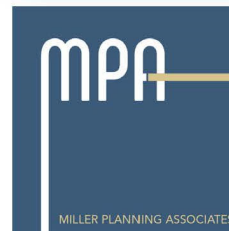


City of Dixon Zoning Code Update Recommendations Memo



February 2022

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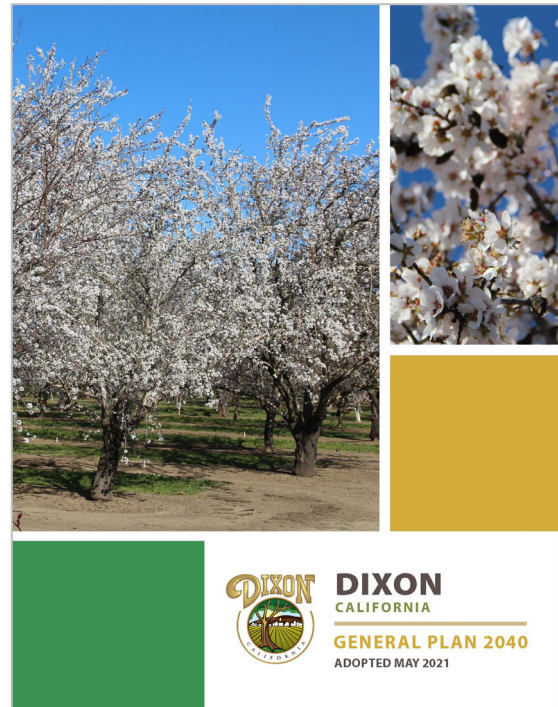
1 Introduction

The City of Dixon recently completed a comprehensive update to the General Plan which sets forth a comprehensive strategy for development and conservation in the City through the year 2040.

Zoning regulations are one of the primary tools a city has for implementation of its General Plan. A zoning code translates the policies of a general plan into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving the General Plan's vision for neighborhood preservation and enhancement, economic development, and community health.

The Zoning Code and Map Update project is intended to comprehensively revise the Dixon Zoning Code, Title 18 of the Municipal Code, in order to create a concise and user-friendly set of regulations that will implement the new General Plan and be consistent with State and federal law. The objective is to craft a new Zoning Code that:

- Implements General Plan 2040.
- Reflects *Dixon* and responds to *community concerns*.
- Is *streamlined and transparent* in its administration and decision making processes.
- Promotes economic development and high quality design.
- Provides *flexibility*.
- Is intuitive, graphic, and *user-friendly*.



As one of the first steps in the revision process, City staff and the consultant team have been evaluating the current Zoning Code to identify issues that need to be addressed and changes that should be considered as part of the update.

This paper summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current code could be improved to meet the overall objectives of the update. It is intended to distill key choices and present "big ideas" for the update, which will be further developed and refined as draft regulations are created.

The paper is organized by four topical areas:

- Code Usability;
- General Plan Implementation;
- Review Processes; and
- Compliance with State and Federal Law.

Next Steps

This paper will be the basis for a study session with the Planning Commission. Comments from the study session and further work with City staff will guide preparation of a preliminary outline and initial drafts of regulations. The draft regulations will be presented in "modules" for subsequent review, and additional study sessions will be scheduled with the Planning Commission to review milestone products.

2 What is Zoning?

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Code specifies how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

A zoning code deals with two basic concerns:

- How to minimize the adverse effects that buildings or using one property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

What Zoning Can Do

Zoning is used to implement the community goals expressed in a general plan and other land use plan documents. Zoning can do the following:

- **Use Regulations.** Zoning specifies the types of uses allowed in each of the Zoning Districts. Specifically, each district specifies what uses are permitted, what uses are conditionally permitted and must apply for a conditional use permit and required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.
- **Development and Design Standards.** Zoning reflects the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront and architectural character, location of parking and driveways, “buffering” of uses, and landscape needs.
- **Performance Standards.** Zoning often includes standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.

- **Predictability.** In addition to offering property owners safeguards relative to constitutionally protected property rights, the use regulations and development standards established in zoning provide neighbors with assurance of what land uses are permitted and to what scale they may be developed. Predictability is important to economic development. Prospective employers often consider multiple communities during their site selection process. Employers will want to eliminate as much risk, or unpredictability, as possible in selecting a site. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

What Zoning Cannot Do

There are things that zoning cannot do, since zoning is limited in some respects by State and Federal law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- **Dictate Architectural Design.** Although zoning can improve the overall physical character of the community, it can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are addressed in design guidelines.
- **Regulate the Free Market.** Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- **Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. As such, zoning is not the appropriate means for planning analysis or detailed study, or creating new City policy. Zoning takes direction from the General Plan and other established land use plans.

The Basic Dilemma: Flexibility vs. Certainty

As Dixon considers how best to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for City officials and staff who use the Zoning Code on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the City. Everyone wants to know the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? For many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed?

For others, flexibility is important: the site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements and generic architectural details may be appropriate. Perspectives of different code users help inform the discussion about this issue.

USERS' PERSPECTIVES

Expectations about what zoning should or should not do, and how far it should go, can vary widely depending on individual perspectives. Applicants view zoning differently than design professionals, and City staff perspectives are not always the same as those of residents or City officials. At the risk of oversimplification, we offer the following set of expectations for different code users as a starting point for thinking about regulatory options for the Zoning Code Update.

Applicants

Individuals applying to the City for a development approval generally want to know:

- What are the rules that the City follows for development review? These include use regulations, design guidelines and standards, and development standards, review procedures, and criteria for decision-making.
- What is the timeframe for decision-making, and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, refine an architectural design, solicit bids, and initiate construction?
- What relief or exceptions can they request if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or their building? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances are illegal and the only way to accommodate different uses would be through a Rezoning (through text amendment or map amendment) from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g. setbacks or fence height limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the City have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

Design Professionals

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the code allows for site planning and architectural design. If the City wants to mandate certain design solutions, as opposed to “encouraging” a type of design, the code should say so to avoid misunderstandings during the development review process.

