

TO: BOARD OF DIRECTOR  
REVIEWED: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E. *P.V.S.*  
DIRECTOR OF  
ENGINEERING & OPERATIONS  
DATE: May 6, 2015

**AGENDA ITEM  
E-1  
MAY 12, 2015**

**SERVICE REQUEST – TRACT 2652  
COMMERCIAL DEVELOPMENT**

**ITEM**

Consider request for water, sewer and solid waste service (Intent-to-Serve Letter) for Tract 2652 commercial development on Mary Avenue and Juniper Street [RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE WITH CONDITIONS].

**BACKGROUND**

The District received an application for water, sewer and solid waste service for Tract 2652 on February 4, 2015. The Owner is Craig Mally. The Board had previously approved a similar application for an Intent-to-Serve Letter for a larger project, but it has since expired.

The project will consist of 12 lots with commercial buildings (including an assisted living facility, restaurants, office space and retail space) and 1 common lot parcel. The following 3 existing lots, all located on the west side of Mary Avenue, will be reconfigured for the 13 lot project.

<b>APN</b>	<b>Acreage</b>	<b>District Service History</b>
092-572-015	9.48	District previously served water. No current service.
092-572-025	2.49	District previously served water. No current service.
092-572-045	2.63	District previously served water. No current service.

The District does not currently provide water, sewer or solid waste service for the above parcels. However, the District did previously serve each of the parcels with water service. All parcels, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Based on the preliminary information provided, total water demand for the project is estimated at 37.9 acre-feet per year (AFY). After applying a credit of 1.58 AFY for the existing services (3 @ 1-inch), the project's supplemental water demand is estimated at 36.3 AFY.

Based on all projects approved since January 25, 2008, the quantity of water *reserved* for new development (Will-Serve issued) as well as the quantity of water *assigned* to new development (Intent-to-Serve Letter Issued but subject to expiration), including this project assuming the Board approves the Intent-to-Serve letter, is as follows:

Available Supplemental Water	500 AFY
Supplemental Water Reserved (Will-Serve Letter Issued)	-5.8 AFY
Subtotal Net Available Supplemental Water	494.2 AFY
Supplemental Water Assigned (Intent-to-Serve Issued, Subject to Expiration)	-197.3 AFY
<b>Total Remaining Supplemental Water</b>	<b>296.9 AFY</b>

Sewer demand was estimated by the applicant at 11,300 gallons per day. Sufficient capacity for the project is available in the District's Southland WWTF.

**FISCAL IMPACT**

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the information provided, the following services are proposed:

- Domestic: 11 @ 2-inch services and 1 @ 4-inch service
- Irrigation: 4 @ 1-inch services
- Fire: 11 @ 4-inch services and 1 @ 6-inch service
- Sewer: 12 services

The estimated fee deposit for the project is \$1,125,062 based on the current District fee schedule including a credit for the 3 existing 1-inch water services.

**RECOMMENDATION**

Staff recommends that the Board approve the Applicant's request for an Intent-to-Serve letter for the project with the following conditions:

Project-Specific Conditions

- Each new parcel shall be served by a single appropriately sized meter and backflow assembly for indoor use.
- Each new parcel shall be served by a single appropriately sized fire service and backflow assembly as required by CAL FIRE of SLO County. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire service capacity charges will be applicable.
- Up to four 1-inch irrigation meters will be allowed for the common area lot. Recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, will be required to include provisions for a single legal entity that will be responsible for payment of all costs related to common parcel irrigation meters.
- Applicant shall install a water main, in accordance with District standards, in Mary Street to serve the project.
- Applicant shall install a gravity sewer system, in accordance with District standards, in Mary Street.
- A sewer and water master plan review of project impacts will be required. At a minimum, the applicant shall install a replacement sewer collection line in Juniper Street along the entire frontage of the project along Juniper Street. The applicant may be required to install a replacement sewer line in Juniper Street from the east side of Mary Street to the junction of Juniper Street with Frontage Road.

Standard Conditions

- Project shall obtain solid waste, sewer and water service for all parcels.

- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- 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 plans consistent with current District Standards and based on the proposed 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.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name.
- A Will-Serve letter for the Project will be issued after 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 Built" - 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 a single legal entity that will be responsible for payment of all costs related to common parcel irrigation meters.
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than commercial 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, from date of issuance. 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 District reserves the right to revoke this "Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

**ATTACHMENTS**

- A. Application
- B. Site Plan

May 12, 2015

E-1

ATTACHMENT A

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# 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**  
FEB 04 2015

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.: 2652

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: SW Corner of Mary Ave & Juniper in Nipomo, CA

5. Assessor's Parcel Number (APN) of lot(s) to be served: 092-572-015, 092-572-025

6. Owner Name: Craig Mally # 092-572-045

7. Mailing Address: 2614 Foothill Lane; Santa Barbara, CA; 93105

8. Email: cmally@cox.net

9. Phone: 805-962-5080 FAX: None

10. Agent's Information (Architect or Engineer):

Name: Wayne Scott

Address: P.O. Box 827; Visalia, CA; 93279

Email: wayne.scott.scott@gmail.com

Phone: 559-300-3709 FAX: 559-732-4111

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 checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Mixed Use (Commercial and Residential)

12. Total Number of Dwelling Units 121 Number of Low Income Units 0

13. Does this project require a sub-division? Assisted Living  Yes  No  
If yes, number of new lots created 12 plus Common Area

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.

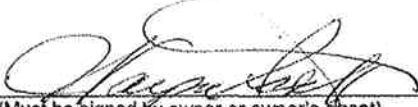
Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

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

The District will only accept cashier's check or bank wire for the payment of Water Capacity, Sewer Capacity and other related development fees.

