

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT: #16-16**

**AGENDA ITEM: 4.1**

**FROM &** Kim Espinosa,  
**PREPARED BY:** Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** July 6, 2016

**CITY COUNCIL**  
**MEETING DATE:** August 15, 2016  
(Tentative)

---

**SUBJECT:** **Zoning Ordinance Amendment #16-01**, initiated by the City of Merced. This application involves the adoption of a new Zoning Ordinance for the City of Merced (Title 20 of the Merced Municipal Code). 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. The Zoning Ordinance addresses such issues, including, but not limited to, allowed land uses in each zoning district, development standards (setbacks, minimum lot sizes, maximum heights of buildings and fences, etc.), procedures for development permits, and land use definitions. \*PUBLIC HEARING\*

**ACTION:** **PLANNING COMMISSION:**

Recommendation to City Council

- 1) Environmental Review #16-20 (Negative Declaration)
- 2) Zoning Ordinance Amendment #16-01

**CITY COUNCIL:**

Approve/Disapprove/Modify

- 1) Environmental Review #16-20 (Negative Declaration)
- 2) Zoning Ordinance Amendment #16-01

**SUMMARY**

**Introduction**

This is the first comprehensive update of the Zoning Ordinance (Title 20 of the Merced Municipal Code) 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.

After a process that began over four years ago and with a special thanks to the Zoning Ordinance Focus Group (see Finding F below), City staff is pleased to recommend adoption of a new Zoning Ordinance for the City of Merced.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend approval to the City Council of a Negative Declaration (Initial Study #16-20—Attachment E) and Zoning Ordinance Amendment #16-01 (including the adoption of the Resolution at Attachment F) as shown in the Public Review Draft Zoning Ordinance (dated September 2015) with the proposed changes as described in Attachment A.

### **PROJECT DESCRIPTION**

This is the first comprehensive update of the Zoning Ordinance (Title 20 of the Merced Municipal Code, see [https://www.municode.com/library/ca/merced/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/merced/codes/code_of_ordinances)) 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.

### **BACKGROUND**

The process of updating the Zoning Code 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, along with two additional meetings in January-February 2016 (see Finding F 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. In September 2015, City staff produced the 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. On September 8 and 9, 2015, the Public Review Draft was presented to the City Council and Planning Commission as well as being made available on the City's website at:

[https://www.cityofmerced.org/depts/cd/planning/zoning\\_ordinance\\_update.asp](https://www.cityofmerced.org/depts/cd/planning/zoning_ordinance_update.asp) .

At the same time as the Public Review Draft was released, several supporting documents were also released, including a summary of all the major changes in the Public Review Draft from the current Zoning Ordinance, review questions to ponder while reading the ordinance, and recommendations from the Focus Group and Bicycle Advisory Commission.

## **FINDINGS/CONSIDERATIONS:**

### **General Plan Policies Related to This Application**

- A) The proposed zoning ordinance amendment would adopt a new Zoning Ordinance for the City of Merced, which would include adding Zoning regulations for several new land use categories that were presented in the *Merced Vision 2030 General Plan* (adopted in 2012). General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning Ordinance as needed.

### **Organization of the New Zoning Ordinance**

- B) The new Zoning Ordinance (Public Review Draft, September 2015) is organized into five parts as follows:
- 1) Part 1—Enactment and Applicability: Includes chapters regarding the purpose of the Zoning Ordinance, rules for interpretation, and provides an introduction to the Zoning Districts and Zoning Map.
  - 2) Part 2—Zoning District Standards: Includes chapters regarding the purpose, land use regulations, and development standards for the six Residential, six Commercial, two Industrial, three Downtown, three Urban Villages, four Public Use and Agricultural, and two Special Use zoning districts as well as three Overlay Zones.
  - 3) Part 3—General Regulations: Includes chapters regarding height, setbacks, accessory structures, walls and fences, interface, creek buffers, landscaping, parking and loading, small lot single family homes, second units, special land uses, residential design standards, home occupations, temporary uses and structures, nonconforming parcels/uses/structures, condominiums, density bonus, wireless communication facilities, adult entertainment businesses, and signs.
  - 4) Part 4—Permits and Administration: Includes chapters regarding administrative responsibility, permit application and review, permit requirements, public notice and hearings, post-decision procedures, appeals, covenants for easements, conditional zoning, zoning ordinance amendments, general plan amendments, reasonable accommodations, and development agreements.
  - 5) Part 5—Glossary (Definitions): Includes definitions for 239 land uses and other terms used in the Zoning Ordinance.

### **General Overview of Proposed Changes to the Zoning Ordinance**

- C) City staff completely reorganized and reformatted the new Zoning Ordinance with the use of color, enhanced graphics and photographs. Along with the Public Review Draft, City staff prepared a separate document, dated September 2, 2015, entitled “Zoning Code Update—Summary of Major Changes” (Attachment B), which summarizes the major changes to the Zoning Code in a table format. These major changes include, but are not limited to:
- 1) The establishment of several new Zoning Districts (Rural Residential, Business Park, three Downtown zones, three Urban Village zones, three Public Use zones, and three Overlay zones), including several called for in the *Merced Vision 2030 General Plan* (adopted in 2012);

- 2) A major expansion to the list of uses allowed in each zoning district with various levels of review (Permitted, Minor Use Permits, Site Plan Reviews, and Conditional Use Permits);
  - 3) Streamlining of the process for approving projects in the Planned Development zone;
  - 4) Allowing 7-foot-high backyard fences in residential zones and up to 10-foot-high fences in non-residential zones along with new provisions regarding fence materials;
  - 5) Streamlining the requirement for a Conditional Use Permit to a Site Plan Review Permit for Interface situations and expanding the use of the staff-level Site Plan Review Permit in other zones;
  - 6) Substantial modifications to the Parking and Loading chapter, including the addition of more land use categories, adding flexibility and options in parking calculations for various land uses, and adding requirements for bicycle parking;
  - 7) Adding regulations for specific land uses, such as mobile food trucks parked in a permanent location, check cashing establishments, community gardens, fraternities/sororities, live-work units, emergency shelters, recycling facilities, and placing new restrictions on tobacco sales in proximity to schools and other youth-oriented activities;
  - 8) Substantial modifications to the City's regulations of home-based businesses ("home occupations") and Cottage Food industries;
  - 9) Although the regulations and procedures themselves have not changed, the procedures for all the various planning permits (i.e. Conditional Use Permits, Zone Changes, etc.) are now spelled out in the Zoning Ordinance for easy reference;
  - 10) A change in the appeals period from "calendar" days to "business" days;
  - 11) Several new permits have been added (Minor Use Permits, Special Project Permits, etc.) have been added to increase flexibility; and,
  - 12) The Definitions section has been expanded significantly from 45 definitions to 239 definitions for further clarity.
- D) The Public Review Draft (September 2015) of the Zoning Ordinance was an "annotated" document. This means that it was noted throughout the Draft whether a section was either "New" (not in the current Ordinance); "No Changes from the Current Ordinance" (no changes along with a reference to the appropriate Merced Municipal Code section where it is currently found); or "Modified from the Current Ordinance" (with reference to the current section and a brief summary of the changes). For the Zoning Districts and Parking Chapters, tables of the existing land use regulations and parking requirements were also provided for comparison purposes. (Those annotations will be removed in the final adopted version of the Zoning Ordinance.)

### **Proposed Changes to the Public Review Draft (June 2016)**

- E) Since the release of the Public Review Draft in September 2015, City staff has received various comments on the Draft, including suggestions from the Planning Commission and City Council joint study sessions (and further recommendations from the Focus Group). Based on these suggestions, comments from the public, and recently adopted zoning ordinance amendments regarding medical marijuana and massage establishments, City staff has prepared a Final Draft of the Zoning Ordinance. Instead of publishing a new Draft, however, City staff has prepared a document entitled “Proposed Changes to the Merced Zoning Ordinance Public Review Draft (June 2016),” which can be seen at Attachment A. This document, in table format, spells out all the proposed changes to the Zoning Ordinance since the Public Review Draft was released. (However, City staff reserves the right to make very minor corrections, such as misspelled words or incorrect references or page numbers, in the Final Draft.)

These proposed changes include, but are not limited to:

- 1) Adding provisions from recent zoning ordinance amendments regarding medical marijuana and massage establishments (the medical marijuana regulations may be modified further depending on City Council action on July 5, 2016);
- 2) Adding the suggested guidelines regarding the design of single-family and multi-family units from the Planning Commission/City Council study sessions;
- 3) Amending the parking requirements for multi-family units as well as increasing the required width from 8.5 feet to 9 feet for all parking spaces;
- 4) Modifying the regulations for Community Gardens to allow them in more zones and to allow the on-site sale of products on a case by case basis.

### **Zoning Ordinance Focus Group**

- F) 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 17 times from July 2013 to March 2015 to assist with the development of the Public Review Draft (Sept 2015) and then twice more in January and February 2016 to review suggested changes to the Public Review Draft from the Planning Commission and City Council. (A summary of their recommendations previously released has been amended to include their 2016 meetings and is provided at Attachment C.)

City staff would like to thank the Focus Group for all the time and effort that they put into the process. Their invaluable input made for a better product, which reflects the community’s vision for future development.

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

### **Public Input**

- G) In addition to the work of the Zoning Ordinance Focus Group, community input into the process was accomplished in several ways. Early in the process on September 5, 2012, stakeholder interviews were held with over 40 individuals representing various groups that included business owners, realtors and developers, architects and engineers, the Martin Luther King Jr. Way Beautification Plan Citizens Advisory Committee, the Smart Valley Places Leadership Institute, interested citizens, and City staff. On November 28, 2012, a community workshop with approximately 25 attendees was held that focused on key issues of the process and the current Zoning Code, options for Downtown and Urban Villages, and included a Visual Preference Survey.

Throughout the process, presentations were made to various community groups and organizations which included the City's Bicycle Advisory Commission (see Attachment D for their recommendations), the City's Economic Development Advisory Commission, and others. Articles appeared in the Merced Sun-Star and Merced County Times and City staff made appearances on the "Community Conversations" radio show.

One study session was held with the City Council on August 6, 2012; two study sessions were held with the Planning Commission on September 9, 2015, and October 21, 2015; and two Joint Planning Commission/City Council Study Sessions were held on December 7, 2015, and March 21, 2016.

Finally, on June 16, 2016, a Public Forum was held on the Zoning Ordinance with over 20 citizens in attendance. The Public Forum focused on an overview of the process, the major changes in the Public Review Draft from the existing Zoning Ordinance, recent changes to the Public Review Draft per Planning Commission/City Council direction, and the upcoming public hearings before the Planning Commission and City Council in July and August 2016.

### **Environmental Clearance**

- H) The Planning staff has conducted an environmental review (Initial Study #16-20) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Negative Declaration (i.e., no significant adverse environmental effects have been found) is being recommended (see Attachment E).

### **Attachments:**

- A) Proposed Changes To the Public Review Draft (June 2016)
- B) Summary of Major Changes from the Current Zoning Ordinance (September 2015)
- C) Recommendations from the Zoning Ordinance Focus Group (July 2013-February 2016)
- D) Recommendations from the Bicycle Advisory Commission
- E) Initial Study #16-20
- F) Draft Planning Commission Resolution

**PLEASE BRING YOUR COPY OF THE PUBLIC REVIEW DRAFT OF THE ZONING ORDINANCE (SEPTEMBER 2015) TO THE MEETING.**

PLEASE SEE ATTACHMENT 1 OF THE ADMINISTRATIVE REPORT  
FOR THE AUGUST 15, 2016 MEETING FOR A REVISED  
“PROPOSED CHANGES TO THE MERCED ZONING ORDINANCE  
PUBLIC REVIEW DRAFT (JUNE 2016)” —THE FORMER  
ATTACHMENT A

ATTACHMENT A

### Zoning Code Update--Summary of Major Changes

| New Code Section                           | Topic/Title   | Current Code Section  | Summary of Change   |
|--|---|---|---|
| <b>Part 1--Enactment and Applicability</b> |   |   |   |
| Chapter 20.02                              | Purpose   | MMC 20.02 (Title and Purpose)   | This chapter has been expanded to address applicability, responsibility, and the zoning ordinance's relationship with the General Plan.   |
| Chapter 20.04                              | Interpretation  | NEW Chapter but includes parts of MMC 20.06 (Districts -Generally)                                      | Adds rules about how to interpret the Zoning Ordinance and procedures for official interpretations/ determinations.   |
| Chapter 20.06                              | Zoning Districts and Map                              | MMC 20.06 (Districts -Generally)  | Expanded chapter to include new Zoning Districts and Overlay zones and reference to a digital version of the Zoning Map.  |
| <b>Part 2--Zoning District Standards</b>   |   |   |   |
| Chapter 20.08                              | Residential Zoning Districts                          | MMC 20.08 (Residential Districts); 20.10 (R-1); 20.12 (R-2); 20.14 (R-3); 20.16 (R-4); and 20.50 (R-MH) | Combines all the residential zones into one chapter and adds the NEW R-R (Rural Residential) Zoning District to match the General Plan designation.   |
| Section 20.08.020                          | Land Use Regulations for Residential Zoning Districts | Same as above   | Table 20.08-1 displays in table form the permitted land uses, the uses that require a Minor Use Permit (NEW reqt), the uses that require a Site Plan Review Permit (NEW reqt), the uses that require a Conditional Use Permit, and uses not allowed (NEW) for each zoning district. Many new land uses have been added, which were not addressed in the current Ordinance. For comparison purposes, the uses allowed under the Current Ordinance for each zone are provided in the Annotated Version as Table A1 on page 20A, which only included permitted uses, conditional uses, and accessory uses. The Rural Residential (R-R) district is completely NEW. |



### Zoning Code Update--Summary of Major Changes

| New Code Section             | Topic/Title  | Current Code Section  | Summary of Change  |
|------------------------------|--|---|--|
| Section 20.08.020<br>(Cont.) | Land Use Regulations for Residential Zoning Districts  | Same as above   | Major changes include, but are not limited to: 1) Duplexes allowed with a Minor Use Permit in a R-1 zone vs. current CUP reqt; 2) Community Gardens added as conditional uses in all residential zones; 3) Bed & Breakfasts allowed as CUP's in R-1 & R-2 in addition to R-3 & R-4 currently; 4) Agricultural uses require CUP's in all residential zones except R-R; and, 5) the addition of specific community uses instead of the more generic "public and quasi-public uses" in the current ordinance. Careful review and comparison with existing land use table is encouraged. |
| Section 20.08.030            | Development Standards for Residential Zoning Districts | Same as above   | Combines all the development standards (setbacks, heights, lot area, etc.) for all the residential zones. The R-R standards are all new. The standards are now shown in table form in Tables 20.08-2 (Single-Family) and 20.08-3 (Multi-Family and Mobile Homes Parks). Only minor changes are proposed to the standards themselves with the vast majority of them remaining the same.   |
| Section 20.08.050            | Rural Residential Zoning District                      | NEW   | This is a NEW zoning district which is not addressed in the current ordinance, but has been added to correspond to the Rural Residential designation in the General Plan.  |
| Chapter 20.10                | Commercial Zoning Districts                            | MMC 20.18 (Commercial Districts); 20.20 (C-O); 20.22 (C-N); 20.24 (C-C); 20.25 (C-SC); 20.26 (C-T); and 20.28 (C-G) | Combines all the commercial zoning districts into one chapter and adds the NEW Business Park (B-P) zoning district to match the General Plan designation.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title  | Current Code Section | Summary of Change  |
|-------------------|--|----------------------|--|
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | Same as above        | Table 20.10-1 displays in table form the permitted land uses, the uses that require a Minor Use Permit (NEW reqt), the uses that require a Site Plan Review Permit (NEW reqt), the uses that require a Conditional Use Permit, and uses not allowed (NEW) for each zoning district. Many new land uses have been added, which were not addressed in the current Ordinance. For comparison purposes, the uses allowed under the Current Ordinance for each zone are provided in the Annotated Version as Table B1 on page 32A, which only included permitted uses, conditional uses, and accessory uses. The Business Park (B-P) district is completely NEW, but generally replaces the current Industrial Admin & Research (I-R) zone.   |
| Section 20.10.020 | Land Use Regulations for Commercial Zoning Districts | Same as above        | Major changes include, but are not limited to: 1) Residential uses now permitted in the C-C zone vs. requiring a CUP currently; 2) Emergency Shelters principally-permitted in the C-G zone and CUP's in the C-C & C-T zones (State Law requires that shelters be allowed by-right in at least one zone); 3) Allowing Farmer's Markets with a Site Plan Review Permit in all commercial zones except C-O, which requires a CUP; 4) Allowing Mobile Food Vendors with Site Plan Review in C-T and C-G and with CUP's in B-P, C-O, C-N, and C-C (but not in the City Center); 5) changes in how massage establishments are regulated per recent changes in State law; 6) Adding many new land uses not currently listed in the ordinance; and 7) Allowing multi-screen theaters in the C-N, C-T, & B-P with a CUP instead of only allowing them in C-C as in current code. Careful review and comparison with existing land use table is encouraged. |