An example of a mandated design solution is a requirement for windows or display spaces and a prohibition of blank walls on retail frontages. In this context, design professionals also want to know whether the mandate is a guideline or a development regulation. If it’s a regulation and the proposed building design doesn’t benefit from adding windows, it will be necessary to request a specific form of administrative relief, which could be a variance or a design modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a design guideline, it may be possible to propose an alternative design solution that meets the guideline’s objective without applying for a variance or use permit to waive design standards if the code provides for alternative ways to comply with a guideline.

The flexibility that a design professional typically seeks includes:

- Relief from overly prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, location or parking, and architectural design standards (e.g. colors, finishes, porch dimensions, roof pitches, etc.);
- Relief from provisions that constrain energy efficiency and water conservation;
- Relief for buildings with historic or architectural character; and
- Relief for uses or activities with unique needs.

City Staff and Officials

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan, more specific plans, and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan; and
- To protect unique and special resources, which may range from historic buildings, to affordable housing, and unique character areas.

Residents and Business Owners

While planners and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their self-interest is not served. Many critical issues are decided when a General Plan is prepared; however, as implementation details are worked out, community thinking about General Plan direction may evolve, and there may not be consensus on all of the regulatory solutions proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the City has to condition approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt space to new uses or activities. Being able to respond quickly to changing markets is important, and lengthy review times are an anathema to that objective.

TRADEOFFS

As the City considers the next steps for regulatory reform, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. predictability:** Is the zoning code intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the code or by practice?
- **Flexibility vs. administrative cost:** What are the costs to the applicant, to opponents, and to the City's tolerance for hearings?
- **Development cost vs. quality:** Standards should be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- **Under regulation vs. over-regulation:** How does the community strike the right balance and find the least number of rules that will do the job?

Striking the right balance will not be easy, and lessons from similar communities that have recently amended their zoning codes can enable the City to avoid mistakes others have made and achieve its goals for economic development and sustainable land use.

3 Code Usability

The need to make Dixon’s Zoning Code more user-friendly and concise was noted during meetings with code users as well as City staff. Users commented that the Code is difficult to navigate and should rely more extensively on pointers and references to direct users to appropriate regulations. Code users and City staff have complained that when they look up the regulations governing a project, they have no confidence that they are seeing a comprehensive list. Because standards are dispersed, users are left with a nagging fear that a “hidden” regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment. A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

Organization and Style

The City’s current Zoning Code, Title 18 of the Dixon Municipal Code, is organized in a manner that exhibits an underlying structure, but appears to have been amended numerous times, where additional chapters and regulations were added without consideration to the overall structure and organization. The basic framework of the current Code was established nearly 30 years ago and has been amended hundreds of times since then. The end result is a disorganized, piecemeal, and complex Code that is difficult to navigate.

The Code begins with introductory provisions, followed by district standards. The remaining chapters are haphazardly arranged, alternating between administrative procedures, use regulations, and citywide standards. For example, Chapter 18.23, Design Review Commission, is located between Accessory and Temporary Use Regulations and Signs. Provisions for the processing of Conditional Use Permits and Variances come between regulations for signs and parking. Overall, the chapter ordering of the Code is not always intuitive, and sections that should be grouped together are often found far apart or separated by other chapters. This organization leaves standards of development spread out among various sections.

The code also contains instances of duplication and unnecessary redundancy. Each district contains a list of permitted and conditional uses. Chapter 18.03, Land Use and Zoning Matrix, attempts to repeat this information in table format, presenting a summary of permitted and conditional uses in three separate tables. However, the information in the Land Use and Zoning Matrix is not always consistent with the information in the permitted and conditionally permitted uses listed in each district. When the code repeats the same or similar information in multiple places, it is not always clear whether nuances in wording or positioning are intended to accomplish different goals, or if they override each other entirely. Duplication

such as this not only lengthens the text, but also introduces an element of doubt that differently worded regulations might affect a person's ability to develop and use property. It can also complicate zoning administration.

Users should be able to find out, by looking in the first part of the Code, what can be built, what the rules are for a particular use or what can be done with a particular lot in a zoning district, and then how to get approval if any permits are required. Finally, it is preferable to place definitions last since they should not include policy statements, and would only be consulted to clarify a question about the meaning of a specific term.

DEVELOP A NEW FORMAT AND ORGANIZATION

The organization of Dixon's Zoning Code can be improved in several ways, with the overall organization and formatting of the code reflecting a systematic, consistent, and sound arrangement to facilitate ease of use. First, the City should introduce a new level in the organizational hierarchy and group related chapters into divisions. The 48 chapters within the Zoning Code could then be organized into logical groups, making it easier to navigate. For example, the chapters contained in Zoning Code, could be grouped into five divisions as follows.

- Division I: Introductory Provisions
- Division II: District Regulations
- Division III: Citywide Standards
- Division IV: Administration and Permits
- Division V: Terms and Definitions

Chapters and sections within the divisions should be reorganized so that they flow logically and have a consistent structure. As a general rule, the most frequently consulted provisions should come before those less frequently consulted; and the more general should come before the more specific. These organizational revisions should be coupled with improvements to the appearance of the text itself to help readability, including wider spacing, different fonts for chapters, sections, and the main text, and consistent indentation.

SIMPLIFY REGULATIONS AND PROCEDURES

Dixon should ensure that the Zoning Code functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary and obsolete sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code.

Overall, related content should be organized together. Standards that apply solely to a particular set of base districts (i.e., Residential Districts, Commercial Districts, etc.), should be grouped together. Standards

that are applicable to specific uses or development citywide, such as parking or sign standards, should be grouped together. Rules governing the construction of language, interpretation of code provisions, and measurement should likewise be grouped together to serve as a reference section that users can turn to in the event of uncertainty regarding code provisions. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

page header

17.08.030 District Standards

Table 17.08.030, District Standards - Residential Zones, prescribes the development standards for the Residential Zones. Individual letters in parentheses refer to subsections that directly follow the table. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Title.

