole McCoy (former Planning Commissioner), Michelle Paloutzian, Garth Pecchinino, Joe Ramirez, Mike Salvadori, Stan Thurston (Mayor), Brandon Williams (former Planning Commissioner), Jim Xu, and Chairman Bruce Logue

Tips for Reviewing the Draft

In order to make reviewing the Draft a bit easier, this is an “annotated” version of the Public Review Draft. This means that Staff has noted throughout the DRAFT whether a section is either:

- “[**NEW**],” meaning this section is completely new and is NOT in the current Zoning Ordinance; or,
- “**No Changes from the Current Ordinance [with a reference to the appropriate Merced Municipal Code (MMC) section].**” meaning that the section is in the current Zoning Ordinance and that the text has NOT been changed. However, since the Zoning Ordinance has been completely reorganized, the section has likely been moved to a new location with a new reference number. Therefore, a reference to where it can be found in the current ordinance is given; or,
- “**Modified from the Current Ordinance (with a brief summary of the changes).**” meaning that this section has been modified from the current Ordinance and then gives a brief summary of the changes and a reference to the current MMC section.

Please use the following link to find the current Zoning Ordinance (Title 20 of the Merced Municipal Code) on the City’s website if you wish to compare the existing text yourself.

https://www.municode.com/library/ca/merced/codes/code_of_ordinances

Also to assist in your review, City staff had enclosed a separate document entitled “Zoning Code Update—Summary of Major Changes” which summarizes the major changes in the Zoning Code in a table format.

QUESTIONS TO THINK ABOUT WHEN REVIEWING THE PUBLIC REVIEW DRAFT OF ZONING ORDINANCE

The Zoning Ordinance Focus Group asked City staff to prepare questions to assist the Focus Group in their review of the Draft Zoning Ordinance and to help focus their discussion on various issues. The Focus Group found this approach to be very helpful, so the questions have been provided below (with a few additions and modifications to reflect the changes made by the Focus Group) to assist in your review of the Draft Ordinance. (Please note that the list below is a combined list of the Focus Group questions from 2 sets of questions that were prepared, so the question numbers may not correspond to the question numbers in the Focus Group Recommendations memo.)

Overall Organization/Table of Contents

- 1) Although much of the content in the Public Review Draft is based on the City’s current Zoning Ordinance, the new Ordinance is organized much differently. Do you like the way the Draft is organized? Is it easy to understand and readable? Is it easy to find provisions that apply to specific land uses? Do the land use tables make it easier to see which land uses are allowed in each zone? Are the tables that spell out development standards easy to understand? Are the illustrations clear and understandable?

Part 1—Enactment and Applicability

- 2) Part 1 is made up of three chapters, 20.02—Purpose, 20.04—Interpretation, and 20.06—Zoning Districts and Maps. These chapters serve as an introduction to the Zoning Ordinance and provide explanations of how the ordinance should be interpreted. Are these provisions clear or do they need further clarification?

Part 2—Zoning District Standards

One of the most important aspects of the new Zoning Ordinance are the Land Use Regulation Tables in each of the chapters in Part 2. Many of the questions in this section focus on these Tables. When reviewing the Land Use Regulation Tables, think about each land use and whether it is appropriate for that zone (keeping in mind the purpose of each zone as described at the beginning of each chapter). You may also want to compare the proposed Table with the existing regulations which are summarized in tables at the end of each chapter. Also think about whether the level of City review required is appropriate, keeping in mind the following:

