



Legislation Text

File #: 18-572, **Version:** 1

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SUBJECT: Presentation and Discussion Regarding Potential Modifications to Chapter 20.42 of the Merced Municipal Code Regarding Secondary Dwelling Units (Now Referred to as Accessory Dwelling Units) and Possible New City Housing Programs to Encourage the Construction of New Accessory Dwelling Units

REPORT IN BRIEF

The City Council will receive an update on upcoming changes to Chapter 20.42 of the Merced Municipal Code Regarding Accessory Dwelling Units and possible new City Housing programs to encourage the building of accessory dwelling units.

RECOMMENDATION

City Council to provide direction to staff on possible next steps.

ALTERNATIVES

Not Applicable.

AUTHORITY

SB 1069 and AB 2299 provided changes to State law regarding accessory dwelling units.

CITY COUNCIL PRIORITIES

This item relates to both "Housing" and "Infill Development" referenced in the FY 2018-19 Council Goals and Priorities.

DISCUSSION

Background

On September 17, 2018, the City Council directed staff to review the City's Zoning Ordinance to determine what changes were needed in order to comply with the new State laws regarding Accessory Dwelling Units (ADU's), and to consider alternative approaches to facilitate the development of ADU's in the City of Merced.

Proposed Changes to the Zoning Ordinance

Chapter 20.42 of the Merced Municipal Code allows the construction of "Second Units" or "Secondary Dwelling Units," the terms that had previously been used in State law and was written to be in compliance with State law which was effective at the time of adoption in 2015. Interim City

Attorney Jolie Houston asked a member of her firm, Berliner Cohen, to prepare a list of suggested changes to the City's Zoning Ordinance to address the latest revisions to State law, SB 1069 and AB 2299.

A summary of those changes are as follows:

- The terms "Second Units" or "Secondary Dwelling Units" will need to be changed to "Accessory Dwelling Units" throughout the Zoning Ordinance, including the Residential Zoning Districts Chapter, the Parking Chapter, and the Glossary.
- The maximum size of an attached ADU shall be changed from 1,000 square feet to 1,200 square feet.
- Remove the "maximum number permitted" section as State law does not allow the number of ADU's to be capped per parcel although local ordinances should specify that "ADU's cannot exceed the allowable density for the lot."
- Clarify that the standard that the ADU "be clearly subordinate to the primary dwelling" would not preclude an ADU from being located in the front of the property.
- Clarify the setback requirements for ADU's.
- Change the parking requirements for ADU's with more than 3 bedrooms from 2 to 1 space as State law only allows the requirement for 1 parking space for all ADU's regardless of size.
- Add a provision that "parking may be allowed in setback areas or as tandem parking on a driveway, unless the City determines that such options are not feasible on the existing property, based on fire and life safety concerns."
- Add a provision that states that the parking requirements do not apply in the five instances stated in State law, which include in historic districts, within ½ mile of public transit, the ADU is part of an existing structure, on-street parking permits are required, or car share vehicles are located within one block.
- Add provisions regarding fees, including:
 - ADU's are not considered "a new residential use for the purpose of calculating connection fees or capacity charges for utilities, including water and sewer service"
 - Any utility fee or charge imposed "must not exceed the cost of providing the service."
 - The City "cannot require applicants creating ADU's within the existing space of a single-family dwelling or accessory structure...to install a new or separate utility connection or impose a related connection fee or capacity charge." (These provisions may also require changes to the Merced Municipal Code sections relating to the water and sewer connection fees as well.)

Planning staff will prepare these changes to the Zoning Ordinance for consideration at public hearings by the Planning Commission and City Council in the coming months as workload allows.

Possible New Housing Programs to Encourage ADU's

City Housing staff have researched programs in Clovis, San Mateo County, the City of Los Angeles, and other jurisdictions that have been used to encourage the construction of ADU's in their communities. Information regarding some of these programs were provided to City Council in September. In addition, City Housing staff has done some research on financing for ADU's, which can be seen at Attachment 2.

San Mateo County offers extensive resources on their website, [<https://secondunitcentersmc.org/>](https://secondunitcentersmc.org/) , to inspire homeowners to build ADU's, including design ideas, workbooks with step by step instructions, and an ADU calculator to help homeowners understand the costs. Los Angeles also offers a guidebook for ADU's. Other cities offer similar resources on their websites, but San Mateo County's is the most extensive that staff has seen.

The City of Clovis has a program entitled the "Old Town Cottage Home Program." In an effort to encourage infill development in their Old Town neighborhood, the City has developed several "cottage home" plans of less than 450 square feet in size that can be utilized on properties having alley access. These plans are available free of charge for qualifying properties. The City provides 3 basic floor plans with 3 architectural options, "not for construction" plans to get contractor bids, building permit submittal packages, and fee-waived plan checks for these cottages. A brochure describing the Clovis program is included at Attachment 1.

Staff are seeking direction from the City Council on how to proceed with a program that streamlines approval for the construction of ADU's in the City of Merced.

IMPACT ON CITY RESOURCES

No appropriation of funds is necessary for the amendments to the Zoning Ordinance. Should the Council provide direction on developing a program, CDBG/HOME funds may be utilized.

ATTACHMENTS

1. Clovis "Old Town Cottage Home Program"
2. City Council Presentation