RESOLUTION NO. 2021-34
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
DELEGATING AUTHORITY TO WAIVE ROADWAY IMPACT FEES FOR JUNIOR
ACCESSORY DWELLING UNITS AND BUILDING PERMIT FEES FOR JUNIOR
ACCESSORY DWELLING UNITS AND ACCESSORY DWELLING UNITS AND
SUPERSEADING RESOLUTION 2020-05

SECTION I: FINDINGS

I. WHEREAS, over 67,000 people permanently reside in the unincorporated area within
Marin County, which population is projected to grow by approximately 10,000 additional residents
by 2040, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element
2015-2023; and

II. WHEREAS, over thirty percent of the 26,000 households that reside in unincorporated
Marin rent their homes, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

III. WHEREAS, it is estimated that over 2,000 households residing in unincorporated Marin
have extremely-low incomes, which is defined as earning approximately thirty percent of the area
median income, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

IV. WHEREAS, approximately fifty-six percent of renters in 2010 were estimated to be
overpaying for rental housing, which is defined as paying more than thirty percent of household
income as rent, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

V. WHEREAS, between 2001 and 2013 home values increased significantly more than area
incomes, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

VI. WHEREAS, between 2004 and 2013 rental prices increased approximately thirteen
percent, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

VII. WHEREAS, there is a shortage of rental housing, including multi-family, single-family,
second units, and Single Room Occupancy (SRO) units, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2015-2023; and

VIII. WHEREAS, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units
(JADUs) may help mitigate the housing shortage by helping incentivize creation of new rental
housing opportunities in unincorporated Marin County; and

IX. WHEREAS, in conjunction with recent state legislation intended to encourage the creation
of ADUs and JADUs by limiting the scope of local permitting discretion, a local fiscal incentive can
be created by waiving building permit review fees for those units and by waiving Roadway Impact
Fees for JADUs; and
X. **WHEREAS**, on December 5, 2017, in response to these housing needs and due in part to the loss of homes and subsequent displacement caused by the North Bay Fires of October 2017, the Board of Supervisors previously adopted Resolution 2017-132, which authorizes the Community Development Director and/or their designee to waive or reduce certain planning permit fees incurred in 2018 and associated with the development of JADUs; and

XI. **WHEREAS**, on May 22, 2018, your Board amended Resolution 2017-132, and adopted Resolution 2018-47, to clarify the period that a homeowner would refrain from using a JADU as a short-term rental to be one year from the Certification of Occupancy, to align the definition of short-term rentals with other County policies, and to require owners who violate the terms of their waiver agreement to refund the County; and

XII. **WHEREAS**, on January 14, 2020, your Board amended Resolution 2018-135, and adopted Resolution 2020-05, to further incentivize the development of ADUs that are rented to low- and moderate-income households by offering a waiver of up to $2,500 for eligible ADUs rented at or above market rate, up to $5,000 in fees for an ADU that is rented at moderate-income rates (between 81-120% of Area Median Income guidelines), and up to $10,000 in fees for an ADU that is rented at low-income rates (up to 80% of Area Median Income guidelines); and

XIII. **WHEREAS**, this action expands upon and extends the sunset date for Resolution No. 2020-05, by extending the authority of the Community Development Director and/or their designee to waive or reduce planning and building permit fees associated with the development of both JADUs and of ADUs incurred in 2021 through 2023; and

XIV. **WHEREAS**, this action also authorizes Director of Public Works and/or their designee to waive Roadway Impact Fees associated with the creation of eligible JADUs; and

XV. **WHEREAS**, this action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines because it would not result in any potential environmental impacts.

**SECTION II: ACTION**

**NOW, THEREFORE, BE IT RESOLVED,** that the Marin County Board of Supervisors does hereby adopt this Resolution superseding Resolution 2020-05, and makes the following findings:

1. The Board of Supervisors of the County of Marin hereby delegates authority to the Director of the Community Development Agency and/or their designee to waive building permit fees associated with the creation of eligible ADUs, in an amount not to exceed $10,000 per unit, through December 31, 2023.

2. The Board of Supervisors of the County of Marin hereby delegates authority to the Director of the Community Development Agency and/or their designee to waive building permit fees associated with the creation of eligible JADUs, in an amount not to exceed $1,500 per unit, through December 31, 2023.

3. To qualify for these fee waivers, the property owner shall signify in writing, according to a form provided by the Community Development Agency, their agreement to refrain from...
using the subject unit as a short-term rental. To qualify for ADU fee waivers over $2,500, the property owner must signify in writing that they will rent the unit affordably, up to 120% AMI.

4. Property owners who are found to not rent the unit affordably for sixty (60) will be required to pay back the waived permit fees in full, with interest accrued over time.

5. For the purposes of this resolution, “short-term rental” is defined as the rental of a residential unit for less than thirty days.

6. Property owners who are found to have used a subject ADU or JADU as a short-term rental in violation of this agreement must repay the principal amount of the waiver in full within 30 business days of notification from the County of the violation.

7. This agreement will not supersede any short-term rental regulations adopted by the County subsequent to the passage of this resolution.

8. County staff will present an annual progress update to determine if additional adjustments need to be made for the subsequent year.

9. Resolution 2020-05, previously adopted on January 14, 2020 is hereby superseded and replaced by this Resolution No. 2021-34.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 25th day of May 2021, by the following vote to wit:

AYES: SUPERVISORS Damon Connolly, Katie Rice, Stephanie Moulton-Peters, Judy Arnold, Dennis Rodoni

NOES: NONE

ABSENT: NONE

[Signature]

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

[Clerk's Signature]

CLERK

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