


TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: AUGUST 23, 2019

**AGENDA ITEM
D-5
AUGUST 28, 2019**

**AUTHORIZE PURCHASE OF REPLACEMENT
RETURN ACTIVATED SLUDGE PUMP FOR SOUTHLAND
WASTEWATER TREATMENT FACILITY**

ITEM

Authorize purchase of replacement Return Activated Sludge Pump for Southland Wastewater Treatment Facility from Perry's Electric Motors & Controls in the amount of \$41,419 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING PURCHASE OF ONE REPLACEMENT RETURN ACTIVATED SLUDGE PUMP FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY].

BACKGROUND

The Return Activated Sludge ("RAS") Pumps continuously pump return activated sludge from the bottom of each of the 2 clarifiers back to the Biolac Aeration basin at the Southland Wastewater Treatment Facility (WWTF). There are a total of 4 RAS pumps, 2 for each clarifier. 1 RAS pump for each clarifier is in operation at all times and pump operation is rotated weekly. The pumps have been in operation since March 2014 and have logged an average of approximately 24,000 hours of operation each.

The seal on one of the RAS pumps recently failed so the pump had to be rebuilt. While the pump was being rebuilt, the District did not have redundancy for the Clarifier 1 RAS pump station. Had the other pump failed, the District would have had to take Clarifier 1 out of service. This would have impacted the water quality of the plant effluent. In order to avoid the potential for this issue in the future and provide the District with the ability to maintain full redundancy for the RAS pump stations, the District should purchase a spare replacement RAS pump.

Staff obtained a quote for an exact replacement spare pump that will work with the existing RAS pump station configuration, including guide shoe, suction bell and lifting system, for any 1 of the 4 existing RAS pumps. An exact replacement spare pump for the existing pumps from the same manufacturer ensures that the replacement pump will work without requiring the District to make any costly civil, mechanical, electrical or other modifications to the RAS pump stations. Perry's Electric Motors & Controls submitted a quote for a replacement pump in the amount of \$41,419. Estimated time for receipt of the replacement pump is 20 weeks.

FISCAL IMPACT

The approved FY 19-20 Town Sewer budget does not include funding for a replacement RAS pump for the Southland WWTF. A budget adjustment from Fund #810, Funded Replacement – Town Sewer Reserves, in the amount of \$41,419 is required to provide adequate funding for purchase of the replacement RAS pump.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, approve Resolution 2019-XXXX Southland WWTF Replacement RAS Pump, authorizing purchase of one replacement RAS pump for the Southland WWTF from Perry's Electric Motors & Controls in the amount of \$41,419 and authorizing a budget amendment.

ATTACHMENTS

- A. Resolution 2019-XXXX Southland WWTF Replacement RAS Pump

AUGUST 28, 2019

ITEM D-5

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY
SERVICES DISTRICT AUTHORIZING PURCHASE OF A REPLACEMENT RETURN
ACTIVATED SLUDGE PUMP FOR THE SOUTHLAND WASTEWATER TREATMENT
FACILITY FROM PERRY'S ELECTRIC MOTORS AND CONTROLS
IN THE AMOUNT OF \$41,419**

WHEREAS, the Return Activated Sludge (RAS) Pumps continuously pump return activated sludge from the bottom of each of the 2 clarifiers back to the Biolac Aeration basin at the Southland Wastewater Treatment Facility (WWTF); and

WHEREAS, one of the existing pumps needed to be repaired; and

WHEREAS, purchasing a replacement pump will allow the District to maintain full redundancy at the RAS pump stations;

WHEREAS, an exact replacement spare pump for the existing pumps from the same manufacturer ensures that the replacement pump will work without requiring the District to make any costly civil, mechanical, electrical or other modifications to the RAS pump stations; and

WHEREAS, the pumps originally provided for the Southland WWTF Influent RAS pump stations were Hidrostral Pumps; and

WHEREAS, Perry's Electric Motors and Controls provided a quote of \$41,419 for a replacement Hidrostral RAS pump; and

WHEREAS, under the District's Purchasing Policy 8.3.40 this purchase qualifies for non-competitive bidding and the Board finds that:

- 1) The purchase price is reasonable; and
- 2) The product is the only product that meets the need for the District's system.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The above recitals are true and correct and constitute findings for the exclusive use of Perry's Electric Motors and Controls to supply a replacement Hidrostral RAS pump for the Southland WWTF.
- 2) The District Board of Directors does hereby direct District staff to execute a contract for purchase of a replacement RAS pump for the Southland WWTF with Perry's Electric Motors and Controls in the amount of \$41,419.
- 3) The District Board of Directors does hereby authorize a budget amendment of \$41,419 from Fund #810, Funded Replacement – Town Sewer, to fund the purchase.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2019-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF A REPLACEMENT RETURN ACTIVATED SLUDGE PUMP FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY FROM PERRY'S ELECTRIC MOTORS AND CONTROLS IN THE AMOUNT OF \$41,419

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 28th day of August 2019.