- a) **P = Permitted Use.** This means that the use is allowed with non-discretionary City review, either a Building Permit or a Business License. The City must allow the use to locate in that zone. The City's Interface regulations (Chapter 20.32) could be applied to require conditions to make them compatible with adjacent lower intensity uses but the land use itself cannot be denied.
- b) **M = Minor Use Permit Required.** This is a new permit defined in Section 20.68.020. Minor Use Permits would be approved or denied by the Director of Development Services or the Director could refer the permit to the Planning Commission for a decision. No public hearings are required so the neighbors would not be notified of the proposed use. This review process would generally not take more than 1-2 weeks, but would likely be much shorter.
- c) **SP = Site Plan Review Permit Required.** Site Plan Review Permits (Section 20.68.050) are reviewed by the Site Plan Review Committee (made up of the Director of Development Services, Chief Building Official, and City Engineer or their designees), unless referred to the Planning Commission by the Committee. Public hearings would not be required of Industrial uses (no change from the current ordinance); but public hearings would be required for properties directly adjacent to residentially zoned property or Interface reviews (Chapter 20.32) with a 10-day notice to adjacent properties. This review process should take no more than 3-6 weeks, less if no hearings are required.
- d) **C = Conditional Use Permit Required.** Conditional Use Permits are reviewed by the Planning Commission, which may approve the use with conditions to ensure compatibility with surrounding uses or deny the use as inappropriate for the proposed location. This is a discretionary review which requires environmental review and public hearings with 21-day notification required. This review process generally takes 6-8 weeks, but could be longer. Actions of the Planning Commission can be appealed to the City Council.
- e) **X = Use Not Allowed.** The City cannot allow the proposed use in that particular zone.

Chapter 20.08—Residential Zoning Districts

- 3) Please review carefully Table 20.08-1 on page 12 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.08.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table A1 on page 20A.)
- 4) The Rural Residential (R-R) District is a new district which corresponds to a General Plan land use designation. Do the regulations for the R-R district in Section 20.08.050 on page 20 seem appropriate?

Chapter 20.10—Commercial Zoning Districts

- 5) Please review carefully Table 20.10-11 on page 22 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.10.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table B1 on page 32A.)
- 6) In the current Zoning Ordinance, there are height restrictions applied in all zoning districts. In Table 20.10-2 on page 28 for all commercial zones (and also for industrial, Downtown, and other non-residential zones in later chapters), it is proposed that the height limits only apply to structures that are directly adjacent to residential zones and to allow exceptions to the height limits in those cases to be granted by the Site Plan Review Committee. This is designed to give flexibility to non-residential structures while still maintaining protections for residential areas. Do you agree with this change?
- 7) The Ordinance proposes design guidelines for the new Business Park zoning district in Section 20.10.030(E) on page 30. City staff is proposing to also apply those same B-P guidelines to regional centers outside the Downtown area in the C-C zone to allow the C-C zone to function more like the corresponding “Regional/ Community Commercial” (RC) General Plan designation, instead of focusing mostly on Downtown. Are these changes appropriate?

Chapter 20.12—Industrial Zoning Districts

- 8) Please review carefully Table 20.12-11 on page 33 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.12.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above. (You may also want to compare the proposed Table with the existing regulations in Table C1 on page 40A.)

Chapter 20.14—Downtown Zoning Districts

- 9) Do you think the creation of these 3 new Downtown zoning districts to better reflect the unique characteristics of different Downtown commercial areas is worthwhile or should the City continue to just use the current C-C zone?
- 10) Please review carefully Table 20.14-11 on page 42 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.14.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.
- 11) Are the new development standards in Section 20.14.030 starting on page 45 appropriate or too restrictive?

Chapter 20.16—Urban Village Zoning Districts

- 12) These 3 new Urban Village zoning districts have been created to correspond to the Urban Village designations in the City’s General Plan and would offer additional zoning options for developers to choose (if they wish) instead of Planned Developments in newly annexed areas. Are these new zoning districts necessary?
- 13) Please review carefully Table 20.16-11 starting on page 53 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.16.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.
- 14) Are the new development standards in Section 20.16.030 starting on page 55 appropriate or too restrictive?

Chapter 20.18—Public Use and Agricultural Zoning Districts

- 15) This chapter contains 2 new zoning districts, Parks and Open Space (P-OS) and Public Facility (P-F), along with the existing Public Parking (P-PK) zone and a modified Agricultural (A-G) zone which replaces the current A-T-5 and A-1-20. Are these new P-OS and P-F zones worthwhile additions or will they have limited use due to the small number of uses allowed in each?
- 16) Please review carefully Table 20.18-11 on page 60 and think about whether the listed land uses are appropriate for those zones (keeping in mind the purpose of each zone described in Section 20.18.010) and whether the City review process proposed is appropriate, keeping in mind the descriptions of those procedures above.