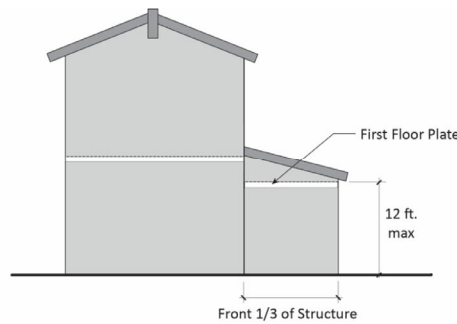
tables

Table 17.08.030: District Standards - Residential Zones

Standard	RL	RM	RH	Additional Regulations
Maximum Height (feet)	30(A)	55(A)	65(A)	See Section 17.22.070, Height and Height Exceptions
Minimum Setbacks (feet)				
Front	20	10	10	See Section 17.22.050, Encroachments into Required Setbacks
Side	10	5	5	
Rear	15	10	10	

cross references

A. Maximum Height, First Floor Plate. For detached single unit dwellings, the first floor plate height shall not exceed 12 feet in the front one-third of the structure.



graphics

FIGURE 17.08.030.A: MAXIMUM HEIGHT, FIRST FLOOR PLATE

consistent numbering

17.08.040 Development Regulations

A. Attached Single-Unit and Multi-Unit Development. All attached single-unit and multi-unit development shall meet the following development standards.

indented paragraphs

I. Building Entrances. All units located along public rights of way shall have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where the project site is located on major arterials carrying high traffic volumes and/or streets that do not allow on-street parking.

page numbers

Unclear Lists of Allowed Uses

Each base zoning district currently contains a list of permitted and conditional uses. Many of the listed uses are not defined. The Code at times, also employs archaic language and outmoded references, such as “millinery” and “ice storage houses”. Frequently, the same type of use appears under similar, but different guises. Sometimes these similar uses are allowed in one district but not another. For example, ‘Arts and Crafts Stores’ are only permitted in the PAO District while ‘Hobby and Toy Stores’ are permitted in the CN, CC, CH, CD districts and conditionally permitted in the CS District. Neither of the uses are defined. It is unclear what the difference is between an “Arts and Crafts Store’ and a ‘Hobby and Toy Store’, and why such difference warrants one use being allowed in certain districts and the other being allowed in other districts. All land uses within the City should be clearly and consistently defined to avoid confusion and to ensure that all parties involved in the development process have similar expectations for any given use.

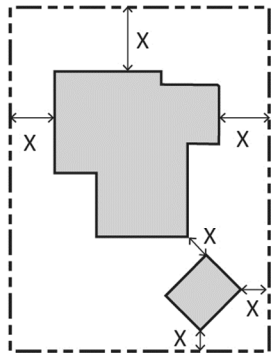
UPDATE AND DEFINE LAND USES REGULATED BY THE CODE

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for Zoning Code amendments to accommodate new and changing uses. Typically, this strategy includes the formulation of “use groups” that classify all land uses and activities according to common characteristics. This approach could be incorporated into the Zoning Code Update so that use types are consolidated into a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the code. Categories are also broad enough to allow classification of new, unanticipated uses, or types of businesses changes, so that the City does not need to amend these sections or make interpretations as frequently. This system can still allow for standards for problematic uses, such as tattoo parlors, outdoor retail sales, and auto repair, or uses that need to align with State definitions and regulations, such as family day cares and accessory dwelling units.

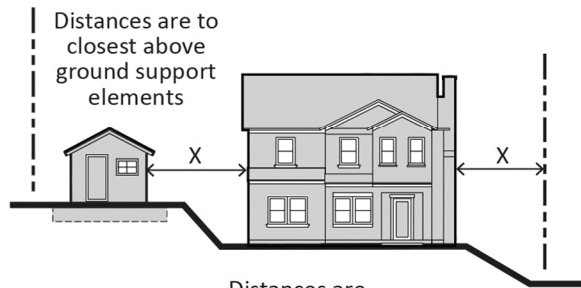
Lack of Clear Definitions and Rules of Measurement

Though the Zoning Code does currently include a section of definitions, some terms that should be defined, aren’t, some definitions are overly specific, and others include development standards. Definitions should convey the meaning of a term; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Code and other City codes. The Zoning Code does not include a separate chapter on rules of measurement. In many cases, they are incorporated into definitions or development standards. Clear rules of measurement ensure that all code users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. Locating a complete set of rules of measurement in one location, either at the beginning or the end of the

Code, provide an easy-to-locate reference tool to ensure consistent interpretation and application of standards.

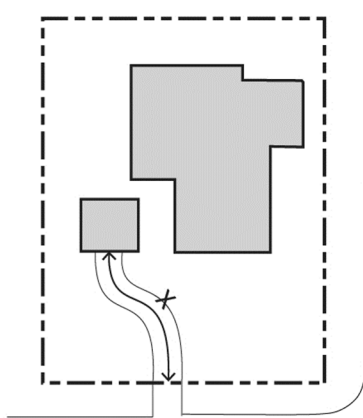


Measurements are the shortest distance

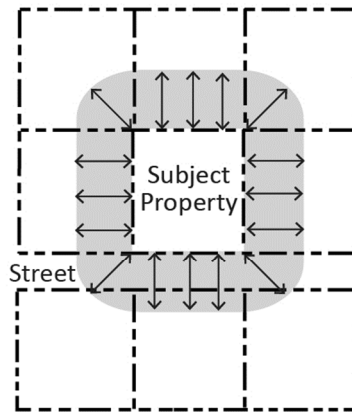


Distances are to closest above ground support elements

Distances are measured horizontally



Measurements are down the center of the travel lane



Measurements are a straight line from all points

Clear rules of measurement aid in interpretation.

4 General Plan Implementation

The Dixon General Plan 2040 creates a vision for the City and describes Dixon’s values, resources, and the future needs of City residents. It’s a dynamic document that sets forth conditions to guide development and conservation in the City for years to come, reflecting community aspirations to cultivate a family-friendly city with a small-town feel that grows wisely, remain true to its agricultural roots, and provide good jobs and housing for local residents.

