TO:

BOARD OF DIRECTORS

FROM:

BRUCE BUEL

BAS

DATE:

MARCH 20, 2008

AGENDA ITEM E-1 MARCH 26, 2008

SERVICE REQUEST - APN 092-130-053

ITEM

Consider revised request for water and sewer service (Intent-to-Serve Letter) for a 71-room hotel commercial development at 549 Hill Street and Nipomo Commons Commercial Project, Tract 2611. [APPROVE, DENY OR CONTINUE APPLICATION].

BACKGROUND

The District received an application for sewer and water service to 549 Hill on February 7, 2008. The Owner/Applicant, is Rob Marinai of Oakland. He is represented by his Agent, Robert Wislow of EDA Design Professionals. A previous Intent-To-Serve letter was issued to Mr. Marinai on September 14, 2005 and had expired. Water demand for the previously approved Intent-To-Serve letter was 9.23 AFY.

The Board considered the Intent-to-Serve application at the February 27, 2008 Board meeting and voted to continue this item until after the Board has received the groundwater storage report from SAIC that includes the Spring 2008 groundwater level readings.

At the March 12, 2008 Board meeting, the Board adopted Resolution No. 2008-1070 that temporarily suspends processing of applications for Intent-To-Serve letters that increase the net demand on the groundwater basin.

Attached is a letter the District received dated March 17, 2008 from the applicant's representative, Robert Winslow, EDA Design Professionals, requesting that the Board reconsider the Intent-To-Serve application for the Nipomo Hotel. The water demand for the hotel has been revised from 8.22 acre feet per year to 5.34 acre feet per year using average hotel occupancy for the area of 65% instead of 100% as indicated in the original application.

In addition, as indicated in Mr. Winslow's letter, the Nipomo Hotel project is under the same ownership as the Nipomo Commons Project, Tract 2611. The project owners have proposed to reduce the Tract 2611 water demand from 38.7 acre feet per year to 23 acre feet per year on the condition that 5.34 acre feet of water be allocated to the Nipomo Hotel Project. Ownership information for the projects is available for review at the District office. The request is consistent with Resolution 2008-1070 in that the combined projects as proposed would not increase the net demand on the groundwater basin as already approved.

RECOMMENDATION

Staff requests your Honorable Board provide staff with direction to approve, deny or continue the application.

If the Board desires to approve the project, then staff should be directed to issue an Intent-to-Serve letter for the project with the following conditions:

- Water service for the entire project shall be served by a single meter for indoor uses and a separate meter for landscape areas.
- On-site fire service (e.g. fire sprinklers) will require a dedicated service lateral. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges will be applicable.

- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement, provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. A sewer and water master plan review of project impacts may be required by the District project design review engineer.
- Project landscape plan shall incorporate best management water conservation measures and be approved by the District General Manager.
- Easements required for water and sewer improvements, that will be dedicated to the District, shall be offered to the District prior to final improvement plan approval.
- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a
 Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- · Construct the improvements required and submit the following:
 - Reproducible "As Builts" A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
 - o Offer of Dedication
 - o Engineer's Certification
 - o A summary of all water and sewer improvement costs
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and provided that the District has accepted improvements to be dedicated to the District, if applicable.
- This letter is void if land use is other commercial retail.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
 - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
 - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- SPECIAL CONDITION The applicant shall pay a share of the sanitary sewer construction
 costs for the sanitary sewer that is currently under construction in Hill Street. The cost will
 be determined in accordance with the District's reimbursement policy once the sewer line is
 completed and accepted by the District. Sewer service to this project will not be available
 until the sewer line in Hill Street is completed.
- SPECIAL CONDITION The applicant shall reduce the water demand for Tract 2611 from 38.7 acre feet per year to 23 acre feet per year.

ATTACHMENTS

EDA Letter Dated March 17, 2008 Application for Service Dated February 7, 2008



RECEIVED

MAR 1 9 2008

NIPOMO COMMUNITY SERVICES DISTRICT

March 17, 2008

Nipomo Community Services District 148 S. Wilson Avenue Nipomo, CA 93444

Attention: Mr. Bruce Buel

Re:

Service Request – APN 092-130-053

Nipomo Hotel – Hill Street

Dear Mr. Buel,

On February 21st, 2008, the NCSD Board of Directors voted to continue the above referenced request for service until June of this year.

This project had previously been granted 9.23 acre feet of water per year, however the intent to serve had expired. While processing the most recent intent to serve application, **eda** - **design professionals** found that the previous application prepared by another consultant was absent water demand calculations. When **eda** performed calculations, using extremely conservative assumptions (100 occupancy year round, additional laundry facilities), the project water demand was found to be 8.22 acre feet, approximately one less acre foot than previously requested.

