Espinosa, Kim

From: Michael Belluomini [redacted]
Sent: Friday, May 03, 2019 9:59 PM
To: Espinosa, Kim
Cc: Norton, Phaedra; McBride, Scott
Subject: Re: ADU Ordinance Revisions BELLUOMINI COMMENTS
Attachments: Item 4.1 ZOA #19-02 & ERC #19-04.pdf

Thank you for providing me the opportunity to comment on the ADU ordinance changes. I think I can help. Suggested corrections are as follows:
1) Sec. 20.90.020 still uses the old term "secondary dwelling unit" instead of "accessory dwelling". Please correct.

2) Sec. 20.90.020 ends in an incomplete sentence fragment, please change to a complete sentence.

3) Sec. 20..42.040 C.1 states "water and sewer or utility fees or charges imposed on ... detached accessory dwellings may not exceed the reasonable cost of **providing the service**." Interpreted to mean the cost of actually running a utility pipe from the street in front of the house to the accessory dwelling, this is likely within the new law on ADUs. Interpreted to mean the cost of plant capacity costs to handle the new sewer connection to the ADU , I believe this is not legal under the new law on ADUs. There is significance to the renaming of secondary dwellings to accessory dwellings, it is not just different words. An accessory dwelling is allowed by right just as other "accessories" such as a garage or green house or pool house is allowed to an existing house. Would you charge sewer or water plant capacity charges if someone wanted to add a wash sink and or toilet to there existing garage ? Be clear.

4) When providing alternatives in the staff report, there is an Option 2A with new language followed by an Option 2B which states "The following alternative language is Option 2B" then there is NO language that follows, only strikeouts of the existing wording, and a reference to a section in attachment A which has nothing to do with this option. Please add Option 2B wording.

5) In the ordinance section about ADUs generally there is the correct language from the state law that ADUs shall not be considered to exceed the allowable density for the lot and shall be considered consistent with the general plan. However in the ordinance section where the Urban Transition Zone language is amended Section 20.20.010 subsection 4 it still says "the accessory dwelling unit may not exceed allowable density for the lot." This is contrary to the state law and the concept of accessory

6) Finally I understand the staff position on ownership, one of the dwellings on the lot must be occupied by the owner of the lot. How will this effect the new homes being built in Merced by Lennar, and Hovanesian that include an attached ADU as part of the house design. Will the city require these subdivision developers to tell people that these houses **cannot be purchased by investors** who do not intend to live in the houses, and that they need to notify potential buyers of that local law ?

Michael Belluomini

On Friday, May 3, 2019, 05:57:02 PM EDT, Espinosa, Kim <ESPINOSAK@cityofmerced.org> wrote:

Michael,

ATTACHMENT 4