The General Plan 2040 incorporates many ideas from residents, City officials and staff, and others involved in the planning process. The challenge now is to translate the policies related to zoning controls and design into a user-friendly, legally adequate, and effective set of regulations and procedures that steer development to the most suitable places, responding to the community’s desire to preserve and enhance the small town character, while also providing for new growth that enhances quality of life, including new jobs that provide employment for local residents and a range of housing types that will be affordable to people of all ages. The zoning regulations should clearly communicate and effectively implement the Plan’s policies and incorporate its carefully crafted direction for the development, maintenance, and improvement of land and properties. This section contains general observations and strategies for improving regulations to be more conducive and effective in achieving the vision articulated in the General Plan.

Zoning Districts to Implement the General Plan

Zoning districts create the framework for implementation of General Plan policies and land use designations. In areas where the General Plan represents change, such as the Corridor Mixed Use or Campus Mixed Use areas, new or revised zoning districts are needed. There may also be opportunity for streamlining existing zoning districts and eliminating those that are no longer necessary. In interest of creating a concise and user-friendly zoning code, the total number of zoning districts within the code should be minimized and districts that are no longer needed should be removed.

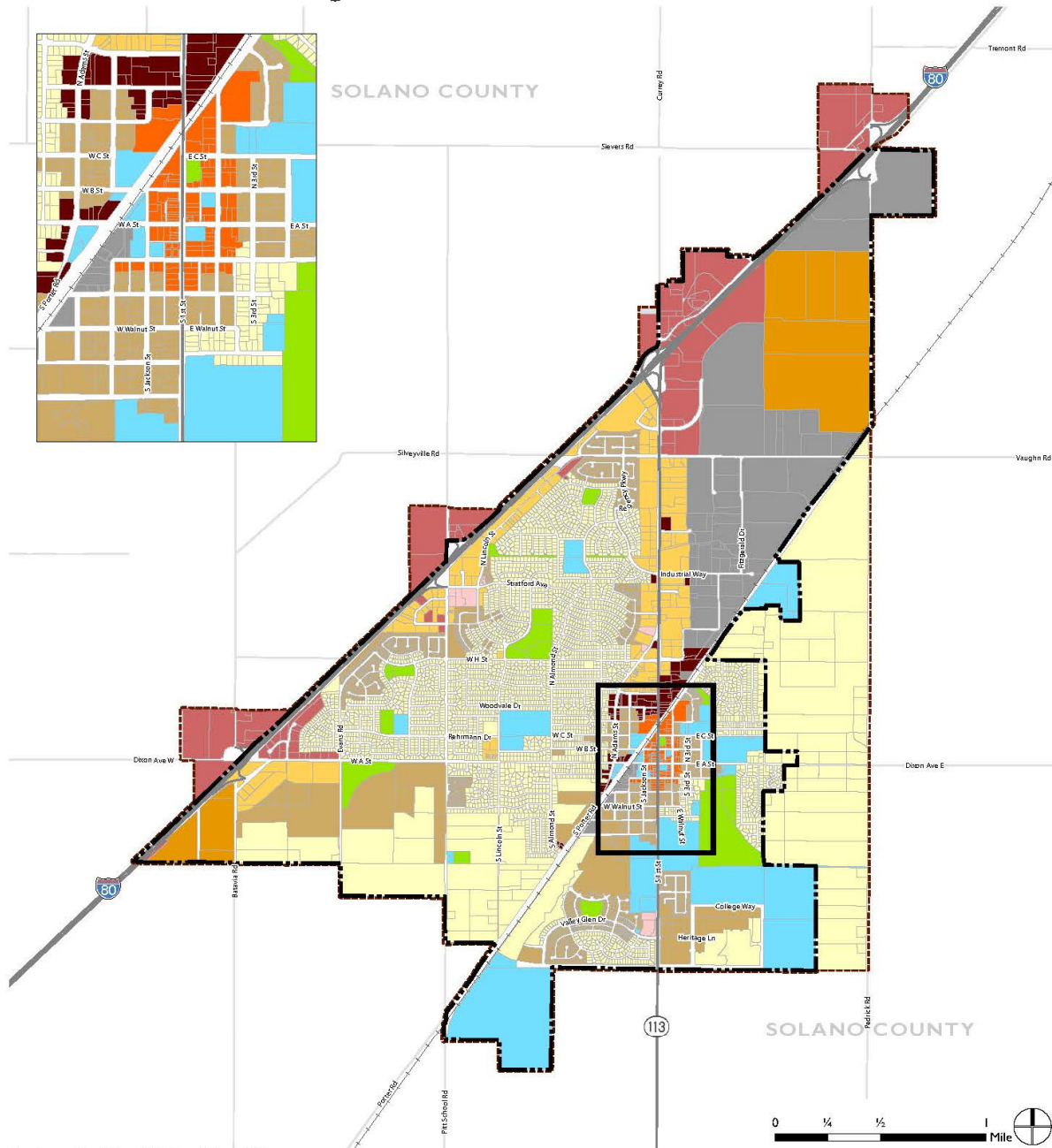
General Plan land use designations provide direction for zoning districts, but they also pose questions, particularly in relation to the Downtown and Corridor Mixed Use land use designations. These land use designations allow single uses on ‘smaller’ sites, while more than one use is required on ‘larger’ sites. The General Plan does not provide direction on what is considered a ‘larger’ or ‘smaller’ site and whether the categorization may differ based on location. Furthermore, in the mixed use areas, it is not clear whether each property is required to incorporate mixed use, or if single, use is allowed.

In developing the zoning districts to implement these land use designations, the circumstances under which multiple uses are required should be clearly established, based on consideration of actual parcel sizes, development context, feasibility of mixed-use development, and retention of the overall General Plan vision of a vibrant Downtown and mixed-use corridors.

The Zoning Code will also benefit from combining similar districts, where appropriate. For example, RM-1, RM-2, RM-3, and RM-4 could be combined into a single RM District since the majority of the RM areas are built or planned, have similar development standards and use allowances, and all relate to a single Medium Density Residential land use designation in the General Plan. Additionally, there are three separate 'planned development' districts with little distinction between them. The simplified districts can then be consolidated into related groups, such as Residential, Commercial, Mixed-Use, Employment, and Public and Semi-Public districts.

When districts are consolidated, the differences among individual districts are identified through purpose statements, which can also serve as a basis for findings for discretionary zoning approvals. The differences among individual districts will also be reflected in the use regulations and development standards, which will vary based on the unique characteristics and purposes of the district.

Figure LCC-4: Land Use Designations



Data Source: City of Dixon, 2019; Dyett & Bhatia, 2019

- | | | |
|------------------------------|-------------------------|---------------------|
| Land Use Designations | Commercial | Railroad |
| Residential | Neighborhood Commercial | Dixon City Limit |
| Low Density Residential | Regional Commercial | Sphere of Influence |
| Medium Density Residential | Service Commercial | |
| Mixed Use | Other | |
| Corridor Mixed Use | Industrial | |
| Downtown Mixed Use | Public Facilities | |
| Campus Mixed Use | Parks | |

Zoning districts implement General Plan land use designations

Physical Form and Design Related Standards

In order to implement the new General Plan policies, the City will need to refine, and in some cases, adopt new development regulations to address the form and design of new development, particularly in nonresidential areas. Standards should differentiate among commercial and mixed-use areas, industrial areas, and residential areas; promote a desirable physical form, and ensure that more intense uses of land do not become public nuisances. Additionally, State legislation addressing housing production increasingly focuses on streamlined review and the application of ‘objective standards’ rather than through a discretionary process or through subjective standards open to interpretation.

Objective Standard (per State law):
One that involves no personal or subjective judgment by a public official and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

Through clear and objective development standards, the code should detail how to address contextual issues of building placement, scale, massing, and height. The code should also include standards to ensure sensitive transition from more intense development to surrounding neighborhoods. For example, the design of higher intensity development along residential-nonresidential boundaries can respect the existing character of the lower scale area through additional landscaping to screen and buffer the adjacent use, increased setbacks, decreased height, and other “context sensitive design standards.”

Standards should be refined to foster the type of character desired within various areas of the City. In pedestrian-oriented areas, such as the Downtown, the objective should be to have buildings enclose a street and provide an interesting, engaging streetfront, making walking and shopping pleasurable. In less intense and industrial areas, by contrast, development is more auto-oriented and there is more potential for incompatibility between uses, so landscaping and screening may be important.

For residential development, objective standards should be developed to help provide predictability, streamline the review process, and ensure the community's aesthetic standards are maintained, consistent with State law.



Form-related standards can help achieve high quality design.

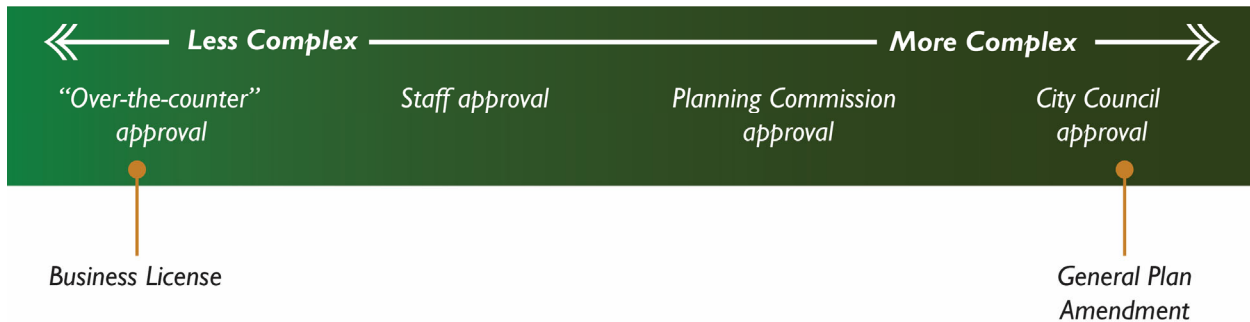
5 Review Processes

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective investors value three central qualities in any administrative code: certainty in the requirements and structure of the review process, built-in flexibility to adjust development standards to the needs of individual projects, and opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Dixon can incorporate these qualities into its Zoning Code will help improve its ability to compete for desirable development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

Reliance on Discretionary Review

The flexibility of a Zoning Code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary zoning approval. The greater the level of review, the more time it takes to process the project; thus the more time it takes for a business or homeowner to know if they can make a change or operate a business. Under the current Code, virtually all planning permits are reviewed by the Planning Commission at a public hearing. At times when the economy is growing and more people apply for permits, limited staffing is not able to keep up with the increased volume of permits, causing delays. Creating a lower level of review for minor projects reduces processing times and can reserve staff resources for larger, more complex projects.



The primary factor influencing a project’s place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria.

ADJUST REVIEW THRESHOLDS

The Zoning Code Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

The number of uses that require discretionary review can be reduced by including carefully crafted standards and restrictions that are specific to specific uses throughout the City or in particular zoning districts into the Zoning Code. As a result, the community and decision-makers may be confident their vision is being implemented and may reduce its watch over individual projects, allowing more projects to be approved administratively.

There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with development and design standards that could be added to the Code based on the General Plan’s goals for design quality;
- Compliance with new standards and requirements that reflect “standard conditions” that are typically imposed when such uses have been conditionally approved by the Planning Commission; and

- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impact.

The incorporation of “limited uses” makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria.

CONSIDER A MINOR USE PERMIT PROCESS

The City may also consider a new type of use permit – a Minor Use Permit – approved by the Community Development Director. The Minor Use Permit would be required for uses that are “limited in scope and impacts” but which currently require a hearing by the Planning Commission. Applications for Minor Use Permits would be subject to public notice and a hearing before the Director would only be held if someone requested one. All decisions would be subject to appeal. The Director would also have the authority to defer action and refer the application to the Planning Commission for final action. Such a procedure creates more certainty in the process for both the community and developers while still providing opportunities for meaningful public input. Conditional Use Permits would be reserved for uses that pose potential or significant land use compatibility issues and warrant Planning Commission review and approval.

CONSIDER A MINOR DESIGN REVIEW PROCESS

Similar to the concept of a Minor Use Permit described above, the City may also consider a Minor Design Review process in which the Director conducts design review on minor projects and property improvements. The Planning Commission would remain the review authority for design review of projects that meet certain thresholds. Additionally, general findings for design review could be supplemented with specific design review criteria to guide review and ensure high quality site planning and design.

Lack of Relief From Standards For Particular Situations

The existing code provides for little flexibility in the application of development standards. There are two primary avenues available for modification of development standards: 1) variances, and 2) planned development. Specific findings of related to unique characteristics of a property are required to approve Variances. The Planning Commission, in the case of a planned unit development, or City Council, in the case of a Planned Development District, may modify certain standards through the approval of a planned development upon finding that the development of a harmonious, integrated plan justifies exceptions.

INCORPORATE FLEXIBILITY

The City should consider creating additional opportunities for gaining relief from codified locational, developmental, and operational standards in cases where modifications are consistent with General Plan objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. This could be done in the form of additional provisions for approval

of waivers and exceptions, including Staff-level approval of a so-called de minimus waiver from dimensional standards.

Another form of relief is a process for approving modifications and waivers to accommodate uses that have been granted special protection under federal and State law, such as reasonable accommodation for persons with disabilities. The purpose of all these provisions, including appeals, is to provide a means of granting relief to reduce the potential for litigation and to increase fairness to both property owners and aggrieved members of the public.

6 Compliance with State and Federal Law

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some State and Federal laws to consider through the update of the Zoning Code.

Housing

As California's housing supply and homelessness crisis continues, the State Legislature has passed numerous pieces of housing legislation in each legislative session of the past several years. Most recent legislation is aimed at reducing barriers to the creation of housing. Highlights of housing related legislation most relevant to the Zoning Code are briefly summarized below.

SB9 - DUPLEXES AND 'URBAN LOT SPLITS'

Intended to increase housing production and affordability, SB 9 provides for the ministerial approval of a two-lot subdivision (also referred to as urban lot splits) and/or development projects for up to two units per single-family residential lot. SB 9 supersedes several City regulations regarding single-family residential subdivision and development standards; however, the bill does preserve some authority for local jurisdictions to impose objective zoning and subdivision regulations.

Specifically, SB 9 provides for the following, effective January 1, 2022:

- A single-family residential property can be improved with two primary dwelling units (two detached homes, two townhomes, or a duplex), along with one Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) for each primary unit, for a total of four units on a lot.

- A single-family lot can be subdivided into two separate lots, and each lot can be improved with two units of any kind for a total of four units. The new lots would be subject to the following requirements:
 - Each new lot must be at least 1,200 square feet and must be at least 40 percent of the area of the original lot.
 - The new lots cannot be further subdivided.
 - The property owner must sign an affidavit stating that they intend to live on one of the lots for at least three years. Community land trusts and qualifying nonprofit corporations are exempt from this requirement.
 - The same owner cannot subdivide adjacent parcels.
- Cities may only apply objective zoning and design standards to properties developed pursuant to SB 9, with certain limitations:
 - Cities cannot apply any standard that would preclude the construction of two units of at least 800 square feet each.
 - Cities must allow minimum side and rear setbacks of no greater than four feet.
 - Cities may only require one parking space per unit and cannot require any parking if the property is located within one-half mile of a transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, within one-half mile of a major transit stop, or located within one block of a car share vehicle parking location.

SB330 – HOUSING CRISIS ACT

SB330, the Housing Crisis Act, limits cities' and counties' ability to regulate housing developments, including residential development, mixed use development with 2/3 of the square footage for residential, and transitional and supportive housing. It creates a preliminary application process where the date the preliminary application is submitted vests, or locks in, the existing regulations (objective development standards, General Plan policies and fees) that are in effect at that time, establishes timeframes for when a historic determination and project approval must be made, and limits the number of public hearings.

A number of provisions address housing density. General Plan and zoning densities may not be reduced below 2018 numbers. This includes changes to development standards that lessen intensity of housing. Zoning may not be changed to remove housing, and there may be no onsite reduction in the number of units.

The Housing Crisis Act also prohibits local jurisdictions from imposing or enforcing new subjective design standards. Establishing objective development standards for housing developments are discussed in more detail in section 4 of this paper.

ACCESSORY DWELLING UNITS (ADUS)

Recent laws further restrict what local agencies may regulate regarding ADUs. Local agencies may not adopt ADU ordinances that: impose minimum lot size requirements for ADUs; set certain maximum ADU dimensions; require replacement off-street parking when a "garage, carport or covered parking structure" is demolished or converted to construct the ADU. New laws allow for an ADU as well as a "junior" ADU where certain access, setback and other criteria are met and explicitly identifies opportunities for ADUs in multifamily buildings. Additionally, until Jan. 1, 2025, cities may not condition approval of ADU building permit applications on the applicant being the "owner-applicant" of either the primary dwelling or the ADU.

AFFORDABLE HOUSING

The State Density Bonus Law (Cal. Gov't Code §65915) allows for density bonuses and additional incentives for affordable housing. Cal. Gov't Code §65913 expedites state and local residential development, assuring local agencies can sufficiently zone for affordable housing, and encourage and incentivize affordable housing. Recent changes to the State Density Bonus Law increase the density bonus and other concessions for 100 percent affordable housing projects. Housing projects with a minimum of 80 percent low income units and up to 20 percent moderate income units are eligible for a density bonus of up to 80 percent the maximum allowed density or a density bonus with no limit if located within ½ mile of a major transit stop and qualify for at least four concessions, reduced parking requirements, and a height increase of up to three stories or 33 feet when located within ½ mile of a major transit stop.

HOUSING FOR PERSONS WITH DISABILITIES

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities. The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home.

Pursuant to Cal. Health & Safety Code §1566.3, a residential care facility that serves six or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning codes. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

MANUFACTURED HOUSING

The Land Use and Development Code is compliant with Cal. Gov't Code §§65852.3-5 which requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lots zoned for single-family dwellings.

Adult Oriented Businesses

Local agencies may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards (Cal. Gov't Code §65850.4). Through the Zoning Ordinance update, regulations must ensure there are a reasonable range of alternative sites where adult-oriented businesses may be located.

Cottage Food Operations

Pursuant to Cal. Gov't Code §51035, a city or county may not prohibit cottage food operations (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.