### Zoning Code Update--Summary of Major Changes

| New Code Section    | Topic/Title   | Current Code Section  | Summary of Change   |
|---------------------|---|---|---|
| Section 20.10.030   | Development Standards and Guidelines for Commercial Zoning Districts            | Same as above   | Combines all the development standards (setbacks, heights, lot area, etc.) for all the commercial zones. The B-P standards are all new. The standards are now shown in table form in Tables 20.10-2. Only minor changes are proposed to the standards themselves with the vast majority of them remaining the same, except that the minimum lot widths for commercial lots have been deleted and height limits only apply if directly adjacent to residential zones (and exceptions can be granted by the Site Plan Review Committee in those cases as well). |
| Section 20.10.030-E | Development Guidelines for C-C (Regional Centers only) and B-P Zoning Districts | NEW   | NEW guidelines have been added for projects in the regional centers in the C-C zone, but only those outside of the Downtown area, and for the B-P zone. This allows the C-C zone to function more like its corresponding "Regional/Community Commercial" designation in the General Plan.   |
| Chapter 20.12       | Industrial Zoning Districts   | MMC 20.30 (Industrial Districts); 20.32 (I-R); 20.34 (I-L); & 20.36 (I-H) | Combines all the industrial zones into one chapter, but deletes the Industrial Administration and Research (I-R) Zoning District, which has been replaced with the Business Park zone in the Commercial chapter. A minimum size to establish new zoning districts has been added (5 acres for I-L and 10 acres for I-H).  |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title  | Current Code Section | Summary of Change   |
|-------------------|--|----------------------|---|
| Section 20.12.020 | Land Use Regulations for Industrial Zoning Districts | Same as above        | Table 20.12-1 displays in table form the permitted land uses, the uses that require a Minor Use Permit (NEW reqt), the uses that require a Site Plan Review Permit (NEW reqt), the uses that require a Conditional Use Permit, and uses not allowed (NEW) for each zoning district. Many new land uses have been added, which were not addressed in the current Ordinance. For comparison purposes, the uses allowed under the Current Ordinance for each zone are provided in the Annotated Version as Table C1 on page 40A, which only included permitted uses, conditional uses, and accessory uses. The Industrial Admin & Research (I-R) zone has been replaced by the Business Park (B-P) district in the Commercial chapter. |
| Section 20.12.020 | Land Use Regulations for Industrial Zoning Districts | Same as above        | Most industrial uses continue to require Site Plan Review Permits as with the current code. Major changes include, but are not limited to: 1) Allowing mobile food vendors with a CUP; 2) allowing gas stations and car washes in association with fleet activities; 3) Allowing limited retail uses as part of a showroom if 10 % of the floor area or less; more than 10% requires a Site Plan Permit, not a CUP as currently; and 4) the list of prohibited uses has NOT changed from the current ordinance, except for some minor clarifications to match the Building Code.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section            | Topic/Title   | Current Code Section | Summary of Change   |
|-----------------------------|---|----------------------|---|
| Section 20.12.030           | Development Standards for Industrial Zoning Districts | Same as above        | Combines all the development standards (setbacks, heights, lot area, etc.) for all the industrial zones. The standards are now shown in table form in Tables 20.12-2. Minor changes are proposed to the current standards, including the removal of height limits except where adjacent to residential and within the Airport area. NEW standards for industrial buffer yards adjacent to residential and performance standards have been added.                                    |
| Section 20.12.030 (B and C) | Industrial Buffer Yards and Performance Standards     | NEW                  | NEW standard for industrial buffer yards adjacent to residential and performance standards regarding noise, odor, hazards, etc., have been added.   |
| Chapter 20.14               | Downtown Zoning Districts                             | NEW                  | This entire chapter is NEW and proposes to add 3 new Downtown Zoning Districts-- Downtown Core (D-COR), Downtown Office (D-O), and Downtown Commercial (D-CM) to reflect the unique needs of the Downtown. However, implementation of these zones would require zone changes to existing properties and working with property owners to explain the benefits of the new zones. It is anticipated that this will be done as a separate process from updating the zoning code itself. |
| Chapter 20.16               | Urban Village Zoning Districts                        | NEW                  | This entire chapter is NEW and proposes to add 3 new Urban Village Zoning Districts-- Inner Village Residential (R-IV), Outer Village Residential (R-OV), and Village Commercial (C-V) to correspond to the Urban Village designations in the General Plan. These new zones would offer alternative zoning choices for property owners in the City's new growth areas.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title                                  | Current Code Section  | Summary of Change  |
|-------------------|--|---|--|
| Chapter 20.18     | Public Use and Agricultural Zoning Districts | NEW for some sections; MMC 20.40 (Public Parking District); 20.46 (A-T-5); & 20.48 (A-1-20) | This chapter is mostly NEW and contains 4 zoning districts--1) Parks and Open Space (P-OS) (NEW); 2) Public Facility (P-F) (NEW); 3) Public Parking (P-PK) (Existing); and 4) Agriculture (A-G) which replaces the current Agricultural Transition (A-T-5) and Restricted Agricultural (A-1-20).   |
| Chapter 20.20     | Special Use Zoning Districts                 | MMC 20.38 (Special Districts); 20.41 (U-T); and 20.42 (P-D)                                 | This NEW chapter includes 2 existing zones--Urban Transition (U-T) and Planned Development (P-D). The current Ordinance also contained the Airport Approaches and Clear Zones (A-P-C), which has been replaced by the Airport Environs (/AE) Overlay Zone in Chapter 20.22; A-T-5 and A-1-20 zones replaced by the A-G zone in Chapter 20.18; Residential-Mobile Homes (R-MH) which has been moved to the residential zones in Chapter 20.08; and Limited Residential (L-R), which has been deleted since it was little used and can be addressed through the Conditional Zoning process in Chapter 20.78. |
| Section 20.20.010 | Urban Transition (U-T) Zoning District       | MMC 20.41 (U-T)   | No changes are proposed to the U-T zoning district.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title                                | Current Code Section              | Summary of Change  |
|-------------------|--|-----------------------------------|--|
| Section 20.20.020 | Planned Development (P-D) Zoning Districts | MMC 20.42 (P-D)                   | This chapter has been expanded and modified to make the establishment and modification to a Planned Development more streamlined. Major changes include: 1) Reducing the minimum size of a P-D from 20 to 5 acres; 2) Reducing the minimum size to 1/2 City block from 1 whole City block in the Downtown area; 3) Allowing a preliminary Site Utilization Plan (SUP) with less specific details to be approved with the original zoning, adding flexibility to the process for projects not ready for immediate construction; 4) allowing the Director of Development Services to waive some requirements for P-D rezoning requests prior to annexation; and 5) Instead of requiring a Conditional Use Permit from the Planning Commission for all projects, Site Plan Review will be required instead and allows the Site Plan Review Committee (a staff level committee) to approve the Final SUP. The Director may refer the Final SUP to the Planning Commission if over 3 years have passed since adoption of the preliminary SUP. |
| Chapter 20.22     | Overlay Zones                              | NEW, except for MMC 20.44 (A-P-C) | This entire chapter is NEW and proposes 3 new overlay zones--1) Airport Environs (/AE), which is similar to the current Airport Approaches and Clear Zones (A-P-C) but is substantially modified and streamlined; 2) High Speed Rail (/HSR) which has NOT yet been drafted and will be developed as part of the High Speed Rail Station Planning Grant; and 3) Urban Residential (/UR), which offers increased housing choices, such as townhomes, live/work units, carriage homes, etc.   |

### Zoning Code Update--Summary of Major Changes

| New Code Section                   | Topic/Title  | Current Code Section  | Summary of Change  |
|------------------------------------|--|---|--|
| <b>Part 3--General Regulations</b> |  |   |  |
| Chapter 20.24                      | Height Measurement and Exceptions                  | MMC 20.04.120 (Building Height) and 20.62.020 (Height Limits)           | This NEW Chapter takes several existing provisions from different parts of the current code and makes minor changes.   |
| Chapter 20.26                      | Setback Measurement and Projections                | MMC 20.04.350 (Setback) and 20.62.040 (Projections into Required Yards) | This NEW Chapter takes several existing provisions from different parts of the current code and makes minor changes.   |
| Chapter 20.28                      | Accessory Structures                               | MMC 20.54 (Special Provisions)  | This NEW Chapter takes several existing provisions from different parts of the current code and makes minor changes.   |
| Chapter 20.30                      | Walls and Fences                                   | MMC 20.62.040 (Projections into Required Yards)                         | This NEW Chapter makes several major changes to the City's existing wall/fence requirements as described below:  |
| Section 20.30.020 (A)              | Height Limits for Residential Zoning Districts     | MMC 20.62.040 (E, F, H, J, K, & L) (Projections into Required Yards)    | Changes include: 1) Allowing the addition of 1 foot of lattice to the top of a fence; 2) Allowing an increase in residential backyard fence heights from 6 to 7 feet; 3) Allowing non-solid fences of up to 6 feet in height (currently 4 feet) in front yards with a Minor Use Permit; 4) Allowing higher fences on reversed corner lots with a Minor Use Permit instead of a CUP; and 5) Allowing fences on open-end cul-de-sacs with a Minor Use Permit vs. current Site Plan Review. |
| Section 20.30.020(B)               | Height Limits for Non-Residential Zoning Districts | MMC 20.62.040 (E & G) (Projections into Required Yards)                 | Changes include: 6) Allowing up to 8 foot fences in all non-residential zones by right, and in multi-family zones with a Minor Use Permit, and 7) allowing up to 10 foot fences in non-residential zones with a Minor Use Permit (instead of up to 8 feet in industrial zones only with a CUP currently).  |
| Section 20.30.020 [C]              | Minor Use Permits for Fences                       | NEW   | Clarifies procedures for granting Minor Use Permits for fences or walls.   |



### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title             | Current Code Section   | Summary of Change   |
|-------------------|-------------------------|--|---|
| Section 20.30.030 | Corner Vision Triangles | MMC 20.62.040 [E]<br>(1 & 2) (Projections into Required Yards) | Changes include: 8) Allows use of "back of sidewalk" instead of "property line" to measure from if the back of sidewalk is closer to the street; and, 9) The size of the vision triangle varies according to street type (10 feet for sidewalks/alleys; 25 feet for local streets; 40 feet for collectors & arterials; instead of the current 40 feet for all streets, except alleys/driveways which is currently 10 feet.                        |
| Section 20.30.040 | Fence/Wall Materials    | NEW  | NEW provisions include: 1) A list of permitted fence materials has been added along with a list of prohibited materials; 2) Barbed wire fences would only be allowed in residential zones with a Minor Use Permit; 3) Razor wire fences in all zones would only be allowed with a Minor Use Permit; and 4) Electric fences are only allowed in non-residential zones, 5 feet from the property line and with a Minor Use Permit.                  |
| Chapter 20.32     | Interface Regulations   | MMC 20.52<br>(Interface Regulations)                           | Instead of requiring a CUP for Interface situations, a Site Plan Review Permit (but with a required public hearing) would be required instead. New zones, C-SC, D-CM, B-P, & A-G, were added to the table.  |
| Chapter 20.34     | Creek Buffers           | NEW  | This chapter is entirely NEW although such buffers are currently required in the General Plan. This chapter sets forth land use regulations and performance standards for such buffer areas.  |
| Chapter 20.36     | Landscaping             | NEW  | This chapter is entirely NEW. It sets forth requirements for landscape and sprinkler plans, minimum required landscape areas for residential and non-residential uses (see Table 20.36-1) ranging from 10 percent to 15 percent of the lot area, and landscape standards. This chapter implements some new State law requirements in drought conditions and defers to the City's Water Efficiency Ordinance and State Law if there are conflicts. |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title             | Current Code Section  | Summary of Change   |
|-------------------|-------------------------|---|---|
| Chapter 20.38     | Parking and Loading     | MMC 20.58 (Off-Street Parking)  | This is a substantial modification to the existing Parking chapter. Major changes include the following as outlined below:  |
| Section 20.38.020 | Applicability           | MMC 20.58 (Off-Street Parking)  | Parking requirements for all land uses are now presented in table form, Table 20.38-1, which should be compared carefully with the existing requirements as summarized in Table D1 on page 140A of the DRAFT. In summary, many land uses were added that were not covered in the existing ordinance and many requirements that were based on factors, such as employees or # of seats, which are often difficult to determine when buildings are initially built have been changed to offer options to be measured by the size of the building or other physical features like most other land uses. One notable change from the current ordinance is to base parking for apartments on #'s of bedrooms instead of on # of units as is now. |
| Section 20.38.030 | Required Parking Spaces | MMC 20.58.020 (# of Spaces Required), 20.58.330 (Uses Not Specified), 20.58.340 (Exemptions), 20.58.380 (Mixed Occupancies), & 20.58.410 (Units of Measurement) | Changes include allowing the Director of Development Services to determine the reqt for unlisted uses vs. current reqt for Planning Commission or City Council to do so; and adding information about a 15% floor area reduction for non-public areas, which has been longstanding City practice. NEW provisions regarding how to determine the reqts for unlisted and unknown uses have been added.  |
| Section 20.38.040 | General Requirements    | MMC 20.58.010 (Required) & 20.58.370 (Location)   | Changes include shifting a review authority for off-site parking requests to City staff and allowing the Site Plan Review Committee to determine the "reasonable" distance from the use where off-site parking can be provided instead of having set distances for different uses as in current ordinance.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section  | Topic/Title                              | Current Code Section   | Summary of Change   |
|-------------------|--|--|---|
| Section 20.38.050 | Parking Reductions                       | MMC 20.58.400 (Joint Use) & 20.58.390 (Common Parking Facilities)                  | Changes include leaving determinations based on parking demand studies to the Director of Development Services instead of the Planning Commission. NEW provisions have been added regarding reductions for low demand uses, uses with heavy transit use, and mixed uses have been added.  |
| Section 20.38.060 | Parking Assessment Districts             | MMC 20.58.470 through 20.58.520 (Parking District)                                 | No changes to the existing ordinance provisions for parking assessment districts. (Currently the only one in the City is the Downtown Parking District.)  |
| Section 20.38.070 | Parking Design and Development Standards | MMC 20.58.350 (Size & Access), 20.58.360 (Access Drive), & 20.58.385 (Landscaping) | Changes include referencing the City's Design Standards for parking space dimensions to ensure consistency; adding the landscaping standards to the code instead of referring to a 1985 document that hasn't been updated; and adding some reqts for concrete curbs, lighting, pedestrian access, and screening.  |
| Section 20.38.080 | Bicycle Parking                          | NEW  | This section would require that bicycle parking spaces (for short-term and long-term use) be provided for most land uses. The Zoning Ordinance Focus Group recommended requirements that matched the new "CA Green Building Code." The City Bicycle Advisory Commission recommended more stringent standards. The DRAFT attempts to strike a balance between the two approaches. Please see the DRAFT, which shows the differences between the two group's recommendations. |
| Section 20.38.090 | Off-Street Loading                       | MMC 20.58.460 (Off-Street Loading Spaces)  | Modified/expanded version of the current ordinance with new reqts for design, but the required number of such spaces have not changed from the current ordinance.   |
| Chapter 20.40     | Small Lot Single Family Homes            | NEW  | This is a NEW chapter but is based on the Small Lot Design Guidelines adopted by the City in 2008. This would allow small lot single-family homes to be approved with a CUP in RP-D, R-IV, R-OV, and R-2 zones.   |

### Zoning Code Update--Summary of Major Changes

| New Code Section | Topic/Title                  | Current Code Section   | Summary of Change  |
|------------------|------------------------------|--|--|
| Chapter 20.42    | Second Units                 | MMC 20.54.350<br>(Secondary Dwelling Units)  | This chapter contains minor modifications to the City's requirements for second units, which is based on State Law. State law limits much of the City's discretion regarding such units. One minor change would be to require second units to be approved with Minor Use Permits, instead of Site Plan Review, which is more consistent with State Law which does not allow public hearings for such units.  |
| Chapter 20.44    | Special Land Use Regulations | NEW and MMC 20.54<br>(Special Provisions)<br>and 20.62.060<br>(Recycling Facilities)   | This is an expanded version of the existing "Special Provisions" chapter, with other portions of that existing chapters moved to other more relevant chapters. NEW regulations have been added for food trucks in fixed locations, check cashing/ payday loan establishments, community gardens, fraternities/sororities, live/work units, photovoltaic energy systems, single-room occupancy, and emergency shelters. The City's provisions for recycling facilities has been substantially expanded, the requirement for bed & breakfasts to be within historic structures was removed, and new rules for outdoor display of merchandise have been proposed. NEW restrictions on tobacco sales in proximity to schools and other youth-oriented activities were recommended by the Focus Group after a presentation from the County Health Dept. |
| Chapter 20.46    | Residential Design Standards | MMC 20.54.250<br>(Development Standards for Single-Family & Mobile Homes), 20.54.290, 20.54.300, and 20.54.310 (Multi-Family Design Standards) | Although a NEW chapter, the design standards in this chapter are all in the existing ordinance. Only minor formatting changes were made and the standards were reorganized to avoid duplication.   |

### Zoning Code Update--Summary of Major Changes

| New Code Section | Topic/Title                                | Current Code Section  | Summary of Change   |
|------------------|--|---|---|
| Chapter 20.48    | Home Occupations                           | MMC 20.54.100<br>(Home Occupations)   | The City's rules regarding home-based businesses are proposed to be changed to address issues that have arisen over time with such uses. Minor home occupations which are consistent with the current code are proposed to be different from "Major Home Occupations" which are NEW and will have additional reqts. Provisions regarding Cottage Food Operations as defined in a recent State Law have also been added. |
| Chapter 20.50    | Temporary Uses and Structures              | MMC 20.62.050<br>(Temporary Outdoor Uses) and 20.54.170<br>(Circus or Carnival) | Provisions for temporary uses have been consolidated in this NEW chapter. NEW provisions for Farmer's Markets, off-site construction yards, employee trailers, and real estate offices have been added.   |
| Chapter 20.52    | Nonconforming Parcels, Uses and Structures | MMC 20.60<br>(Nonconformities)  | Substantial modifications have been proposed to the current ordinance with the goal of providing more flexibility for non-conforming uses to do minor alterations and expansions and to rebuild if destroyed involuntarily.   |
| Chapter 20.54    | Condominiums                               | MMC 20.56<br>(Condominiums)   | Minor modifications have been proposed to this chapter to delete some out-of-date provisions.   |
| Chapter 20.56    | Density Bonus                              | MMC 20.88 (Density Bonus)   | This chapter is a substantial modification to the existing ordinance in order to conform to recent changes in State Law, which is very specific about what incentives and standards must be made available. This proposal meets the minimum requirements under State Law.   |
| Chapter 20.58    | Wireless Communications Facilities         | MMC 20.92 (Wireless Communications Facilities)                                  | Much of the existing ordinance has remained the same, but substantial changes have been proposed to the maximum heights (Table 20.58-1) and to the permit requirements (Table 20.58-2) in order to encourage more stealth facilities and to streamline the process for approving stealth facilities. Refer to Table A on page 216B of the DRAFT for a comparison to the existing ordinance.                             |

### Zoning Code Update--Summary of Major Changes

| New Code Section | Topic/Title                    | Current Code Section                       | Summary of Change   |
|------------------|--------------------------------|--|---|
| Chapter 20.60    | Adult Entertainment Businesses | MMC 20.90 (Adult Entertainment Businesses) | No changes are proposed to the existing chapter except that the definitions have been removed and a reference provided to MMC 5.58, which has the same definitions.   |
| Chapter 20.62    | Signs                          | Various                                    | This NEW chapter has consolidated all the sign provisions spread throughout the existing Zoning Ordinance. These provisions should be in the Sign Ordinance instead, but since a comprehensive update of the sign ordinance is NOT part of this project, none of the provisions have been changed. A comprehensive update of the Sign Ordinance, along with extensive outreach to local businesses and citizens, would be the proper avenue in which to consider amendments to the sign provisions in the future. |

### Zoning Code Update--Summary of Major Changes

| New Code Section                          | Topic/Title                   | Current Code Section  | Summary of Change  |
|---|-------------------------------|---|--|
| <b>Part 4--Permits and Administration</b> |                               |   |  |
| Chapter 20.64                             | Administrative Responsibility | MMC 20.64.050 (Site Plan Review Committee); MMC 2.20 (Planning Commission); MMC 2.24 (Board of Zoning Adjustment); MMC 20.86 (Design Review Commission) | This NEW chapter spells out the roles of the Planning Agency, City Council, Planning Commission, Site Plan Review Committee, and the Director of Development Services in either reviewing or approving permits. These roles are summarized in Table 20.64-1 (Review & Decision-Making Authority). Although the chapter is NEW, the roles are consistent with the City Charter, current City practices, and current code provisions.                                    |
| Chapter 20.66                             | Permit Application and Review | NEW and MMC 20.78 (Fees)  | This NEW chapter outlines application filing, fees, and review procedures. Although NEW, the procedures are consistent with current City practices, except for a new provision regarding when an application can be deemed withdrawn due to applicant inactivity.  |
| Chapter 20.68                             | Permit Requirements           | MMC 20.64 (Conditional Use Permits); MMC 20.86 (Design Review); MMC 20.68 (Site Plan Review); & MMC 20.66 (Variances)                                   | This NEW chapter consolidates all the permit requirements into one chapter. NEW permits have been added--Minor Use Permits; Minor Modifications, and Special Project Permits. Site Plan Review Permits have been significantly expanded for use in all zones (currently, mostly used in Industrial zones) and public hearings are now required for non-industrial projects. (Industrial projects will continue to have a streamlined process with no public hearings.) |
| Chapter 20.70                             | Public Notice and Hearings    | MMC 20.72 (Public Hearings)   | This is a substantial expansion of the existing public hearing chapter, but the requirements are consistent with State law and current City practices. The only change is to the appeal procedures which have been changed from 5 calendar days to 5 business days.  |

