

Jami Napier

From: John Gioia
Sent: Monday, June 17, 2019 9:57 PM
To: Jami Napier
Subject: FW: ADU Amnesty on 6/18/2019 BOS meeting agenda

To distribute to board for D14

John Gioia
Chair, Contra Costa County Board of Supervisors
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On 6/17/19, 4:38 PM, "stacey.sonnenshein@gmail.com" <stacey.sonnenshein@gmail.com> wrote:

Dear Board of Supervisors and other interested parties,

We appreciate you taking steps to try to remedy the the issue of "unpermitted" second units in Contra Costa County. However, the currently proposed ordinance does not address our issue, as the owner of a second unit which was built with a building permit. There was a permit applied for and approved for the apartment in our house in 1955. In 1955, the building plans were submitted and approved. Our house was subsequently, and to this day, taxed as a duplex. This is how Contra Costa County reports our property to the public and the state. Unfortunately, the County's policy seems to be that they cannot believe their own records. They have lost the complete plans for our house and apartment and therefore maintain it must be illegal. They also maintained there was no building permit at all, until they found it 11 months later.

One way to solve this problem would be a cheap, easy, streamlined approach to ensure units such as ours are habitable and safe. The proposed ordinance will NOT do this. This ordinance requires the submission of new building plans and "rebuilding" existing units as if they were brand new. This is unnecessary and does not consider that for many units (a total of 55 in our East Richmond Heights neighborhood alone), that process was completed and those fees were already paid decades ago. This ordinance does not address what should happen when the county has misplaced or lost the documents that were previously submitted and approved. The proposed ordinance does reference that the county has "discretion," but does not mandate that for situations where the unit was built legally with the County's full knowledge, approval and subsequent taxation, the unit should be "legalized" with a simple Health and Safety inspection.

In short, this ordinance will not address the situation we, and many other homeowners, find ourselves in. We imagine it also will not be economically feasible for many people to "rebuild" their safe, existing units. And if they can, it certainly will not be possible to use those units as affordable housing, something our region is in desperate need of. We encourage you to rethink this ordinance to better address the needs of homeowners and the need for safe, affordable rental housing in Contra Costa County.

Unfortunately, we had an already scheduled vacation this week and are not available to attend the meeting to discuss this in person.

Sincerely,

Stacey Sonnenshein and Adam Bailey

D.17

Elinor Blake
6032 Felix Avenue
Richmond CA 94805

Supervisor John Gioia
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530

June 17, 2019

Dear John:

I thank you and DCD for striving to make it easier for homeowners to establish legal ADUs. I appreciate your listening to and taking action on our concerns about an issue that affects so many of your constituents. However, the item on tomorrow's Board agenda does little to create a path to ADUs that is any less prohibitive than under the existing ordinance.

The many barriers to establishing an ADU are described in the very article attached to the Board item, from UC's Turner Center. Your proposal can do more to address the local barriers. It should also include a recommendation to the Board to support legislation to remove State-level barriers, and to urge our own legislators to put legislation forward.

The proposal includes one free consult with staff; the waiver of penalty fees, should any apply; and in the case of a unit on a pre-existing footprint, it allows staff discretion to minimize the needed scope of changes. Yet at the same time, there are repeated references to the California Building Code as the sole touchstone of health and safety, e.g., "ADUs must comply with County zoning and building code requirements." More specific language should be included to direct staff to allow, for example, "as much variance from the standard as possible while still assuring safety."

It is entirely appropriate to offer the free consult and to waive any penalties. Thank you! But neither makes a significant dent in the substantial cost of bringing a unit in an existing home footprint into CBC compliance.

San Mateo County has waived virtually all fees, after much consideration and consultation. In addition, they will issue a Certificate of Amnesty to the homeowner for ADUs which they determine are habitable and safe, or habitable and safe after certain but not necessarily all Code updates. This does not declare the ADU to be permitted and "legal," but the Certificate includes a statement that the County will not proceed further with code enforcement. Staff uses their expertise and the Health and Safety Code in making the "habitable" determination.

Such an amnesty option, which assures that a unit is safe, goes a long way to make ADUs possible and serves a vital public interest by bringing a good proportion of existing ADUs into the light. It can shorten the Department's process, the construction process, and greatly reduce the owner's cost of making such ADUs safe when they are not already.

I urge you to amend the proposal before the Board to include permit fee waivers throughout the process; something like San Mateo's Certificate of Amnesty; and the formal support of State legislation along the lines suggested by the Turner Center.

The Board's action materials begin with all the reasons why ADUs are necessary today. You are well aware of the hundreds of homeowners (surely more) in your district affected by this issue, and you know its importance. To make more safe housing available efficiently and quickly, you need to do more than what is in the current proposal.

Thank you, again, for this and all your many years of good work for our District.

Sincerely,

Elinor