ED EBY
President, Board of Directors

ATTEST:

APPROVED AS TO FORM
AND LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

WHITNEY G. MCDONALD
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: AUGUST 21, 2019



**AGENDA ITEM
E-1
AUGUST 28, 2019**

ADOPT RESOLUTION DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO THE GENERAL MANAGER FOR CLAIMS AGAINST THE DISTRICT AMOUNTING TO \$2,500 OR LESS

ITEM

Adopt a resolution that delegates claims handling and settlement authority to the General Manager for claims against the District amounting to \$2,500 or less. [RECOMMEND ADOPT RESOLUTION DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO THE GENERAL MANAGER FOR CLAIMS AMOUNTING TO \$2,500 OR LESS]

BACKGROUND

From time to time, the District receives property loss claims from customers who feel the District has caused them damage. Over the past several years, these claims have ranged from a minimum of \$125 up to an excess of \$25,000. The District pays a membership fee to, and utilizes services from, the Special District Risk Management Authority ("SDRMA") to guide the District's efforts in resolving these claims.

SDRMA services cover the full range of investigative and defense actions needed for the District to defend and settle customer claims. The District's Board of Directors has historically received information from SDRMA through District staff's investigation reports and has been involved in reviewing all claims against the District. Some claims have less validity than others, and some claimants are seeking nominal cost recovery from incidents, while some claims are presented with insufficient information or have been submitted in an untimely manner.

The time and effort dedicated by the Board of Directors to oversee and manage some claims may be better utilized by delegating responsibility to the General Manager, to oversee those claims under a certain dollar amount. The attached resolution proposes to delegate claims management authority to the General Manager for claims not to exceed \$2,500.

FISCAL IMPACT

No fiscal impact.

STRATEGIC PLAN

Goal 6. GOVERNANCE AND ADMINISTRATION. Conduct District activities in an efficient, equitable and cost-effective manner.

**ITEM E-1 DELEGATING CLAIMS AUTHORITY TO
GENERAL MANAGER
August 28, 2019**

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RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, adopt the attached resolution delegating claims handling and settlement authority to the General Manager for any and all claims amounting to \$2,500 or less.

ATTACHMENTS

- A. Resolution 2019-XXXX, Delegating Claims Handling and Settlement Authority to General Manager

AUGUST 28, 2019

ITEM E-1

ATTACHMENT A

RESOLUTION 2019-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DELEGATING CLAIMS HANDLING AND SETTLEMENT AUTHORITY TO GENERAL MANAGER

WHEREAS, Part 3 of Division 3.6 of the California Government Code (commencing at section 900) requires claims for money or damages against local agencies such as the Nipomo Community Services District ("District") to be processed in accordance with certain procedural requirements; and

WHEREAS, the District Board of Directors ("Board") desires to provide for the prompt, efficient, and economical handling of these claims and therefore intends by this resolution to delegate certain responsibilities under the claims statutes to the District General Manager ("General Manager").

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Nipomo Community Services District, San Luis Obispo County, California, as follows:

1. The recitals are true, accurate, and hereby incorporated by reference.
2. Pursuant to Government Code section 900, et seq., the Board hereby authorizes the General Manager to return or reject as insufficient or untimely any claims against the District and to provide any related notices to the claimant(s) on behalf of the District. With respect to any claim seeking less than \$2,500, the Board hereby authorizes the General Manager to deny any claim that the General Manager deems to be unfounded or otherwise not in the best interests of the District to settle, compromise, or pay, and to provide any related notices to the claimant(s) on behalf of the District. Any claim that the General Manager has determined is (i) timely, (ii) meets all statutory requirements for proper presentation pursuant to Government Code section 900, et seq., and (iii) seeks \$2,500 or more, shall be presented to the Board for consideration and action.
3. Pursuant to Government Code section 935.4, the Board hereby authorizes the General Manager to allow, compromise, or settle, as the best interests of the District may dictate, any and all claims in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per claim, and to take all appropriate steps to conclude any proceedings involving such claims, provided, however, that money to settle claims generally has been appropriated by the District and money is available within such appropriation for the settlement, allowance, compromise or payment of the claim by the General Manager. The General Manager is hereby authorized, ordered and directed to execute any agreements and other documents on behalf of the District which may be necessary to accomplish and complete any such allowance, compromise, or settlement. Upon the written order of the General Manager, the District's Finance Director shall cause a warrant to be issued upon the treasury of the District in the amount for which a claim has been allowed, compromised, or settled.
4. Settlement of claims that exceed \$2,500 require Board approval.

