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Town Council
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Town Clerk
415-927-5085

Finance Department
415-927-5055

Central Marin Fire Department
415-927-5077

Planning Department
415-927-5064

Building Department
415-927-5062

Public works Department
628-258-0294

Parks and Recreation Department
415-927-5072

Sanitary District No. 2
628-258-0294

Central Marin Police Authority
415-927-5150

August 15, 2023

The Honorable Judge James Chou
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Pat Shepherd, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Suite 275
San Rafael, CA 94903

Re: **Town of Corte Madera Response to Grand Jury Report "Build More ADUs – An Rx to Increase Marin's Housing Supply"**

Dear Honorable Judge Chou and Foreperson Shepherd,

At its regular meeting on August 15, 2023, the Town Council reviewed the report "Build More ADUs – an RX to Increase Marin's Housing Supply" dated June 15, 2023. The report calls for a response from the Town of Corte Madera to findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (F1, F2, F3, F4, F5, F6, F7, F8, F9, F10) and recommendations 1, 2, 3, 4, 5, 6 (R1, R2, R3, R4, R5, R6).

Please see the attached response from the Town.

Should the members of the Grand Jury require any additional information, please contact Town Manager Adam Wolff at 415-927-5059 or awolff@tcmmail.org.

Charles Lee

Mayor, Town of Corte Madera

August 15, 2023

AGENCY RESPONSE TO GRAND JURY REPORT

Report Title: *Build More ADUs – an Rx to Increase Marin's Housing Supply*

Report Date: June 15, 2023

Response Date: September 15, 2023

Agency Name: Town of Corte Madera **Agenda Date:** August 15, 2023

Response by: Charles Lee **Title:** Mayor

FINDINGS

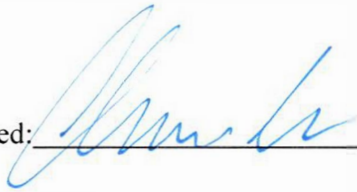
- I (we) agree with the findings numbered: F1, F4, F5, F6 and F10
- I (we) disagree *partially* with the findings numbered: F2, F3, F7, F8, and F9
- I (we) disagree *wholly* with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R4 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R3 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R6 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R1, R2 and R5 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: August 15, 2023

Signed:  _____

Number of pages attached 4

RESPONSE TO GRAND JURY FINDINGS

F1. More housing in Marin is needed and ADUs are one solution.

Response: Agree.

F2. Many homeowners lack information and knowledge about ADU development, and Marin's jurisdictions are not always helpful to homeowners seeking information about ADU development.

Response: Partially Disagree.

The statement that "Marin's jurisdictions are not always helpful to homeowners seeking information about ADU development" is not an accurate reflection of the service Corte Madera staff provide homeowners inquiring about ADUs, although sometimes information is technical and may be difficult for homeowners to understand. The Town has experienced a marked increase in ADU development, especially in the last several years. The Town approved 24 units in 2021 and 17 units in 2022. The Town has also participated in the development of a Countywide website – ADUMarin.org – with the goal to make an easily accessible source of information related to ADU development for all Marin residents.

F3. It is often difficult, if not impossible, for a Marin homeowner to determine the planning, building, connection, capacity, and impact fees associated with developing an ADU in a particular jurisdiction.

Response: Partially Disagree.

While it can be difficult to obtain information about fees because they include multiple agencies, the word "impossible" is exaggerating the level of difficulty. The Town of Corte Madera's current fee schedule is available on the Town's website. The fee schedule includes information on various fees for a variety of departments including the Planning Division, Building Division, Fire Department, Public Works Department, and other agencies (i.e., Marin Municipal Water District Connection fees and school district fees). Town staff is available to discuss the calculation of the various fees that are charged by the Town for an ADU provided enough project information is provided by the homeowner. Staff is available to meet with homeowners in person or answer questions over the phone or via email. Town staff acknowledge that a homeowner typically cannot determine all ADU fees independently, without consulting with Town staff and other agencies.

F4. Many Bay Area cities and counties, for example Napa and Sonoma, have implemented comprehensive websites and related support to help homeowners create ADUs.

Response: Agree.

F5. ADUs may be rented affordably and provide additional benefits for older adults and their caregivers.

Response: Agree.

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“Build More ADUs – an Rx to Increase Marin’s Housing Supply”

F6. Most Marin jurisdictions could provide better resources offering or identifying financing incentives for ADU development.

Response: Agree.

F7. Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.

Response: Partially Disagree.

State law prohibits cities and special districts from charging impact fees for ADUs that are less than 750 square feet per state law. All Town staff involved in permitting ADUs are aware of this restriction. Connection and capacity fees vary by jurisdiction and/or utility district.

F8. Not every jurisdiction in Marin has updated its planning and building code policies to confirm with current California ADU laws.

Response: Partially Disagree.

