



# *City of Encinitas* *City Council's Office*

April 6, 2021

The Honorable Scott Wiener  
Chair, Senate Housing Committee  
State Capitol Building, Room 5100  
Sacramento, CA 95814

*Catherine S. Blakespear*  
Mayor

## **RE: SB 765 (Stern) Accessory Dwelling Unit Setback-Support**

*Tony Kranz*  
Deputy Mayor

Dear Senator Wiener:

The City of Encinitas writes to express its **strong support for SB 765**, which continues to protect the production of accessory dwelling units (ADUs), and simply allows cities to maintain a setback for ADUs that is appropriate to their lot size and terrain.

*Joe Mosca*  
Council Member

First and foremost, SB 765 will neither undermine existing law nor hinder the construction of ADUs, which we support as one of many very important solutions to our current housing crisis. Rather, SB 765 provides that rear and side yard setbacks for ADUs previously established by local agencies be maintained in appropriate circumstances so that each community can take into account their own built environment, their city's unique topography and landscape and the differences of lot size among urban, suburban and rural zones and terrain.

*Kellie Shay Hinze*  
Council Member

In fact, to ensure that the bill does not diminish opportunities for ADU construction, SB 765 has built in safeguards to ensure that the goals of housing production are maintained. Nothing else will change regarding the ministerial approval of ADUs.

*Joy Lyndes*  
Council Member

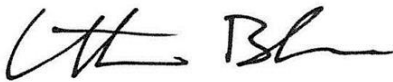
SB 765 is necessary because, without this fix, ADUs that may otherwise be considered, may not be built. The standardized setback of 4 feet, however well intended, has unintended consequences in that an ADU would have to be placed in a location that is not optimal in terms of scale and proper planning. The state-wide standardization does not take into consideration the wide variation in parcel sizes, for example, anywhere from a small 5,000 square foot parcel to a 20-acre parcel or more in a rural zone. In each case, an ADU would be required to be situated against a property line and could be significantly closer to a neighbor's home on an adjacent property than it is to the home on the property where it is located.

*Pamela Antil*  
City Manager

SB 765 honors one of the great strengths of California, which is the diversity of communities and respects a community's varying parcels and terrain. When one considers the variation of parcels in the state, it is unreasonable that every lot in California must have the same setback in order to facilitate the production of ADUs. We respectfully ask you to support SB 765, and consider the value in proper planning, site specifics and the importance of balance in housing legislation.

For these reasons, the City of Encinitas supports SB 765.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Blakespear', written in a cursive style.

Catherine S. Blakespear  
Mayor

cc.

Senator Henry Stern  
Senator Patricia C. Bates (Vice Chair) (OC)  
Assemblymember Tasha Boerner/Horvath  
Senator Anna M. Caballero (Monterey, Salinas)  
Senator Dave Cortese (Silicon Valley)  
Senator Mike McGuire (North Coast from Marin)  
Senator Rosilicie Ochoa Bogh (San Bernardino)  
Senator Nancy Skinner (Oakland/Alameda)  
Senator Thomas J. Umberg (Irvine and OC)  
Senator Bob Wieckowski (South Bay)