



CITY OF SAUSALITO

November 21, 2023

The Honorable Judge James Chou
Marin County Superior Court
Post Office Box 4988
San Rafael, CA 94913-4988

Robb Kerr, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275

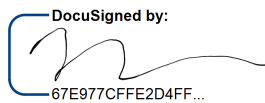
Dear Honorable Judge Chou and Foreperson Kerr:

At its regular meeting on November 21, 2023, the City Council of the City of Sausalito reviewed the report "Build More ADUs – An Rx to Increase Marin's Housing Supply", dated June 15, 2023. The report requests a response from the City of Sausalito for findings F1, F2, F3, F4, F5, F6, F8, F9, and F10, and recommendations R1, R2, R3, R4, R5, and R6.

Please see the attached response from the City.

If members of the Grand Jury require any additional information, please contact City Manager Chris Zapata at (415) 289-4100 or czapata@sausalito.gov.

Sincerely,

DocuSigned by:

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Melissa Blaustein
Mayor of the City of Sausalito



CITY OF SAUSALITO

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: City of Sausalito

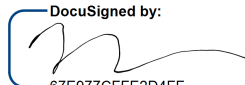
GRAND JURY FINDINGS

- We agree with the findings numbered: **F1, F4, F5, F6, and F10**
- We disagree partially with the findings numbered: **F2, F3, F7, F8, F9**

GRAND JURY RECOMMENDATIONS

- Recommendation numbered **R4** has been implemented.
- Recommendation numbered **R3** has not yet been implemented and will be implemented in the future. (January 2024)
- Recommendations numbered **R1, R2, and R5** will not be implemented because they are not warranted or reasonable.
- Recommendation numbered **R6** requires further analysis.

Date: 11/27/2023

Signed: 
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Melissa Blaustein, Mayor
City of Sausalito

City of Sausalito Response to Grand Jury Report Findings and Recommendations
Build More ADUs – An Rx to Increase Marins 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 City of Sausalito staff provides to homeowners inquiring about ADUs. Although information is technical and may sometimes be difficult for a homeowner to understand, the City's website provides a detailed "check the box" checklist to guide homeowners on the zoning requirements for both attached and detached ADUs, and Junior Accessory Dwelling Units (JADUs). The city has also participated in the development of a Countywide website (ADUMarin.org) which provides an easily accessible source of information for all Marin residents in regard to planning, financing, and constructing ADUs.

Further, as the adopted 2023-2031 Housing Element prioritizes the development of ADUs to meet the City's housing goals, staff is available to meet with homeowners either online or by appointment to assist in navigating the process and help facilitate ADU development.

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 City of Sausalito's current fee schedule is available on the City's website. The Community Development Department staff are available to meet both online and in-person with homeowners to review planning and building permit fees for ADU's and also provide information regarding permit and impact fees from other agencies. In addition, the ADUMarin.org website provides a cost calculator to estimate fees associated with building different types of 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: Agree. The County of Marin has also implemented the ADUMarin.org website.

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

Response: Agree.

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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

Per state law Jurisdictions and districts may not charge impact fees for ADUs that are less than 750 square feet. However, for larger ADUs, connection and capacity fees vary by jurisdiction and/or utility district.

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

Response: Partially Disagree

The City of Sausalito has updated its ADU regulations five (5) times since 2017 in order to remain compliant with various changes in State ADU laws. Regardless, State law supersedes local ordinances, so that even if the local ordinance has not been updated the State law is in effect.

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

Response: Partially Disagree

The City of Sausalito has had an effective amnesty ADU program since March 31, 2019, and now currently allows an accessory dwelling unit permit to be granted to any unpermitted accessory dwelling unit that was constructed before January 1, 2018, in accordance with the requirements of California Government code section 65852.23.

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

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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.**

The recommendation will not be implemented by the City of Sausalito because it is not warranted or reasonable. The recommendation suggests actions by the Marin County Board of Supervisors and the City of Sausalito has no authority to direct the County Board of Supervisors to take any action.

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.

This recommendation will not be implemented because it is not warranted. Unpermitted accessory dwelling unit owners can always apply for building permits and other permits to legalize existing units, provided that the unit owner corrects building code violations and zoning code violations related to the unit. However, in addition to this, Government Code section 65852.23 already requires that cities implement the equivalent of an amnesty program for units built prior to January 1, 2018, and denying permits on the basis of violations that do not affect the health and safety of occupants or the public. Additionally, Government Code section 65852.2(n) and Health and Safety Code section 17980.12 already require delays to code enforcement related to unpermitted accessory dwelling units where corrections are not necessary to protect health and safety for units built before 2020. Government Code section 65852.2(d)(2) prohibits the denial of any permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit. Accordingly, state law provides many pathways to the permitting of an unpermitted unit as long as code violations that affect health and safety are addressed, and the City does not have a significant inventory of unpermitted accessory dwelling units.

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.

This recommendation has not yet been implemented and will be in the future. 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

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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.

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. Under current state law, all ADUs under 750 square feet are already exempt from impact fees. Changing connection fees would need to be evaluated by each of the 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.

This recommendation will not be implemented because it is not warranted or reasonable. State law requires that a local agency approve or deny an ADU permit within 60 days. Most applications for ADUs that are compliant with State and Local zoning regulations are subject only to zoning compliance review concurrent with a building permit application, which typically takes no more than 60 days from the date the 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. Increased technical assistance for applicants, such as through a merger with Napa/Sonoma ADU or other mechanisms, 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, the City is prohibited by law from providing public funds to facilitate privately-owned development that will not be put to public use or serve a public purpose. This would likely prevent the city from engaging in programs that provide a direct subsidy such as forgivable loans for typical ADU projects. Additionally, the City cannot waive property taxes, which are established under state law.