

Responses to Findings and Recommendations
Marin County Civil Grand Jury
"Build More ADUs—An Rx to Increase Marin's Housing Supply"

RESPONSE TO GRAND JURY REPORT

REPORT TITLE: "Build More ADUs—An Rx to Increase Marin's Housing Supply"
REPORT DATE: June 15, 2023
RESPONSE BY: City of Belvedere
FROM: Jim Lynch, Mayor

GRAND JURY FINDINGS

We agree with the findings numbered: **F1, F4, F5, F6, F10**

We agree partially with the findings numbered:

We disagree partially with the findings numbered: **F2, F3, F7, F8, F9**

GRAND JURY RECOMMENDATIONS

Recommendation numbered **R3** has not yet been implemented, and will be implemented in the future (January 2024).

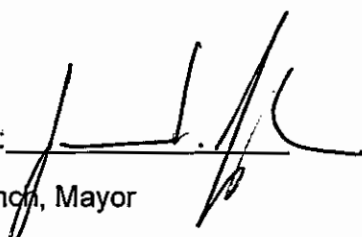
Recommendations numbered **R1, R4, R6** require further analysis

Recommendations numbered **R2, R5** will not be implemented because they are not warranted or reasonable.

Date:

9/12/23

Signed:


Jim Lynch, Mayor



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September 11, 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, Room #275
San Rafael, CA 94903

Re: Responses to Grand Jury Report – “Build More ADUs – An Rx to Increase Marin’s Housing Supply”

Dear Judge Chou and Foreperson Shepherd,

Please find the City of Belvedere’s responses to the report of the Civil Grand Jury, dated June 15, 2023, entitled “Build More ADUs – An Rx to Increase Marin’s Housing Supply.”

RESPONSES TO GRAND JURY FINDINGS

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

Response – The City of Belvedere agrees with this finding.

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 – The City of Belvedere partially disagrees with this finding. The statement that Marin’s jurisdictions are not always helpful to homeowners seeking information about ADU development is



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accurate. To improve this outcome, the City of Belvedere is doing the following: planning staff are available to meet with homeowners to provide information and respond to questions about ADU development, the City's website offers information regarding ADU development standards, and the City's newsletter routinely publishes additional guidance regarding ADUs. There is also additional support through the ADUMarin.org website, which was launched in the fall of 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, offering one access point for information on ADUs.

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 – The City of Belvedere partially disagrees. 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 City of Belvedere's current fee schedule is available on the City's website. Belvedere Planning and Building department staff are available to meet with homeowners to answer questions regarding impact fees associated with developing an ADU and often provide an example of building fees for similar-scale ADU projects. City staff also respond to inquiries via email and phone. In addition, the ADUMarin.org website has a calculator available to estimate fees associated with building an ADU. A significant factor contributing to a history of low ADU production is the County's assessment of higher taxes as well as doubling up on taxes like parcel and fire taxes for new ADUs.

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 – The City of Belvedere agrees with this finding. The County of Marin has also implemented a comprehensive website; see response F2 above.

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

Response – The City of Belvedere agrees with this finding.



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

Response – The City of Belvedere agrees with this finding.

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

Response – The City of Belvedere partially disagrees with this finding. Jurisdictions and utility districts may not charge impact fees for ADUs that are less than 750 square feet per state law. Connection and capacity fees vary by utility district.

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

Response – The City of Belvedere partially disagrees with this finding. It is possible that not every jurisdiction 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. It is also important to note that state laws continue to evolve and change on a regular basis, if not annually, causing local ordinances to become outdated quickly. However, City staff provides information on state law to the public in instances when the standards in the City's ordinance do not comply with state law. The city of Belvedere has an updated Municipal Code for ADU policy compliant with State Law.

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

Response - The City of Belvedere disagrees with this finding. The City of Belvedere, Marin 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 is not 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.

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Response – The City of Belvedere agrees with this finding.

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 sources as they become available.*

Response - This recommendation requires further analysis. The "Development Priority Setting Committee" does not currently exist in the Community Development Agency. The City has no authority to direct the County Board of Supervisors to take any action. Once that committee is identified, additional time will be needed to respond to this item. However, as noted below in R3, the goals of this recommendation could be accomplished through a merger with Napa/Sonoma ADU which is contemplated below.

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 can be made aware of it.

Response - This recommendation will not be implemented because it is not warranted or reasonable. Amnesty programs typically waive existing violations of a zoning or development code, such as setbacks, height, size, lot coverage or location that have been identified as barriers to development. The ADU state laws, notably AB670, allow most units; violations of the code described above would not be a factor in permitting existing, unpermitted accessory dwelling units. In most cases, cost in bringing the unit up to current building and fire codes is the limiting factor. An amnesty program would not alleviate that constraint.



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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 within each jurisdiction.

Response - This recommendation requires further analysis. The Cities and Towns and Marin County have been communicating with the Napa/Sonoma ADU Center over the last several months through the Marin County Housing Collaborative Group, the Housing Working Group (HWG). The HWG is composed 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 will be proposed by January 2024, at which time the City of Belvedere will consider the opportunity.

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.

Response - This recommendation requires further analysis. Under current state law, all ADUs under 750 square feet are already exempt from impact fees. The City has no jurisdiction over any impact fees that districts charge. Changing connection fees would need to be evaluated by each of the utility districts that require them.

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

Response - This recommendation will not be implemented because it is not warranted or reasonable. Recent State legislation requires that a local agency approve or deny an ADU permit within 60 days without a hearing or discretionary review. Cities and counties must permit certain categories of ADUs without applying any local development standards if proposed on a single-family lot. Cities/Counties must generally approve attached or detached ADUs under 1,200 sq. ft. unless they adopt local objective development standards with certain limitations (including but not limited to, no minimum lot size requirement; no requirement for replacement parking when a parking garage is converted into an ADU; no required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or other public transit; no height limit under 16 feet



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or side/rear setback requirements over 4 feet; no setback requirements for conversions/replacements

of existing legal structures; design standards must be objective and are assessed by staff, not appointed or elected officials.

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.

Response - This recommendation requires further analysis. A number of these incentives could be accomplished through a merger with the Napa/Sonoma ADU Center to provide technical assistance or updating the ADUMarin.org website to include pre-approved plans, and further identifying loans and other financial incentives. Property tax relief requires State legislation and implementation therefore requires state action that will likely occur after July 1, 2024.

Sincerely,

Robert Zadnik,
City Manager