It is possible that not every jurisdiction in Marin has updated its planning and building policies; however, state law supersedes local ordinances, so that even if the local ordinance has not been updated, the State law is in effect. The Town has updated its ADU ordinance in 2016 and 2020 but has not yet updated its ADU Ordinance consistent with the most recent set of changes to state legislation; however, Planning staff provides information on state law to homeowners and architects in instances when the standards in the Town’s ordinance do not comply with state law.

F9. Granting amnesty, following safety inspection, to existing non-conforming second units could help Marin meet its housing obligations.

Response: Partially Disagree.

The County and other cities and towns previously included amnesty programs to encourage legalization of existing unpermitted ADUs by providing relaxed standards. However, given the permissiveness and flexibility of state law, granting amnesty may not be necessary as barriers are not related to planning and building requirements (see the response to Grand Jury recommendation R2). Furthermore, amnesty for legalization of existing units could address health and safety issues with existing housing but may not directly create new housing.

F10. ADU Marin and HelloADU are a good start. However, compared to several other Bay Area cities and counties, for example Napa and Sonoma, they could be substantially enhanced and expanded.

Response: Agree.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. On or before December 31, 2023, the Marin County Board of Supervisors should direct the Community Development Agency’s Development Priority Setting Committee to:

1. Identify available funding/financing information for residents who need help with the cost of building an ADU.
2. Transmit the collected information to all the jurisdictions represented on the committee.
3. Start a continuous monitoring program to update the information to sources as they become available.

This recommendation will not be implemented by the Town because it is not warranted or reasonable. The Town has no authority to direct the County Board of Supervisors to take any action. We have been informed by the County that they believe that this recommendation requires further analysis because the “Development Priority Setting Committee” does not currently exist in the Community Development Agency. The County has indicated that once that committee is identified, they will need additional time to respond to this item.

R2. By December 1, 2023, begin investigation to consider an amnesty program to legalize existing unpermitted second units. Add a marketing communications plan so that citizens are made aware of it.

This recommendation will not be implemented because it is not warranted or is not reasonable. Amnesty programs typically waive existing violations of a zoning code, such as setbacks, height, size, and lot coverage that have been identified as barriers to development. The ADU state laws, notably Assembly Bill (AB) 670, have relaxed many of the development standards noted above. As such, violations of a zoning code are generally not a factor in permitting existing, unpermitted accessory dwelling units. In most cases, the limiting factor is costs to bring the unit up to building and fire codes and an amnesty program would not alleviate this constraint. Nonetheless, the Town will begin to conduct research regarding other amnesty programs for ADUs that may have been implemented in other jurisdictions by December 1, 2023.

R3. By December 1, 2023, begin the process of merging and/or collaborating with Napa/Sonoma ADU, and hiring a full-time Marin ADU Program Coordinator. The program coordinator should work with all jurisdictions on the development of ADUs and identify impact and connection fees with each jurisdiction.

This recommendation has not yet been implemented. It is anticipated that it will be implemented by January 2024. The cities and towns and Marin County have been communicating with Napa/Sonoma ADU Center over the last several months through the Marin County Housing Collaborative Group, the Housing Work Group (HWG). The HWG is comprised of Planning Directors and staff from the County and all cities and towns in Marin. The County is leading a conversation with the Marin Community Foundation to help fund this effort. It is anticipated that a recommendation for funding and strategy for the merger and the staffing of a program coordinator will be proposed by January 2024.

Town of Corte Madera Response to Grand Jury Report Findings and Recommendations
“Build More ADUs – an Rx to Increase Marin’s Housing Supply”

R4. By December 1, 2023, begin a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.

This recommendation has already been implemented. Consistent with State law, the Town of Corte Madera does not charge any impact fees on ADUs under 750 square feet. The Town waives impact fees (i.e., Street Impact fee) for ADUs that are under 750 square feet. The Town has no jurisdiction over any impact fees that districts charge.

R5. By December 1, 2023, begin creating plans to accelerate the permit approval process for ADU applications within 30 days, or less, of submission. Implement such plans no later than July 1, 2024.

This recommendation will not be implemented because it is not warranted or is not reasonable. State law requires that a local agency approve or deny an ADU permit within 60 days. Most applications for ADUs are only required to obtain a building permit. Building permit review typically takes approximately 60 days from when an application is received. Because this review includes multiple agencies, reducing review to within 30 days is not feasible. However, much of the delay currently is due to incomplete applications or delayed resubmittal from the applicant. Increased technical assistance for applicants, such as through a merger with Napa/Sonoma ADU or other mechanism, means a greater likelihood of complete applications thereby expediting the review process.

R6. By December 1, 2023, begin feasibility assessments of new incentives for ADU development, such as pre-approved plans, technical assistance, property tax relief, development fee waivers, and forgivable loans; implement at least one such incentive no later than July 1, 2024.

This recommendation requires further analysis. A number of these incentives could be accomplished through a merger with the Napa/Sonoma ADU Center, including pre-approved plans, technical assistance and exploring loans and other financial incentives. However, property tax relief would require State legislation and implementation will take longer than July 1, 2024.