



Reply to: Alice Fredericks  
Chair, Legislative Committee  
MCCMC Tiburon Town Hall  
1505 Tiburon Blvd  
Tiburon, CA 94920

August 23, 2019

Senator Anthony J. Portantino  
Chair, Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

**RE: AB 68 (Ting), as amended. Land use: accessory dwelling units.**  
**Oppose Unless Amended** (*As Amended 07/05/19*)

Dear Senator Portantino:

The Marin County Council of Mayors and Councilmembers (MCCMC) must respectfully oppose AB 68 unless the measure is amended to address key concerns. AB 68 would significantly amend the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs).

Loophole around Health and Safety Standards. Section 1 of the bill amends Government Code Section 65852.2 (e), thereby circumventing local ordinances that may exclude ADUs for criteria based on health and safety. Specifically, up to two new construction ADUs on a parcel with a multifamily dwelling, unlimited ADUs converted from existing space with a multifamily building, a new-construction ADU on a parcel with a single family home, and conversions of existing space to create an ADU and Junior ADU (JADU) within a single family home or associated accessory structure would have to be allowed on any residential or mixed use parcel, irrespective of a local ordinance adopted pursuant to Government Code Section 65852.2 (a)(1)(A).

Prohibits owner occupancy requirements. AB 68 would prohibit a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures. This would incentivize operating the property as a commercial enterprise and could have the unintended effect of large-scale investors purchasing many single family homes and adding ADUs, thus operating more like a property management company, not a homeowner seeking additional income. Additionally, owner occupancy requirements could provide greater oversight and an opportunity to provide more affordable rents as a homeowner is less likely to be profit driven.

Prohibits replacement parking. When a garage, carport, or covered parking structure is demolished or converted into an ADU, AB 68 would prohibit a city from requiring replacement parking. This would only exacerbate existing parking conflicts because cities are currently prohibited from imposing parking requirements on new ADUs if they are within one-half mile of transit. Further, many areas in local jurisdictions have non standard roads which limit emergency access and egress, and/or encourage walking and biking. Any resulting onstreet parking, even short term, would further exacerbate safety concerns and make enforcement of any on street parking prohibitions problematic.

MCCMC opposes AB 68 unless it is amended.

Respectfully,

Alice Fredericks, Chair  
Legislative Committee  
Marin County Council of Mayors and Councilmembers

cc. Assembly Member Ting  
Senator McGuire  
Assembly Member Levine  
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