

TO: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

FROM: PETER V. SEVCIK *PVS*  
DISTRICT ENGINEER

DATE: JANUARY 5, 2012

**AGENDA ITEM  
E-4  
JANUARY 11, 2012**

**SERVICE REQUEST – TRACT 2689  
25 LOT MIXED USE DEVELOPMENT**

**ITEM**

Consider request for water, sewer and solid waste service (Intent-to-Serve Letter) for a 25 lot mixed use development on Tefft Street at Blume Street, pursuant to District's current water allocation ordinance [RECOMMEND APPROVAL].

**BACKGROUND**

The District received an application for water, sewer and solid waste service for Tract 2689, 691 West Tefft Street, APN 092-577-008, on November 16, 2011. The Applicant, 691 West Tefft Street LLC, represented by Terrence Flatley, is requesting water, sewer and solid waste service for a 25 lot mixed use subdivision (based on the District's definition). The project will consist of 5 commercial parcels, 18 duplex parcels, and 2 common area parcels. The 2.83 acre parcel is zoned Commercial Retail and is not physically connected to District water or sewer service. A Water Demand Certification for the residential portion of the project is included with the application and a water use estimate is included with the application for the commercial portion of the project.

The District has previously issued two (2) Intent-to-Serve letters for the project since 2004 (the latest in August 2007), all of which have expired. The previous application included 22 residential units and the current application is for 18 residential units. The applicant will be required to submit revised public improvement plans for the project based on the current proposed lot configuration.

All parcels, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing agricultural well(s) on the property will not be utilized to provide domestic water service to any part of the project.

The residential portion of the project is subject to the District's current annual water-year allocation limits (32.5 acre-feet) per District Ordinance Section 3.05.040. Pursuant to current Ordinance, the requested residential water allocation for the project is 5.94 acre-feet per year (18 x .33) per Section 3.05.060. Attached is the current Water Allocation Accounting Summary for Water Year 2011-2012. To date, 9.5 acre-feet of water has been allocated for Water Year 2011-2012, which commenced on October 1, 2011.

Both the phasing and the calculation of the projected residential water demand are determined by the District's current allocation ordinance. According to Section 3.05.060 of the allocation ordinance, the projected total demand shall be established as 0.33 AFY per duplex unit. According to Section 3.05.040.A.1, a total of 20.8 AFY is reserved for single-family and duplex dwelling units in any one allocation year. According to Section 3.05.110.A, the District will not allocate more than twenty percent (20%) of the use type allocation to any one project during any one allocation year. Thus, the allocation policy requires that no more than 4.2 AFY (.2 times

20.8) be allocated in the single-family and duplex category to any one project in any allocation year.

Given the total residential water allocation required for the project is 5.9 AFY and no more than 4.2 AFY can be allocated in the single-family and duplex category to any one project in any allocation year, the required water allocation for the project will be phased over a 2 year period with 4.2 AFY in Water Year 2011-2012 and 1.7 AFY in Water Year 2012-2013.

Pursuant to District Code Section 3.05.110(D) the District Board may, during the 4<sup>th</sup> quarter, adjust the twenty percent (20%) limitation referenced in this staff report upon the finding that there is an unused allocation in a designated category. The priorities for distributing the adjusted allotment are as follows:

1. Projects on the waiting list;
2. Projects with existing phased Intent-to-Serve letters;
3. New projects.

Further, the Board may reconsider the phasing Ordinance with the construction of the Supplemental Water Project and the delivery of supplemental water.

Regarding the commercial portion of the project, commercial projects that submit a landscape plan consistent with best management practices are exempted from District Code Chapter 3.05, Water Service Limitations (annual allocation limits). The District accounts for commercial growth in water demand by reducing the reservation for residential projects by 5%. The applicant will be required to submit an irrigation plan, a plant material layout plan, a plant material list, and a hardscape plan, if there are any water features (such as fountains and swimming pools) included in the project, to the District for review and approval. Water demand for the commercial portion of project is estimated at 10 acre-feet per year and sewer demand is estimated at 9000 gallons per day.