Chapter 20.20—Special Use Zoning Districts

- 17) The “Summary of Major Changes” notes several changes to the Planned Development requirements, starting on page 66, to make it more flexible and easier for developers to use. Are these changes appropriate?

Chapter 20.22—Overlay Zones

- 18) What do you think of the new Urban Residential (/UR) overlay zone, starting on page 74? Will it encourage the use of different housing types not typically found in Merced?

Part 3—General Regulations

Chapter 20.30—Walls and Fences

- 19) Section 20.30.020(A)(2) on page 98 would allow the addition of 1 foot of lattice on residential fences and Note 2 of Table 20.30-1 on page 98 would allow the maximum height of backyard residential fences to be increased from 6 feet to 7 feet. Are these changes appropriate?
- 20) Section 20.30.030 on Corner Vision Triangles on page 103 defines the areas where fence heights are limited in order to ensure visibility at intersections. The DRAFT proposes to change the requirement from 10 feet to 15 feet for driveways and alleys and to change the current requirement from 40 feet for all intersections to 25 feet, 40 feet, or 55 feet depending on the type of street. Are these changes appropriate?
- 21) The City's current Ordinance does not address some common wall materials. Section 20.30.040 on page 104 allows barbed wire fences in residential zones, razor wire fences in all zones, and electric fences in only non-residential zones, all with a Minor Use Permit. Are these provisions appropriate?

Chapter 20.32—Interface Regulations

- 22) Section 20.32 (Interface Regulations), starting on page 105, would stay mostly the same from the current ordinance, but would change the requirement from a Conditional Use Permit before the Planning Commission to a Site Plan Review Permit before the Site Plan Review Committee (a staff level committee). Are these changes appropriate?

Chapter 20.34—Creek Buffers

- 23) There aren't any provisions in the current ordinance regarding these buffer areas along creeks, although they are required in the General Plan. Are these new requirements appropriate?

Chapter 20.36—Landscaping

- 24) This is an entirely NEW chapter, but is based on existing City requirements (outside of the zoning ordinance) and new provisions in State Law to address drought conditions. Are these new requirements appropriate?

Chapter 20.38—Parking and Loading

- 25) Table 20.38-1 (starting on page 120) proposes quite a few changes to the City's current parking requirements for various land uses. A comparison to the current ordinance can be found in Table D1 starting on page 140A. Are these changes appropriate?

- 26) Section 20.38.080 (starting on page 135) includes NEW requirements for bicycle parking based on recommendations from the Bicycle Advisory Commission (BAC) and the Zoning Ordinance Focus Group. Unfortunately, the two groups did not agree on what should be required with the Focus Group wanting to only have requirements to match the State's new building "Green" code requirements and the BAC looking for more stringent requirements in order to encourage more bicycle use in the community. (Refer to the annotations in each section to see how the two recommendations differed.) Looking at the proposed requirements, are they too restrictive or appropriate for a community that is trying to become more "bicycle friendly"?

Chapter 20.40—Small Lot Single Family Homes

- 27) This is a NEW chapter based on the Small Lot Design Guidelines adopted by the City in 2008. Currently, such small lot designs can only occur in Residential Planned Developments. This chapter would also allow them to be approved with a CUP in the R-2, R-IV, and R-OV zones. Are these changes appropriate? Are there other zones where this should be considered?