### Zoning Code Update--Summary of Major Changes

| New Code Section | Topic/Title              | Current Code Section                                  | Summary of Change  |
|------------------|--------------------------|---|--|
| Chapter 20.72    | Post-Decision Procedures | NEW and MMC 20.76.110 (Reapplication--Time restraint) | This is NEW chapter that deals with various procedures that occur after a permit is approved. These provisions are consistent with current City practices, except as noted. NEW provisions include optional performance guarantees; the legislative action agreements which have been required by the City since the 1990's but have never been referenced in the Code; a formal process for approving changes to an approved project; time limits and extensions; permit revocation procedures; and expanding the prohibition of submitting the same application within 12 months of being denied to include all permits instead of just Zone Changes and General Plan Amendments as it is now. |
| Chapter 20.74    | Appeals                  | MMC 20.96 (Appeals)                                   | This chapter expands the current appeals chapter but is consistent with current City practices. The one major change is to change the appeal period from calendar days to business days.   |
| Chapter 20.76    | Covenants for Easements  | MMC 20.94 (Covenants for Easements)                   | This chapter, except for some minor editing and re-formatting, is the same as the current chapter which was adopted in 2003. Covenants for easements is a process which allows easements to be granted between properties under the same ownership.  |
| Chapter 20.78    | Conditional Zoning       | MMC 20.80 (Conditional Zoning)                        | This is a modified and expanded version of the current chapter. Changes include removing the requirement for Site Plan Review for all uses in a Conditional zone, and adding provisions to address amendments to the conditions, subsequent zone changes, and enforcement.   |



### Zoning Code Update--Summary of Major Changes

| New Code Section                      | Topic/Title                 | Current Code Section                 | Summary of Change   |
|---------------------------------------|-----------------------------|--------------------------------------|---|
| Chapter 20.80                         | Zoning Ordinance Amendments | MMC 20.76 (Amendments)               | This is a modified and expanded version of the current chapter. Changes include clarifying who can initiate zone changes; requiring a public notice to a property owner even if the Zoning District is not being changed; extending the time frame for a Planning Commission decision from 35 days to 90 days after the close of the public hearing; if the Planning Commission denies a zone change, the applicant must request a hearing before the City Council instead of automatically going to the Council; allowing referral back to the Planning Commission by the City Council if the application has been substantially modified but not requiring it; and modifying the effective dates to conform to State Law. |
| Chapter 20.82                         | General Plan Amendments     | NEW                                  | There is actually not a chapter in the current code dealing with General Plan Amendments, but staff has used the provisions of MMC 20.76 above. The same changes noted above to current practices are also included in this chapter.  |
| Chapter 20.84                         | Reasonable Accommodations   | MMC 20.98 (Reasonable Accommodation) | The only change to the current chapter, which was adopted in 2009, is to designate the Director of Development Services as the hearing officer instead of the City Manager.   |
| Chapter 20.86                         | Development Agreements      | NEW                                  | This is an entirely NEW chapter but is consistent with State Law, City Council Resolutions #1995-06 and #2005-101, and current City practices.  |
| <b>Part 5--Glossary (Definitions)</b> |                             |                                      |   |
| Chapter 20.90                         | Glossary (Definitions)      | MMC 20.04 (Definitions)              | The number of definitions have been expanded significantly from 45 in the current ordinance to 239 new or modified definitions.   |



# CITY OF MERCED ZONING ORDINANCE UPDATE FOCUS GROUP

## **RECOMMENDATIONS**

**(July 2013 – February 2016)**

### **Mission of Focus Group**

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

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

### **Introduction**

The Zoning Ordinance Focus Group met 17 times from July 2013 to March 2015 and then twice more in January and February 2016 for a total of 19 meetings. The Zoning Ordinance Focus Group was made up of Merced residents with various interests, including developers, engineers, planners, real estate, banking, and other interested citizens. Over the course of the meetings, the Focus Group made recommendations on the draft Zoning Ordinance. The following excerpts from the Focus Group minutes represent the recommendations made by the Focus Group.

### **Minute Excerpts**

- 1) Meeting of July 17, 2013—Overview and introductions only.**
- 2) Meeting of July 31, 2013**

Organization: Ms. Andersen reviewed other cities' ordinances and advised that it's not about the content, but the navigation of the document (ordinance) that concerned her noting that web access and searchability needs to

be user friendly. There was also some discussion on improving the “Definitions” of the Code and placement in the document whether it is located in the front or back of the Code.

Planned Developments: Mr. Lesch spoke favorably about the staff level design review and site plan review. It was explained that in the past some applicants received entitlements from the City Council (i.e., general plan amendments, zone changes, etc.), but were not ready to proceed with a conditional use permit (CUP) and construction. Mr. Xu stated that other developers have detailed plans and must go through an additional process (public hearing for the CUP) costing time and money. Mr. Salvadori suggested a window of time be attached to quicken the process for those who are ready to develop immediately as opposed to those who wait a few years.

Churches: While Mr. Lesch felt that there should be a CUP process for them in residential zones, but not in commercial zones, Mr. Hassett felt that churches should not be encouraged within the downtown area. There were also comments from Mr. Pecchinino and Ms. McCoy that churches don’t pay property tax, and if it’s a small church (under 50 people) and parking is not impacted, it should be allowed.

### **3) Meeting of August 22, 2013**

Conditional Use Permits (CUP) for Religious Institutions: The Focus Group discussed various pros and cons of requiring CUPs for churches in certain zones, but streamlining the process for them in others. Discussion focused on a church’s impact to an area such as Downtown where parking, noise, and hours of operation could have negative impacts, or in industrial zones where some industrial uses could not locate near churches and it makes it difficult to market the industrial property. Planning Manager Espinosa explained that there are Federal laws on how cities can treat churches, but the CUP process allows the City to apply conditions limiting occupancy, hours of operation, or sharing the location with another church who has services at different times or on different days.

Signs: The Focus Group also discussed the problem of too many signs in town causing a cluttered look. It was discussed whether it was a sign problem or the type of use that is the problem, such as bail bond businesses or tattoo parlors. The Focus Group agreed that such businesses seem to always have excessive signage.

Streamlining CUP Process in Planned Developments: Ms. Espinosa asked the group’s thoughts on having the CUP considered at the same time as the zone change or general plan amendment. There is often confusion from the public when the zoning and land use is approved by Council and they get another public notice

for the CUP later on.

Some members thought that there should be no co-mingling of the approvals because developers don't want to incur the expense of preparing detailed plans for the site plan, design, and landscaping of the project when the land use and zoning might be denied by the Council. Mr. Xu said that because a planned development requires so much detail, the CUP process should remain in place for planned developments.

Mr. Pecchenino said there are a lot of planned developments now because if the zoning doesn't allow the proposed use then zoning is changed to a planned development to allow the use through the CUP process. Ms. Espinosa said that the City would still need the requirements of the code for planned developments since they will still exist, but could establish a new zoning district that would allow for streamlining the process.

Outdoor Displays: Ms. Espinosa explained that they have gotten a little out of control in recent years. She showed some examples of sites where outdoor displays block access, circulation, and sidewalks. The code could be changed to state that they are not allowed at all, but that is an enforcement issue and there is currently not enough staff to provide enforcement. The code could include some standards for how much display area is allowed, i.e., 50 square feet, a percentage of the business' frontage, types of goods, not allowed in easements, and must be moved inside at close of business, etc.

Ms. Bragonier thought that it would be easier to enforce if they are not allowed at all. Mr. Maxwell said that one size won't fit all and perhaps we should just regulate where they could not go (in drive aisles, blocking sidewalks, etc.) rather than on a percentage of frontage or a specific square foot area, and that the soda machines should not be regulated.

Mr. Lesch said that the emphasis should be on signs rather than outdoor displays. He also mentioned recycling centers and said the City cannot require a CUP; they are currently processed under Site Plan Review where conditions can be applied or it can be denied if determined to be detrimental to the area.

Recycling Centers: Ms. Espinosa added that recycling centers attract other issues such as abandoned shopping carts and public intoxication. When recycling centers are located in Neighborhood Commercial zones near residential zones the City receives numerous complaints. She explained that they are allowed in all commercial zones per state law except processing facilities which are allowed in industrial zones.

Home-Based Businesses: There was also a brief discussion regarding home-

based businesses such as day cares with 14 or fewer children or residential care facilities with 6 or less at the facility. There are no zoning requirements for these uses per State law and the City receives numerous complaints from nearby residents.

Garage Conversions: Ms. Espinosa explained that most garage conversions are illegal because the zoning ordinance requires one off-street parking space for each residence and the driveway is not a “legal” parking space because it is within the setback area. Most of the existing conversions are illegal and building permits were not obtained.

Ms. McCoy said that some conversions are very old and not up to code and some home sales have not occurred because buyers could not obtain insurance. Mayor Thurston said he would like to see this addressed somehow that does not punish those conversions that were done years ago, but not to allow new ones.

Mr. Cox asked why the driveway is not a legal space and staff responded that if the spaces in the garage are lost then it causes more parking on the street which clutters the neighborhood. Ms. Espinosa asked the group to consider if the zoning code should be changed to allow the driveway as a legal parking space.

Mr. Lorenzi also pointed out that you cannot park in back of the house and the code states that you cannot park RV’s and boats on the street, but there is not any code enforcement of this because there is not enough staff. He said that something needs to be done about that.

Ms. Espinosa asked if the Focus Group thought the zoning code should be changed to allow the driveway to count as off-street parking in order to allow the garage conversions. No clear consensus was reached.

#### **4) Meeting of September 12, 2013**

Driveway Carports: Ms. Espinosa provided examples of front yard carports and explained that they are illegal if within the 20-foot front yard setback in a residential zone. She advised that there are concerns, but if the Group was favorable to allow them, minimum standards are needed such as carport materials, anchoring, location, and the requirement for a building permit.

The Focus Group discussed safety issues such as blocking visibility of oncoming vehicles or pedestrians for someone backing out of their driveway, and possible issues with not properly anchoring the carport. Other concerns were that streets could appear cluttered or blighted without specific standards or if outdoor storage were to accumulate in driveways. Some felt that enforcement was the issue with existing illegal carports; however, with the City budget and current staffing levels,

there are competing priorities. Mr. Gonzalves asked the Focus Group to not make decisions regarding the Zoning Ordinance based on current budget or staffing levels as a Zoning Ordinance has at least a 20-30 year life.

Front Yard Fences: Ms. Espinosa explained the current ordinance, requests from the public to increase fence heights due to young children, dogs, safety purposes, potential issues with gates across driveways, and fence materials. After requesting feedback on whether or not fence heights in the front yards should be increased, the consensus was to keep the code as it is.

Backyard Fences: With regards to increasing backyard fences to 8-feet in height, the Focus Group discussed having standards to exclude barbed or razor wire and electrical fences, fences in areas that have grade differences (one side of the fence is 6-feet and the other side is 8-feet due to lot elevations), the use of lattice or compatible materials, and concerns for public safety. The Focus Group was favorable to increasing the backyard fences to 8 feet. Ms. Espinosa explained that a building permit would be required for an 8-foot fence. (NOTE: At a later date, the Focus Group decided that a maximum height of backyard fences should be 7 feet, consistent with the City of Atwater's ordinance.)

Home Occupations (Home-Based Businesses): Ms. Espinosa explained the eight conditions associated with a home occupation, concerns with having employees (vehicles parking on streets), along with issues with businesses such as a car repair operation that on the one hand should be prevented in a residential neighborhood (due to noise, traffic, oils and other storage issues) and requests for piano lessons (1 appt. per hour) where the ordinance is inflexible. Examples of home based businesses were discussed such as yard sales, repairing vehicles, daycares, cottage food operations (regulated by the State and Merced County Health Department), and public agencies being able to exempt themselves.

In response to concerns regarding enforcement on current and future home-based businesses, Ms. Espinosa explained the process of elevated enforcement where sometimes complaints can be handled with a phone call but others require involving the City Attorney's Office. She also explained that the Consultants have proposed having two categories for home occupations, a minor (allowed by right) and major (requires a minor conditional use permit). The consensus of the Focus Group was that the current code is fine as long as complaints from home occupations are enforced.

## 5) Meeting of September 26, 2013

Levels of Review: 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.

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.

## **6) Meeting of October 3, 2013**

New Zoning Districts: Director of Development Services David Gonzalves explained that the goal is to focus on Residential and Commercial parts of the Code such as design standards and protecting neighborhoods. He advised that staff will be creating an agriculture/residential (or Rural Residential) zone for those properties that are currently in the County of Merced (correlating with UC Merced area) but are within our sphere of influence. He added that this is intended to ease the “fear” of annexation for those concerned with a possible change to their lifestyle with regard to the keeping of animals or hooking up to sewer and water.

Ms. Espinosa explained that she’s currently working with the consultants on this new zone to balance issues, and added that the closest zone that we currently have is an R-1-20 (for 20,000 square-foot lot minimum). Ms. Espinosa discussed the process of annexation noting that the properties must be contiguous and answered questions regarding acre lots, City services, etc. She emphasized the need to find a way to make people comfortable with the annexation process rather than to protest the process. An example was given where a neighborhood blocked a prospective annexation by protesting the annexation.

“Purpose” Sections of Draft Code: There was discussion that the “purpose” of the zones is there, however, the “intent” of the zone is not, and that there may be inconsistency from the old ordinance to the new with terms such as “high quality development” for example relating to mobile home parks. Ms. Espinosa indicated that we need to know how readable the document is so if it is confusing we need to correct it. She explained that the consultants were tasked with streamlining the ordinance so there’s not a lot of cross- referencing, but that is something that can be fixed by adding cross references. She advised that the nuts and bolts for what land uses are allowed and what permits are needed are found in Tables on Pages 1 and 2, whereas the design standards are on Pages 6 and 7.



Residential Zones: There was a suggestion to add “Home Occupation” in Table A, of Page 1, under the residential section. The Focus Group discussed daycares and the impacts on the neighborhood, the difference between permitted use and minor conditional use permit, and the difference between a “group home” and “dwelling groups” and restrictions within each. Ms. Espinosa explained that some uses like daycares are State regulated and gave the definition of a “household” and “family.” In response to using the term Community Uses and Community Assembly instead of “public” and “quasi-public” terminology Ms. Espinosa said that we are attempting to use more current or up- to-date terminology. However, with regards to “colleges” they need to be defined similarly to “schools.”

There was discussion on single-room occupancy where students could rent a room in a home, but the way the code is written, it’s not allowed. Ms. Espinosa indicated we would check the glossary to make sure it is clear as to what is allowed. Also, some neighbors are not receptive to having student housing in the neighborhood. With a second unit on a single-family residential lot, one of the two units must be owner-occupied.

Residential care facilities are exempt from local zoning as long as there are 6 or fewer people in a house. If there are more than six, we can require a process and impose reasonable standards such as spacing, concentration, and parking through a non- discretionary permit. Ms. Espinosa explained that the State would allow a staff level process granted by the Director where neighbors within 100 feet of the site are notified 10 days prior to the hearing date.

While a few people felt large family daycares should be regulated, others felt there were too many regulations and if there haven’t been many complaints, why do so. At this time, Chairperson Logue asked for a voice vote of those present and the consensus was not to regulate large family daycares. The consensus of the Group was, however, in favor of regulating residential care facilities if allowed under State law.

## **7) Meeting of October 17, 2013**

Parks: The Focus Group discussed the process for approval of parks. Staff explained that a Conditional Use Permit (CUP) is required in all residential zones for the land use for a park, but that the design of the park is handled as a separate process not involving the Planning Commission. The Group discussed the various sizes and types of parks and the impacts on neighborhoods from lack of parking. Staff explained that there is no standard for parking for neighborhood parks and that it would be helpful to staff if there was such a standard. The Group was of the consensus that there should be a parking standard for parks and the size, type, uses, and design of the park should dictate the parking requirements for parks.

Residential Zones: The Group then discussed the land use tables for residential zones. Staff explained that the uses and development standards have been put in table format so that they are easier to understand than the paragraph format in the current ordinance. There have been no changes to the uses or standards except minor changes to exterior and side yard setbacks so they are consistent throughout the code.

Staff noted that there would need to be clarification or removal of footnote [2] on Page 7 regarding the 10-foot yard setback for all interior yards. Staff and the Focus Group concurred that this did not make sense for all interior yards to be ten feet for taller buildings, especially if trying to encourage density. Staff will review with the consultant and either clarify or remove the footnote.

Regarding MMC Section 20.08.030, Subsection F Parking, Ms. ESPINOSA explained that this is the section that would need to be modified to allow garage conversions and legal parking spaces in the driveway and/or on the street. Following a brief discussion, the consensus of the Focus Group was to not make any changes to the required parking in residential zones. There were no more comments on the Residential section

Commercial Zones: Regarding Commercial zoning, the proposed ordinance combines all commercial zones and adds the new Business Park zone into table format so land uses are easier to understand. The Focus Group agreed that there is a clear distinction between heavier use Business Parks vs. support use Business Parks and the Business Park zone should be part of the Commercial land use table to allow flexibility, and not the Industrial land use table.

It was also noted that under the current General Commercial zone, there is a 4-acre minimum size for the zone itself but there is no minimum in the proposed ordinance. Staff agreed that without a minimum acreage requirement, a single lot could be rezoned, impacting the surrounding area. It was agreed that the minimum acreage in the current code should be retained.

## **8) Meeting of October 31, 2013**

Commercial Zones: The Focus Group discussed if Colleges and Trade Schools should be allowed with a Conditional Use Permit (CUP) in the C-G zone instead of not allowed at all. The consensus was that they should be allowed with a CUP since depending on the curriculum, it might be appropriate in the C-G zone.

Day Care Centers: The Focus Group considered if Day Care Centers should be a conditional use in the B-P zone instead of permitted. Since the state has adequate regulations with regard to this use, the consensus was to lean towards less regulation.

Emergency Shelters: The Group debated whether Emergency Shelters should remain not allowed in the C-C zone or should be allowed with a CUP. Planning Manager ESPINOSA explained that the state law requires that cities have at least one zone where Emergency Shelters are principally permitted. The City of Merced has proposed to permit them in the C-G zone as a permitted use and allow them in the C-T zone as a conditional use. Several members thought the Rescue Mission should not set a precedent for use in that location (a C- C zone), but could be grandfathered in. Some thought that allowing shelters in other commercial zones may deter businesses from wanting to locate in those particular zones. The consensus was to allow the Emergency Shelters to be principally permitted in the C-G zone and to not allow them in other commercial zones.

Government Offices: The Group discussed if Government Offices should be a permitted use in the B-P zone instead of not allowing them at all. The consensus was to continue to not allow them in the B-P zone to preserve those zones for traditional business park uses.

Parks: The Group deliberated about if Parks, which are proposed as conditional uses in C-O, C-N, and C-C, should be allowed with a CUP in other commercial zones. Since there are plenty of zones that allow Parks and because commercial development is a desirable use in the commercial zones, the consensus was to not allow Parks in other commercial zones.

Public Safety: The Group reviewed whether Public Safety Facilities should be allowed with CUPs in all commercial zones instead of only being allowed with a CUP in the C-T and C-G zones. The Group concurred it would be beneficial to allow Public Safety Facilities with a CUP in all commercial zones.

Alcohol Sales: The Group pondered the consultant's proposal that CUPs be required for all businesses wishing to sell alcohol. Currently, CUPs for alcohol sales are only required for businesses whose buildings are 20,000 square feet or less, since that would be a larger part of their business. Since the result would be a marked increase in CUPs and a lot more restrictiveness, the consensus was to continue the current process.

