



## NOVATO FIRE DISTRICT

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September 6, 2023

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](mailto:grandjury@marincounty.org)

Re: Marin Civil Grand Jury Report responses:  
**Build More ADUs- An Rx to Increase Marin's Housing Supply**

Dear Judge Chou:

Pursuant to California Penal Code Sections 933 and 933.05, attached please find the official response of the Novato Fire Protection District to the findings and recommendations of the Grand Jury's report titled, "Build More ADUs- An Rx to Increase Marin's Housing Supply." The Novato Fire Protection District ("District") is required to respond to Finding F7 and Recommendation R4. Our required response to the report's findings and recommendations was approved by the Novato Fire Protection District Board of Directors at their meeting on September 6, 2023.

The Fire District appreciates the attention that the Grand Jury has given to the important issues and concerns facing Marin's citizens. We fully support examining and streamlining local agencies' permitting and approval of this important supply of additional housing inventory to address California and Marin County's housing crisis. The Novato Fire Protection District hopes to balance permitting efficiencies with important concerns of fire safety and maintaining appropriate access and service to these structures for firefighting resources.

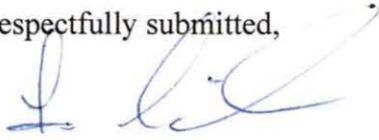
The District's responses to Finding F7 and Recommendation R4 of the Report are set forth in greater detail in the attached "Response to Grand Jury Report," but are summarized below:

F7 The District agrees with this finding and shares the Grand Jury's concern that high and onerous impact and connection fees can act to disincentivize production of ADUs. However, the District does not assess any impact or capacity fees, and the District's very low

permitting fee, based on square footage, only serves as a modest cost recovery contribution towards actual District costs for providing fire response to these structures.

R4 This recommendation has been implemented. The District does not assess or impose any impact or connection fees for any ADUs, including those units smaller than 750 square feet.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'LJ Silverman', written over a horizontal line.

LJ Silverman, President  
Novato Fire Protection District Board of Directors

Cc: Fire Chief Bill Tyler  
Marin County Civil Grand Jury Foreperson Pat Shepherd

Attachments: Novato Fire District Response to the 2023 Marin County Civil Grand Jury Report

## 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: **Novato Fire Protection District** \_\_\_\_\_

Submitter Name: **Lj Silverman** \_\_\_\_\_ Title: **Board President** \_\_\_\_\_

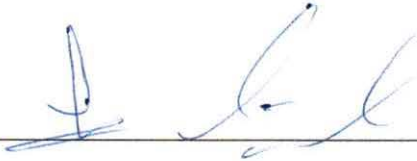
### FINDINGS

- Agree with the findings numbered: **F7** \_\_\_\_\_
- Disagree *partially* with the findings numbered: \_\_\_\_\_
- 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 **R4** \_\_\_\_\_ 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 \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an **explanation**.)

Date: 9/14/23 Signed: 

Number of pages attached: 2

## Novato Fire Protection District Responses to the 2023 Marin County Civil Grand Jury Report: "Build More ADUs- An Rx to Increase Marin's Housing Supply"

### RESPONSE TO MARIN CIVIL GRAND JURY FINDINGS:

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

Response: **AGREE**

The District agrees that high impact, connection and capacity charges can act to disincentivize ADU production, and the wide variation in such fees among local permitting agencies can be confusing and difficult for applicants to navigate. However, the District itself does not impose any impact, connection or capacity charges on a per square foot basis. The majority of District revenue comes from property taxes, a special tax, intergovernmental revenue, other service fees, and other miscellaneous revenue sources. The estimated permit and development fees cited on Table 3 of the Grand Jury Report, attributing a fee of \$0.0622/sq. ft. to the District, presumably reflect the cost of the District's special tax, and do not represent an impact, connection or capacity charge.

The District provides all-risk emergency and non-emergency fire prevention and suppression services to the City of Novato and surrounding unincorporated areas within Marin County. As such, ADUs within the District's response jurisdiction are governed by both City and County ordinances and state law affecting the permitting and production of ADUs. Under relevant state law, ADU permitting standards must be objective in nature, such that each permit application may be considered ministerially without discretionary review or a need for hearing.

In 2021, the California legislature passed a bill (SB 1069) that exempts sprinkler systems for detached ADUs not exceeding 1,200 square feet in size whose primary residence is not required to have an automatic residential sprinkler system. Automatic residential sprinkler systems are, however, required in all newly constructed dwellings including those built with ADUs. Newly constructed attached ADUs must have an automatic residential sprinkler system when the existing dwelling has an automatic residential sprinkler system. Existing dwellings designed and constructed prior to the requirement for an automated residential sprinkler system need not provide an automatic residential sprinkler system.

In addition to sprinkler requirements, there are a number of fire safety and fire suppression access considerations that the District encourages both the County and the City of Novato to take into account in adopting and updating their local ordinances. Such requirements are objective in nature and may be lawfully adopted under relevant provisions of the California Government Code. Some of these requirements are already incorporated in City and County regulations, but additional requirements could be addressed that would be objective and may affect cost to applicants. These include ensuring the provision of adequate access for firefighting equipment and apparatus resources, provision of site plans (including the location of the ADU on the property, relation to other structures, location of utilities, gates, fire protection water

supplies, and hydrants or on-site water storage), provisions for fire safety during construction, demonstration of adequate fire flow and fire protection and proximate water supplies, conforming ignition resistant construction and vegetation management if located in California's designated fire hazard severity zones or wildland urban interface (WUI) designated areas, , addressing and requiring that ADUs maintain appropriate setbacks from property lines and adjacent structures.

RESPONSE TO MARIN CIVIL GRAND JURY 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.

Response: **IMPLEMENTED.**

This recommendation has been implemented. The District does not assess or impose any impact or connection fees for any ADUs, including those units smaller than 750 square feet.