### **FISCAL IMPACT**

Water and sewer capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming a total of twenty-three (23) 1 inch water meters for indoor use water service, a total of two (2) 1 inch irrigation water meters, a single 6 inch fire service and twenty-three (23) sewer connections, the estimated fee deposit for the project is \$702,560 based on the current District fee schedule.

Additionally, the Applicant may, at a future date, request to be included in the District's Connection Fee Deferral Program as provided in District Code Section 3.04.503.

### **RECOMMENDATION**

The Applicant has complied with the District's requirements for an Intent-to-Serve letter and therefore should be considered for approval with the following conditions:

- This Project shall obtain solid waste, sewer and water service for all parcels.
- Will-Serve letters for the project will be issued in "phases" as follows:
  - All 5 commercial lots and no more than 12 duplex units (4.2 acre-feet) prior to September 30, 2012;
  - All 5 commercial lots and no more than 18 duplex units (5.9 acre-feet), cumulative, prior to September 30, 2013;

- Each new parcel shall be served by a single one inch meter for indoor use.
- A separate irrigation meter shall be provided for each common lot parcel. Irrigation meter capacity charges will be applicable.
- On-site fire service (e.g. fire sprinklers) may 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.
- Record a restriction on the property prohibiting the use of any existing agricultural well(s) to provide domestic water service to any parcel within the Project.
- Use of self-regenerating water softeners shall be prohibited.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.
- 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 and provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide revised plans consistent with current District Standards and based on the proposed revised lot configuration.
- Any 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.
- An irrigation plan, a plant material layout plan, a plant material list (if not included in the plant material layout plan), and a hardscape plan, if there are any water features (such as fountains and swimming pools) included in the project, shall be submitted to the District for review and approval before the Will-Serve letter is issued.
- A Will-Serve letter for the Project will be issued after revised improvement plans are approved and signed by the District.
- 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
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all water and sewer improvement costs
  - Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
- 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.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name.
- This letter is void if land use is other than mixed use as defined by the District.
- 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



- Three (3) years. However, Applicant shall be entitled to a one-year extension upon the following conditions:
  - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
  - Applicant provides proof of reasonable due diligence in processing the Project.
  - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- 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.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

### **ATTACHMENTS**

- Application
- Proposed Site Plan
- Water Year 2011-2012 Allocation Summary

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2012\120111 TRACT 2689 SERVICE REQUEST.DOCX



# NIPOMO COMMUNITY SERVICES DISTRICT

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

Office use only:  
Date and Time  
Complete  
Application and  
Fees Received:  
**RECEIVED**  
NOV 10 2011

**NIPOMO COMMUNITY SERVICES DISTRICT**

## INTENT-TO-SERVE APPLICATION

- This is an application for:  Sewer and Water Service  Water Service Only
- SLO County Planning Department/Tract or Development No.: 2689
- 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.

- Project location: 691 WEST TEFFT
- Assessor's Parcel Number (APN) of lot(s) to be served: \_\_\_\_\_
- Owner Name: 691 WEST TEFFT STREET LLC
- Mailing Address: 500 GRENADLE RD SANTA BARBARA CA 93110
- Email: AWASSON FR @ GMAIL .COM
- Phone: 805 9672011 FAX: 805 6835260

- Agent's Information (Architect or Engineer):  
Name: CEBULLA ASSOCIATES TEFFY 4514086  
Address: 171 N. 13th ST  
Email: MT CEB@YAHOO .COM  
Phone: 805 4731298 FAX: \_\_\_\_\_

11. Type of Project: (check box) (see Page 3 for definitions)

|   |  |
|---|--|
| <input type="checkbox"/> Single-family dwelling units | <input type="checkbox"/> Multi-family dwelling units                       |
| <input type="checkbox"/> Commercial                   | <input checked="" type="checkbox"/> Mixed Use (Commercial and Residential) |

- Total Number of Dwelling Units 18 Number of Low Income Units 0
- Does this project require a sub-division?  Yes  No  
If yes, number of new lots created 25

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 three (3) standard size (24" x 36") and 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 residential and the residential portion of mixed-use projects.

