



City of Encinitas

Office of
The Mayor

September 13, 2018

The Honorable Jerry Brown
Governor of California
State Capitol
Sacramento, CA 95814

Catherine S. Blakespear
Mayor

**RE: SB 1226 (Bates) Planning and zoning: housing: accessory dwelling units
REQUEST FOR SIGNATURE**

Dear Governor Brown:

Joe Mosca
Deputy Mayor

The City of Encinitas is the sponsor of this bill, and I would like to express our continuing support for SB 1226 (Bates). Our City is among many in the state with unpermitted accessory dwelling units, and we have been concerned about the safety risk this poses to the community. Although the official cause of the Oakland Ghost Ship warehouse fire is under investigation, the loss of life of those living in unpermitted residential units focused our attention. The City of Encinitas has an estimated 1,000 unpermitted accessory dwelling units, and the City has had limited success with amnesty programs or in getting property owners to "come out of the shadows." This is a statewide issue.

Tasha Boerner Horvath
Council Member

There is currently confusion as to the authority a building official has in permitting existing unpermitted accessory dwellings, and which building code should be applied. In March, 2018, the Legislative Council opined to Senator Bates that the current building code is unclear, and that arguments could be made on both sides of the issue. It is, however, clear that this authority is handled on a case-by-case basis. This bill seeks to clarify the existing authority that allows building officials to apply the building code in effect at the time of the construction of the accessory dwelling unit. We feel this provides a needed incentive to get the owners of unpermitted units to seek the permits necessary to ensure safe construction.

Tony Kranz
Council Member

For these reasons, the City of Encinitas sponsored SB 1226 (Bates), and asks for your signature to make this clarification part of the law.

Mark Muir
Council Member

Sincerely,

Catherine S. Blakespear
Mayor

Karen P. Brust
City Manager

cc: Senator Patricia Bates
JGC Government Relations
Catherine Hill, League of California Cities
Jason Rhine, League of California Cities
City Council