

COMMISSION ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT RELATED TO SCREENING OF MECHANICAL UNITS

BACKGROUND:

Mechanical units are defined in Section 29.201(116) as “a climate control device and/or a piece of hardware used for the delivery or measurement of utilities.” The zoning ordinance generally requires the screening of mechanical units, presumably for aesthetic purposes only. However, screening requirements are called out in various sections of the zoning code, with slight to significant differences in the requirements. For example, screening requirements in the General Development Standards - which apply to all zones - regulates mechanical units seen from ground level. However, standards in the Convenience Commercial Node (CVCN) District and also in the Gateway Overlay Districts regulate mechanical units seen from adjoining properties or streets at any level. Having these standards called out separately in these different zoning districts results in both redundancy and inconsistency among standards. There are also standards that are difficult to interpret because of terms that are vague or otherwise subject to interpretation. For example, the code requires in some instances that mechanical units be “substantially” screened, but it is not clear how much screening is necessary to be substantial.

The application and enforcement of these standards has not been consistent, perhaps because of the inconsistencies in code language, and perhaps because of practical difficulties in applying existing standards. For example, the requirement to screen mechanical units as seen from any abutting property is difficult because neither the applicant nor City staff can verify if a unit is seen from, say, an upper-floor balcony of a private living unit. Moreover, the combination of both topography and distance may result in overlooking the visibility of a unit that technically is visible, but which may be less noticeable in the larger panoramic view of an area. Additionally, some things may have been overlooked due to uncertainty over the definition of a mechanical unit (which was recently revised to address this problem). Finally, inconsistencies may have occurred because of terms in the existing code that are vague or subject to interpretation. For example, the code requires in some instances that mechanical units be “substantially” screened, but it is not clear how much screening is necessary to be considered “substantial”.

In October 2009, staff requested both the Commission’s and City Council’s input on whether existing standards should be amended, and presented pictures of various projects and how screening of mechanical units have been handled. The Commission commented on the need to address aesthetic clutter but acknowledged that the level of importance in addressing this varies depending on location. The Commission also suggested that regulation of mechanical unit screening be based on what is seen from the ground level, and what is seen from the public right-of-way. Ultimately, however, the

Commission determined that there is no need to change the current code, and that the current code should be enforced as written.

The City Council considered the same information as presented to the Planning and Zoning Commission, and also considered the Commission's input. Council comments focused on the visibility of units at the pedestrian and vehicle level, and the need to consider the aesthetics of screening when buildings are being proposed, i.e., that thought about how air condition units and meters are going to look should be considered at the initial building design stage. The Council then directed staff to request input from the development community on this issue. Accordingly, staff discussed the current issues, and shared some ideas on how to address current issues, with the developers at the quarterly meeting in April. Staff invited the developers to respond to those ideas and to share their own ideas on how screening of mechanical units should be regulated. There was not much feedback at that time, so staff prepared draft language based upon the ideas shared at that meeting and e-mailed them to local developers for review and comment. The following is a summary of the more substantive changes in the draft amendments, along with some discussion points:

- * Change "substantially" to "completely" screened for both ground and roof mount units. This eliminates need for reference to L3 or F2 standards, which assume a minimum depth of screening area. It also eliminates words that are subjective and not well defined. However, the Commission may want to consider if a less stringent standard than "completely screened" would be acceptable. For example, the code could state that mechanical units must be 70% screened, or 90% screened. The number is not as important as having some number that can be quantified and easily interpreted by staff and customers. It should be remembered that the screening requirement is an aesthetic issue, and it is up to the policy makers to determine what an appropriate level of screening would be.
- * Identify the ground level as the point of reference for visibility of both ground and roof mount units. This makes it clear that screening is not required of units visible from, for example, upper floor balconies.
- * Identify the abutting street or highway as the point of reference when the standard applies to visibility from streets. This makes it clear that visibility of units beyond the immediate area of the building is not a concern.
- * Eliminate reference to visibility from "abutting residential properties" for ground mount units. Only roof mount would be screened from abutting residential properties, with the ground being the point of reference. This assumes that ground-mounted units are less impacting to surrounding development because they are more likely to be screened by commonly occurring landscaping and/or fencing in backyards without additional screening directly abutting the units.
- * For clarity purposes, change language pertaining to screening materials that are "consistent with" the principle materials of the building, to materials that are "of the same type, quality, and color as the principal materials of the building."