RESOLUTION 2019-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DELEGATING CLAIMS HANDLING AND SETTLEMENT
AUTHORITY TO GENERAL MANAGER

- 5. The General Manager is hereby authorized and directed, on behalf of the Board, to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution.
- 6. Nothing contained herein shall prevent the Board from reviewing, considering or acting upon any claim or litigation matter at its sole and absolute discretion.
- 7. This Resolution shall take effect immediately upon adoption.

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this _____ day of _____, 2019.

ED EBY
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
General Manager and Secretary to the Board

WHITNEY MCDONALD
District Legal Counsel

TO: BOARD OF DIRECTORS
 FROM: MARIO IGLESIAS
 GENERAL MANAGER
 DATE: August 23, 2019



**AGENDA ITEM
 F
 AUGUST 28, 2019**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is August 11, 2019 through August 24, 2019.*

DISTRICT BUSINESS

Administrative

The District encourages residents to provide reports of any observed water waste. The District keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks. The table below provides the July data. August data will be reported at the first Board Meeting in September.

Office Activities

	July-19	July 19 - July 2019
Reports of Water Waste	0	0
Leak Adjustments	1	1
Leak Adjustment Amount	\$226	\$226
Late Fee Waivers (April through June)	7	7
Late Fee Waiver Adjustment Amount	\$295	\$295

Water Resources

Table 1. Total Production Acre Feet (AF)

	July-19	Jul 19 - July 2019
Groundwater Production	121.8	121.8
Supplemental Water Imported	<u>85.1</u>	<u>85.1</u>
Total Production	<u>206.9</u>	<u>206.9</u>

NCSD imported 85.1 AF of water over the 31 day period in July averaging 622 gallons per minute for an average total of 895,004 gallons per day. For fiscal year 2019-20 the District must import at least 800 AF of supplemental water to meet its contractual agreement with the City of Santa Maria.

The District's total production, including groundwater wells and imported water measured at the Joshua Road Pump Station, registered 206.9 AF of water for Fiscal Year 2020.

Table 2 compares the District's total water production for the month of July and the fiscal year (July 2019 through July 2019) total against the same periods for 2013 (pre-drought production). The Department of Water Resources ("DWR") designated 2013 as the pre-drought production

year. The pre-drought production data is included in the monthly water production report and compared to current usage, all of which is submitted by water purveyors statewide to DWR. For July 2019, the community's water conservation effort reached approximately 26.7% compared

Table 2. FY 2020 Total Demand To-date Compared to 2013

	July-19	July 1 – July 2019
Total Production (AF) for FY 2019-20	121.8	121.8
Total Production (AF) for 2013	<u>282.4</u>	<u>282.4</u>
Reduction (AF)	<u>75.5</u>	<u>75.5</u>
Percentage Reduction	<u>26.7%</u>	<u>26.7%</u>

to July 2013. The District's year-end conservation effort for each fiscal year will continue to be monitored.

NCSD GW Reduction

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSW. Of the 800 AF minimum imported water from the City of Santa Maria, 266.6 AF will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 3 below demonstrates the calculus for determining the District's groundwater pumping reduction.

Table 3. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)

	July-19	Jul 19 – July 2019
NCSD GW Well Production	121.8	121.8
Purveyor Customer Credit (33.3% of Import Water)	<u>28.4</u>	<u>28.4</u>
NCSD Total Calculated GW Production	150.2	150.2
Average GW Production for 2009-2013	<u>291.2</u>	<u>291.2</u>
NCSD Percentage of GW Reduction	48%	48%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 48% for the month of July compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2020, the total groundwater pumping reduction for the District is 48%. At the current Stage IV level of NMMA's Water Shortage Condition and Response Plan, the District continues to achieve its targeted groundwater pumping reduction level of 50% for the year.