Bail Bonds: The Group debated whether Bail Bond Businesses should continue to be permitted in the C-C zone (but prohibited in the City Center) and allowed with a CUP in the C-O zone or should changes be made. Mention was made that most Bail Bond Businesses were so low key that most businesses were not even aware that they were located near them. It was also noted that they are required to follow our sign code and get a sign permit. The consensus was to continue the current process.

Check Cashing: Check Cashing Establishments would be allowed in all

commercial zones with a CUP as proposed; the Group considered if there were some zones where they should not be permitted. The consensus was that overall, they should be treated like any other business and not be overregulated, but C-O zones are supposed to be for office uses, the Check Cashing Establishments really aren't a business park use so should not be in the B-P zone, and the C-SC zones would not be appropriate locations either.

Flea Markets: The Group briefly discussed if Flea Markets should be allowed anywhere other than with a CUP in the C-T zone. The consensus was that they should be allowed with a CUP in the C-T and C-G zones and not in the C-O, C-N, or C-C zones.

Funeral Parlors: The Group reviewed Funeral Parlor and Mortuary uses and agreed that they should be principally permitted in the C-G zone, and allowed as CUPs in all other commercial zones.

Gas Stations: The Group conversed about Gas and Service Stations. It is proposed that they be principally permitted in C-T and C-G zones and allowed with a Site Plan Permit in the C-N, C-C, and C-SC zones. The consensus was that the proposal was fine except in the C-N zone, they should be permitted with a CUP so that neighbors would get notified if a Gas or Service Station was going into their neighborhood. Planning Manager ESPINOSA added that the use table would be reviewed for the C-SC zone to make sure it was consistent with the newly-adopted standards for that zone.

Hotels: The Group discussed if Hotels and Motels should be allowed with a CUP in the B-P zone. It was noted that other cities have successfully allowed this type of development. The consensus was to keep our options open and allow Hotels and Motels in the B-P zone with a CUP.

## **9) Meeting of November 14, 2013**

Check Cashing: Chairperson LOGUE asked to reopen the discussion from the last meeting regarding pay day loan services and whether the code should be more restrictive to deter these types of businesses in the downtown area. The Focus Group discussed that and whether they should then include other types of businesses (pawn shops, tattoo parlors and hookahs). Group Members RAMIREZ and THURSTON both provided information that there are other changes in the works (at the State or Federal level) that would be restrictive and make it difficult for the payday loan types of businesses to continue.

The Group suggested the following regarding payday loan businesses:

CO/CT/CG: Conditional Use

CN/BP: Not allowed (those existing would be non-conforming uses)  
Central Core: More restrictive with conditional uses.  
Shopping Center Commercial (CSC): Not allowed. Very restrictive use.

Commercial Zones: The Group continued their discussion regarding the land use table. Ms. ESPINOSA explained that the consultant proposed a downtown residential zone to address the smaller residential lots in that area. Currently, most downtown residential lots are 50x150' lots, but are zoned R-1-6 because that was the closest zoning designation that fit.

Pawn Shops: The Committee made the following recommendation:

CO/CN//CSC/CT/BP: Not Allowed  
CC: Conditional Use  
CG: Permitted Use

Personal Services: The Group recommended that for Business Park zones, that Personal Services should require Site Plan Review (SP) with Footnote 6.

Street and Sidewalk Vendors: The Group discussed exploring the idea of having an area established specifically for food trucks. Currently they are only allowed in the CT zone. Ms. ESPINOSA asked if the Group thought it appropriate that they are allowed to locate in a Business Park or Industrial zone with a use permit. She further explained that the definition only refers to food and drink and asked if the Group thought that the definition should include merchandise. The Group agreed that the definition should only be for food and drink so the category should be changed to "Mobile Food Vendors" and should be a conditional use in Business Parks.

Vehicle Parts and Accessories Sales: The Group agreed that they should be a permitted use in a C-G zone.

Large Recycling Collection Facilities: The Group agreed that they should be a Conditional Use in the CT and CG zones.

Parking Facilities: The Group said they should be permitted in all zones.

Vehicle Sales: Group Member BRAGONIER said that she didn't think vehicles sales should be allowed in the downtown core area and Ms. ESPINOSA said that the table would include Footnote 12 which defined the downtown core area and restricted that use from that area.

## **10) Meeting of December 12, 2013**

Business Park Development Guidelines: The Focus Group discussed the

use of the terminology “may” vs. “shall” vs. “should”. The Group discussed the lack of consistency within the definitions. Staff explained that there are instances where items or design are mandated by State or Federal statute to be “shall”, but that staff needs room to adjust a design and work with a developer if the project hits most of the marks, and so there needs to be room for some flexibility to meet the developer’s specific design requirements.

Focus Group Member BENDER said that from a developer standpoint there are a lot of “shalls” that they have to heed and more “shoulds” would allow the project to work. If the project needs exceptions, then the Planning Commission and City Council should make the decision by establishing conditions for the individual projects.

Following further discussion, the Focus Group recommended the following (beginning on Page 22 of 9-12-2013 memo):

| <b>Page No.</b> | <b>Item No.</b> | <b>Terminology</b> |
|-----------------|-----------------|--------------------|
| 21              | 4a-d            | Change to “shall”  |
| 22              | 5a-c            | Change to “shall”  |
| 22              | 7a and 7b       | Change to “shall”  |
| 22              | 8a              | Remain “shall”     |
| 22              | 9a and 9b       | Change to “shall”  |

Ms. ESPINOSA indicated that she understood the Group’s direction and could go through the remainder of the preliminary draft and make the appropriate changes and bring them back to the Group for review.

Planning Manager ESPINOSA explained there will be new zoning districts proposed such as “Urban Village” and new Downtown designations, and discussed the options for rezoning some of the downtown areas. She said that the new zones could be established without having to actually rezone any of the properties. There are various options for completing the rezoning. It could be accomplished as part of the Zoning Ordinance update, as development projects lend themselves to rezoning, or while the City addresses any changes required as part of the High Speed Rail project.

## **11) Meeting of January 30, 2014**

Industrial Zones: The Group discussed the Industrial Zoning Districts and whether there should be a minimum lot size for Light Industrial and Heavy Industrial to preclude an industrial use building on a small lot adjacent to residential. They also discussed the performance standards and a definition for infrequent noise and what kind of mitigation could be required to address any noise issues.

Public Use and Agricultural Zoning Districts: In response to questions from the group, Planning Manager ESPINOSA explained that there is not currently a zone for public use and the uses sometimes do not fit well in a commercial or residential zone. With a new zone of Public Use, uses such as parks or fire departments would have a specific zone applicable to the use. Currently most are zoned residential.

Special Use Zoning Districts: Ms. ESPINOSA explained that the only change to Urban Transition was to reorganize it so it was easier to understand. Regarding Planning Development zoning, the process for a revision would be streamlined.

The Group had previously discussed still requiring the Conditional Use Permit process for projects that are built sometime after the original Site Utilization Plan was adopted. Group Member ALLEY said that it sometimes takes several years to put together the financing for a project and suggested a longer period of time than the two years previously suggested. The Group felt that if the project is still consistent with the original plan then a longer period of time to proceed could be allowed with the ability to allow extensions at staff level, allowing 1-3 years more.

Glossary: The Focus Group made the following suggestions:

- Add a definition for Community Gardens;
- Add a definition for Farmers Market (distinct from Flea Market);
- Define appropriate areas for horticultural nurseries;
- Street and Sidewalk Vending definition narrowed to food vending; and,
- Consider making Bike Rentals separate from Vehicle Sales and Rentals.

Downtown Zoning Districts: The Focus Group discussed the design and setback requirements for the downtown zoning districts. The Group felt that there should be more flexibility regarding setbacks, number of windows, etc. to fit the project and location.

Urban Village Zones: Mr. THURSTON said that the Village Concept was too restrictive and that this Focus Group should see the Bellevue Corridor Community Plan before making final recommendations on the Zoning Ordinance Update. Focus Group Members GONELLA and ALLEY said that staff should proceed with a draft and Ms. ALLEY suggested a notation that it was a draft only and there would still be opportunity for review and modification later. Focus Group Member LESCH noted that without the Urban Village Zone, the only zoning alternative would be Planned Developments.

Director of Development Services GONZALVES explained that the Focus Group code review is just a step in the process and the Group should not recommend a zoning code without including all the land uses defined in the General Plan. One of the goals of the Zoning Code Update was to establish zoning districts for Business Parks, Urban Villages, etc., that are in the General Plan but not in the current code. That gives more options to developers when requesting zoning.

## 12) Meeting of February 20, 2014

The Focus Group discussed the twenty-one (21) questions outlined in staff's memo dated February 7, 2014. Refer to the memo for further detail regarding the questions. The Focus Group consensus is outlined in the table below:

| Question No.                                 | MMC Section   | *Page No. | Consensus   |
|--|---|-----------|---|
| <b>Part 3 – General Regulations</b>          |   |           |   |
| <b>Chapter 20.30 – Walls and Fences</b>      |   |           |   |
| 1  | 20.30.010(D)  | 89        | Use “highest finished grade” to measure maximum height.                                   |
| 2  | 20.30.020(A)(2)   | 90        | Concurred with recommendation with standards for lattice.                                 |
| 3  | 20.30-1<br>(Note 2 of Table)<br>and 20-30-<br>020(B)(2) | 90<br>92  | Concurred with recommendation for increased height with approval process.                 |
| 4  | 20.30.030   | 92        | Concurred with recommended changes and specifically noted the issues around school sites. |
| 5  | 20.30.040   | 93        | Okay with razor wire by permit only.  |
| <b>Chapter 20.32 – Interface Regulations</b> |   |           |   |
| 6  | 20.32   | 95        | Concurred with recommendation.  |



| Question No.  | MMC Section  | *Page No. | Consensus  |
|---|--------------|-----------|--|
| <b>Chapter 20.34 – Creek Buffers</b>                      |              |           |  |
| 7   | 20.34        |           | Concurred with recommendation with standards for landscaping creek buffer.   |
| <b>Chapter 20.36 – Landscaping</b>                        |              |           |  |
| 8   | New Chapter  |           | Concurred with new requirements and handouts providing information regarding drought resistant and native plants.  |
| <b>Chapter 20.38 – Parking and Loading</b>                |              |           |  |
| 9   | 20.38-1      | 106       | Concurred with recommended changes and need for a standard that is easier to measure.  |
| 10  | 20.38/080    | 121       | Consensus is to model the Green Code and not require more than State requires.   |
| <b>Chapter 20.44 – Special Land Use Regulations</b>       |              |           |  |
| 11  | 20.44        | 131       | Concurred with proposed changes except Section 20.44.020 should not be specific to Auto Wrecking Yards. It should be “wrecking establishment” so can include salvage and junk yards. |
| <b>Chapter 20.48 – Home Occupations</b>                   |              |           |  |
| 12  | 20.48        | 149       | Concurred with recommendation.   |
| <b>Chapter 20.58 – Wireless Communications Facilities</b> |              |           |  |
| 13  | 20.58-2      | 186       | Concurred with recommendation.   |
| <b>Part 4 – Permits and Administration</b>                |              |           |  |
| 14  | 20.64-1      | 194       | Concurred with recommendation.   |
| 15  | 20.68.020    | 203       | Concurred with recommendation.   |
| 16  | 20.68.040    | 207       | Concurred with recommendation.   |
| 17  | 20.68.050    | 209       | Concurred with recommendation.   |
| 18  | 20.68.040    | 210       | Concurred with recommendation.   |
| 19  | 20.72.030    | 217       | Concurred with recommendation.   |
| 20  | 20.72.080    | 220       | Concurred with recommendation to apply to all applications.  |
| 21  | 20.74.030(B) | 221       | Agreed should be 5 business days, excluding state and federal holidays.  |

### 13) Meeting of January 29, 2015

Request from Merced County Department of Public Health regarding Tobacco Sales: Stephanie NATHAN, Department of Public Health, reviewed their request for inclusion of special zoning restricts for tobacco sales in the Zoning Ordinance. Ms. NATHAN provided the Focus Group with the American Lung Association's Matrix of Local Ordinances Restricting Tobacco Retailers Near Schools. Ms. NATHAN responded to questions from the Focus Group.

M/S LORENZI-LESCH, and carried by unanimous voice vote (13 absent) of the Focus Group, to recommend that staff include in the Zoning Ordinance Update a ban on tobacco products, including e-cigarettes, within 1,000 feet of youth oriented areas such as schools and playgrounds (additional uses to be identified by staff). Retail businesses over 20,000 square feet would be exempt from the ban, consistent with the current code regarding alcohol sales.

Secretary's Note: In December 2014, the Focus Group received a copy of the complete Focus Group Draft of the Zoning Ordinance. Previously, the Focus Group had been reviewing draft chapters and some sections, but not the complete ordinance. From this point forward, the Focus Group was making recommendations on the Focus Group Draft and were answering questions included in a December 19, 2014, memo from City staff (and excerpted below). (Please note that references to page numbers might have changed from the Focus Group Draft to the Public Review Draft issued in September 2015.)

#### Chapter 20.08 – Residential Zoning (Questions #1 & #2)

- 1) *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.)*
- 2) *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?*

Fraternity and Sorority Houses: The Focus Group came to the consensus that they should be allowed in an R-1 zone by Conditional Use Permit with a limit on size and number of residents.

Large Day Care and Residential Adult Care: Staff explained that the State of California regulates these facilities and doesn't give the City much discretion but that fire codes would offer some regulation.

Agriculture and Natural Resources: Group Member BRAGONIER was concerned about allowing farming in a residential zone and Ms. ESPINOSA explained that the current ordinance allows farming in Residential zones by right and by changing the code to require a Conditional Use Permit; it provides the City the ability to apply conditions and consider interface issues with the existing neighborhood.

Large Foster Homes, Nursing Homes, Convalescent Hospitals and Bed and Breakfasts (B&B): Allow in Rural Residential with Conditional Use Permit and remove the historic designation requirement for B&B's.

#### **14) Meeting of February 12, 2015**

##### Chapter 20.10 – Commercial Zoning (Questions #3 and #4):

- 3) *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.)*
- 4) *The Focus Group previously reviewed draft Guidelines for projects in 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. What does the Focus Group think of this change?*

Business Park (B-P) 20.10.010(G): Group Member ANDERSEN suggested that the term "back office" should be defined in the glossary section of the Zoning Ordinance. She believes that defining a "back office" will protect the office nature of the B-P zone and prevent a large retail business from claiming to operate as a back office. Planning Manager ESPINOSA concurred with Group Member ANDERSEN and explained that retail may be allowed in the B-P zone at a limited capacity to serve employees in the area. Staff will update the glossary to include a definition for "back office."

Day Care Centers (Children and Adults): Group Member LORENZI was concerned that sufficient off-street parking is not provided at adult care facilities. He believes that the parking requirements should be increased to satisfy the parking needs of employees, patients/residents, and visitors. Director of Development Services GONZALVES concurred with Group Member LORENZI and explained that the parking requirements for adult care facilities could be revised to include the number of employees working during the largest shift and the square footage of the building.

Emergency Shelters: The Focus Group suggested that emergency shelters should be located in a zoning district that is highly accessible to the community. They believe that the B-P zone lacks accessibility and that it is not an appropriate zoning designation for emergency shelters. The Focus Group came to the consensus that a more appropriate zoning district is the C-T zone (with Conditional Use Permit approval).

Hospitals: The Focus Group came to the consensus that there needs to be a clear distinction between hospitals and surgery centers. They believe that surgery centers should be a separate category and that they should be allowed in the C-N zone (with Conditional Use Permit approval).

Alcoholic Beverage Sales: The Focus Group came to the consensus that bars and nightclubs should be permitted in the B-P zone as an accessory use to a primary use (e.g. hotel or a restaurant), with a Conditional Use Permit.

Planning Manager ESPINOSA noted that Alcoholic Beverage Sales will be subject to the special provisions outlined in Section 20.44.010 (Alcoholic Beverage Sales for Off-Premises Consumption). The reference to these additional regulations will be added to Table 20.10-1.

Bed and Breakfast: Planning Manager ESPINOSA noted that Bed and Breakfast establishments will be subject to the special provisions outlined in Section 20.44.030 (Bed and Breakfast). The reference to these additional regulations will be added to Table 20.10-1, and based on the Focus Group's previous recommendation, the requirement for historic designation will be removed.

Check Cashing/Payday Loan Establishments: The Focus Group came to the consensus that the definition for a check cashing establishment should be broadened to include payday loan establishments.

Multi-Screen (6 or more) Movie Theaters: The Focus Group came to the consensus that multi-screen (6 or more) movie theaters should be permitted with Conditional Use Permit approval in both the C-N zone and the C-T zone in addition to the C-C Zone, which is the only zone where these are currently allowed.

Farmers Market: The Focus Group came to the consensus that farmers markets should also be permitted in the C-O zone with Conditional Use Permit approval.

Flea Market: The Focus Group came to the consensus that a Flea Market should not be permitted in the B-P zone due to land-use incompatibility reasons.

Gas and Service Stations/Car Washes: The Focus Group came to the consensus that gas and services stations should be permitted in the C-SC zone (with Conditional Use Permit approval), but only in association with a grocery store.

Restaurants: Planning Manager ESPINOSA announced that restaurants within the B-P zone will be subject to Note #12 and Note #13, as shown on page 25 of the Draft Zoning Ordinance. This reference will be added to Table 20.10-1.

Vehicle Sales: The Focus Group came to the consensus that vehicle sales should be located in the C-C zone, but not within the City Center area (Note #10 to be added to Table 20.10-1 in the C-C zone).

Airports and Heliports: The Focus Group came to the consensus that the zoning districts for heliports should correspond to that of hospitals as a hospital may want to use a heliport for emergency/service purposes.

Mobile Food Vendors: The Focus Group came to the consensus that non-food mobile vendors (e.g. mobile dog grooming vendors, etc.) should be considered as a separate category from mobile food vendors and that zoning regulations should be established for them.

Primary Building Standards (Stories): The Focus Group came to the consensus that there should not be a restriction on the maximum number of stories that a building is permitted. However, building height restrictions should remain as shown on Table 30.10-2, Development Standards for Commercial Zones.

## **15) Meeting of February 26, 2015**

### Chapter 20.12—Industrial Zoning Districts

- 5) *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

- 6) *Does the Focus Group 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?*
- 7) *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.*

- 8) *Are the new development standards in Section 20.14.030 on page 45 appropriate or too restrictive?*

Purpose of the Industrial Zoning Districts 20.12.010 (A) and (B): Group Member BRAGONIER was concerned that parcels of any size could be rezoned to industrial and produce spot zoning adjacent to residential properties. To prevent this from happening, she suggested that a minimum zoning district size be established for the I-L and I-H zones. The Focus Group came to the consensus that there should be a 5-acre minimum zone size for the I-L zone and a 10-acre minimum zone size for the I-H zone (applies only for newly established industrial zones).

Recycling Collection Facilities, Small: Economic Development Director QUINTERO noted that small recycling collection facilities tend to generate high volumes of traffic. He explained that this results in slower traffic patterns that make it difficult for other industrial businesses to operate. The Focus Group came to the consensus that small recycling collection facilities should not be allowed in the I-H zone.

Recycling Collection Facilities, Large and Recycling Processing Facilities: The Focus Group came to the consensus that large recycling collection facilities and recycling processing facilities should be allowed in the I-H zone with a Site Plan Review Permit.

