

Planning Commission Draft Minutes Excerpts

MAY 8, 2019

(Subject to Approval by the Planning Commission)

- 4.1 Zoning Ordinance Amendment #19-02, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Merced Municipal Code Section 20.42 (“Second Units”). This amendment would modify the City’s requirements for “accessory dwelling units” (previously known as “second units” or “secondary dwelling units”) to meet the modified requirements of State Law in regards to dwelling unit size, parking requirements, location, occupancy standards, and fees.

Planning Manager ESPINOSA reviewed the report on this item. She noted a memo from staff amending Section 20.080.0303(F)(1), Section 20.20.010(F)(1), Section 20.42.040(C)(1), and Section 20.090.020, which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #19-13 and memo dated May 8, 2019.

There was no one present wishing to speak regarding this project; therefore, public testimony was opened and closed at 7:37 p.m.

Commissioner PADILLA wondered if there was a way to isolate the Accessory Dwelling Unit from the Primary Unit to avoid utility-related disputes.

Planning Manager ESPINOSA clarified that city standards only allow one connection per single family home, and that they would be treated as a single unit when discussing fees.

Commissioner CAMPER asked for clarifications about whether or not an Accessory Dwelling Unit could be located in the front of a property.

Ms. ESPINOSA shared some examples of Accessory Dwelling Units in the City that are located in front of the Primary Dwelling Unit, and emphasized that setbacks would still apply.

Chairperson DYLINE asked for clarification regarding the language “subordinate appearance” and suggested that language be removed from the ordinance.

Commissioners HARRIS and PADILLA expressed concern that requiring owner occupancy as a condition of Accessory Dwelling Units would hinder their development in the City.

Commissioner RASHE observed that removing the owner occupancy requirement from the ordinance would be a great opportunity to improve the housing situation in Merced.

Commissioner CAMPER expressed her desire for owner occupancy to remain in the ordinance, and expressed concern over property maintenance and the amount of on-street parking in neighborhoods without owner occupancy.

Commissioner PADILLA felt that parking and maintenance was an issue with landlords and that it was discriminatory to require owner occupancy.

Commissioner RASHE explained that part of the issue with parking was related to the lack of affordable housing and the rising population.

Chairperson DYLINE stated that the spirit of Accessory Dwelling Units was to create housing as quickly as possible. He also expressed concern over the parking requirements and its effect on garage conversions.

Ms. ESPINOSA explained that many more people ask to convert garages than to build traditional Accessory Dwelling Units, and what limits garage conversions is the requirements to provide an additional parking space. Ms. ESPINOSA explained that the owner occupancy requirement has likely slowed the growth of Accessory Dwelling Units in the City.

Commissioner PADILLA expressed concerns over garage conversions, but noted that in order to increase the housing stock, it would be necessary.

Chairperson DYLINE asked for clarification regarding the Option 1B in Finding F regarding parking.

Planning Manager ESPINOSA clarified that both primary and secondary residents would be able to park in the setback.

M/S HARRIS-PADILLA, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-04, and to recommend approval of Zoning Ordinance Amendment #19-02 as outlined in Planning Commission Staff Report #19-13, with revisions as shown in Option 1B of Finding F, and revisions shown in Option 2B of Finding H of Planning Commission Staff Report #19-13, and with the amendments to Section 20.080.030(F)(1), Section 20.20.010(C)(3), Section 20.42.040(C)(1), Section 20.42.030(D)(3), and Section 20.90.020 as follows (RESOLUTION #4020):

(Note: ~~Strikethrough~~ deleted language, underline added language.)

**“20.08.030-“DEVELOPMENT STANDARDS FOR
RESIDENTIAL ZONING DISTRICTS**

F. Parking

1. Within the R-1 and R-2 zoning districts, required off-street parking spaces may ~~not~~ be located within any required exterior setback area, but these spaces may not be covered.”

**“20.20.010 URBAN TRANSITION (U-T) ZONING
DISTRICT**

C. Development Standards

3. **Residential Density.** Except for ~~secondary units~~ accessory dwelling units permitted under Chapter 20. 42 (~~Second Units~~ Accessory Dwelling Units), residential density of the lot may not be increased. ~~However the accessory dwelling unit may not exceed the allowable density for the lot.~~”

“20.42 ACCESSORY DWELLING UNITS

20.42.030-Site and Design Standards

ED. Relationship to Primary Dwelling

1. An accessory dwelling ~~second~~ unit may be within, attached to, or detached from the primary dwelling, or within an attached or detached accessory structure. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
2. An accessory dwelling ~~second~~ unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.

3. ~~The secondary accessory dwelling unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel.”~~

“20.42.040 Occupancy Standards

C. Fees and Other Requirements.

1. Accessory dwelling units are not a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service; **the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system;** and any utility fee or charge imposed on the creation of a detached accessory dwelling unit must not exceed the reasonable cost of providing the service.”

“20.90.020 - DEFINITIONS

~~1861a. Second Units or Secondary Accessory Dwelling Units.~~

Attached or detached accessory residential dwelling units, which provide complete independent living facilities for one or more persons. ~~Secondary Accessory~~ dwelling units provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel occupied by a primary dwelling. A single attached suite of rooms (consisting of living, sleeping, cooking, and sanitation facilities) but with unimpeded access to the rest of the dwelling unit, no separate lease, or utility service, and still functioning as one “household” per 20.90.020(99) may not be considered to be a ~~second unit~~ **an accessory unit**. See Chapter 20.42 (~~Second Units~~ Accessory Dwelling Units).

AYES: Commissioners Harris, Padilla, Rashe, and Chairperson Dylina

NOES: Commissioner Camper

ABSENT: Commissioners Drexel and Martinez

ABSTAIN: None