



SAUSALITO-MARIN CITY SANITARY DISTRICT

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Jeffrey Kingston

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September 11, 2023

The Honorable Judge James Chou
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988
Send PDF file to: departmentb@marin.courts.ca.gov

Pat Shepherd, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903
Send PDF file to: grandjury@marincounty.org

Subject: *Grand Jury Report: 2022-2023 Build More ADUs – AN RX to Increase Marin’s Housing Supply, June 15, 2023*

Dear Judge Chou & Foreperson Shepherd:

On behalf of the Sausalito-Marín City Sanitary District (District), I am writing to respectfully respond to the findings and recommendations contained in the *Grand Jury Report: 2022-2023 Build More ADUs – AN RX to Increase Marin’s Housing Supply, June 15, 2023*, pursuant to Penal Code Section 933.05.

The District conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda, and open meeting requirements of the Ralph M. Brown Act. The response was listed on the agenda of the District’s Board Meeting on September 5, 2023 the agenda was posted for public notice, and the response was discussed during the open section of the Board Meeting.

Attached please find the completed “Response to Grand Jury Report Form” and required attachments.

Should you have any questions, please contact me at 415-332-0244 or jeffrey@smcsd.net.

Sincerely,

A handwritten signature in black ink, appearing to read "JK", is written over a light blue horizontal line.

Jeffrey Kingston
General Manager

attachments

RESPONSE FORM: 2022-2023 Marin Civil Grand Jury Report

Report Title: Build More ADUs-An RX to Increase Marin's Housing Supply

Respondent/Agency Name: Sausalito-Marín City Sanitary District

Submitter Name: Jeffrey Kingston Title: General Manager

FINDINGS

- Agree with the findings numbered: _____
- Disagree *partially* with the findings numbered: F7
- Disagree *wholly* with the findings numbered: _____

(Attach a **statement** specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a **summary** describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a **timeframe** for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an **explanation** and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This **timeframe shall not exceed six months** from the date of publication of the grand jury report.)
- Recommendations numbered R4 will not be implemented because they are not warranted or are not reasonable.
(Attach an **explanation**.)

Date: 9/11/23 Signed: 

Number of pages attached: 1

Response Form Continuation – SMCS D Statements and Explanations
Marin Civil Grand Jury Report
Build More ADUs - An Rx to Increase Marin’s Housing Supply, June 15, 2023 (“Report”)

Findings

F7. Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.

F7. Response: Sausalito-Marín City Sanitary District partially disagrees.

F7. Statement: Sausalito-Marín City Sanitary District (“District”) has been asked to respond to Finding F-7 stated above. The District does not charge impact fees, but rather charges “connection fees” and “capacity charges” – as respectively defined in subdivisions (b)(2) & (b)(5) and (b)(3) of Government Code section 66013.

The District did not survey County residents on fees County wide, and there is no data that indicates the District’s connection and/or capacity fees are a disincentive to homeowners considering ADU development within the District. The Report doesn’t address whether the District in particular is any more or less a cost factor than other costs that are needed for construction. The Report doesn’t mention that the District waives the \$6,130 connection fee for ADU’s.

Recommendations

R4. By December 1, 2023, begin a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.

R4. Response: Sausalito-Marín City Sanitary District will not implement because they are not warranted or are not reasonable.

Explanation: As noted above under “Findings”, the District doesn’t levy impact fees as that term is defined under the law. In regards to connection fees, currently the District waives the \$6,130 connection fee. In regards to capacity fees, there are strict statutory and constitutional constraints on the District’s ability to raise revenues necessary to meet costs, and therefore, the District is unable to waive capacity charges. Therefore, for the reasons stated above, no feasibility assessment needs to be conducted.