16. Commercial Projects Service Demand Estimates:

Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect. **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.....570.<sup>00</sup>.....See Attached Fee Schedule

Date \_\_\_\_\_ Signed Terrence B. Flatley  
(Must be signed by owner or owner's agent)  
Print Name TERRENCE B. FLATLEY

DATE \_\_\_\_\_

NIPOMO COMMUNITY SERVICES DISTRICT  
APPLICATION FOR  
INTENT-TO SERVE LETTER

1. SLO County Planning Department/Tract or Development No.: \_\_\_\_\_
2. Project's Location: 631 W. Tofft
3. Assessor's Parcel Number (APN) of lot(s) to be served: 92-132-011
4. Total Number of Residential Units: 22 18
5. Owner Name: Terrance B. Flatley
6. Business Address: 1715 N. Refugio Rd., Santa Ynez, CA 93460
7. Mailing Address: Same
8. Phone Number: 805-693-1876
9. Agent's Name (Architect or Engineer): Cebulla Associates
10. Mailing Address: P.O. Box 42, Pismo Beach, CA 93448
11. Phone Number: 805-473-1298
12. Type of Use:
  - Single Family Residence
  - Duplex
  - Triplex
  - Multi-Family
  - Subdivision
  - Commercial? Type Mix of retail and office
  - Remodel: (Project Description)
13. Submit six (6) copies of the tract map and one reduced copy (8½" x 11").  
(One for each Board member and the manager.)
14. COMMERCIAL PROJECTS – Please provide the following information:
  - a. An engineer or architect's estimate of yearly water (AFY) and sewer (MGD) demand for the project  
Water 10 AFY      Sewer 0.009 MGD
  - b. Landscaping irrigation requirements. 2 AFY

**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                         | <u>18</u>    | X | 0.28 | = | <u>5.04</u> |
| Number of Duplexes/Secondary Units                   | <del>3</del> | X | 0.28 | = | _____       |
| Number of Single Family Units with:                  |              |   |      |   |             |
| Parcel less than 12,768 sq. ft.                      | _____        | X | 0.40 | = | _____       |
| Parcel between 12,769 and 25,536 sq. ft.             | _____        | X | 0.68 | = | _____       |
| Parcel greater than 25,536 sq. ft.                   | _____        | X | 0.82 | = | _____       |
| Total demand all dwelling units including irrigation |              |   |      | = | _____       |

**Certification**

I the undersigned do here by certify:

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

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

- 0.28 AFY per Multi-Family Dwelling Unit;
- 0.28 AFY per Dwelling Unit for duplexes and Secondary Dwellings;
- 0.40 AFY per Single Family Dwelling Unit located on a parcel size of twelve thousand seven hundred sixty-eight (12,768) square feet or less;
- 0.68 AFY per Single Family Dwelling Unit located on a parcel size between twelve thousand seven hundred sixty-nine (12,769) and twenty-five thousand five hundred thirty-six (25,536) square feet.
- 0.82 AFY per Single Family Dwelling Unit located on a parcel size that exceeds twenty-five thousand five hundred thirty-six (25,536) square feet.
- Secondary Units – Total water demand for primary and secondary unit shall not exceed 110% of the limitations established for the primary unit.

Note: "AFY" = acre-foot per year  
Parcel size is net area

Signed *Charles Robbins* Date 11-9-2011  
Must be signed by project engineer/architect

Title Architect License Number C3445

Project TK 2689 (e.g. Tract Number, Parcel Map #, APN)







TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: JANUARY 6, 2012



## RATIFY 2012 COMMITTEE/DELEGATE ASSIGNMENTS

### ITEM

Ratify 2012 Committee/Delegate assignments [RECOMMEND APPROVAL]

### BACKGROUND

The Board President is tasked with defining committees, committee members, and delegate assignments for 2012. President Harrison will review his proposed assignments.