* In more sensitive zones, require screening to be integral to building design and describe how that would be achieved (this would be determined during the design and architectural review of buildings).

* Allow visibility of wall-mounted meters on non-street facing side or rear facades if they are located beyond the centerline of any façade visible from the street.

* Eliminate redundant, sometimes conflicting standards in CVCN, O-GSE, O-GNE and O-GSW zones. Retain only those provisions that are unique to those zones. Otherwise, have General Development Standards be applicable to all zones.

To date, we have received no comments on the draft amendments. Staff is therefore submitting them for the Planning & Zoning Commission's review, as attached. A strikeout/underlined version and a formatted version are attached for the Commission's consideration.

ALTERNATIVES:

1. The Planning and Zoning Commission may recommend to the City Council to adopt the amendments as proposed and attached.
2. The Planning and Zoning Commission may recommend adoption of the proposed amendments, with modifications. For example, the Commission may wish to recommend a lesser standard for screening than "completely" screened, as discussed above.
3. The Planning and Zoning Commission may recommend that the City Council not adopt the proposed amendments.
4. The Planning and Zoning Commission can refer this back to staff for additional analysis.

RECOMMENDED ACTION:

The proposed amendments provide needed clarity on screening requirements, particularly in allowable methods for screening based upon the zoning district the units are located in. They provide easily defined vistas from which mechanical units should be screened to avoid questions on whether distant viewing of units is subject to the regulations, and they eliminate redundant and sometimes conflicting regulations. Staff believes that these changes would be in keeping with the intent of existing regulations, but would provide more reasonable and more easily defined provisions for their application. It is staff's recommendation that the Planning and Zoning Commission act in accordance with Alternative #1, which is to recommend that the City Council adopt the changes as proposed and attached. If the Commission would like to modify the proposed standards to address aesthetic preferences, then Alternative #2 may be appropriate.

**Mechanical Screening Regulations
- Proposed Amendments -**

(Strikeout/Underlined Version)

The following proposed amendments pertain to regulations for the screening of mechanical equipment. Current regulations are cited below, with proposed new language shown as underlined text, and proposed deleted language shown as strikeout text:

Section 29.201(116) (Definitions)

(116) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, ~~that is located above the ground and is clearly visible,~~ not including solar energy systems as defined in section 29.1309.

Section 29.408(4) (General Development Standards - Applicable City-wide)

(4) Mechanical Units. For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground, ~~such as cooling or heating equipment, pumps or generators shall be substantially~~ completely screened from ground level view from abutting streets and any abutting residential properties by a ~~partially-sight obscuring fence and/or shrubs.~~ Such fence and/or shrubs shall be at least six inches higher than the height of the mechanical equipment. All mechanical equipment mounted on roofs, or on the walls of buildings, shall be completely screened from the ground level view from both abutting streets and ~~of any abutting residentially zoned lot and substantially screened from all other adjacent properties at any level,~~ with materials that are ~~consistent with the architectural materials used on the exterior of the building.~~ of the same type, quality and color as the principal materials of the exterior of the building, except that wall-mounted meters and associated panels on a non-street facing side or rear facade are not required to be screened, provided they are located beyond the centerline of any façade visible from an abutting street.

Sections 29.807(5) & 29.810 (Pertaining to the CVCN & CGS Districts)

- (5) Mechanical Equipment Units.
- (a) ~~Comply with the standards of this section for all:~~
 - (i) ~~cooling or heating equipment,~~
 - (ii) ~~pumps~~
 - (iii) ~~generators~~
 - (iv) ~~communications equipment~~
 - (v) ~~utility cabinets~~
 - (vi) ~~others such mechanical equipment~~
 - (b) ~~Locate and screen such mechanical equipment units so it is not visible from adjoining properties or public streets or sidewalks and to minimize acoustic impacts of this equipment in these~~ on surrounding residential development and areas.