Emergency Shelters; Transitional and Supportive Uses

Cal. Gov't Code §§65582, 65583, and 65589.5 require each local government to: 1) amend its Code to identify district(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same district. Cal. Gov't Code §65582 contains definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

AB2162 requires that supportive housing be a use by right in districts where multifamily and mixed uses are permitted, including nonresidential districts permitting multifamily uses, if the proposed housing development meets specified criteria, and requires a local government to approve, within specified periods, a supportive housing development that complies with these requirements. Local governments are prohibited from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within ½ mile of a public transit stop.

Family Day Care Homes

Pursuant to Cal. Health & Safety Code §§1597.30 et seq., small family day care homes which provide care for eight or fewer children in a residential unit is a residential use and is not subject to a fee or business license. Large family day care homes which provide care for seven to 14 children may not be prohibited in any district where residential is allowed, but a city or county shall do one of the following: classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use. However, zoning requirements for large family day care home must be reasonable and are limited to spacing and concentration, traffic control, parking, and noise control. Noise control standards must be consistent with the general noise ordinance and must take noise levels generated by children into consideration.

Processing and Review Procedures

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal. Gov't Code §§65864 et seq.), general plan consistency (Cal. Gov't Code §65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), rezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§65900 et seq.), and zoning amendment procedures Cal. Gov't Code §§65853 et seq.).

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. Religious uses must be treated the same as similar non-religious uses. Additionally, regulations cannot impose a substantial burden to religious exercise.

Signs

In June 2015, the U.S. Supreme Court decision in *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) affirmed that sign regulations must be “content-neutral” to survive a legal challenge. In order to be content-neutral and satisfy First Amendment limitations, sign regulations must be based on “time, place, and manner” restrictions, rather than by content- or message-based restrictions. Content-based regulations are subject to what is called a “strict scrutiny” standard – that is, a compelling governmental interest must be demonstrated and regulations must be narrowly tailored to serve that interest.

Solar Energy Systems

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems.

Telecommunications

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility.

Water Conservation and Landscaping

Cal. Gov't Code §53087.7 prohibits cities or counties from enacting any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation drought tolerant landscaping, synthetic grass, or artificial turf on residential property. The Water Conservation in Landscaping Act of 2006 (Cal. Gov't Code §65597) requires local agencies to adopt the updated Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (WELO) or a local landscape ordinance that is at least as effective in conserving water.

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Appendix A:

Code User Interview Summary

Introduction

To learn about the issues associated with the City's current Zoning Ordinance and Zoning Map, the consultant team conducted interviews with a range of "code users", including those who are familiar with development, design, and real estate in the Dixon area.

The interview sessions were conducted virtually through Zoom or phone call on December 16th and 21st, 2021. Participants were asked a series of questions regarding their experience with the City's regulations, but conversations revolved around areas of familiarity or issues of significance to the individual code users.

Themes

The experiences and perspective of the interviewees varied, which influenced the input from each code user. Topics discussed included ranged from General Plan implementation to the measurement of fence height. Despite the varied input, some major themes emerged:

1. Make the code easier to use and understand, and more in-line with the General Plan
2. Incorporate flexibility.
3. Empower staff to make decisions on minor adjustments to standards.
4. Adjust review bodies and processes to more appropriately reflect the significance of a project.

A list of comments received, organized by topic, follows.

Code User Comments

GENERAL COMMENTS

- The current Zoning Code is antiquated. It is out of date with what the City wants to do.
- The Zoning Code should try to provide predictability in development from an investment standpoint. It should provide a clear understanding of expectations.
- The City is hamstrung due to conflicts between the General Plan and Zoning Code. Developers who want to come to Dixon find themselves in conflict with the City. Making the documents parallel should help.

- The time that it takes to unwind conflicts or perceived conflicts is a factor in the decision of whether to invest in Dixon.
- Graphics and illustrations would really help the usability of the code.
- Simplicity in the code is good.

GENERAL PLAN IMPLEMENTATION

- The City is going through some growing pains. It will take some time to figure out all the various General Plan and housing policies – what they mean and how they work together.
- The General Plan update took a long time. It's no surprise there is a sort of mish-mash of policies, including some that conflict.
- There are a lot of contradictions in General Plan policies that will need to be addressed. The City will discover these and will have to address them.
- The General Plan vision of all these areas intensifying into mixed-use development is unrealistic and infeasible.
- The City needs to understand the feasibility of creating mixed use on parcel in Dixon. It's hard other areas that are denser and have higher land values, it's even harder in Dixon.
- Developing in Dixon is difficult because the City hasn't figured out what it means to implement General Plan direction on mixed-use development.

USES

- Drive throughs seem to be popular now. That is something to pay attention to.
- Be flexible for outdoor dining. That is what you want to encourage.
- Include performance standards for certain uses such as car washes, drive throughs, telecommunication facilities.
- Review permit requirements for uses. There is currently a Use Permit requirement for a bank. What is the purpose?
- There are some uses you want to encourage – those should be permitted.
- Reevaluate use allowances and required permits. Allow a broad range of uses as permitted, subject to certain performance standards in the code.
- For example, a bakery (food production) can be allowed in a retail area as long as it has a retail component. Require auto repair to be enclosed in a building. By putting performance standards in the code, more uses can be allowed by right.
- Many people move to Davis for assisted living facilities. Dixon is going to need more assisted living facilities, as well as other types of housing to accommodate an aging population.

- Dixon needs some new restaurants, more diversity in restaurants.
- There are a lot of new residents in Dixon, and they will probably provide more of a demand for more upscale dining.
- Some amenity-rich multi-family residential development is interested in coming to Dixon but they are running into issues requiring mixed use.
- The requirement for 'a mix of uses' can make an otherwise good project infeasible.