### RECOMMENDATION

Staff recommends that the Board by motion and roll call vote ratify the proposed assignments and direct staff to post these assignments in compliance with state law.

### FISCAL IMPACT

Minor budgeted staff time to prepare board letter.

### ATTACHMENTS

- President Harrison's Proposed 2012 Committee Assignments

t:\board matters\board meetings\board letter\2012\120111 committee assignments.docx

# 2012 NCSD COMMITTEE ASSIGNMENTS

Mike 1, Ed 2, Larry 3, Dan 4, Jim 5, Jon 6

## Standing Committee Assignments (2 members)

Supplemental Water Project Design & Construction  
 Finance and Audit  
 Parks  
 Southland Wastewater Treatment Facility Upgrade  
 Water Conservation  
 Personnel  
 Supplemental Water Outreach ad Hoc

## Chairperson Member

|                  |                  |
|------------------|------------------|
| Ed Eby           | Jim Harrison     |
| Larry Vierheilig | Dan Gaddis       |
| Jim Harrison     | Dan Gaddis       |
| Michael Winn     | Jim Harrison     |
| Michael Winn     | Larry Vierheilig |
| Larry Vierheilig | Dan Gaddis       |
| Ed Eby           | Mike Winn        |

## DELEGATES

SCAC  
 Water Resources Advisory Committee (WRAC)  
 Chamber of Commerce meets last Thursday Blacklake at noon  
 City of Santa Maria/CCWA  
 Olde Towne Nipomo Association  
 Blacklake Village Council/Committees  
 Liaison to the Nipomo Incorporation Committee for Education (NICE)  
 Representative to the Board of Supervisors  
 Representative to the Planning Commission

## MEMBER ALTERNATE

|                 |                 |
|-----------------|-----------------|
| Ed Eby          | None            |
| Michael Winn    | Jon Seitz       |
| Dan Gaddis      | Jim Harrison    |
| Jim Harrison    | Ed Eby          |
| Jim Harrison    | Larry Vierhelig |
| Larry Vierhelig | Dan Gaddis      |
| Jim Harrison    | Larry Vierhelig |
| Jim Harrison    | Michael Winn    |
| Michael Winn    | Jim Harrison    |

Delegates are appointed by the president of the Board of Directors.

\*Subject to other requirements of the Brown Act, Committee appointments are not to be interpreted as limiting contacts between individual Board Members or any other person or persons.

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: JANUARY 6, 2012



## AFFIRM 2012 BOARD MEETING SCHEDULE

### ITEM

Discuss and affirm 2012 schedule of Regular Board Meetings [RECOMMEND APPROVE SCHEDULE]

### BACKGROUND

Section 2.1 of the Board By-Laws states:

*Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.*

Proposed Regular Board Meeting Schedule for 2012

| 1 <sup>st</sup> Meeting of Month | 2 <sup>nd</sup> Meeting of Month |
|----------------------------------|----------------------------------|
| January 11                       | January 25                       |
| February 8                       | February 29*                     |
| March 14                         | March 28                         |
| April 4                          | April 18                         |
| May 9                            | May 23                           |
| June 13                          | June 27                          |
| July 11                          | July 25                          |
| August 8                         | Cancelled – Summer Recess        |
| September 12                     | September 26                     |
| October 10                       | October 24                       |
| November 14                      | Cancelled – Holiday Season       |
| December 12                      | Cancelled – Holiday Season       |

\* February 29 falls on the 5<sup>th</sup> Wednesday of the month.

Special Meetings will be called subject to Section 2.2 of the Board By-Laws. Section 2.2 of the Board By-Laws states in part:

*Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice...*

All meetings will be noticed pursuant to the Brown Act.

### RECOMMENDATION

Staff recommends that your Board by motion and roll call vote approve the 2012 Board Meeting Schedule as presented above.

### ATTACHMENTS

- None