Date 2/2/15

Signed

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

Print Name

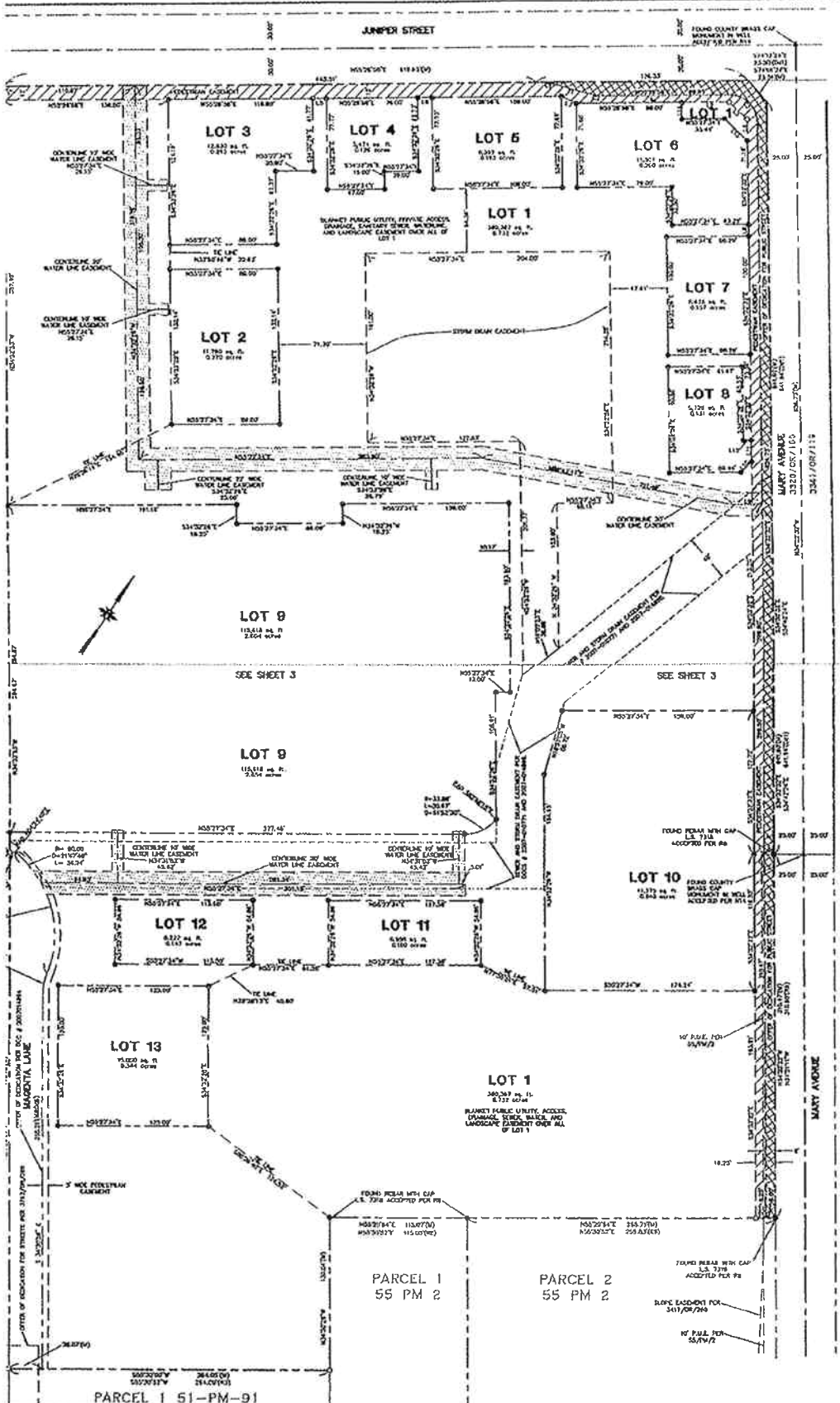
Wayne Scott

May 12, 2015

E-1

ATTACHMENT B





LINE	BEARING	LENGTH
1	S 88° 15' 00" W	118.80
2	N 75° 57' 00" E	150.00
3	S 88° 15' 00" W	118.80
4	N 75° 57' 00" E	150.00
5	S 88° 15' 00" W	118.80
6	N 75° 57' 00" E	150.00
7	S 88° 15' 00" W	118.80
8	N 75° 57' 00" E	150.00
9	S 88° 15' 00" W	118.80
10	N 75° 57' 00" E	150.00
11	S 88° 15' 00" W	118.80
12	N 75° 57' 00" E	150.00
13	S 88° 15' 00" W	118.80
14	N 75° 57' 00" E	150.00
15	S 88° 15' 00" W	118.80
16	N 75° 57' 00" E	150.00
17	S 88° 15' 00" W	118.80
18	N 75° 57' 00" E	150.00
19	S 88° 15' 00" W	118.80
20	N 75° 57' 00" E	150.00
21	S 88° 15' 00" W	118.80
22	N 75° 57' 00" E	150.00
23	S 88° 15' 00" W	118.80
24	N 75° 57' 00" E	150.00
25	S 88° 15' 00" W	118.80
26	N 75° 57' 00" E	150.00
27	S 88° 15' 00" W	118.80
28	N 75° 57' 00" E	150.00
29	S 88° 15' 00" W	118.80
30	N 75° 57' 00" E	150.00

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1	S 88° 15' 00" W	118.80
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8	N 75° 57' 00" E	150.00
9	S 88° 15' 00" W	118.80
10	N 75° 57' 00" E	150.00
11	S 88° 15' 00" W	118.80
12	N 75° 57' 00" E	150.00
13	S 88° 15' 00" W	118.80
14	N 75° 57' 00" E	150.00
15	S 88° 15' 00" W	118.80
16	N 75° 57' 00" E	150.00
17	S 88° 15' 00" W	118.80
18	N 75° 57' 00" E	150.00
19	S 88° 15' 00" W	118.80
20	N 75° 57' 00" E	150.00
21	S 88° 15' 00" W	118.80
22	N 75° 57' 00" E	150.00
23	S 88° 15' 00" W	118.80
24	N 75° 57' 00" E	150.00
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26	N 75° 57' 00" E	150.00
27	S 88° 15' 00" W	118.80
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29	S 88° 15' 00" W	118.80
30	N 75° 57' 00" E	150.00

**LEGEND**

- FOUND CENTERLINE MONUMENT IN WELL
- FOUND MONUMENT AS NOTED
- SET COUNTY STANDARD CENTERLINE MONUMENT IN WELL STAMPED L.S. 5130
- SET 3/4" IRON AND PLASTIC CAP L.S. 5130
- SET LEAD AND WOODS TAG L.S. 5137
- OFFER OF EASEMENT FOR PUBLIC ROAD
- PETROLEUM EASEMENT
- WATERLINE EASEMENT
- ESTABLISHED BY OTHER PROVISION
- SEARCHED RECORDS (S)

**REFERENCES**

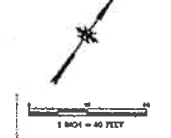
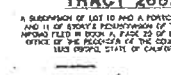
- A 90 20
- PARCEL 2 PER 2004-05497
- 54 PM 18
- 70 LS 05
- 8 LS 18
- 54 PM 70
- COUNTY SURVEYOR MAP DOC #03116
- 55 PM 3
- 49 LS 11
- 48 PM 77
- 5 PM 86
- 15 LS 04
- 10 LS 04
- COUNTY 15-BUILT WARE AVENUE DOC #04113
- 8 M 13
- 3308 OR 114
- 220 OR 417
- WET. #0000-041764
- 3341 OR 119
- 3409 OR 303
- WET. #0001-04844
- WET. #33 OR 331

**BASIS OF BEARINGS**

BASE OF BEARINGS IS INDICATE FOR BL BETWEEN TWO BEARS CAPS IN STANDARD COUNTY MONUMENT WELLS ON THE CENTERLINE OF 78TH STREET LOCATED AT THE CENTERLINE INTERSECTIONS OF 78TH STREET AND WARE AVENUE, AND 78TH STREET AND DAVENPORT WAY.