Warehousing, Wholesaling and Distribution: The Focus Group came to the consensus that warehousing, wholesaling and distributions should be permitted in the I-H zone with a Site Plan Review Permit. In addition, they recommended that Note #3 (page 35) be modified so that a Site Plan Review Permit is required for businesses that would like to dedicate more than 10% of their total building floor area to retail space.

Development Standards for Industrial Zoning Districts 20.12.030 (Note #3): Director of Development Services GONZALVES explained that some industrial uses require tall buildings/structures to operate. He noted that in the past, the I-L and I-H zones contained height restrictions to address fire concerns. However, since then, there have been several advancements in fire prevention technology and fire suppression technology (e.g. fire sprinkler systems) that satisfy fire codes/concerns without limiting the height of a structure.

Planning Manager ESPINOSA was concerned about the visual impacts that tall industrial structures could have on nearby residential properties. However, she explained that in these situations, a Conditional Use Permit (CUP) would be required (CUP triggered by development on an Interface Overlay Zone). Said permit would contain conditions of approval reducing the impact that an industrial

development could have on nearby residential properties, including a condition limiting the maximum height of a structure.

Associate Planner NELSON explained that the development standards in the industrial zones should be consistent with that of the Merced County Airport Land Use Compatibility Plan. Doing so would prevent flight paths from being disrupted by tall industrial structures.

The Focus Group came to the consensus that structures in the industrial zones should not be limited to a maximum height or a maximum number of stories as long as they satisfy fire and building codes (thus, eliminating Note #3 on page 36 and the height limits in Table 20.12-2). However, when adjacent to residential zones, industrial development should require Conditional Use Permit approval with conditions restricting the maximum height of a structure. In addition, language should be added to Section 20.12.010 - *Purpose of the Industrial Zoning Districts*, requiring that development is compatible with the development standards set forth in the Merced County Airport Land Use Compatibility Plan.

Zoning District Note #6(B): Group Member PALOUTZIAN suggested that Note #6(B) be modified as shown below, for clarity purposes (underline indicates added language):

“6B. Prohibited Uses. The manufacturing of the following uses are prohibited unless the Planning Commission determines otherwise...”

Check Cashing/Payday Loan Establishments: The Focus Group came to the consensus that check cashing/payday loan establishments should not be allowed in the D-COR zone or in the City Center area (as defined in Note #4 on page 44).

Gas and Service Stations: Planning Manager ESPINOSA noted that gas and service stations will be subject to the special provisions outlined in Section 20.44.070. The reference to these additional regulations will be added to Table 20.14-1.

Retail, with Alcohol Sales (Less than 20,000 Square Feet in Building Size) and Retail, with Alcohol Sales (More than 20,000 Square Feet in Building Size):

Planning Manager ESPINOSA noted that alcoholic beverage sales will be subject to the special provisions outlined in Section 20.44.010. The reference to these additional regulations will be added to Table 20.14-1.

Vehicle Sales: The Focus Group came to the consensus that vehicle sales should be permitted in the D-COR zone with Conditional Use Permit approval, but that large car lots should be discouraged in the Downtown core with only

small showrooms being allowed.

Downtown Development Standards: The Focus Group was concerned that the downtown development standards may be too restrictive especially for the areas outside of the D-COR zone. They came to the consensus that additional leeway should be given to the driveway permitting process (page 47) and to the street-level building design guidelines (pages 48-50).

## **16) Meeting of March 12, 2015**

The Focus Group continued their review and comments on the questions outlined by Staff in the December 19, 2014, memo.

### Urban Village Zoning Districts (Chapter 20.16)

- 9) *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. Does the Focus Group believe these new zoning districts are necessary?*
- 10) *Please review carefully Table 20.16-11 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.*
- 11) *Are the new development standards in Section 20.16.030 on page 55 appropriate or too restrictive? (Please note that these draft standards have been substantially modified since the previous draft to be more flexible.)*

Question #9: The Group Members unanimously agreed that the three new Urban Village zoning districts were an appropriate option or tool for staff and developers.

Question #10: The Group Members also concurred with staff recommendations on the Land Use Table (Page 53).

Question #11: Planning Manager ESPINOSA explained that staff may make some adjustments to the height restrictions, such as allowing 35-40 feet in the Outer Village Residential areas. Group Member MAXWELL suggested eliminating the height restriction in the Inner Village Residential area.

### Public Use and Agricultural Zoning Districts (Chapter 20.18)

- 12) *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?*



- 13) *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.*

Question #12: Following a brief discussion regarding Public Use and Agricultural Zoning districts, Group Members concurred with staff and recommended no change.

Question #13: The consensus of the Group Members was that there would be no changes to Table 20.18-1 (Page 60) except to height restrictions so they are consistent throughout the Zoning Code.

#### Special Use Zoning Districts (Chapter 20.20)

- 14) *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. Does the Focus Group agree with those changes?*

Question #14: The Focus Group agreed that the changes proposed to the Planned Development requirements (Page 66) would allow more flexibility and recommended no further changes.

#### Overlay Zones (Chapter 20.22)

- 15) *What does the Focus Group 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?*

Question #15: Planning Manager ESPINOSA explained that the Airport Overlay Zone is currently used in practice but this would add it to the Zoning Code. She also explained that it would provide a placeholder for the High Speed Rail. Group Member COX suggested that it shouldn't be limited to High Speed Rail and should just refer to “Rail” in general since in the future, there will be other types of rail systems (light rail, etc.).

#### Walls and Fences (Chapter 20.30)

- 16) *Section 20.30.020(A)(2) on page 98 would allow the addition of 2 feet of lattice on residential fences and Note 2 of Table 20.30-1 on page 98 would allow the maximum height of residential fences to be increased from 6 feet to 8 feet with the approval of a Minor Use Permit. Proposed procedures, including notifications for neighbors, for Minor Use Permits for Fences are described in Section 20.30.020(C) on page 102. City staff is a bit concerned over how many requests of this nature might be received and its impacts on both neighborhoods and staff workload. What does the Focus Group think of this change?*
- 17) *After the last Focus Group review, staff changed Section 20.30.040 on page 104 to allow 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. Does the Focus Group agree with these changes?*

Question #16: The consensus of the Group Members was to remove the procedures for allowing higher than 6-foot fences in residential zones and simply allow fence height in Residential Zones to be seven (7) feet. Anything higher would have a negative visual impact and may cause concern for emergency responders. Eight (8) feet for multi-family should be allowed, however.

Question #17: The Focus Group agreed to the changes to Section 20.30.040 (Page 104) to allow 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.

#### Parking and Loading (Chapter 20.38)

18) *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. Please review the proposed changes and give comments.*

19) *Section 20.38.080 (starting on page 135) includes NEW requirements for bicycle parking based on previous recommendations from the Bicycle Advisory Commission. At your last review, the Focus Group noted that while they supported bike parking requirements, they should be no more restrictive than what the Green Building Code requires, which is generally what is included in the Draft.*

*At its December 9, 2014 meeting, the Bicycle Advisory Committee reviewed the Bike Parking portion of the Draft, and offered the following recommended changes. Does the Focus Group support these new recommended changes?*

#### *Excerpts from Draft Bicycle Advisory Commission minutes for December 9, 2014:*

*"Regarding the "Applicability" section, the Commission noted that: bicycle travel to the proposed exempted uses should be expected, especially by employees; and, the section creates a loop-hole for additional uses to seek exceptions to the bike parking code.*

*ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO DELETE ALL PROPOSED LANGUAGE THAT SPECIFIES EXCEPTIONS TO APPLICABILITY, AS PRESENTED IN "SECTION 20.38.80. H. APPLICABILITY."*

*Regarding the "Bicycle Parking Spaces Required" section for residential uses, the Commission noted that: current single-family home, duplex, and triplex designs will likely provide adequate bicycle parking spaces; basing the need for bike parking to the number of vehicle spaces is flawed and conflicts with the City's efforts to expand bicycle travel as a viable form of transportation; 1 long-term bicycle space per 10 dwelling units is unrealistically low; that multi-family residents tend to rely more on alternative modes of transportation for commuting purposes and need to have bike spaces provided in the project design; and, inclusion of bike parking spaces on residential properties adds versatility and value and does not diminish other site amenities.*

*ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO MODIFY TABLE 20.38-4 (REQUIRED PARKING SPACES) BY CHANGING THE SHORT-TERM AND LONG-TERM SPACES FOR RESIDENTIAL USES TO: 1 SHORT-TERM BIKE SPACE PER 4 UNITS AND 1 LONG-TERM BIKE SPACE PER UNIT."*

Question #18: The Focus Group concurred with the changes proposed to Table 20.38-1 (Page 120) regarding parking requirements for various land uses.

Question #19: The Focus Group discussed the recommendation of the Bicycle Advisory Commission and concurred that bicycle parking should mirror the State Green Code requirements and that the market would dictate the need for additional long term bike spaces without requiring it in the Zoning Code.

M/S MAXWELL-COX, and carried by unanimous voice vote of the Focus Group (14 absent), to recommend that the bicycle parking requirements in all zoning districts be the same as required by the State of California and not be any greater.

## **17) Meeting of March 26, 2015**

### **Chapter 20.40—Small Lot Single Family Homes**

20) *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. Does the Focus Group agree with this change? Are there other zones where this should be considered?*

Question #20: The Focus Group concurred with the changes and did not have any suggestions for other zones to apply these standards.

### **Chapter 20.44—Special Land Use Regulations**

21) *Chapter 20.44 (starting on page 149) proposes special regulations for several new land uses not addressed in the current ordinance. At their last review, the Focus Group noted agreement with the additions. Since that review, staff has determined that such regulations are also needed for food trucks that park in fixed locations and emergency shelters. What does the Focus Group think of the proposed regulations for the following:*

- 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 20.44.150—Emergency Shelters (starting on page 164)? 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.*

Question #21a & b: The Focus Group concurred with the draft ordinance as written and made the following recommendation:

M/S LESCH-BRAGONIER, and carried by unanimous vote of the Focus Group (12 absent, 2 abstain\*), to support the language as written.

#### Part 4—Permits and Administration

- 22) *Section 20.68.020 (starting on page 235) outlines the process for a new type of permit—the Minor Use Permit. Please review and recommend any changes.*
- 23) *Section 20.68.040 (starting on page 241) outlines the process for a new type of permit—Minor Modifications. Please review and recommend any changes.*
- 24) *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 one that will be expanded for use in many more situations in the DRAFT. Please review and recommend any changes.*
- 25) *Section 20.68.040 (starting on page 244) outlines the process for a new type of permit—Special Project Permits. Please review and recommend any changes.*

Questions #22 through #25: The Focus Group concurred with the draft ordinance as written.

#### Final Recommendation on Zoning Ordinance

M/S LESCH-GONELLA, and carried by unanimous vote of the Focus Group members present (12 absent, 2 abstain\*), to support City staff in moving forward with a Public Review Draft of the Zoning Ordinance as written with the changes as recommended by the Focus Group over the last few meetings.

\*Mayor Thurston and Council Member Dossetti abstained from the vote since the City Council would be making the final decision on adopting the Zoning Ordinance at a later date.

### **18) Meeting of January 21, 2016**

Comments on Items from Joint Planning Commission/City Council Study Session on December 7, 2015 (as outlined in Memo of December 15, 2015)

Secretary's Note: Group Member DOSSETTI abstained from the votes since the City Council would be making the final decision on adopting the Zoning Ordinance at a later date. Group Member COX, President and CEO of the Greater Merced Chamber of Commerce, abstained from the votes since Council Member BELLUOMINI would be speaking to that organization at a later date on these items.

City Council Member BELLUOMINI gave a brief overview of his suggested changes to the Draft Merced Zoning Ordinance.

Responding to a comment from the Focus Group, Director of Development Services GONZALVES stated that the awnings which were in place downtown were taken down because they were unsafe.

The Focus Group commented on the items outlined in the Memo of December 15, 2015.

**1. Page 14, Section 20.08.030B3, Variation in Lot Dimensions for R-1-6 subdivisions**

The Focus Group discussed that lowering the percentage from the existing 40% to 25% might be considered not very business-friendly. They also wanted to ensure that a project wasn't turned away just because it didn't hit a precise percentage; they wanted to make sure the City was still able to be flexible. Planning Manager ESPINOSA and Director of Development Services GONZALVES confirmed that this provision is not used that often and when it is used, it usually doesn't come very close to the 40% threshold. The Focus Group Members who were present (two abstentions), voted unanimously to leave this section as is.

**2. Page 31, Section 20.10.030 5a, Pedestrian Circulation**

The Focus Group discussed whether the awnings were necessary because it doesn't rain that many days in Merced and because certain businesses might have certain design standards that don't include awnings. Ms. ESPINOSA noted that if they wanted awnings added, the use of "should" or "shall" would need to be specified. The Focus Group Members who were present (two abstentions), voted unanimously to add 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. Page 36, Section 20.12.030, Table 20.12-2-Development Standards for Industrial Zoning Districts**

Ms. ESPINOSA and Mr. GONZALVES stated that the City Council direction was to be as unrestrictive as possible on the Industrial Zoning Districts. The Focus Group agreed that a 15-foot setback sounded feasible. The Focus Group Members who were present (two abstentions), voted unanimously to change the I-H (Heavy Industrial Zone) Exterior Setback to 15 feet from zero.

**4. Page 84, Section 20.22.040D3h, Side Court Apartments**

The Focus Group discussed various aspects of the Side Court Apartments. The Focus Group Members who were present (two abstentions), voted unanimously to add the following additional sub-sections to the Side Court Yard Apartments section: (4) a) The side courtyard shall be a shared space accessible to all building residents. (4) b) 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. Page 120, Table 20.38-1-Off-Street Parking Requirements for Multiple Family Dwelling/Condominiums**

The Focus Group discussed whether they wanted to make the distinction between dorm apartments, also known as student housing, and conventional apartments. Mr. GONZALVES explained that making different requirements for different classifications of apartments might lead to developers incorrectly classifying a project to qualify for the lower parking requirements. Ms. ESPINOSA noted that after some research, she found other jurisdictions avoided this problem by not making the distinction between student housing and conventional apartments. She went over the January 21, 2016, memo entitled “Options for Multi-Family Parking Requirements” that was distributed to the Focus Group this morning. One option discussed in the memo (Option C) was to use the number of bathrooms to determine parking while the other options used bedrooms, but adjusted the ratio of spaces per bedroom (ranging from 0.5 spaces per bedroom over 2 bedrooms in a unit to 1 space per additional bedroom over 2).

Some Focus Group Members wanted to ensure that the City remained flexible; when public transportation becomes more viable, there may not be a need for as much parking. Some Members were inclined toward Option D (0.75 spaces per bedroom over 2 bedrooms), but others were inclined toward Option B (0.5 spaces per bedroom over 2 bedrooms.) In addition, some Members were concerned with developers who didn’t manage their own projects being less concerned with the amount of parking because they didn’t have to deal with tenant complaints. . The Focus Group Members agreed to continue the discussion on this item and the other items in the Memo until the next meeting.

**19) Meeting of February 4, 2016**

Comments on Items from Joint Planning Commission/City Council Study Session on December 7, 2015 (Continued from January 21, 2016)

City Manager CARRIGAN was introduced to the Focus Group and asked questions regarding changes to the parking lot standards and solar paneling on the car ports. He also announced his Homeless Summit on February 26, 2016 asking Group Members to attend.

Secretary's Note: The item numbers below correspond to those on the December 15, 2015, memo to the Focus Group entitled "Request for Additional Focus Group meeting to Discuss Specific Items from Planning Commission/City Council Study Session on December 7, 2015."

**#5-Page 120, Table 20.38-1-Off- Street Parking Requirements for Multiple Family Dwelling/Condominiums**

Group Member LORENZI requested to hear City Council Member BELLUOMINI's point of view regarding his suggested change to the parking lot standards for apartment buildings in the existing Zoning Ordinance.

In this discussion continued from the previous meeting on January 21, 2016, City Council Member BELLUOMINI suggested that the number of parking spaces provided for an apartment unit should be based on the number of bathrooms in the unit. He observed that if an apartment unit has more than 2 bathrooms, it raises suspicion that there are more than 2-3 people living there who may have their own cars thus more spaces would be a necessity. Alternatively, City Council Member BELLUOMINI suggested that the new ordinance may discourage any further increase in the development of 3-4 bedroom apartment buildings, which would be a plus.

Planning Manager ESPINOSA reviewed the various options for parking ratio from her memo dated January 21, 2016.

Acting Chairperson MAXWELL brought to the attention of the Focus Group the fact that the City of Merced is currently trying to encourage less vehicle traffic throughout the City and creating an ordinance that accommodates more parking may hurt the City's initiative in the long run.

Ultimately the Focus Group came to a consensus (by a show of hands) to modify Option C to require an additional parking space for multi-family units for each additional bathroom over 3, instead of 2.

**#6-Page 132, Parking Lot Standards for Car Ports with Solar Paneling**

Planning Manager ESPINOSA mentioned that there are currently no proposed standards for car ports with solar paneling because it has only recently become an issue and the technology is changing rapidly. City Council Member BELLUOMINI suggested that Planning staff should develop some alternative standards and bring it to the City Council. The Focus Group agreed that the issue would require time to develop proper standards, so this item could be deferred until after the initial adoption of the ordinance.

**#7-Page 165, Section 20.46.020, Design Standards for Single-Family Dwellings and Mobile Homes, C. Exterior Walls**

Planning Manager ESPINOSA noted that the standards suggested by City Council Member BELLUOMINI to require street address numbers to be clearly visible on the front of homes is already in the Fire Code. Group Member ANDERSEN suggested that a reference to the Fire Code be added to the Zoning Code, and the Focus Group agreed.

**#8, #9, #10, #11 and #12-Addition to Pages 167-170, Section 20.08.030 and 20.08.040**

In the interest of saving time, since the suggested changes #8 through #12 were similar, these items were discussed together. The Focus Group came to a consensus (by a show of hands) that the standards suggested by City Council Member BELLUOMINI be changed to guidelines (“Shoulds”) in that they would not be strict requirements (“Shalls”), but recommendations for developers. City Council Member BELLUOMINI agreed to the change City Council Member BELLUOMINI agreed.

**#13-Page 16 & 17, Tables 20.08-2 and 20.08-3 for Interior Yards**

City Council Member BELLUOMINI suggested that the Focus Group go through suggested changes #13-15 individually. He indicated his proposed changes would create more livability in residential neighborhoods. The Focus Group came to a consensus (by a show of hands) not to increase the exterior yard setback in any residential zones. (It would remain at 10 feet.)



**#14-Dwellings on the Ground Floor Should Have a Private Outdoor Space of a minimum of 12 feet by 20 feet**

City Council Member BELLUOMINI suggested requiring a 12 foot by 20 foot area of outdoor living space on the ground floor. After a lengthy discussion regarding #14 and #15, the Focus Group came to a consensus (by a show of hands) to encourage a private outdoor space as a guideline (“should”) and to recommend a minimum size of 5 feet by 8 feet if provided.

**#15-Every Apartment above Ground Floor Should Have a Private Balcony at Least Six Feet by Twelve Feet in Size**

Acting Chairperson MAXWELL responded that not all families require a large amount of outdoor space, a majority of the families living in apartments may not have the same dynamic (i.e. holding big family dinners outside regularly) as others might do. Group Member ANDERSEN made a point that many children these days are used to living in an apartment with very little ability to play outside, or to have a large private yard that she and some of the Focus Group Members grew up with. She did state that providing the option of apartments that include a roomy private area to play and relax outside may improve their livability.

