



# STAFF REPORT

## ITEM 6.2

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**MEETING DATE:** August 13, 2019

**APPLICATION NO:** Municipal Code Amendment – MCA 2019-105

**REQUEST:** The City of Manteca is proposing amendments to the Zoning Ordinance, Title 17, of the Manteca Municipal Code to consider an ordinance to amend requirements regarding the location of emergency generators. Amendments will be made to Sections 9.52.070, 17.44.060 and 17.58.050.

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**LOCATION:** City-wide

**APPLICANT:** City of Manteca  
1001 W. Center St.  
Manteca, CA 95337

**ZONING:** Various

**GENERAL PLAN:** Various

**CEQA STATUS:** This project has been determined to not be subject to the requirements of the California Environmental Quality Act (CEQA) per Section 15183. This exemption applies to projects that are consistent with the City's General Plan.

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### PROJECT DESCRIPTION:

Municipal Code Amendment – Emergency Generator Ordinance MCA 2019-105, to amend Sections 9.52.070, 17.44.060 and 17.58.050 to allow emergency generators when operated during power outages within the side yard setback. Staff recommends that the Planning Commission adopt the attached resolution making the required findings and forwarding a recommendation to the City Council to approve Municipal Code Amendment No. MCA-18-105.

### SITE DESCRIPTION:

City-wide

### BACKGROUND:

The City of Manteca is proposing amendments to Sections 9.52.070 (Exemptions), 17.44.060 (Allowed Encroachments) and 17.58.050 (Noise Standards). The purpose of the proposed amendments is to amend requirements regarding the location of emergency generators within the side yard setback.

### ANALYSIS:

At their July 30, 2019 Special Meeting, the City Council directed Staff to initiate an Ordinance to allow flexibility for emergency generators within the five (5) foot side yard setback within residential zoning districts. In addition, Staff has received numerous inquiries from the public

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regarding residential emergency generators and their proposed installation within the City due to PG&E informing the public of its Public Safety Power Shutoff program, in which the utility shuts electricity on transmission and distribution lines in fire-prone areas during high fire-risk moments.

Section 17.58.050 (Noise Standards) of the Manteca Ordinance Code provides community noise control regulation and standards that are consistent with or exceed the guidelines of the State Office of Noise Control and the standards adopted by the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), or other government or regulatory agencies. The Code lists the maximum permissible sound pressure levels based on the land use that is receiving the noise. Single-Family and Limited Multiple-Family land uses receiving maximum allowable noise levels between 10:00 pm and 7:00 am is 50 decibels; and the maximum allowable noise levels between 7:00 am and 10:00 pm is 60 decibels.

Section 17.58.050(D) lists activities that are exempt from the noise limitations. Within this section the Code currently specifies that emergency generators are not exempt from the noise limitations and must meet the permissible noise levels. Therefore, staff proposes to eliminate this restriction and to exempt sound resulting from the operation of any stationary emergency generator in any zoning district when operated during power outages due to a situation beyond the control of the owner/operator of the facility or residential home/development; provided however, the generator must be enclosed in a sound absorbing encasement and in no event shall the sound rating value of generators in any district exceed 76 decibels at twenty-three (23) feet.

Commercially available residential emergency generators, including but not limited to "Generac" brand generators, are self-enclosed by sound absorbing casing. These self-enclosed generators comply with the proposed noise standard and are under manufacturer's warranty.

Table 17.26.020 (Development Standards for Manteca's Base Zoning Districts) of the Code lists the building setbacks for each of the City's Base Zoning Districts. Within the residential zoning districts (R-1, R-2 and R-3) there is a five (5) foot side yard setback requirement. Section 17.44.060 (Allowed Encroachments) lists accessory structures and architectural features attached to the main building that may project into the required yard setbacks; currently, generators are not listed in this Section and therefore shall meet the required five (5) foot side yard setback. In order to move forward per City Council's direction, staff proposes to allow emergency generators to encroach into a required side yard provided emergency access is provided pursuant to the California Residential Code.

See **Exhibit 1** for the proposed changes to Sections 9.52.070 (Exemptions), 17.44.060 (Allowed Encroachments) and 17.58.050 (Noise Standards) of the City's Ordinance Code. The areas highlighted in yellow indicate proposed revisions. New language is underlined. Language to be deleted is identified by strikethrough.

#### Environmental Review:

This project has been determined to not be subject to the requirements of the California Environmental Quality Act (CEQA) per Section 15183. This exemption applies to projects that are consistent with the City's General Plan. Therefore, no further Environmental Review is required.

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**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt the attached resolution making the required findings and forwarding a recommendation to the City Council to approve Municipal Code Amendment No. MCA-19-105.

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**Report prepared by:** Adam Paszkowski, Associate Planner

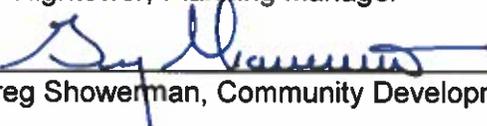
**Attachments:**

1. Public Hearing Notice
2. Exhibit 1
3. Resolution No. 1528

**Reviewed By:**

  
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JD Hightower, Planning Manager

8/13/2019  
Date

  
\_\_\_\_\_  
Greg Showerman, Community Development Director

09 Aug 2019  
Date