



City of Encinitas

Office of
The Mayor

March 22, 2017

The Honorable Patricia Bates
California State Senate
State Capitol, Room 4048
Sacramento, CA 95814

Catherine S. Blakespear
Mayor

**RE: SB 431 (Bates) Planning and zoning: housing: accessory dwelling units
LETTER OF SPONSORSHIP**

Dear Senator Bates:

Tony Kranz
Deputy Mayor

On behalf of the City of Encinitas, I would like to thank you for carrying SB 431 (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."

Tasha Boerner Horvath
Council Member

This is a State and a local issue. With respect to accessory dwelling units, Government Code 65852.2 provides some zoning standards, but it is incumbent upon local jurisdictions to provide even more zoning latitude as needed in their community. The State adopted building codes have made the process of retroactively granting a building permit impractical, especially for property owners with existing renters living in these units. In 2008, changes to the State building codes made compliance with those standards more difficult and expensive as it relates to older, existing accessory dwelling units. The inclusion of a five-year sunset is an incentive for owners of these structures to come forward in the short-term. Finally, the bill provides the ability for a local community, whether a city or a county jurisdiction, to decide whether to utilize this authority, and allows for greater local control in dealing with the problems of permitting accessory dwelling units.

Mark Muir
Council Member

Joe Mosca
Council Member

As you know, many of these unpermitted units rent for lower than market rate, given the size and nature of the housing. Preserving these units is important. However, we have concern for a basic level of health and safety. This bill helps in this regard by balancing the need to permit these accessory dwelling units with the need to protect basic health and safety. Setting Health & Safety Code 17920.3 as the base level standard that cannot be waived helps to balance the public health and safety and the need to permit these unpermitted housing units.

Karen P. Brust
City Manager

The City of Encinitas is pleased to sponsor SB 431 (Bates), and thanks you again for carrying the bill on our behalf.

Sincerely,

Catherine S. Blakespear
Mayor

cc: City Council