Further research has shown that the average for hotel occupancy for the Santa Maria and Pismo Beach areas is approximately 65%. If this percentage is applied to the project demand, the estimated demand is reduced to **5.34 acre feet per vear**.

The Hotel project referenced above is under the same ownership as the Nipomo Commons Project, Tract 2611. Tract 2611 currently holds an intent to serve letter and an existing water meter. In order to perfect the Will Serve status, the owner must only pay fees. The existing meter is available for use at any time.

The Tract 2611 project includes two phases. The first phase of this project is the expansion of the existing building to allow a Health Club tenant to occupy the building. This use would include showers, saunas and laundry facilities, as well as a possible juice/snack bar. The second phase of the project includes coffee / juice shop, laundromat, retail shops and 51 residential units. These uses are based on currently interested tenants.

The proposed water demand for Tract 2611 is 38.7 acre feet per year, including the 51 entitled residential units and standard landscaping.

The project owner would like to offer NCSD alternative uses for the project. In order to reduce the water demand for Tract 2611, and in exchange for an offset to the Hotel project, the owner is willing to remove the Health Club and Laundromat uses from the project. The owner is also willing to completely replace the existing building with a new, more energy efficient building. The current site has an average water usage of 5.2 acre feet per year. In addition, the project could be modified to include more native landscape features as well as "drip only" irrigation. This reduction in use reduces the Tract 2611 water demand to 23.0 acre feet per year.

In light of these calculations, we are formally requesting that the NCSD Board reconsider the application for service to the Hotel project at the next regular meeting. Furthermore we request that that Board consider the offer from Elevation 77 to reduce the Tract 2611 project use to change the demand from 38.7 acre feet to 23.0 acre feet on the condition that 5.34 acre feet of water is granted to the Hotel project.

The expiration of the Hotel Intent to Serve Letter reduced the amount of NCSD entitled water demand by 9.23 acre feet. In conjunction with an offset of the Tract 2611 entitlement from 38.7 acre feet to 23.0 acre feet, and an entitlement of 5.34 acre feet to the hotel project, the total combined NCSD commitment is 28.34 acre feet per year. This proposal allows the NCSD Board of Directors to reduce previously entitled project by 15.7 acre feet and allow the Hotel to receive an Intent to Serve for 5.34 acre feet, without continuing the project or waiting for water storage reports.

The project owner and **eda - design professionals** sincerely appreciate that the NCSD board of Directors is acting in good faith in an effort to be responsible stewards of the water supply in the Nipomo Mesa Management Area. Likewise, it is our belief that this hotel project is needed, desired and supported by the community. We believe that this proposal provides a compromise that meets both the interest of the NCSD board, the community and the project owner.

Thank you for your time and consideration of this matter.

Regards,

Robert D. Winslow, PE

Associate - Project Manager

eda - design professionals

Use		Bldg SF	Quanitity	Rate	Per	Demand	Units	
Gym		14000	200	25	member	5000.00	GPD	
Coffee House / Juice Bar	Employee Use		7	20	empolyee	140.00	GPD	
	Restroom Use		300	7	meal	2100.00	GPD	
Laundry		3000	175	50	cycle	8750.00	GPD	
Retail		27000	22.5	20	empolyee	450.00	GPD	
Office		12000	240		empolyee	4800.00	GPD	
Restaurant	Employee Use	4500	10	20	empolyee	200.00	GPD	
	Restroom Use	VACABLES AS	300	7	customer	2100.00	GPD	
	Meal Use		300	6	meal	1800.00	GPD	
				Commercial	Demand =	25340.00	GPD	1
					=	9249100.00	GPY	
					:=	1236424.31	CFY	II.
					=	28.38	AFY	
Residential			51	0.18	unit	9.18	AFY	
	***	3.8.		Total Building	Demand =	37.56	AFY	Water
					=	33535.39	GPD	Sewer
Landscape			1	1000	LS	1000.00	GPD	
*					=	1.12	AFY	
				Total	Demand =	38.68	AFY	Water

