



September 6, 2023

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

Dear Judge Chou:

At its regular meeting on August 24, 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 Ross to Findings 1-10 and Recommendations 1-6. Enclosed please find the Town's response.

Please extend the Town's appreciation to the 2023 Grand Jurors for the important work they do on behalf of all the citizens of Marin County.

Sincerely,

A handwritten signature in black ink, appearing to read "Cyndie Martel".

Cyndie Martel
Town Clerk/Administrative Manager

Enclosure

cc: Rod Kerr, Foreperson Marin County Civil Grand Jury 3501 Civic Center Drive, Room #275 San Rafael, CA 94903

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 Ross

GRAND JURY FINDINGS

- We agree with the finding(s) numbered: **F1, F4, F5, F6, F10**
- We disagree wholly or partially with the finding(s) 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: 8/24/22

Signed: 
Elizabeth Brekhus, Mayor; Town of Ross

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 accurate, although sometimes information is technical and may be difficult for a homeowner to understand. There is also additional support through the ADUMarin.org website.

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. Most fees are available on local jurisdictions' websites.

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

Jurisdictions and districts should not charge impact fees for ADUs that are less than 750 square feet per state law. 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 Agree

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.

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

Response: Partially Agree

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 sources as they become available.

(choose one below)

This recommendation requires further analysis.

The "Development Priority Setting Committee" does not currently exist in the Community Development Agency. 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.

(choose one below)

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, allows most units and violations of the code described above would not be 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 that constraint.

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.

(choose one below)

This recommendation has not 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 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.

(choose one below)

This recommendation requires further analysis.

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.

(choose one below)

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. Planning review typically takes between 15 and 30 days from when a complete application is received. Building permit review typically takes between 15 and 30 days from when a complete 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 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.