Industrial

- Be flexible on uses. When you try to legislate specific uses, that's when it gets difficult to find tenants and buyers.
- Industrial spec development is a good approach. Have base criteria for building infrastructure (ex. power, fire sprinklers) so that many different businesses could possibly make use of the space.
- Generic buildings with the right accommodations for power, gas, roads, parking/loading, water, sewer, ESFR sprinklers – will “catch” a larger net of uses.
- To make warehousing more flexible to change to a different use in the future, ask for a higher parking ratio. This could make it so that the property could accommodate a use with more employees in the future. Otherwise you get shut out, and you can only ever be a warehouse.
- In the Northeast Quadrant area, the General Plan and zoning issues are secondary to infrastructure issues. These are significant hurdles for owners and builders. If you provide infrastructure, that's when businesses will come.
- Everybody wants to bring in the next Google, and cities will often zone areas for the type of businesses they want to do it. Unfortunately just because something has an allowable zoning, doesn't mean the right business will just show up. Be set up so that space meeting their needs is available, but don't mandate a specific type of use.
- Our world has totally changed as a result of COVID-19. The demand for office and retail has decreased, and the demand for industrial space, especially warehousing, is increasing. Retail and offices are no longer the guaranteed sales tax bases that they used to be.
- Industrial and residential uses should be separated. These uses do not go well together.
- Accommodate industrial uses that might also want to have a retail, customer-facing space. Like a tasting room, storefront, small showroom.
- Be careful about requiring specific percentage breakdowns for industrial buildings – it makes it really difficult for businesses to move in. For example, requiring 25% lab, 25% office, 25% manufacturing... etc. Flexibility is the key.

DESIGN AND DEVELOPMENT STANDARDS

- It's difficult to mandate design in a Code. Would recommend staying away from that.
- Get rid of all of the design standards that are in the Zoning Code right now.
- Mandating design causes problems.
- The 12 foot side yard requirement is very important because people need space to park RVs and boats. The 12 foot side yard should be required to be located adjacent to the garage. Otherwise, people end up putting more paving in their front yard.
- The RM-2 zone setbacks are difficult to deal with because the RM-2 parcels are generally pretty narrow.
- Fire code requirements should be referenced and duplicated in the zoning code so that applicants know what they are getting into. Clarify when sprinklers are going to be required.

RESIDENTIAL DEVELOPMENT

- Since the 80s there hasn't been any half-plexes (duplexes with individual ownership) built on corner lots. This product type adds diversity to a community by enabling people who may not want or be able to own a single-family home to live in the neighborhood. Also, by designing them so that each unit is oriented toward a different street, the single-family character of the community is retained.
- Half-plexes offer an alternative to apartment living, offering tenants a house and a garage. They are also more integrated into the neighborhood.
- Half-plexes on corner lots should be a requirement in subdivisions. In subdivisions over a certain size, a certain number of corner lots should be required to have a half-plex.
- Examples of half-plexes on corner lots in Dixon include Lincoln and Jacobs Drive, Lynd and Rehrmann Drive, and Parkgreen and Weyand Way. Some units are rented out, others are individually owned.
- In newer subdivisions, everything looks alike, but overall the layouts are nice, they have parks, they are well designed. Would like to see more diversity (i.e. half-plexes on corner lots). Single-family homes that are single-story will be a huge market for retirees and for people who want to live with aging parents or grandparents.
- Make more allowances for homeowners to expand their existing houses. You can get more people, multiple generations, living in the house, and this will affect affordability.
- There should be allowances for a portion of a home to be located within a certain percentage of the front setback. This would allow people to add on to their homes in the front. There can be some design standards to keep it consistent with the existing house – match the roof pitch, materials, and colors.

- Make allowances for covered front porches to project into the front setback. Front porches should be able to project 8 to 10 feet into the setback.
- Lot coverage is sometimes an issue, it can be too prohibitive.

PARKING

- Do not use number of employees as the basis for parking requirements.
- Parking requirements should be more standardized so that you don't need to identify the specific future tenant when going through the planning permit process.
- Put general parking standards in and then allow for a parking reduction based on a parking analysis or shared parking.
- Parking requirements for accessory dwelling units in single-family neighborhoods are too lax.
- Parking in Downtown is fine. You just park on the street. During lunch or dinner, you may have to park a block away or in the lot, but that is fine.

FLEXIBILITY

- The Code should provide flexibility rather than hard and fast requirements for development.
- Allow the Planning Commission or Director to make adjustments to standards, particularly for infill development.
- Allow adjustments to standards to account for things we can't anticipate.
- Staff should have the ability to make minor adjustments. Allow staff or the Director to make adjustments to standards through an administrative process. You can make the adjustments subject to some performance standards, but make it a streamlined process.
- "Unharness the code." Create something that is more flexible and where staff can provide the flexibility.
- Front yard and sometimes side yard fences should be much more flexible, especially for corner lots and regular RM-1 lots. There could be more flexibility to build a taller fence where a homeowner wants to expand their windows to let in more sun.
- Fences are a day-to-day issue and come up very commonly. Exceptions go to the Planning Commission but they shouldn't need to.
- Create some flexibility for building types so that many different possible industrial uses or businesses could go in. Davis and Vacaville have been successful in attracting some biotech and green tech with this type of approach.
- There should be flexibility built in so that if a requirement doesn't make sense, or if an alternative makes sense, staff should be able to ok it.

PROCEDURES

- Enable a process for quick decision making so applicants don't just get caught up in a process.
- Currently going through Use Permit process - thought they had done everything they needed to do but are still be asked to do more.
- Allow more decisions to be made at the staff level.
- Timing is important in the business world, but it doesn't always feel that way when you submit a permit.
- Be purposeful in deciding which projects have to go to which decision-making groups. Is there value added?
- Make it easy and transparent – don't bury your applicants in bureaucracy.
- Trust staff. There are a lot of things that are brought to the Planning Commission or the City Council and they really don't need to be.

DEFINITIONS AND RULES OF MEASUREMENT

- There aren't sufficient definitions for measurements in the code. It's very confusing and results in inconsistency from property to property.
- The Code should clearly define how to measure heights of a structure.
- The Code should be clear in where setbacks are measured from – is it from the front property line, or the back of sidewalk? For fences, it should be back of sidewalk because people don't know where their property line is.
- The Code needs to define how to measure the height of the fence, especially when two lots are on different elevations. Fence height should be measured from the higher elevation.

OTHER

- Permit fees need to be reviewed. Permits for a duplex cost \$50,000 before building anything.
- The City department should provide hard copies of the zoning code.