Use		Bldg SF	Quanitity	Rate	Per	Demand	Units	
Retail		41000	34.166667	20	empolyee	683.33	GPD	
Office		12000	240	20	empolyee	4800.00	GPD	
Coffee House / Juice Bar	Employee Use	3000	7	20	empolyee	140.00	GPD	
	Restroom Use		300	7	meal	2100.00	GPD	
Restaurant	Employee Use	4500	10	20	empolyee	200.00	GPD	
	Restroom Use	2015-1162	300	7	customer	2100.00	GPD	
	Meal Use		300	6	meal	1800.00	GPD	
				Commercial	Demand =	11823.33	GPD	
					=	4315516.67	GPY	
					=	576900.43	CFY	
					=	13.24	AFY	
Residential			51	0.18	unit	9.18	AFY	
	1			Total Building	Demand =	22.42	AFY	Water
					=	20018.72	GPD	Sewer
Landscape			1	500	LS	500.00	GPD	
an incorpo			, i	000	=	0.56	AFY	
				Total	Demand =	22.98	AFY	Water



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 email bbuel@ncsd.ca.gov
Website: ncsd.ca.gov

Office use only:
Date and Time

REApplication Fand
fees received:
FEB 0 7 2008

NIPOMO COMMUNITY
SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

1.	This is an application for: X Sewer and Water Service Water Service Only							
2.	SLO County Planning Department/Tract or Development No.: DRC 2005-00007							
3.	Attach a copy of SLO County application.							
	Note: District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.							
4.	Project location: 549	Hill Stre	et					
5.	Assessor's Parcel N	lumber (A	APN) of lot(s)	o be served: 092-130)-053			
6. 7.	Owner Name: Mailing Address:	Elevation 423 180 Gra	on 77 52 <i>MAC 197</i> 2 nd Avenue, S u	THUR BLVD ite 1035-Oakland CAS	94612			
8.	Email:	Marinai	@pacbell.net					
9.	Phone: (510) 326-7	131 FAX	: (510) 530-92	206				
10.	Agent's Information	(Archited	t or Engineer)	:				
	Name: eda desi	ign profes	ssionals					
	Address: 1998 Sa	anta Barb	ara, Suite 200), San Luis Obispo, C	A 93401			
	Email: RobertV	V@edain	c.com					
	Phone: (805) 549	9-8658	FAX: (805) 5	49-8704				
11.	Type of Project: (ch	eck box)	(see Page 3	for definitions)				
	gle-family dwelling u	nits		Multi-family dwe				
X Co	mmercial		2 2		nmercial and Residential)			
12.	Number of Dwelling	Units _	Numb	er of Low Income un	its N/A			
13.	Does this project re- If yes, numb		ub-division? [v lots created ;					
14.	Site Plan:							
	For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:							
	 more than four dwelling units property requiring sub-divisions higher than currently permitted housing density commercial developments 							
	All other projects,	submit th	ree (3) standa	rd size (24" x 36") and	d one reduced copy (8½" x 11").			
	Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.							

15. Water Demand Certification:

A completed Water Demand Certification, signed by project engineer/architect, must be included for all <u>residential and the residential-portion</u> of mixed use.

16. Commercial Projects Service Demand Estimates:

Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project.

Please note: All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. Agreement:

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee......See Attached Fee Schedule

Date_1/29/08___ Signed

(Must be signed by owner or owner's agent)

Print Name Elevation 77, Rob Marinai

WATER DEMAND CERTIFICATION

Supplement to Intent-to-Serve/Will Serve Application

Definitions

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

Multi-family dwelling unit – means a building or portion thereof designed and used as a residence for three or more families living independently of each other <u>under a common roof</u>, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

Two-family dwelling units (duplex) – means a building with a <u>common roof</u> containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

Single-family dwelling unit – means a building designed for or used to house not more than one family.

Secondary dwelling units – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

Commercial Projects

Commercial projects are exempt from Water Demand Certification; however, low water-use irrigation systems and water conservation best-management practices are required. The dwelling component of <u>Mixed-Use projects</u> (e.g. commercial and residential), are required to provide Water Demand Certification for the dwelling unit portion of the project.

Non-Commercial Projects

Water Demand Certification is required for all non-commercial projects and for the dwelling units of Mixed-Use. Certification must be signed by a licensed Engineer/Architect.

-- - Go to next page for demand calculation and certification - - -

NIPOMO COMMUNITY SERVICES DISTRICT Intent to Serve Application

Page 4 of 5

Demand Calculation (for new dwelling units only)

Total project water demand (dwelling units including irrigation), by District standard, is as follows:

Number of Multi-family Units	X	0.33	=	N/A
Number of Duplexes/Secondary Units	X	0.24	=	N/A
Number of Single Family Units with:				*
Parcel less than 4,500 sq. ft.	X	0.29	=	N/A
Parcel between 4,500 and 10,000 sq. ft.	X	0.39	=	N/A
Parcel greater than 10,000 sq. ft.	X	0.69	=	N/A
Total demand all dwelling u	=	N/A		

Certification

I the undersigned do here by certify:

"AFY" = acre-foot per year

Project design incorporates low water use landscape and landscape irrigation systems.