The Focus Group agreed that balconies would be encouraged as a guideline (“should”) instead of a standard (“shall”) and if a developer were to choose to include balconies, they should be required to be usable and not just decorative, with a minimum size of 5 feet by 8 feet.

It was agreed that another meeting would not be needed at this time. Staff thanked the Focus Group for all their time and effort on this project.

## **Merced Bicycle Advisory Committee Minute Excerpts re: Bike Parking**

Meeting of December 11, 2012

### **DRAFT BICYCLE PARKING ORDINANCE**

Principal Planner KING presented the staff report for this item.

Questions from the Commissioners were answered regarding shelter requirements, enforcing existing uses, rack space calculation methods and percentages, and comparisons to the CalGreen Code requirements. Stressing the need for the new ordinance to be focused and detailed, Chairperson GUZZETTA suggested forming a subcommittee of himself and another member to help formulate a recommendation. Commissioner NOBLE volunteered to help.

ON MOTION OF COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER TYLER, DULY CARRIED BY UNANIMOUS VOICE VOTE, TO DEFER RECOMMENDATION ON THE NEW BICYCLE PARKING ORDINANCE TO THE FEBRUARY 2013 MEETING AND FORM A SUBCOMMITTEE TO INCLUDE CHAIRPERSON GUZZETTA AND COMMISSIONER NOBLE TO DEVELOP A RECOMMENDATION TO PRESENT AT THAT MEETING.

Meeting of March 26, 2013

### **SECOND REVIEW – DRAFT BICYCLE PARKING ORDINANCE**

Chairperson GUZZETTA reviewed the changes that the subcommittee of he and Commissioner NOBLE had made. Using the Bicycle Parking Guidelines from the 2008 Bike Plan, the subcommittee recommended keeping the guideline document's recommended 10% for commercial bike parking spaces and increasing the number of spaces for public buildings to 20%. The subcommittee also commented on the *Merced Vision 2030 General Plan* bike parking policies. Staff advised that no changes are being made to the General Plan policies; however, the changes suggested can be used towards the Bicycle Parking Ordinance Code being drafted.

A motion by Commissioner TYLER, seconded by Commissioner NOBLE, was made to accept the changes made by the subcommittee to the Bicycle Parking Guidelines. Before the vote was finalized, Planning Technician NUTT asked for

clarification of the motion. Realizing a conflict between the draft ordinance and the bike parking guidelines, the Commission abandoned the current vote in favor of further discussion.

For non-residential developments, the Commission agreed that a percentage of 8% of vehicle spaces required would ensure a compromise between the CalGreen Code and the City's established guidelines. The Commissioners also agreed to include requirements addressing public buildings and parks, so those areas are assured enough parking.

ON MOTION OF COMMISSIONER MIDDLEBROOKS, SECONDED BY COMMISSIONER NOBLE, ONE ABSENT, DULY CARRIED BY UNANIMOUS VOICE VOTE, TO ACCEPT THE DRAFT ORDINANCE FOR RESIDENTIAL USES AS RECOMMENDED BY STAFF; TO ACCEPT THE REQUIREMENTS FOR NON- RESIDENTIAL USES AS RECOMMENDED BY STAFF, EXCEPT TO CHANGE THE RECOMMENDED PERCENTAGE REQUIREMENTS FOR: SHORT-TERM BICYCLE PARKING, FROM FIVE PERCENT (5%) TO EIGHT PERCENT (8%), AND LONG-TERM BICYCLE PARKING, FROM FIVE PERCENT (5%) TO EIGHT PERCENT (8%); AND TO INSERT REQUIREMENTS THAT ADDRESS BICYCLE PARKING IN PUBLIC PLACES AND BUILDINGS TO PROVIDE BICYCLE SPACES NUMBERING TWENTY (20) PERCENT OF VEHICLE PARKING NORMALLY REQUIRED, OR IMMEDIATELY AVAILABLE IN THE FACILITY FOR PUBLIC FACILITIES SUCH AS MUNICIPAL OFFICES, PARKS, SWIMMING POOLS, AUDITORIUMS, CHURCHES, AND SIMILAR USES, AS FOLLOWS:

AYES: COMMISSIONERS KAYSER-GRANT, MIDDLEBROOKS,  
COMEYNE, TYLER, NOBLE, AND CHAIRPERSON  
GUZZETTA  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: SIMS-CULOT

Meeting of December 9, 2014

DRAFT BICYCLE PARKING CODE

Principal Planner KING presented the report on the draft changes to the parking section of the City's zoning ordinance and invited comments and recommendations. Commissioners KAYSER-GRANT and HOTHEM expressed their appreciation to the Planning Staff for changing earlier drafts based on their input, notably in regards to the draft standards for short-term and long-term bicycle parking. The Commission then discussed the "Applicability" and "Bicycle Parking Spaces Required" sections, and made the following recommendations to Staff.

Regarding the "Applicability" section, the Commission noted that: bicycle travel to the proposed exempted uses should be expected, especially by employees; and, the section creates a loop-hole for additional uses to seek exceptions to the bike parking code.

ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO DELETE ALL PROPOSED LANGUAGE THAT SPECIFIES EXCEPTIONS TO APPLICABILITY, AS PRESENTED IN "SECTION 20.38.80. H. APPLICABILITY."

Regarding the "Bicycle Parking Spaces Required" section for residential uses, the Commission noted that: current single-family home, duplex, and triplex designs will likely provide adequate bicycle parking spaces; basing the need for bike parking to the number of vehicle spaces is flawed and conflicts with the City's efforts to expand bicycle travel as a viable form of transportation; 1 long-term bicycle space per 10 dwelling units is unrealistically low; that multi-family residents tend to rely more on alternative modes of transportation for commuting purposes and need to have bike spaces provided in the project design; and, inclusion of bike parking spaces on residential properties adds versatility and value and does not diminish other site amenities.

ON MOTION FROM COMMISSIONER KAYSER-GRANT, SECONDED BY COMMISSIONER HOTHEM, DULY CARRIED BY UNANIMOUS VOICE VOTE (ONE VACANCY), TO MODIFY TABLE 20.38-4 (REQUIRED PARKING SPACES) BY CHANGING THE SHORT-TERM AND LONG-TERM SPACES FOR RESIDENTIAL USES TO: 1 SHORT-TERM BIKE SPACE PER 4 UNITS AND 1 LONG-TERM BIKE SPACE PER UNIT.

**CITY OF MERCED**  
**PLANNING & PERMITTING DIVISION**

**TYPE OF PROPOSAL:** **Zoning Ordinance Amendment #16-01—Adoption of the City of Merced Zoning Ordinance**

**INITIAL STUDY:** #16-20

**DATE RECEIVED:** May 1, 2016 (date application determined to be complete)

**LOCATION:** City of Merced

**ASSESSOR'S PARCEL NUMBERS:** Not applicable; City-Wide

(SEE ATTACHED PUBLIC HEARING NOTICE AT ATTACHMENT A.)

Please forward any written comments by July 6, 2016 to:

Kim Espinosa, Planning Manager  
City of Merced Planning & Permitting Division  
678 West 18<sup>th</sup> Street  
Merced, CA 95340  
209-385-6858  
[espinosak@cityofmerced.org](mailto:espinosak@cityofmerced.org)

Applicant Contact Information:

City of Merced (see above)

---

## **Project Description**

The City of Merced released a Public Review Draft of the new Merced Zoning Ordinance in September 2015. 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 and involved reformatting the Ordinance with the use of color, enhanced graphics and photographs; the development of several new zoning district to conform with the City's General Plan, adopted in 2012; updating the land uses allowed in each zone and defining the level of review needed; updating land use definitions; and various changes that arose from City staff's experience with implementing the current Zoning Ordinance.

Public input involved stakeholder interviews, various community workshops, joint Planning Commission/City Council study sessions, along with the work of a focus group. The Merced Zoning Ordinance Update Focus Group met a total of 19 times from July 2013 to March 2016. The Focus Group, which made recommendations on the draft Code, was made up of over 20 Merced residents with various interests, including developers, engineers, planners, real estate, banking, and other interested citizens.

See Attachment B for a summary of the major changes to the currently adopted Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) included in the new Zoning Ordinance

(Public Review Draft, September 2015). For a list of proposed changes to the Public Review Draft, see Attachment C.

## **I. INITIAL FINDINGS**

- A. The proposal is a project as defined by CEQA Guidelines Section 15378.
- B. The project is not a ministerial or emergency project as defined under CEQA Guidelines (Sections 15369 and 15369).
- C. The project is therefore discretionary and subject to CEQA (Section 15357).
- D. The project is not Categorically Exempt.
- E. The project is not Statutorily Exempt.
- F. Therefore, an Environmental Checklist has been required and filed.

## **II. CHECKLIST FINDINGS**

- A. An on-site inspection was not applicable.
- B. The checklist was prepared on May 26, 2016.
- C. The *Merced Vision 2030 General Plan* and its associated EIR (SCH# 2008071069) were certified in January 2012. The document comprehensively examined the potential environmental impacts that may occur as a result of build-out of the 28,576-acre Merced SUDP/SOI. For those significant environmental impacts (Loss of Agricultural Soils and Air Quality) for which no mitigation measures were available, the City adopted a Statement of Overriding Considerations (City Council Resolution #2011-63). This document herein incorporates by reference the *Merced Vision 2030 General Plan*, the *General Plan Program EIR* (SCH# 2008071069), and Resolution #2011-63.

The Zoning Ordinance is a regulatory tool which will implement the goals of the General Plan, and thus, many potential environmental effects of the Project have been previously considered at the program level and addressed within the General Plan and associated EIR. (Copies of the General Plan and its EIR are available for review at the City of Merced Planning and Permitting Division, 678 West 18<sup>th</sup> Street, Merced, CA 95340.) As a second tier environmental document, Initial Study #16-02 plans to incorporate goals, policies, and implementing actions of the *Merced Vision 2030 General Plan*, along with mitigation measures from the General Plan EIR, as mitigation for potential impacts of the Project.

Project-level environmental impacts and mitigation measures (if applicable) will be identified through site-specific review by City staff for individual development projects within the SUDP/SOI. This study also utilizes existing technical information contained in prior documents and incorporates this information into this study.

### III. ENVIRONMENTAL IMPACTS:

Will the proposed project result in significant impacts in any of the listed categories? Significant impacts are those which are substantial, or potentially substantial, changes that may adversely affect the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (Section 15372, State CEQA Guidelines. Appendix G of the Guidelines contains examples of possible significant effects.)

A narrative description of all "potentially significant," "negative declaration: potentially significant unless mitigation incorporated," and "less than significant impact" answers are provided within this Initial Study.

#### A. Aesthetics

##### SETTING AND DESCRIPTION

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|
| A. <u>Aesthetics.</u> Will the project:  |                                      |  |                                    |           |
| 1) Have a substantial adverse effect on a scenic vista?  |                                      |  |                                    | ✓         |
| 2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |                                      |  |                                    | ✓         |
| 3) Substantially degrade the existing visual character or quality of the site and its surrounding?   |                                      |  |                                    | ✓         |
| 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    |                                      |  |                                    | ✓         |

##### 1) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

**B. Agriculture Resources****SETTING AND DESCRIPTION**

Merced County is among the largest agriculture producing Counties in California (ranked fifth), with a gross income of more than \$2.4 billion in 2006. The County's leading agriculture commodities include milk, chickens, almonds, cattle and calves, tomatoes, and sweet potatoes.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>B. <u>Agriculture Resources.</u> Will the project:</b>   |                                      |  |                                    |           |
| 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and monitoring Program of the California Resources Agency, to non - agriculture? |                                      |  |                                    | ✓         |
| 2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  |                                      |  |                                    | ✓         |
| 3) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  |                                      |  |                                    | ✓         |



|   |  |  |  |   |
|---|--|--|--|---|
| 4) Cause development of non-agricultural uses within 1,000 feet of agriculturally zoned property (Right-to-Farm)? |  |  |  | ✓ |
|---|--|--|--|---|

1) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

2) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

3) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

4) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## C. **Air Quality**

### **SETTING AND DESCRIPTION**

The San Joaquin Valley Air Pollution Control District (SJVAPCD) reviews development projects to assess the impact to air quality and to establish acceptable mitigation measures. While the action of the SJVAPCD is independent of City reviews and actions, their process allows the City to review proposed mitigation measures that could affect project design and operation. Any proposed changes are subject to approval by the City.

The City of Merced is located in the San Joaquin Valley Air Basin (SJVAB), which occupies the southern half of the Central Valley and is approximately 250 miles in length and, on average, 35 miles in width. The Coast Range, which has an average elevation of 3,000 feet, serves as the western border of the SJVAB. The San Emigdio Mountains, part of the Coast Range, and the Tehachapi Mountains, part of the Sierra Nevada, are both located to the south of the SJVAB. The Sierra Nevada extends in a northwesterly direction and forms the eastern boundary of the SJVAB. The SJVAB is basically flat with a downward gradient to the northwest.

The climate of the SJVAB is strongly influenced by the presence of these mountain ranges. The mountain ranges to the west and south induce winter storms from the Pacific to release precipitation on the western slopes, producing a partial rain shadow over the valley. A rain shadow is defined as the region on the leeward side of the mountain where precipitation is noticeably less because moisture in the air is removed in the form of clouds and precipitation on the windward side. In addition, the mountain ranges block the free circulation of air to the east,

resulting in the entrapment of stable air in the valley for extended periods during the cooler months.

Winter in the SJVAB is characterized as mild and fairly humid, and the summer is hot, dry, and cloudless. During the summer, a Pacific high-pressure cell is centered over the northeastern Pacific Ocean, resulting in stable meteorological conditions and a steady northwesterly wind.

### Existing Ambient Air Quality

The California Air Resources Board (CARB) and the United States Environmental Protection Agency (EPA) currently focus on the following air pollutants as indicators of ambient air quality: Ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), and lead. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health-effects criteria documents are available, they are commonly referred to as “criteria air pollutants.”

The EPA has established primary and secondary National Ambient Air Quality Standard (NAAQS) for the following criteria air pollutants: O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, fine particulate matter (PM<sub>2.5</sub>), and lead. The primary standards protect the public health and the secondary standards protect the public welfare. In addition to the NAAQS, CARB has established California Ambient Air Quality Standard (CAAQS) for the following criteria air pollutants: sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particulate matter. In most cases, the CAAQS are more stringent than the NAAQS.

Criteria air pollutant concentrations are measured at several monitoring stations in the SJVAB. From 1991 to present, there have been two monitoring stations within the City of Merced: S. Coffee Avenue and 2334 M Street. The table below summarizes the air quality data from these locations for the most recent years available.

**Ambient Air Quality in City of Merced**  
(Number of Days Exceeding State and Federal Standards)

| Year   | Merced - S. Coffee Avenue |               |                                     |                                       |  | Merced- 2334 M Street |               |                                     |                                       |  |
|--|---------------------------|---------------|-------------------------------------|---------------------------------------|--|-----------------------|---------------|-------------------------------------|---------------------------------------|--|
|  | State Ozone               | Federal Ozone | State PM <sub>10</sub> <sup>1</sup> | Federal PM <sub>10</sub> <sup>1</sup> | Federal PM <sub>2.5</sub> <sup>2</sup> | State Ozone           | Federal Ozone | State PM <sub>10</sub> <sup>1</sup> | Federal PM <sub>10</sub> <sup>1</sup> | Federal PM <sub>2.5</sub> <sup>2</sup> |
| 2009   | 0                         | 0             | *                                   | *                                     | *                                      | *                     | *             | 32.5                                | 0                                     | 25.1                                   |
| 2008   | 14                        | 3             | *                                   | *                                     | *                                      | *                     | *             | 87.2                                | 0                                     | *                                      |
| 2007   | 5                         | 0             | *                                   | *                                     | *                                      | *                     | *             | 36.5                                | 0                                     | 3.3                                    |
| 2006   | 4                         | 0             | *                                   | *                                     | *                                      | *                     | *             | 47.4                                | 0                                     | 0                                      |
| 2005   | 6                         | 0             | *                                   | *                                     | *                                      | *                     | *             | 29                                  | 0                                     | 0                                      |
| 2004   | 14                        | 0             | *                                   | *                                     | *                                      | *                     | *             | 12.3                                | 0                                     | 0                                      |
| 2003   | 54                        | 0             | *                                   | *                                     | *                                      | *                     | *             | 44.4                                | *                                     | *                                      |
| 2001   | 26                        | 0             | *                                   | *                                     | *                                      | *                     | *             | *                                   | 0                                     | *                                      |
| 2000   | 32                        | 0             | *                                   | *                                     | *                                      | *                     | *             | 69.6                                | 0                                     | *                                      |
| <sup>(1)</sup> Measurements of PM <sub>10</sub> are made every sixth day. Data is the estimated number of days that the standard would have been exceeded had measurements been collected every day. |                           |               |                                     |                                       |  |                       |               |                                     |                                       |  |
| <sup>(2)</sup> Nation 1997 24-Hour PM <sub>10</sub> Standard   |                           |               |                                     |                                       |  |                       |               |                                     |                                       |  |
| *There was insufficient (or no) data available to determine the value.   |                           |               |                                     |                                       |  |                       |               |                                     |                                       |  |

Source: Air Resources Board Aerometric Data Analysis and Management System (ADAM)

Both CARB and EPA use monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of the designations is to identify those areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are nonattainment, attainment, and unclassified. Unclassified is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards. In addition, the California designations include a subcategory of the nonattainment designation, called nonattainment-transitional. The nonattainment-transitional is given to nonattainment areas that are progressing and nearing attainment. Below are the Attainment Designations for the City of Merced for each of the criteria pollutants.

**Merced County Attainment Designation (Federal and State)**

| <b>Pollutant</b>  | <b>Designation/Classification</b>       |                          |
|---|---|--------------------------|
|   | <b>Federal Standards</b>                | <b>State Standards</b>   |
| Ozone - One Hour  | No Federal Standard<br>(See note below) | Nonattainment/<br>Severe |
| Ozone - Eight Hour  | Nonattainment                           | Nonattainment            |
| PM <sub>10</sub> (Particulate Matter 10 micrometers in diameter)                                    | Unclassified/Attainment                 | Nonattainment            |
| PM <sub>2.5</sub> (Particulate Matter 2.5 micrometers in diameter)                                  | Nonattainment                           | Nonattainment            |
| Carbon Monoxide   | Unclassified/Attainment                 | Unclassified             |
| Nitrogen Dioxide  | Unclassified/Attainment                 | Attainment               |
| <b>Pollutant</b>  | <b>Designation/Classification</b>       |                          |
|   | <b>Federal Standards</b>                | <b>State Standards</b>   |
| Sulfur Dioxide  | Unclassified/Attainment                 | Attainment               |
| Lead (Particulate)  | Unclassified/Attainment                 | Attainment               |
| Hydrogen Sulfide  | *No Federal Standard*                   | Unclassified             |
| Sulfates  | *No Federal Standard*                   | Attainment               |
| Visibility Reducing Particles   | *No Federal Standard*                   | Unclassified             |
| Note: The Federal One Hour Ozone national Ambient Air Quality Standard was revoked on June 15, 2005 |   |                          |

*Source California Air Resources Board, 2009, U.S. EPA, 2009*

The San Joaquin Valley Air Pollution Control District (SJVAPCD) attains and maintains air quality conditions in Merced County through a comprehensive program of planning regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the SJVAPCD includes the preparation of plans for the attainment of ambient air quality standards adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The SJVAPCD also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA).

The Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) is an advisory document that provides lead agencies, consultants, and project applicants with uniform

procedures for addressing air quality in environmental documents. The GAMAQI contains the following applicable components:

- Criteria and thresholds for determining whether a project may have a significant adverse air quality impact;
- Specific procedures and modeling protocols for quantifying and analyzing air quality impacts;
- Methods available to mitigate air quality impacts; and,
- Information for use in air quality assessments and EIR's that will be updated more frequently such as air quality data, regulatory setting, climate, topography, etc.

The SJVAPCD has also prepared the Air Quality Guidelines for General Plans (AQGGP) (revised June 2005) to provide local planning agencies with a comprehensive set of goals and policies that will improve air quality if adopted in a general plan to provide a guide to cities and counties for determining which goals and policies are appropriate in their particular community; and to provide justification and rationale for the goals and policies that will convince decision makers and the public that they are appropriate and necessary.

**Air Quality Plans.** The SJVAPCD submitted the 1991 Air Quality Attainment Plan in compliance with the requirements set forth in the CCAA. In addition, the CCAA requires a triennial assessment of the extent of air quality improvements and emission reductions achieved through the use of control measures. As part of this assessment, the attainment plan must be reviewed and, if necessary, revised to correct for deficiencies in progress and to incorporate new data or projections. The CCAA requirement for a first triennial progress report and revisions of the 1991 Air Quality Attainment Plan was first fulfilled with the preparation and adoption of the 1995-1997 Triennial Progress Report and Plan Revision. Triennial reports were also prepared for 1997-2000, and 1999-2001 in compliance with the CCAA.

In an effort to reach attainment for ozone, the SJVAPCD has adopted and submitted several ozone and PM<sub>10</sub> plans in its planning history in an effort to reach attainment. In the most current effort to reach attainment for ozone, the SJVAPCD submitted the 2007 Ozone Plan. This plan contains a comprehensive and exhaustive list of regulatory and incentive-based measures to reduce emissions of ozone and particulate matter precursors throughout the Valley. Additionally, this plan calls for major advancements in pollution control technologies for mobile and stationary sources of air pollution, and a significant increase in state and federal funding for incentive-based measures to create adequate reductions in emissions to bring the entire Valley into attainment with the federal ozone standard. The proposed plan calls for a 75% reduction in ozone-forming oxides of nitrogen (NO<sub>x</sub>) emissions.

In June 2003, the District prepared the 2003 PM<sub>10</sub> Plan. The 2003 PM<sub>10</sub> Plan was amended in 2005. The 2006 PM<sub>10</sub> Plan Update was adopted by the SJVAPCD in February 2006 and contains the existing measures adopted by EPA, CARB, and the SJVAPCD and the additional measures needed to reach attainment of the PM<sub>10</sub> standards.

The SJVAPCD's planning documents also identify voluntary strategies to further reduce air quality impacts in the San Joaquin Valley Air Basin (SJVAB). Included in these strategies are an enhanced California Environmental Quality Act (CEQA) program and the promotion of air quality elements or policies for General Plans in all SJVAB cities and counties. The SJVAPCD reviews and comments on CEQA documents and permit applications sent from SJVAB public

agencies. Comments from the SJVAPCD include expert advice on level of significance, applicable rules and regulations, and suggested mitigation measures.

In addition to the above mentioned items, the SJVAPCD has submitted numerous plans with respect to ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO in compliance with the FCAA and CCAA.

### ***Project Characteristics***

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| <b>C. <u>Air Quality.</u></b> Would the project:   |                                |  |                              |           |
| 1) Conflict with or obstruct implementation of the applicable air quality plan?  |                                |  |                              | ✓         |
| 2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?   |                                |  |                              | ✓         |
| 3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? |                                |  |                              | ✓         |
| 4) Expose sensitive receptors to substantial pollutant concentrations?   |                                |  |                              | ✓         |
| 5) Create objectionable odors affecting a substantial number of people?  |                                |  |                              | ✓         |

#### **1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

#### **2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is an amendment to the Merced Zoning Ordinance, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**5) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**D. Biological Resources****SETTING AND DESCRIPTION**

The City of Merced is located in the Central California Valley eco-region (Omernik 1987). This eco-region is characterized by flat, intensively farmed plains with long, hot dry summers and cool, wet winters (14-20 inches of precipitation per year). The Central California Valley eco-region includes the Sacramento Valley to the north and the San Joaquin Valley to the south and it ranges between the Sierra Nevada Foothills to the east to the Coastal Range foothills to the west. Nearly half of the eco-region is actively farmed, and about three fourths of that farmed land is irrigated.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>D. <u>Biological Resources.</u> Would the project:</b>   |                                      |  |                                    |           |
| 1) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |                                      |  |                                    | ✓         |

|  |  |  |  |   |
|--|--|--|--|---|
| 2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                  |  |  |  | ✓ |
| 3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? |  |  |  | ✓ |
| 4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                   |  |  |  | ✓ |
| 5) Conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance?   |  |  |  | ✓ |
| 6) Conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan  |  |  |  | ✓ |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

4) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

5) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

6) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **E. Cultural Resources**

### **SETTING AND DESCRIPTION**

The City of Merced area lies within the ethnographic territory of the Yokuts people. The Yokuts were members of the Penutian language family which held all of the Central Valley, San Francisco Bay Area, and the Pacific Coast from Marin County to near Point Sur.

Merced County was first explored by Gabriel Moraga in 1806, when he named the Merced River, “El Rio de Nuestra Senra de la Merced.” Moraga’s explorations were designed to locate appropriate sites for an inland chain of missions. Moraga explored the region again in 1808 and 1810.

### **Archaeology**

Archaeological sites are defined as locations containing significant levels of resources that identify human activity. Very little archaeological survey work has been conducted within the City or its surrounding areas. Creeks, drainage, and sloughs exist in the northern expansion area of the City, and Bear Creek and Cottonwood Creek pass through the developed area. Archaeological sites in the Central Valley are commonly located adjacent to waterways and represent potential for significant archaeological resources.

Paleontological sites are those that show evidence of pre-human existence. Quite frequently, they are small outcroppings visible on the earth’s surface. While the surface outcroppings are important indications of paleontological resources, it is the geologic formations that are the most important. There are no known sectors within the project area known to contain sites of paleontological significance.

### **Historic Resources**

In 1985, in response to community concerns over the loss of some of the City’s historic resources, and the perceived threats to many remaining resources, a survey of historic buildings was undertaken in the City. The survey focused on pre-1941 districts, buildings, structures, and objects of historical, architectural, and cultural significance. The survey area included a roughly four square-mile area of the central portion of the City.



The National Register of Historic Places, the California Historical Landmarks List, and the California Inventory of Historic Resources identify several sites within the City of Merced. These sites are listed on the Merced Historical Site Survey and maintained by the Merced Historical Society.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>E. <u>Cultural Resources.</u></b> Would the project:   |                                      |  |                                    |           |
| 1) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    |                                      |  |                                    | ✓         |
| 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? |                                      |  |                                    | ✓         |
| 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       |                                      |  |                                    | ✓         |
| 4) Disturb any human remains, including those interred outside of formal cemeteries?                          |                                      |  |                                    | ✓         |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

#### 4) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **F. Geology and Soils**

### **SETTING AND DESCRIPTION**

The City of Merced is located approximately 150 miles southeast of San Francisco along the west side of the southern portion of the Great Valley Geomorphic Province, more commonly referred to as the San Joaquin Valley. The valley is a broad lowlands bounded by the Sierra Nevada to the east and Coastal Ranges to the west. The San Joaquin Valley has been filled with a thick sequence of sedimentary deposits of Jurassic to recent age. A review of the geologic map indicates that the area around Merced is primarily underlain by the Pleistocene Modesto and Riverbank Formations with Holocene alluvial deposits in the drainages. Miocene-Pliocene Mehrten and Pliocene Laguna Formation materials are present in outcrops on the east side of the SUDP/SOI. Modesto and Riverbank Formation deposits are characterized by sand and silt alluvium derived from weathering of rocks deposited east of the SUDP/SOI. The Laguna Formation is made up of consolidated gravel sand and silt alluvium and the Mehrten Formation is generally a well consolidated andesitic mudflow breccia conglomerate.

### **Faults and Seismicity**

A fault, or a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side, are an indication of past seismic activity. It is assumed that those that have been active recently are the most likely to be active in the future, although even inactive faults may not be “dead.” “Potentially Active” faults are those that have been active during the past two million years or during the Quaternary Period. “Active” faults are those that have been active within the past 11,000 years. Earthquakes originate as movement or slippage occurring along an active fault. These movements generate shock waves that result in ground shaking.

Based on review of geologic maps and reports for the area, there are no known active or potentially active faults, or Alquist-Priolo Earthquake Fault Zones (formerly referred to as a Special Studies Zone) in the SUDP/SOI. In order to determine the distance of known active faults within 50 miles of the Site, the computer program EZ-FRISK was used in the General Plan update.

### **Soils**

Soil properties can influence the development of building sites, including site selection, structural design, construction, performance after construction, and maintenance. Soil properties that affect the load-supporting capacity of an area include depth to groundwater, ponding, flooding, subsidence, shrink-swell potential, and compressibility.

The City of Merced regulates the effects of soils and geological constraints primarily through the enforcement of the California Building Code (CBC), which requires the implementation of engineering solutions for constraints to development posed by slopes, soils, and geology.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning

Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>F. <u>Geology and Soils.</u> Would the project:</b>  |                                      |  |                                    |           |
| 1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:  |                                      |  |                                    |           |
| a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?             |                                      |  |                                    | ✓         |
| b) Strong seismic ground shaking?   |                                      |  |                                    | ✓         |
| c) Seismic-related ground failure, including liquefaction?  |                                      |  |                                    | ✓         |
| d) Landslides?  |                                      |  |                                    | ✓         |
| 2) Result in substantial soil erosion or loss of topsoil?   |                                      |  |                                    | ✓         |
| 3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? |                                      |  |                                    | ✓         |
| 4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  |                                      |  |                                    | ✓         |
| 5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  |                                      |  |                                    | ✓         |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**5) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**APPLICABLE GENERAL PLAN GOALS AND POLICIES:**

The City's *Merced Vision 2030 General Plan* contains policies that address seismic safety.

|  |  |
|--|--|
| <i>Goal Area S-2: Seismic Safety:</i>  |  |
| <b>Goal</b>  |  |
| <b>Reasonable Safety for City Residents from the Hazards of Earthquake and Other Geologic Activity</b> |  |
| <b>Policies</b>  |  |
| <b>S-2.1</b>   | Restrict urban development in all areas with potential ground failure characteristics. |

**G. Hazards and Hazardous Materials****SETTING AND DESCRIPTION****Hazardous Materials**

A substance may be considered hazardous due to a number of criteria, including toxicity, ignitability, corrosivity, or reactivity. The term “hazardous material” is defined in law as any material that, because of quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment.

**Wildland and Urban Fire Hazards**

Both urban and wildland fire hazard potential exists in the City of Merced and surrounding areas, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, or industrial structures due to human

activities. Wildland fires affect grassland, brush or woodlands, and any structures on or near these fires. Such fires can result from either human made or natural causes.

Urban fires comprise the majority of fires in the City of Merced while the potential for wildland fires could increase as large blocks of undeveloped land are annexed into the City. Most of the fires are caused by human activities involving motor vehicles, equipment, arson, and burning of debris.

### **Airport Safety**

The City of Merced is impacted by the presence of two airports-Merced Regional Airport, which is in the southwest corner of the City, and Castle Airport (the former Castle Air Force Base), located approximately eight miles northwest of the subject site.

The continued operation of the Merced Regional Airport involves various hazards to both flight (physical obstructions in the airspace or land use characteristics which affect flight safety) and safety on the ground (damage due to an aircraft accident). Growth is restricted around the Regional Airport in the southwest corner of the City due to the noise and safety hazards associated with the flight path.

Castle Airport also impacts the City. Portions of the northwest part of the City's SUDP/SOI and the incorporated City are within Castle's safety zones. The primary impact is due to noise (Zones C and D), though small areas have density restrictions (Zone B2). The military discontinued operations at Castle in 1995. One important criterion for determining the various zones is the noise factor. Military aircraft are designed solely for performance, whereas civilian aircraft have extensive design features to control noise.

Potential hazards to flight include physical obstructions and other land use characteristics that can affect flight safety, which include: visual hazards such as distracting lights, glare, and sources of smoke; electronic interference with aircraft instruments or radio communications; and uses which may attract flocks of birds. In order to safeguard an airport's long-term usability, preventing encroachment of objects into the surrounding airspace is imperative.

### **Railroad**

Hazardous materials are regularly shipped on the BNSF and SP/UP Railroad lines that pass through the City. While unlikely, an incident involving the derailment of a train could result in the spillage of cargo from the train in transporting. The spillage of hazardous materials could have devastating results. The City has little to no control over the types of materials shipped via the rail lines. There is also a safety concern for pedestrians along the tracks and vehicles utilizing at-grade crossings. The design and operation of at-grade crossings allows the City some control over rail-related hazards. Ensuring proper gate operation at the crossings is the most effective strategy to avoid collision and possible derailments.

### **Public Protection and Disaster Planning**

Hospitals, ambulance companies, and fire districts provide medical emergency services. Considerable thought and planning have gone into efforts to improve responses to day-to-day emergencies and planning for a general disaster response capability.

The City's Emergency Plan and the County Hazardous Waste Management Plan both deal with detailed emergency response procedures under various conditions for hazardous materials spills.

The City also works with the State Department of Health Services to establish cleanup plans and to monitor the cleanup of known hazardous waste sites within the City.

### Project Characteristics

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|
| <b>G. <u>Hazards and Hazardous Materials.</u></b><br>Would the project:  |                                      |  |                                    |           |
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  |                                      |  |                                    | ✓         |
| 2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  |                                      |  |                                    | ✓         |
| 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                      |  |                                    | ✓         |
| 4) Be located on a site which is included on a list of hazardous materials site compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                    |                                      |  |                                    | ✓         |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |                                      |  |                                    | ✓         |
| 6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  |                                      |  |                                    | ✓         |

|  |  |  |  |   |
|--|--|--|--|---|
| 7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  |  |  |  | ✓ |
| 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? |  |  |  | ✓ |

**APPLICABLE GENERAL PLAN GOALS AND POLICIES:**

The City of Merced *Vision 2030 General Plan* contains policies that address hazardous materials.

|  |   |
|--|---|
| <i>Goal Area S-7: Hazardous Materials</i>                  |   |
| <b>Goal--Hazardous Materials Safety for City Residents</b> |   |
| <b>Policies</b>  |   |
| <b>S-2.1</b>   | Prevent injuries and environmental contamination due to the uncontrolled release of hazardous materials.                          |
| <b>Implementing Actions:</b>                               |   |
| <b>7.1.a</b>   | Support Merced County in carrying out and enforcing the Merced County Hazardous Waste Management Plan.                            |
| <b>7.1.b</b>   | Continue to update and enforce local ordinances regulating the permitted use and storage of hazardous gases, liquids, and solids. |
| <b>7.1.d</b>   | Provide continuing training for hazardous materials enforcement and response personnel.   |

**APPLICABLE GENERAL PLAN GOALS AND POLICIES:**

The *Merced Vision 2030 General Plan* contains policies that address disaster preparedness.

|   |   |
|---|---|
| <i>Goal Area S-1: Disaster Preparedness</i> |   |
| <b>Goal--General Disaster Preparedness</b>  |   |
| <b>Policies</b>                             |   |
| <b>S-1.1</b>                                | Develop and maintain emergency preparedness procedures for the City.  |
| <b>Implementing Actions:</b>                |   |
| <b>1.1.a</b>                                | Keep up-to-date through annual review the City's existing Emergency Plan and coordinate with the countywide Emergency Plan.   |
| <b>1.1.b</b>                                | Prepare route capacity studies and determine evacuation procedures and routes for different types of disasters, including means for notifying residents of a need to evacuate because of a severe hazard as soon as possible. |
| <b>7.1.d</b>                                | Provide continuing training for hazardous materials enforcement and response personnel.   |

1) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

2) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

3) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

4) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

5) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

6) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

7) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

8) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **H. Hydrology and Water Quality**

### **SETTING AND DESCRIPTION**

#### **Water Supplies and Facilities**

The City's water supply system consists of four elevated storage tanks with a combined storage capacity of approximately 1.4 million gallons, 23 wells and 14 pumping stations equipped with



variable speed pumps that attempt to maintain 45 to 50 psi (pounds per square inch) nominal water pressure. The City is required to meet State Health pressure requirements, which call for a minimum of 20 psi at every service connection under the annual peak hour condition and maintenance of the annual average day demand plus fire flow, whichever is stricter.

### **Storm Drainage/Flooding**

In accordance with the adopted City of Merced Standard Designs of Common Engineering Structures, percolation/detention basins are designed to temporarily collect run-off so that it can be metered at acceptable rates into canals and streams which have limited capacity.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>H. <u>Hydrology and Water Quality.</u></b><br>Would the project:   |                                      |  |                                    |           |
| 1) Violate any water quality standards or waste discharge requirements?   |                                      |  |                                    | ✓         |
| 2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? |                                      |  |                                    | ✓         |
| 3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  |                                      |  |                                    | ✓         |

|   |  |  |  |   |
|---|--|--|--|---|
| 4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? |  |  |  | ✓ |
| 5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   |  |  |  | ✓ |
| 6) Otherwise substantially degrade water quality?   |  |  |  | ✓ |
| 7) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  |  |  |  | ✓ |
| 8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   |  |  |  | ✓ |
| 9) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  |  |  |  | ✓ |
| 10) Inundation by seiche, tsunami, or mudflow?  |  |  |  | ✓ |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**5) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**6) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**7) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**8) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**9) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**10) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**APPLICABLE GENERAL PLAN GOALS AND POLICIES:**

The *Merced Vision 2030 General Plan* contains policies that address Water Quality and Storm Drainage.

|  |  |
|--|--|
| <i>Goal Area P-5: Storm Drainage and Flood Control</i>                           |  |
| <b>Goal--An Adequate Storm Drainage Collection and Disposal System in Merced</b> |  |
| <b>Policies</b>  |  |
| <b>P-5.1</b>   | Provide effective storm drainage facilities for future development.  |
| <b>P-5.2</b>   | Integrate drainage facilities with bike paths, sidewalks, recreation facilities, agricultural activities, groundwater recharge, and landscaping. |
| <b>Implementing Actions:</b>   |  |

|              |  |
|--------------|--|
| <b>5.1.a</b> | Continue to implement the City's Storm Water Master Plan and the Storm Water Management Plan and its control measures. |
| <b>5.1.c</b> | Continue to require all development to comply with the Storm Water Master Plan and any subsequent updates.             |

## **I. Land Use and Planning**

### **SETTING AND DESCRIPTION**

The City of Merced released a Public Review Draft of the new Merced Zoning Ordinance in September 2015. 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 and involved reformatting the Ordinance with the use of color, enhanced graphics and photographs; the development of several new zoning district to conform with the City's General Plan, adopted in 2012; updating the land uses allowed in each zone and defining the level of review needed; updating land use definitions; and various changes that arose from City staff's experience with implementing the current Zoning Ordinance.

Although the Zoning Ordinance looks substantially different, most of the regulations regarding development (heights, setbacks, densities, etc.) remain the same as the currently adopted Ordinance. See Attachment B for a summary of the major changes to the currently adopted Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) included in the new Zoning Ordinance (Public Review Draft, September 2015). For a list of proposed changes to the Public Review Draft, see Attachment C.

