

SUSTAINABLE TAMALMONTE

215 Julia Ave
Mill Valley, CA 94941

April 8, 2021

Honorable Scott Wiener
Senate Housing Committee
CA State Capitol, Room 2209
Sacramento, CA 95814

Re: Support if Amended Senate Bill 765 (Stern): “Accessory Dwelling Units: setbacks”

Dear Chair Wiener and Members of the Senate Housing Committee,

Sustainable TamAlmonte’s position on Senate Bill 765 (Stern) “Accessory Dwelling Units: setbacks” is “Support if Amended”.

About Senate Bill 765:

Existing law prohibits a local agency’s accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

This bill would remove the above-described prohibition on a local agency’s accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency’s setback requirements make the building of the accessory dwelling unit infeasible. The bill would prohibit any rear and side yard setback requirements established pursuant to these provisions from being greater than those in effect as of January 1, 2020. The bill would specify that if the local agency did not have an accessory dwelling unit ordinance as of January 1, 2020, the applicable rear and side yard setback requirement is 4 feet.

Reasons to Support if Amended Senate Bill 765:

SB-765 is a big step in the right direction but should go further in allowing local governments to determine proper setbacks.

Property setbacks have many benefits both aesthetically and functionally. Setbacks help with:

- **Better protection of public safety:** Having space between houses and streets, etc., ensures that in the case of a fire or other emergencies, first responders can access the property and residents can evacuate rapidly and safely.
- **Better preservation of the environment:** For residential properties that are located adjacent to streams, wetlands, forests, and other natural habitat, proper setbacks are critical for the wellbeing of the habitat and wildlife, including endangered species, that live there.
- **Better services:** Proper setbacks ensure that maintenance personnel can safely and easily access the property for such services as sewer, utilities, and cable, etc.
- **Better ventilation and public health:** Not having a house squished up against another house or roadways gives residents cleaner air. This means residents won't be breathing in toxic exhaust or a neighbor's smoking habit.
- **Better lighting:** Property setbacks ensure that there is plenty of space around dwellings to bring in natural light and better visual access.
- **Better sound insulation:** Property setbacks help ensure better sound insulation by building away from busy intersections and other noisy environments.
- **Better landscape:** Landscaping makes a home more inviting and give a sense of ease. Gardens provide residents with a place to enjoy the outdoors and commune with nature. They give children a place to play. Trees and vegetation remove carbon from the air and help to cool our communities. Permeable ground cover helps to replenish groundwater resources, restore hydrologic balance and reduce runoff volume.
- **Additional benefits:** Property setbacks help ensure buildings don't fall over each other in the case of a natural disaster, like an earthquake or fire. They encourage outdoor activities in public areas, and help keep the sanity of society by giving people enough room to roam.

Please amend Senate Bill 765 and eliminate the provisions that: 1) Prohibit any rear and side yard setback requirements from being greater than those in effect as of January 1, 2020; and 2) Require rear and side yard setbacks to be limited to 4 feet if the local agency did not have an accessory dwelling unit ordinance as of January 1, 2020.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton, President
Sustainable TamAlmonte