

Steve Burdo
Mayor

Eileen Burke
Vice Mayor



Item 1.3- Attachment 1

Brian Colbert
Council Member

Alexis Fineman
Council Member

Tarrell Kullaway
Council Member

September 13, 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

Subject: Town of San Anselmo 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 September 12, 2023, the Town Council reviewed the report "Build More ADUs- An Rx to Increase the Marin's Housing Supply" dated June 15, 2023. The report calls for a response from the Town of San Anselmo to findings 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (F1, F2, F3, F4, F5, F6, F7, F8, F9, and F10) and recommendations 1, 2, 3, 4, 5, and 6 (R1, R2, R3, R4, R5, and R6).

Please see the enclosed response from the Town.

Should the members of the Grand Jury require any additional information, please contact Town Manager Dave Donery at 415-258-4691 or via email at: ddonery@townofsananselmo.org.

Sincerely,

Steve Burdo
Mayor, Town of San Anselmo

Enclosure

CC: Dave Donery, Town Manager



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: *"Build More ADUs – An Rx to Increase Marin's Housing Supply"*
REPORT DATE: June 15, 2023
RESPONSE BY: Town of San Anselmo, Mayor Steve Burdo

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.)

GRAND JURY RECOMMENDATIONS

- Recommendation number **R4** has been implemented.
- Recommendation number **R3** has not been implemented but will be implemented in the future.
- Recommendation number **R6** requires further analysis.
- Recommendation numbered **R1, R2, and R5** will not be implemented because it is not warranted or reasonable.

Date:

Signed: 
Steve Burdo, Mayor
Town of San Anselmo

Number of pages attached: 5 pages

County of Marin Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marin’s Housing Supply (June 15, 2023)

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 the Town of San Anselmo staff provide homeowners inquiring about ADUs, although sometimes information is technical and may be difficult for homeowners to understand.

The Town of San Anselmo Building and Planning staff are available to meet with homeowners in person, on the phone, or via Zoom to provide information and respond to questions about ADU development. The Town’s Planning Webpage also has a dedicated webpage regarding ADUs. A direct link to the webpage can be accessed [here](#). There is also additional support through the [ADUMarin.org website, which was launched in fall 2020 to provide online resources and educational information on financing, planning for, constructing and renting out ADUs](#). The website also provides ADU regulations for each city and town in Marin County, providing one access point for information on ADUs.

The Town has and continues to inform and facilitate the development of ADUs. In fact, the Town had approved 12 building permits for ADUs in 2020, 43 in 2021, 32 in 2022, and 10 permits in 2023 with 12 permits pending.

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 of the lack of uniformity of varying agency websites, the Town disagrees with the use of the word “impossible” as each jurisdiction provides its respective fee schedules available to the public on their respective agency websites. The Town of San Anselmo’s current fee schedule is available on the [Town’s website](#) and easily accessible through a search on the Town’s website or an internet search, such as “San Anselmo Fee Schedule”. The Town’s fee schedule includes information on various fees for a variety of departments including Finance and Administration, Public Works, Library, Building,

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and Planning fees. The Town’s fee schedule does not include the Marin Municipal Water District Connection fees, the Ross Valley Sanitary Connection Fees and the school district fees. Additionally, the Town staff is available to provide estimates of the various fees through its digital permit tracking system when provided information regarding the size and improvements. The Town staff is also available to meet with homeowners in person or answer questions over the phone or via email. Lastly, the Town staff acknowledges 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.

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. That stated, the Town of San Anselmo Town Council adopted Ordinance No. 1172 on December 13, 2022, to comply with all current state laws.



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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). In fact, the Town’s Planning and Building departments continue to ministerially approve the legalization of unpermitted ADUs through the building permit process. It is important to note that while amnesty for legalization of existing units could address health and safety issues with existing housing, it may not directly create new housing as many of the unpermitted ADUs are currently being rented.

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 is nonapplicable as the recommendation is aimed directly at the Marin County Community Development Agency’s Development Priority Setting Committee. Furthermore, the Town has 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.



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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.

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 San Anselmo 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



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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.