Since this project involves a comprehensive update of the Merced Zoning Code, it would apply within the City Limits of Merced. However, there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>I. <u>Land Use and Planning.</u></b><br>Would the project: |                                      |  |                                    |           |
| 1) Physically divide an established community?                |                                      |  |                                    | ✓         |

|  |  |  |  |   |
|--|--|--|--|---|
| 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |  |  |  | ✓ |
| 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?  |  |  |  | ✓ |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **J. Mineral Resources**

### **SETTING AND DESCRIPTION**

The City of Merced does not contain any mineral resources that require managed production, according to the State Mining and Geology Board. Based on observed site conditions and review of geological maps for the area, economic deposits of precious or base metals are not expected to underlie the Merced SUDP/SOI. According to the California Geological Survey, Aggregate Availability in California - Map Sheet 52, Updated 2006, minor aggregate production occurs west and north of the City of Merced, but economic deposits of aggregate minerals are not mined within the immediate vicinity of the SUDP/SOI. Commercial deposits of oil and gas are not known to occur within the SUDP/SOI or vicinity.

According to the Merced County General Plan Background Report (June 21, 2007), very few traditional hard rock mines exist in the County. The County's mineral resources are almost all sand and gravel mining operations. Approximately 38 square miles of Merced County, in 10 aggregate resource areas (ARA), have been classified by the California Division of Mines and Geology for aggregate. The 10 identified resource areas contain an estimated 1.18 billion tons of concrete resources with approximately 574 million tons in Western Merced County and approximately 605 million tons in Eastern Merced County. Based on available production data

and population projections, the Division of Mines and Geology estimated that 144 million tons of aggregate would be needed to satisfy the projected demand for construction aggregate in the County through the year 2049. The available supply of aggregate in Merced County substantially exceeds the current and projected demand.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|
| <b>J. <u>Mineral Resources.</u></b> Would the project:   |                                      |  |                                    |           |
| 1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 |                                      |  |                                    | ✓         |
| 2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? |                                      |  |                                    | ✓         |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**K. Noise**

**SETTING AND DESCRIPTION**

Potential noise impacts of the development projects can be categorized as those resulting from construction and those from operational activities. Construction noise would have a short-term effect; operational noise would continue throughout the lifetime of the project.

Some land uses are considered more sensitive to noise levels than other uses. Sensitive land uses can include residences, schools, nursing homes, hospitals, and some public facilities, such as libraries. The noise level experienced at the receptor depends on the distance between the source and the receptor, the presence or absence of noise barriers and other shielding devices, and the amount of noise attenuation (lessening) provided by the intervening terrain. For line sources

such as motor or vehicular traffic, noise decreases by about 3.0 to 4.5A –weighted decibels (dBA) for every doubling of the distance from the roadway.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>K.     <u>Noise.</u></b> Would the project result in:  |                                      |  |                                    |           |
| 1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   |                                      |  |                                    | ✓         |
| 2) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   |                                      |  |                                    | ✓         |
| 3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  |                                      |  |                                    | ✓         |
| 4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  |                                      |  |                                    | ✓         |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |                                      |  |                                    | ✓         |
| 6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  |                                      |  |                                    | ✓         |

1) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

2) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

3) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

4) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

5) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

6) **No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **L. Population and Housing**

### **SETTING AND DESCRIPTION**

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

#### ***Expected Population and Employment Growth***

According to the State Department of Finance, the City of Merced's population in 2014 was estimated to be 81,130. Population projections estimate that the Merced SUDP/SOI area will have a population of 159,900 by the Year 2030. According to the *Merced Vision 2030 General Plan*, the City of Merced is expected to experience significant employment growth by the Year 2030.



|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|--|--------------------------------------|--|------------------------------------|-----------|
| <b>L.     <u>Population and Housing.</u></b><br>Would the project:   |                                      |  |                                    |           |
| 1) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |                                      |  |                                    | ✓         |
| 2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  |                                      |  |                                    | ✓         |
| 3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  |                                      |  |                                    | ✓         |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**M.     Public Services**

**SETTING AND DESCRIPTION**

**Fire Protection**

The City of Merced Fire Department provides fire protection, rescue, and emergency medical services from five fire stations throughout the urban area. The City's Central Fire Station is located in the downtown area at 16<sup>th</sup> and G Streets. The City also has four other stations throughout the City.

### Police Protection

The City of Merced Police Department provides police protection for the entire City. The Police Department employs a mixture of sworn officers, non-sworn officer positions (clerical, etc.), and unpaid volunteers (VIP's). The service standard used for planning future police facilities is approximately 1.37 sworn officers per 1,000 population, per the Public Facilities Financing Plan.

### Schools

The public school system in Merced is served by three districts: 1) Merced City School District (elementary and middle schools); 2) Merced Union High School District (MUHSD); and, 3) Weaver Union School District (serving a small area in the southeastern part of the City with elementary schools). The districts include various elementary schools, middle (junior high) schools, and high schools.

### Parks

The City of Merced has a well-developed network of parks and recreation facilities.

### Project Characteristics

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>M.     <u>Public Services.</u></b> Would the project:  |                                      |  |                                    |           |
| 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: |                                      |  |                                    |           |
| a) Fire Protection?   |                                      |  |                                    | ✓         |
| b) Police Protection?   |                                      |  |                                    | ✓         |
| c) Schools?   |                                      |  |                                    | ✓         |
| d) Parks?   |                                      |  |                                    | ✓         |
| e) Other Public Facilities?   |                                      |  |                                    | ✓         |

1) **No Impact**a) **Fire Protection**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

b) **Police Protection**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

c) **Schools**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

d) **Parks**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

e) **Other Public Facilities**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**N. Recreation****SETTING AND DESCRIPTION**

The City of Merced has a well-developed network of parks and recreation facilities.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| N. <b><u>Recreation.</u></b> Would the project: |                                      |  |                                    |           |

|   |  |  |  |   |
|---|--|--|--|---|
| 1) Increase the use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?     |  |  |  | ✓ |
| 2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? |  |  |  | ✓ |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

## **O. Transportation/Traffic**

### **SETTING AND DESCRIPTION**

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>O. <u>Transportation/Traffic.</u></b><br>Would the project:  |                                      |  |                                    |           |
| 1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? |                                      |  |                                    | ✓         |

|   |  |  |  |   |
|---|--|--|--|---|
| 2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roadways?     |  |  |  | ✓ |
| 3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? |  |  |  | ✓ |
| 4) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?            |  |  |  | ✓ |
| 5) Result in inadequate emergency access?   |  |  |  | ✓ |
| 6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?                                 |  |  |  | ✓ |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**5) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**6) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**P. Utilities and Service Systems**

**SETTING AND DESCRIPTION**

**Water**

The City's water system is composed of 23 groundwater production wells located throughout the City, approximately 350 miles of main lines, and 4 water tower tanks for storage. Well pump operators ensure reliability and adequate system pressure at all times to satisfy customer demand. Diesel powered generators help maintain uninterrupted operations during power outage. The City of Merced water system delivered more than 24 million gallons of drinking water per day in 2013 to approximately 20,733 residential, commercial, and industrial customer locations. The City is required to meet State Health pressure requirements, which call for a minimum of 20 psi at every service connection under the annual peak hour condition and maintenance of the annual average day demand plus fire flow, whichever is stricter. The City of Merced Water Division is operated by the Public Works Department.

The City of Merced's wells have an average depth of 414 feet and range in depth from 161 feet to 800 feet. The depth of these wells would suggest that the City of Merced is primarily drawing water from a deep aquifer associated with the Mehrten geologic formation. Increasing urban demand and associated population growth, along with an increased shift by agricultural users from surface water to groundwater and prolonged drought have resulted in declining groundwater levels due to overdraft. This condition was recognized by the City of Merced and the Merced Irrigation District (MID) in 1993, at which time the two entities began a two-year planning process to assure a safe and reliable water supply for Eastern Merced County through the year 2030. Integrated Regional Water Planning continues today through various efforts.

**Wastewater**

Wastewater (sanitary sewer) collection and treatment in the Merced urban area is provided by the City of Merced. The wastewater collection system handles wastewater generated by residential, commercial, and industrial uses in the City.

The City Wastewater Treatment Plant (WWTP), located in the southwest part of the City about two miles south of the airport, has been periodically expanded and upgraded to meet the needs of the City's growing population and new industry. The City's wastewater treatment facility has a capacity of 11.5 million gallons per day (mgd), with an average 2006 flow of 8.5 mgd. The City has recently completed an expansion project to increase capacity to 12 mgd and upgrade to tertiary treatment with the addition of filtration and ultraviolet disinfection. Future improvements would add another 8 mgd in capacity (in increments of 4 mgd), for a total of 20 mgd. This design capacity can support a population of approximately 174,000. The collection system will also need to be expanded as development occurs.

Treated effluent is disposed of in several ways depending on the time of year. Most of the

treated effluent (75% average) is discharged to Hartley Slough throughout the year. The remaining treated effluent is delivered to a land application area and the on-site City-owned wetland area south of the treatment plant.

### **Storm Drainage**

The Draft *City of Merced Storm Drainage Master Plan* addresses the collection and disposal of surface water runoff in the City's SUDP. The study addresses both the collection and disposal of storm water. Systems of storm drain pipes and catch basins are laid out, sized, and costed in the plan to serve present and projected urban land uses.

It is the responsibility of the developer to ensure that utilities, including storm water and drainage facilities, are installed in compliance with City regulations and other applicable regulations. Necessary arrangements with the utility companies or other agencies will be made for such installation, according to the specifications of the governing agency and the City (Ord. 1342 § 2 (part), 1980: prior code § 25.21(f)). The City requires the construction of storm water percolation/detention basins with new development. Percolation basins are designed to collect storm water and filter it before it is absorbed into the soil and reaches groundwater tables. Detention basins are designed to temporarily collect runoff so it can be metered at acceptable rates into canals and streams which have limited capacity. The disposal system is mainly composed of MID facilities, including water distribution canals and laterals, drains, and natural channels that traverse the area.

The City of Merced has been involved in developing a Storm Water Management Plan (SWMP) to fulfill requirements of storm water discharges from Small Municipal Separate Storm Sewer System (MS4) operators in accordance with Section 402(p) of the Federal Clean Water Act (CWA). The SWMP was developed to also comply with General Permit Number CAS000004, Water Quality Order No. 2003-0005-DWQ.

### **Solid Waste**

The City of Merced is served by the Highway 59 Landfill and the Highway 59 Compost Facility, located at 6040 North Highway 59, one and one-half miles north of Old Lake Road. The County of Merced is the contracting agency for landfill operations and maintenance, while the facilities are owned by the Merced County Association of Governments. The City of Merced provides services for all refuse pick-up within the City limits and franchise hauling companies collect in the unincorporated areas. In addition to these two landfill sites, there is one private disposal facility, the Flintkote County Disposal Site, at SR 59 and the Merced River. This site is restricted to concrete and earth material.

### **Project Characteristics**

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>P. <u>Utilities and Service Systems.</u></b><br>Would the project:   |                                      |  |                                    |           |
| 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   |                                      |  |                                    | ✓         |
| 2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            |                                      |  |                                    | ✓         |
| 3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     |                                      |  |                                    | ✓         |
| 4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  |                                      |  |                                    | ✓         |
| 5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |                                      |  |                                    | ✓         |
| 6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  |                                      |  |                                    | ✓         |
| 7) Comply with federal, state, and local statutes and regulations related to solid waste?   |                                      |  |                                    | ✓         |

**1) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**2) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.



**3) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**4) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**5) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**6) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**7) No Impact**

There are no site specific impacts involved with this project, which is a comprehensive update of the Merced Zoning Code, and therefore, will not have any direct environmental impacts.

**Q. Mandatory Findings of Significance**

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>Q. <u>Mandatory Findings of Significance.</u></b><br>Would the project:  |                                      |  |                                    |           |
| 1) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |                                      |  |                                    | ✓         |

|   |  |  |   |  |
|---|--|--|---|--|
| 2) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects?) |  |  | ✓ |  |
| 3) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  |  |  | ✓ |  |

### 1) No Impact

As previously discussed in this document, the project does not have the potential to adversely affect biological resources or cultural resources because no new construction will be involved in the project.

This project involves a comprehensive update of the Merced Zoning Code; there is no specific development proposed at this time. When specific projects are developed under the Zoning Code, individual environmental evaluations will be conducted for the specific site on which the proposed development will take place.

### 2) Less Than Significant Impact

The Program Environmental Impact Report conducted for the *Merced Vision 2030 General Plan, the General Plan Program EIR* (SCH# 2008071069) has recognized that future development and build-out of the SUDP/SOI will result in cumulative and unavoidable impacts in the areas of Air Quality and Loss of Agricultural Soils. In conjunction with this conclusion, the City has adopted a Statement of Overriding Considerations for these impacts (Resolution #2011-63) which is herein incorporated by reference.

The certified General Plan EIR addressed and analyzed cumulative impacts resulting from changing agricultural use to urban uses. No new or unaddressed cumulative impacts will result from the Project that have not previously been considered by the certified General Plan EIR or by the Statement of Overriding Considerations, or mitigated by this Expanded Initial Study. This Initial Study does not disclose any new and/or feasible mitigation measures which would lessen the unavoidable and significant cumulative impacts.

The analysis of impacts associated with the project will contribute to the cumulative impacts identified in the General Plan EIR. The nature and extent of these impacts, however, falls within the parameters of impacts previously analyzed in the General Plan EIR. No individual or cumulative impacts will be created by the Project that have not previously been considered at the program level by the General Plan EIR or mitigated by this Initial Study.

### 3) Less Than Significant Impact

Development anticipated by the *Merced Vision 2030 General Plan* will have significant adverse effects on human beings. These include the incremental degradation of air quality in the San Joaquin Basin, the loss of prime agricultural soils, the incremental increase in traffic, and the increased demand on natural resources, public services, and facilities. However, consistent with the provisions of CEQA previously identified, the analysis of the Project is limited to those impacts which are peculiar to the Project site or which were not previously identified as significant effects in the prior EIR. The previously-certified General Plan EIR and the Statement of Overriding Considerations addressed those cumulative impacts; hence, there is no requirement to address them again as part of this Project.

This previous EIR has concluded that these significant adverse impacts are accounted for in the mitigation measures incorporated into the General Plan EIR. In addition, a Statement of Overriding Considerations has been adopted by City Council Resolution #2011-63 that indicates that the significant impacts associated with development of the Project are offset by the benefits that will be realized in providing necessary jobs for residents of the City. The analysis and mitigation of impacts has been detailed in the Environmental Impact Report prepared for the *Merced Vision 2030 General Plan*, which are incorporated into this document by reference.

While this issue was addressed and resolved with the General Plan EIR in an abundance of caution, in order to fulfill CEQA's mandate to fully disclose potential environmental consequences of projects, this analysis is considered herein. However, as a full disclosure document, this issue is repeated in abbreviated form for purposes of disclosure, even though it was resolved as a part of the General Plan.

Potential impacts associated with the Project's development have been described in this Initial Study. All impacts were determined to be no impact or less than significant.

## **R. Greenhouse Gas Emissions**

### **SETTING AND DESCRIPTION**

The issue of project-generated Greenhouse Gas (GHG) Emissions is a reflection of the larger concern of Global Climate Change. While GHG emissions can be evaluated on a project level, overall, the issue reflects a more regional or global concern. CEQA requires all projects to discuss a project's GHG contributions. However, from the standpoint of CEQA, GHG impacts on global climate change are inherently cumulative. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known; however, it can safely be assumed that existing conditions do not measurably contribute to a noticeable incremental change in the global climate.

### **THRESHOLDS OF SIGNIFICANCE**

The proposed project would result in a significant impact on the environment if it would:

- Generate GHG emissions either directly or indirectly, that may have a significant impact on the environment;

- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

|   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|-----------|
| <b>R.     <u>Greenhouse Gas Emissions.</u></b><br>Would the project:  |                                      |  |                                    |           |
| 1) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?        |                                      |  | ✓                                  |           |
| 2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? |                                      |  | ✓                                  |           |

**1) Less Than Significant Impact**

The proposed Zoning Ordinance Amendment would not result in immediate construction of a project, and will therefore, not generate greenhouse gas emissions, either directly or indirectly. Future construction based on the Zoning Ordinance would be subject to further environmental review.

**2) Less Than Significant Impact**

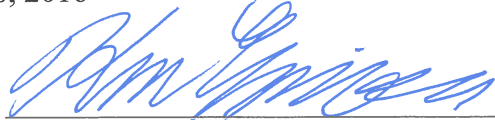
The proposed Zoning Ordinance Amendment would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**S. Environmental Determination**

On the basis of this initial environmental evaluation:

I find that the project could have a significant effect on the environment, and that  
X a NEGATIVE DECLARATION HAS BEEN PREPARED for public review.

May 26, 2016



Kim Espinosa, Planning Manager



David Gonzalves, Director of Development Services  
Environmental Coordinator  
City of Merced

Distributed for Public Review: June 16, 2016

Attachments:

- A) Public Hearing Notice
- B) Summary of Major Changes from the Adopted Zoning Ordinance
- C) Proposed Changes to the Public Review Draft (June 2016)

**ATTACHMENTS B AND C HAVE BEEN DELETED  
SINCE THEY ARE THE SAME AS ATTACHMENTS  
A AND B OF THE STAFF REPORT**

NOTICE OF PUBLIC HEARING  
FOR ZONING ORDINANCE AMENDMENT #16-01 (ADOPTION OF A NEW ZONING CODE) AND  
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

A public hearing will be held by the Merced City Planning Commission on Wednesday, July 6, 2016, at 7:00 p.m., or as soon thereafter as may be heard in the City Council Chambers located at 678 W. 18th Street, Merced, CA, concerning Zoning Ordinance Amendment #16-01, initiated by the City of Merced. This application involves the adoption of a new Zoning Ordinance for the City of Merced (Title 20 of the Merced Municipal Code). 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 Zoning Ordinance addresses such issues as, including but not limited to, allowed land uses in each zoning district, development standards (setbacks, minimum lot sizes, maximum heights of buildings and fences, etc.), procedures for development permits, and land use definitions. A copy of the Public Review Draft of the Zoning Ordinance was released in September 2015 and is available for the price of reproduction at the City Planning Department or for download on the City's website at:

[https://www.cityofmerced.org/depts/cd/planning/zoning\\_ordinance\\_update.asp](https://www.cityofmerced.org/depts/cd/planning/zoning_ordinance_update.asp)

An environmental review checklist has been filed for this project, and a draft negative declaration has been prepared (i.e., no further environmental review would be required) under the California Environmental Quality Act. A copy of this staff evaluation ("Initial Study") is available for public inspection at the City of Merced Planning Department during regular business hours, at 678 W. 18th Street, Merced, CA. A copy of this document can also be purchased at the Planning Department for the price of reproduction.

All persons in favor of, opposed to, or in any manner interested in this request for a Zoning Ordinance Amendment are invited to attend this public hearing or forward written comments to the Director of Development Services, City of Merced, 678 W. 18th Street, Merced, CA 95340. The public review period for the environmental determination begins on June 16, 2016, and ends on July 6, 2016. Please feel free to call the Planning Department at (209) 385-6858 for additional information. If you challenge the decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Merced at, or prior to, the public hearing.

After the Planning Commission makes its decision on this matter, the matter will also be considered at a public hearing before the City Council. A separate notice of that public hearing will also be given.

June 10, 2016

/s/ Kim Espinosa  
Kim Espinosa, Planning Manager