~~(c) In addition to the general provisions under Section 29.408(4), screening Screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials. and the landscape. At a minimum, screening materials shall meet the L3 or F2 standards set forth in Section 29.403.~~

~~(i) shall include materials of the same type, quality and color as the principal materials of the building or landscape, and~~

~~(ii) at the time of installation, shall be at least six inches higher than the height of the mechanical equipment.~~

Section 29.1107(5) (Pertaining to the Southeast Entryway Gateway Overlay District):

(5) Design Standard. The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

. . .

~~(g) Garbage Collection areas and Mechanical Units shall be screened pursuant to Section 29.408(3) and (4) of this ordinance except that:~~

~~(i) Trash receptacles for use by customers are exempt.~~

~~(ii) All mechanical equipment shall be completely screened from the ground level of any adjacent property with architectural materials that are consistent with those used on the primary building.~~

~~(h) Electrical and utility meters shall be located on the rear façade or on a non-street facing side façade provided they are located behind the centerline of the side of the building.~~

Section 29.1109(10)(g) (Pertaining to the O-GNE Northeast Entryway Gateway Overlay District)

(g) Locate drive-through windows, menu boards, mechanical equipment, and associated stacking lanes to minimize impacts on other areas of the development site, as well as impacts on adjacent properties. Such site features are to be integrated with the building design and screened from off-site property.

Section 29.1112(7) (Pertaining to the Southwest Gateway Overlay District)

(7) Mechanical Equipment

~~(a) Comply with the standards of this section for all~~

~~(i) cooling or heating equipment~~

~~(ii) pumps~~

~~(iii) generators~~

~~(iv) communications equipment~~

~~(v) private utility cabinets~~

~~(vi) meters~~

~~(vii) others such mechanical equipment~~

~~(b) — Locate and screen such mechanical equipment so it is not visible from adjoining properties or public streets or sidewalks and to minimize acoustic impacts of this equipment in these areas.~~

~~(c) In addition to the general provisions under Section 29.408(4), Screening screening of mechanical units shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials. —and the landscape. At a minimum, screening materials shall meet the L3 or F2 standards set forth in Section 29.403.~~

~~(i) — shall include materials of the same type, quality and color as the principal materials of the building or landscape, and~~

~~(ii) — at the time of installation, shall be at least six inches higher than the height of the mechanical equipment.~~

**Mechanical Screening Regulations
- Proposed Amendments -**

(Formatted Version)

The following is a formatted version of proposed amendments pertaining to regulations for the screening of mechanical equipment. A version showing proposed changes using strikeout and underlined text is separately provided.

Section 29.201(116) (Definitions)

(116) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, not including solar energy systems as defined in section 29.1309.

Section 29.408(4) (General Development Standards - Applicable City-wide)

(4) **Mechanical Units.** For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground shall be completely screened from ground level view from abutting streets by a sight obscuring fence and/or shrubs. Such fence and/or shrubs shall be at least six inches higher than the height of the mechanical equipment. All mechanical equipment mounted on roofs, or on the walls of buildings, shall be completely screened from the ground level view from both abutting streets and any abutting residentially zoned lot with materials that are of the same type, quality and color as the principal materials of the exterior of the building, except that wall-mounted meters and associated panels on a non-street facing side or rear facade are not required to be screened, provided they are located beyond the centerline of any façade visible from an abutting street.

Sections 29.807(5) & 29.810 (Pertaining to the CVCN & CGS Districts)

(5) **Mechanical Units.**

(a) Locate mechanical units to minimize acoustic impacts of this equipment on surrounding residential development and areas.

(b) In addition to the general provisions under Section 29.408(4), screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials.

Section 29.1107(5) (Pertaining to the Southeast Entryway Gateway Overlay District):

(5) **Design Standard.** The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

. . .

(g) **Garbage Collection** areas shall be screened pursuant to Section 29.408(3) and (4) of this ordinance except that trash receptacles for use by customers are exempt.

Section 29.1109(10)(g) (Pertaining to the O-GNE Northeast Entryway Gateway Overlay District)

(g) Locate drive-through windows, menu boards and associated stacking lanes to minimize impacts on other areas of the development site, as well as impacts on adjacent properties. Such site features are to be integrated with the building design and screened from off-site property.

Section 29.1112(7) (Pertaining to the Southwest Gateway Overlay District)

(7) Mechanical Equipment

In addition to the general provisions under Section 29.408(4), screening of mechanical units shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials