

August 15, 2011

Jeremy Tejirian
Principal Planner, County of Marin
3501 Civic Center Drive
San Rafael, CA 94903

Dear Jeremy,

The Bolinas Community Land Trust (BCLT) and the Community Land Trust of West Marin (CLAM) would like to jointly take this opportunity to comment on the County recommendations regarding new code changes impacting second units. As advocates and providers of affordable housing we would first like to thank the planning staff for working with us during this process. It is clear we want the same outcome: Removing barriers and high costs to encourage homeowners to build second units as a source of affordable housing.

We have researched State Law 1866 and analyzed Marin County recommendations for second units in the Housing Element; met as a group to discuss our shared policies; attended workshops and hearings; and worked closely with the County housing and LCP planners to advocate for:

- Consistency in language between County planning and code documents
- Removing barriers which inhibit affordability
- Streamlining the review and permitting process whenever possible

We are grateful for the County's attention to three important existing barriers and thank you, Jeremy, for your staff recommendations to remove the Second Unit prohibition in Bolinas, adjusting the Primary Residence requirement so that it does not apply to Bolinas and Inverness, and striking the Title 24 road requirement while still ensuring that fire safety is maintained in relation to road access for second units. These are terrific examples of our organizations working successfully together to remove barriers.

Affordable workforce housing is a critical issue in West Marin. The policies of the LCP Units I and II and the prohibition on second units in Bolinas have exacerbated this issue over the past 30 years. A community's vitality and sustainability require sufficient affordable housing for its workforce and residents. However, while the Coastal Plan was adopted over 30 years ago, the Coastal Zone still has a significant shortage of housing affordable to people of low to moderate income who are employed in these communities. Workers in agriculture, retail, food service, guest accommodations, entertainment, health, care-giving, firefighting, teaching, and other public services provide necessary functions in our communities, yet cannot afford to live here.

Over the years, this affordability gap has become much wider as the rise in real-estate prices has far outstripped the rise in wages. Visitors to the Coast depend on the services, amenities and entertainment provided by local workers. Yet, the income of these local workers requires them either to live locally in sometimes grossly substandard conditions, or to endure long commutes to more affordable communities. The former is degrading and unhealthy; the latter is

personally stressful and environmentally destructive. Both reduce quality of life and societal sustainability.

There is a great deal of existing but under-utilized housing in West Marin in the form of vacation homes and large homes occupied by people living alone - mostly seniors. There also are many houses located on large parcels that are sized well below their allowable floor-area ratio (FAR) or land use density designations. The BCLT has analyzed Bolinas' area of greatest second unit potential, the Gridded Mesa, and as the attached map shows, numerous parcels there meet the criteria for second unit development. Additionally, CLAM and the BCLT have actively promoted the construction and use of second units as an affordable housing strategy through workshops and have been encouraged by the large number of interested attendees. The supply of affordable housing could be increased dramatically by implementing the following measures, both through the creation of supporting policy and code changes:

- Allow preapproved plans of small, well designed units, including pre-manufactured units, to help minimize development costs while preserving rural character.
- Establishing flexible zoning requirements and development standards' incentives which would help reduce construction costs could include: reduced or alternative parking requirements(such as tandem parking), pre-approved building plans or design prototypes, prioritized planning and fee deferrals, reduced impact fees, reduced water and sewer connection fees, setback reductions and streamlined architectural review, to name a few.
- Create permit processing and fee incentives that facilitate the creation of second units.

This would provide our organizations with some of the tools needed to advocate to homeowners to build second units.

In addition, of critical concern is the design review process required by the Coastal Commission. Costly and time consuming public hearings and appeals ultimately result in a significant increase in construction costs which negatively impacts or can even prevent the construction of affordable second units.

We have been in contact with Mary Alsop, Planner for the City of Santa Cruz. They have implemented a model that makes conforming Accessory Dwelling Units (ADU) in Santa Cruz a "principally permitted" use even in the Coastal Zone. The relevant Accessory Dwelling Unit (ADU) Code sections are attached. We note that these code sections apply to development within the Coastal Zone, and that Section 24.16.130 states that if the proposed unit meets Building Code, Land-Use, zoning, and Coastal Zone requirements, it is a principally permitted use. Of specific relevance is the statistical support showing this approach successfully encourages second units: Between the years 2000-2002, prior to the adoption of this policy, Santa Cruz averaged 6 ADU's per year; after the policy change, that yearly average jumped to 22 units between 2003-2010 (supporting numbers are attached). We commend and support County staff for working towards a strategy that would enable ministerial review and waivers whenever possible, and request that the County closely examine the Santa Cruz code to determine if their approach could be adopted by Marin County within the Coastal Zone.

Lastly, our organizations would like to work with County staff to create a list of objective design review requirements for second unit projects, to be adopted by both the County and the Coastal Commission, which would meet the intent of the Coastal Act, so that applications could be

approved ministerially. The requirements could also be used as part of an incentive package that the County could offer homeowners to encourage second unit construction.

By adopting these suggestions, the potential exists to meet workforce housing needs in West Marin without any new separate development of vacant parcels. The encouragement of second unit construction by streamlining the regulation process and creating standards is addressed in the draft Housing Element. We believe that it is important for the County code language to reflect these policies, which were developed by County staff along with the input of local affordable housing advocates to help make housing affordability a reality in West Marin.

In closing, we thank you and the other planning staff members for your willingness to examine and address this important issue. We look forward to continuing this positive working relationship to further clarify and simplify the process. We are aware of a desire among local homeowners to build affordable rentals and we hope the County will continue to examine the unique nature of our communities and work with us to help create affordable housing solutions. We will follow up with you on the proposed meeting to review the process and incentives that would enable us to directly assist homeowners wishing to build affordable second units.

Sincerely,

Steve Matson, BCLT Board President, P.O. Box 805, Bolinas, CA 94924
Maureen Cornelia, CLAM Board President, P.O. Box 273, Point Reyes CA 94956
Don Smith, BCPUD Board Member, P.O. 67, Bolinas, California 94924

cc: Supervisor Steve Kinsey
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Sam Leguizamon Grant, CLAM Executive Director
Lesa Kramer, BCLT Executive Director

att: Santa Cruz, CA ADU Code
Santa Cruz, CA ADU Counts
Map of Bolinas Gridded Mesa lots

Attachment 1: Santa Cruz ADU Code

TITLE 24 ZONING ORDINANCE OF THE CITY OF SANTA CRUZ CHAPTER 24.16 PART 2

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development. To ensure that accessory units will conform to General Plan policy the following regulations are established.

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more:

1. RS-5A, RS-10A
2. RS-1A, RS-2A
3. R-1-10
4. R-1-7
5. R-1-56.R-L, R-T(A), (B), and (D).

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.
2. Any single story accessory dwelling unit. Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development standards in Section 24.16.160. (Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.150 Findings Required for Conditionally Permitted Accessory Dwelling Units.

Before approval or modified approval of an application for an accessory dwelling unit, the decision making body shall find that:

1. Exterior design of the accessory unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory unit does not result in excessive noise, traffic or parking congestion.
4. The property fronts on an adequate water main and sewer line each with the capacity to serve the additional accessory unit.
5. The site plan provides adequate open space and landscaping that is useful for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
6. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
7. The one and one-half to two-story structure generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.

Attachment 1: Santa Cruz ADU Code (page 2)

8. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.

9. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation relate to natural land forms.

10. The site plan is situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

11. The site plan incorporates water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets are used, as well as water-saving toilets utilizing less than three gallons per flush. (Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. Parking. One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)

2. Unit Size. The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.

3. Existing Development on Lot. A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.

4. Number of Accessory Units Per Parcel. Only one accessory dwelling unit shall be allowed for each parcel.

5. Setbacks for Detached Accessory Dwelling Units. The side-yard and rear-yard setback for detached single story structures containing an accessory dwelling unit shall not be less than three feet in accordance with the Uniform Building Code, and the distance between buildings on the same lot must be a minimum of 10 feet. Accessory units higher than one story shall provide side yard setbacks of five feet and rear yard setbacks of ten feet. If any portion of an accessory dwelling unit is located in front of the main building, then the front and sideyard setbacks shall be the same as a main building in the zoning district. Accessory dwelling units are not eligible for variances to setbacks.

6. Setbacks for Attached Accessory Dwelling Units. Attached accessory dwelling units shall meet the same setbacks as a main building in the zoning district.

7. Other Code Requirements. The accessory unit shall meet the requirements of the Uniform Building Code. 8. Occupancy. The property owner must occupy either the primary or accessory dwelling.

9. Building Height and Stories.

a. A one story detached accessory dwelling unit shall be no more than thirteen feet in height.

b. A one and one-half to two story detached accessory dwelling shall be no more than twenty-two feet in height measured to the roof peak.

c. An attached accessory unit may occupy a first or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.

d. If the design of the main dwelling has special roof features that should be matched on the detached accessory unit, the maximum building height of the accessory dwelling unit may be exceeded to include such similar special roof features subject to review and approval of the Zoning Administrator.

Attachment 1: Santa Cruz ADU Code (page 3)

10. Alley Orientation. When an accessory dwelling unit is adjacent to an alley, every effort shall be made to orient the accessory dwelling unit toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back out which includes the alley. Fences shall be three feet six inches along the alley. However, higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the Zoning Administrator.

11. Design. The design of the accessory unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

12. Large Home Design Permit. The square footage of an attached or detached accessory unit shall be counted with the square footage of the single family home in determining whether a large home design permit is required.

13. Open Space and Landscaping: The site plan shall provide open space and landscaping that are useful for both the accessory dwelling unit and the primary residence. Landscaping shall provide for the privacy and screening of adjacent properties.

14. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the district.

The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

15. A notice of application shall be sent to the immediately adjoining neighbors.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003)

Attachment 2: Santa Cruz ADU Statistics
Provided by Carol Berg, City of Santa Cruz, (831) 420-5108

ADU's Built in the City of Santa Cruz by Year:

2000 - 5

2001 - 6

2002 - 7

2003 - 13

2004 - 22

2005 - 25

2006 - 33

2007 - 36

2008 - 26

2009 - 15

2010 - 13

Attachment 3: Map of Bolinas Gridded Mesa
 Provided by Steve Matson, BCLT Board President (415) 868-1150