Chapter 20.44—Special Land Use Regulations

- 28) Chapter 20.44 (starting on page 149) proposes special regulations for several new land uses not addressed in the current ordinance. Are these new regulations appropriate for the following uses:
- a) Section 20.44.020—Food Trucks in Fixed Locations (starting on page 150)? Keep in mind that food trucks have become increasingly popular and are increasingly competing with "bricks and mortar" restaurants. Also, with internet advertising allowing such trucks to locate in multiple locations over the course of a week, the need for clear regulations on where these trucks can locate and what review process is to be followed is critical.
 - b) Section 20.44.040—Check Cashing Establishments (starting on page 152)?
 - c) Section 20.44.050—Community Gardens (starting on page 152)?
 - d) Section 20.44.060—Fraternities and Sororities (starting on page 153)?
 - e) Section 20.44.080—Live/Work Units (starting on page 155)?
 - f) Section 20.44.090—Recycling Facilities (starting on page 157)?
 - g) Section 20.44.100—Outdoor Displays of Merchandise (starting on page 159)?
 - h) Section 20.44.110—Photovoltaic Energy Systems (starting on page 160)?
 - i) Section 20.44.120—Single Room Occupancy (starting on page 161)?
 - j) Section 20.44.140—Wrecking Establishments (starting on page 162)?
 - k) Section 20.44.150—Emergency Shelters (starting on page 163)? Recent changes in State law require the City to not only allow emergency shelters as a permitted use in at least one zone but to set forth development standards for such uses as well.

- l) Section 20.44.160—Tobacco Sales Prohibited near Schools (starting on page 164)? In January 2015, the County Department of Environmental Health requested that the Focus Group include provisions that prohibited the sale of tobacco products within 1,000 feet of schools and other youth-oriented facilities. The Focus Group recommended that these provisions be included in the Public Review Draft for Council consideration. Are these new regulations appropriate?

Chapter 20.48—Home Occupations

- 29) Chapter 20.48 (beginning on page 171) proposes to establish two levels of home occupations (i.e. home-based businesses) and establishes levels of review and standards for each. (This is based on suggestions from the Focus Group and City staff’s experience with home occupations that sometimes cause concerns in neighborhoods.) Are these new provisions appropriate?

Chapter 20.58—Wireless Communications Facilities

- 30) Table 20.58-2 (starting on page 207) makes several changes to the existing ordinance in order to encourage more “stealth” facilities (those that look like trees or flagpoles instead of antenna towers), including allowing greater heights for stealth facilities and changing the review process to staff level reviews for most facilities. Are these changes appropriate?

Part 4—Permits and Administration

NOTE: Although Part 4 is more extensive than the City’s current ordinance on the different types of permits required for development (i.e. general plan amendments, zone changes, conditional use permits, etc.), for the most part, the DRAFT ordinance is either consistent with current City practices or with the requirements of State Law. Therefore, the following questions relate to only a few sections in Part 4.

- 31) Table 20.64-1 on page 228 summarizes the role of each of 4 bodies (the Director of Development Services, the Site Plan Review Committee, the Planning Commission, and City Council) in the development process for the various types of actions. Please review this table and indicate if you would recommend any changes in those roles.
- 32) Section 20.68.020 (starting on page 235) outlines the process for a new type of permit—the Minor Use Permit. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 33) Section 20.68.040 (starting on page 241) outlines the process for a new type of permit—Minor Modifications. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 34) Section 20.68.050 (starting on page 242) outlines the process for Site Plan Reviews, which is an existing process that applies only in industrial areas, but now will be

expanded for use in many more situations in the proposed DRAFT. Are these changes appropriate?

- 35) Section 20.68.040 (starting on page 244) outlines the process for a new type of permit—Special Project Permits. Is this new type of permit necessary and do the proposed procedures seem appropriate?
- 36) Section 20.72.080 (on page 256) on Resubmittals would limit applicants from submitting the same application within 12 months of previously being denied. The City currently has a similar provision, but it only applies to General Plan Amendments and Zone Changes. Should this be applied to all types of applications?
- 37) The City’s appeal process for many permits [including Section 20.74.030(B) (on page 257)] is currently defined as 5 or 10 calendar days (including weekends) based on the type of permit. The Draft proposes to change that to business days, excluding holidays and weekends. Is that change appropriate?

Part 5—Glossary (Definitions)

The number of definitions has been expanded significantly from 45 in the current ordinance to 239 new or modified definitions. These definitions are key to understanding the Land Use tables in Part 2, so please refer to these definitions when reviewing the chapters in Part 2.

- 38) Are the definitions in the Glossary clear and understandable? Are there any definitions that should be added?