**TRACT 2652**

A SUBDIVISION OF LOT 10 AND A PORTION OF LOTS 9 AND 11 OF STURTS ACQUISITION OF THE BIONDOLA WINDMILL TRACT IN BOOK A, PAGE 20 OF MAPS, IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.



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- FOUND CENTERLINE MONUMENT IN WELL
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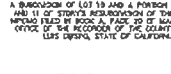
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**Cannon ASSOCIATES**

www.CannonAssociates.com  
 Redwood, CA 561 Lake Orinda, CA Davis, CA 95618  
 916.228.1190 916.228.1191 916.228.1192

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: MAY 8, 2015

**AGENDA ITEM  
E-2  
MAY 12, 2015**

**CONSIDER COUNTYWIDE WATER CONSERVATION PROGRAM AND  
DRAFT ADDENDUM EIR**

**ITEM**

Consider Countywide Water Conservation Program and Draft Addendum EIR [RECOMMEND CONSIDER DRAFT AEIR AND DIRECT STAFF].

**BACKGROUND**

The County of San Luis Obispo is considering a Countywide Water Conservation program and has drafted an environmental impact report in support of program adoption. The Conservation program includes two components, Water Neutral New Development and Water Waste Prevention.

The County Planning Commission is scheduled to make its initial of three planned reviews of the proposed Conservation Program and draft EIR on May 14. The Planning Commission will develop recommendation for the Board of Supervisors. The Board of Supervisors is scheduled to consider the Program and EIR in mid to late June. The County's goal is to get the proposed Conservation Program enacted prior to the expiration of the Paso Groundwater Basin Urgency Ordinance.

Your Board's Facilities and Water Resources Committee considered the proposed Conservation Program and draft Addendum EIR on May 5, 2015. San Luis Obispo County Planning Department staff attended and participated in the Committee meeting. The Committee directed District staff prepare a draft comment letter for Board consideration.

**RECOMMENDATION**

Consider staff report, draft comment letter, and Committee's recommendation. Direct staff.

**ATTACHMENTS**

- A. Draft May 13, 2015 Comment Letter

May 12, 2015

E-2

ATTACHMENT A

# NIPOMO COMMUNITY

## BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
DAN GADDIS, VICE PRESIDENT  
BOB BLAIR, DIRECTOR  
ED EBY, DIRECTOR  
DAN WOODSON, DIRECTOR



# SERVICES DISTRICT

## STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.  
MICHAEL W. SEITZ, GENERAL COUNSEL

*Celebrating 50 Years of Service to the Community, 1965 - 2015*

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

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May 13, 2015

Xzandrea Fowler  
San Luis Obispo County  
Department of Planning & Building  
976 Osos Street  
Room 200  
San Luis Obispo, CA 93408  
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. The Program's Project Description and Objectives are still being developed, therefore it is difficult to accurately assess environmental impacts of the Program.

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it is inadequate to reduce the depletion of a basin that, by the County's criteria, is at the most critical level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would hold status quo in a basin that is at LOS III with demand equal to supply, however, in LOS III basins where demand is in excess of supply, or if the theoretical

offset is not achieved or maintained, the LOS III condition would be further exacerbated by the new permanent demand resulting from the allowed new development.

Offsets result in a theoretical water savings – we know the new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is reasonably appropriate to use offsets as a means for attempting to lesson resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as a basis for allowing new development and its related permanent new resource demands.

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consider a goal of 'eliminating water waste in the County' and include measurable goals based on reasonable estimates of current level of water waste in the County.

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. It is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

Finally, the draft AEIR must specifically evaluate water resources impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity and protect NMWCA water resources. The District Board and staff are committed to assisting in this effort in every way possible.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun  
General Manager

cc: 4<sup>th</sup> District Supervisor Lynn Compton  
4<sup>th</sup> District Planning Commissioner Jim Harrison  
4<sup>th</sup> District Legislative Assistant Jocelyn Brennan  
Director of Planning and Building James A. Bergman