The design maximum total water demand, including landscaping does not exceed the following:

- 0.33 AFY per Multi-Family Dwelling Unit;
- · 0.24 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.29 AFY per Single Family Dwelling Unit located on a parcel size of four thousand five hundred (4,500) square feet or less;
- 0.39 AFY per Single Family Dwelling Unit located on a parcel size between four thousand five hundred (4,500) and ten thousand (10,000) square feet.
- 0.69 AFY per Single Family Dwelling Unit located on a parcel size that exceeds ten thousand (10,000) square feet.
- 0.69 AFY for the entire parcel when a secondary home is being added.

Parcel size is net area	
Signed Must be signed by project engineer/architect	Date
Title ASSOCIATE	License Number 70825
Project CUP DRC 2005-2007	(e.g. Tract Number, Parcel Map #, APN)

'N

Note:

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LE WATER &	SEWER DE	DKAM							san	luis obisp	o, ca 93406 658 fax (805) 549-8
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Copy of document found at www.NoNewWipTax.com

TABLE K-2
Capacity of Septic Tanks*

Single-Family Multiple Dwelling Dwellings - Units or Number Apartments - One		Other Uses: Maximum Fixture Units Served	Septi	imum c Tank acity in
of Bedrooms	Bedroom Each	per Table 7-3	Gallons	(Liters)
1 or 2		15	750	(2,838)
3		20	1,000	(3,785)
4	2 units	25	1,200	(4,542)
5 or 6	3	33	1,500	(5,678)
	4	45	2,000	(7,570)
	5	55	2,250	(8,516)
	6	60	2,500	(9,463)
	7	70	2,750	(10,409)
	8	80	3,000	(11,355)
	9	90	3,250	(12,301)
	10	100	3,500	(13,248)

*Note:

Extra bedroom, 150 gallons (568 liters) each.

Extra dwelling units over 10,250 gallons (946 liters) each.

Extra fixture units over 100,25 gallons (95 liters) per fixture unit.

Septic tank sizes in this table include sludge storage capacity and the connection of domestic food waste disposal units without further volume increase.

TABLE K-3

Estimated Waste/Sewage Flow Rates

Because of the many variables encountered, it is not possible to set absolute values for waste/sewage flow rates for all situations. The designer should evaluate each situation and, if figures in this table need modification, they should be made with the concurrence of the Authority Having Jurisdiction.

Ty	pe of Occupancy	Gallons (liters) Per Day
1.	Airports	15 (56.8) per employee 5 (18.9) per passenger
2.	Auto washers	Check with equipment manufacturer
3.	Bowling alleys (snack bar only)	75 (283.9) per lane
4.	Camps: Campground with central comfort station Campground with flush toilets, no showers Day camps (no meals served) Summer and seasonal	25 (94.6) per person 15 (56.8) per person
5. 6.	Churches (Sanctuary)	7 (26.5) per seat
7.		25 (94.6) per employee35 (132.5) per employee
8.	Hospitals Kitchen waste only Laundry waste only	25 (94.6) per bed
9.	Hotels (no kitchen waste)	60 (227.1) per bed (2 person)

TABLE K-3 (Continued)

Type of Occupancy	Gallons (liters) Per Day
10. Institutions (Resident)	125 (473.1) per person
11. Laundries, self-service (minimum 10 hours per day) Commercial	
12. Motel	
13. Offices	20 (75.7) per employee
14. Parks, mobile homes	20 (75.7) per parking space
without water hook-upwith water and sewer hook-up	
15. Restaurants – cafeterias	
16. Schools – Staff and office Elementary students Intermediate and high with gym and showers, add with cafeteria, add Boarding, total waste	
17. Service station, toilets	
18. Stores public restrooms, add	
19. Swimming pools, public	10 (37.9) per person
20. Theaters, auditoriumsdrive-in	대통하다 마음 다른 내가 되었다. 이 시간에 살아가면 하다면 하다 하다가 되었다면 하다면 하다 하네요?

- (a) Recommended Design Criteria. Sewage disposal systems sized using the estimated waste/sewage flow rates should be calculated as follows:
 - (1) Waste/sewage flow, up to 1,500 gallons/day (5,677.5 L/day) Flow x 1.5 = septic tank size
 - (2) Waste/sewage flow, over 1,500 gallons/day (5,677.5 L/day) Flow x 0.75 + 1,125 = septic tank size
 - (3) Secondary system shall be sized for total flow per 24 hours.
- (b) Also see Section K 2 of this appendix.

