

RESPONSE TO GRAND JURY REPORT FORM
Town of Tiburon

Report Title: Build More ADU's- An Rx to Increase Marin's Housing Supply

Report Date: June 15, 2023

Response By: Town of Tiburon

FINDINGS

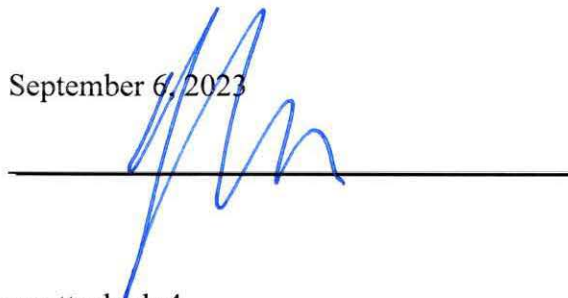
- We agree with Findings numbered: **F1, F-4, F-4, F-5, F-6, and F-10.**
- We disagree partly with Findings numbered: **F2, F3, F7, F8 and F9**

RECOMMENDATIONS

- Recommendations numbered **R4** have been implemented.
- Recommendations numbered: **R3** have not yet been implemented but will be implemented in the future.
- Recommendations numbered: **R6** require further analysis.
- Recommendations numbered: **R1, R2, and R5** will not be implemented because they are not warranted or are not reasonable.

Date: September 6, 2023

Signed:



Number of pages attached: 4

***Office of the Town Manager
Town of Tiburon
September 06, 2023***



The Honorable James T. Chou
Presiding Judge of the Marin County Superior
Court
Post Office Box 4988
San Rafael, CA 94913-4988

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

**Re: Response to Grand Jury Report
*Build More ADU's- An RX to Increase Marin's Housing Supply***

Dear Honorable Judge Chou and Foreperson Shepard:

This letter explains in detail the Town of Tiburon's response to the Civil Grand Jury Report dated June 15, 2023 (*Build More ADU's- An RX to Increase Marin's Housing Supply*) The Report directs the Town to respond to Findings F1-F10, and Recommendations.

FINDINGS AND RESPONSES

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

Response- The Town of Tiburon 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 Town of Tiburon Partially agrees with this Finding.

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 Town of Tiburon 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 26 ADU's and 18 JADUS between 2015 and June of 2022. Fourteen of those have been constructed and 15 are under construction. The Town has also participated in the development of a Countywide website -ADUMarin.org -with the goal of making an easily accessible source of information related to ADU development for all Marin residents. The Town is continuing to conduct outreach through the creation of hand outs, designating staff to answer public calls and visits to Town Hall and will be scheduling workshops for the public within the next 6 months.

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 Town of Tiburon partially disagrees with this Finding.



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 Tiburon'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, and the Public Works Department. 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 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- The Town of Tiburon agrees with this Finding.

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

Response- The Town of Tiburon agrees with this Finding.

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

Response- The Town of Tiburon 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 Town of Tiburon partially disagrees with this Finding.

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 policies to conform with current California ADU laws.

Response- The Town of Tiburon agrees with this Finding.

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

Response- The Town of Tiburon partially agrees with this Finding.

The County and other cities and towns have previously introduced and adopted amnesty programs to encourage legalization of existing unpermitted ADU's by providing relaxed standards and no penalties. However, given the advent of new state law that includes greater flexibility and a streamlined process, granting amnesty may not be necessary since the barriers



related to long planning process and lengthy permitting has been removed. Granting amnesty will not directly create new housing but may address issues such as health and safety for existing housing stock.

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- The Town of Tiburon agrees with this Finding.

RECOMMENDATIONS AND RESPONSES

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 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 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 ADU's 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 but will be implemented in the future. 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 Tiburon 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 authority over any impact fees that other districts charge.

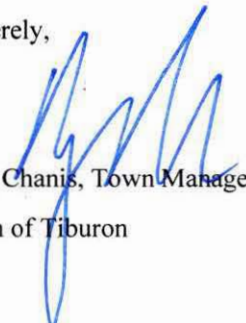
R5. By December 1, 2023, begin creating plans to accelerate the permit approval process for ADU applications within 30 days, or less, of submission. Implement such plans no later than July 1, 2024.

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.

Sincerely,


Greg Chanis, Town Manager
Town of Tiburon