2020 Fiscal Year Groundwater Pumping

Table 4 is a projection of the District's groundwater pumping reduction efforts for the Fiscal Year 2020. The targeted groundwater pumping reduction as stated above is 50%. At its current usage as measured in July 2019, and with last year's production values inserted, the District could

reach its pumping reduction goals for the fiscal year. The exercise demonstrates that there would be 18 acre-feet of water available for use before the District exceeded its 50% target. Each year trends differ slightly depending upon the weather, a major factor that drives consumer water demand.

Table 4. Groundwater Pumping

	Jul-19	Jul-Jun 2020	Target	Over/(Under)
NCSD GW Well Production	121.8	874.4		
Purveyor Customer Credit (33.3% of Import Water)	28.4	323.4		
NCSD Total Calculated GW Production	150.2	1,247.8	1,266.0	18.20 AcFt
Average GW Production for 2009-2013	291.2	2,533.3	2,533.3	
NCSD Percentage of GW Reduction	48%	51%	50.0%	

Table 5. FY 2019 v. FY 2020 Groundwater Pumping

	Jul-19	Jul 19-July 19	Jul-18	Jul 18-July 18
NCSD GW Well Production	121.8	121.8	127.5	127.5
Purveyor Customer Credit (33.3% of Import Water)	28.4	28.4	28.3	28.3
NCSD Total Calculated GW Production	150.2	150.2	155.8	155.8
Average GW Production for 2009-2013	291.4	291.4	291.4	291.4
NCSD Percentage of GW Reduction	48%	48%	47%	47%

Table 5 compares the previous year’s groundwater pumping with the current year’s groundwater pumping for the same period. The District achieved a slightly greater level of groundwater pumping reduction, 48%, for the current fiscal year as compared to the same period, 47%, for Fiscal Year 2018-19.

Rainfall Gauge

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
July 2019 Total	0	0
July-2019 through July-2019 (Seasonal Total)	0	0
July 1, 2019 to July 18, 2019	0	0
Total Rainfall to date	0	0
Average Annual Year Rainfall	18.0 ¹	14.0 ²

Note 1: SLO County Website

https://wr.slocountywater.org/site.php?site_id=3&site=935e7af7-0e94-4042-bc11-e02906d5ba44

Note 2: SLO County Website

https://wr.slocountywater.org/site.php?site_id=2&site=878bfdbf-5c40-4398-8226-418372e4039b

Safety Program

The District held its third-quarter safety meeting on Friday, August 16th. Erick McCurdy, a representative from the Red Cross, and George Rodriguez from the San Luis Obispo County Office of Emergency Services presented: Preparing for Earthquakes, and Individual Preparedness.

Other Items and News of Interest

County of San Luis Obispo – Accessory Dwelling Unit Ordinance, Public Draft

Supplemental Water Capacity Accounting

Summary Since January 25, 2008

		Number of Equivalent Meters	AFY
Supplemental Water Available for Allocation		947	500
Supplemental Water Reserved (Will Serve Letter Issued)	116	120	-63.4
Subtotal Net Supplemental Water Available for Allocation	831	827	436.6
Supplemental Water Assigned (Intent-to-Serve Issued)	51.6	54.4	-28.7
Total Remaining Supplemental Water Available for Allocation	779.4	772.6	407.9

As of August 8, 2019

Connection Report

Nipomo Community Services District
Water and Sewer Connections

END OF MONTH REPORT

	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19
Water Connections (Total)	4434	4434	4437	4437	4437	4437	4438
Sewer Connections (Total)	3197	3197	3199	3199	3200	3201	3206
New Water Connections	0	0	3	0	0	0	1
New Sewer Connection	0	0	2	0	1	1	5
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	475	475	475	475	475	475	472

The Connection Report is current through August 1, 2019.

Meetings (August 11, through August 24)

Meetings Attended (telephonically or in person):

- Aug 12, Distr. Construction Spec Review
- Aug 13, Eng/Admin Meeting
- Aug 14, Rotary
- Aug 14, Regular NCSD Board Meeting
- Aug 14, Exec. Team After Board Meeting
- Aug 15, NMMA Purveyor Meeting

- *Aug 15, NCSD/RWG Business Meeting*
- *Aug 16, NCSD Quarterly Safety Meeting*
- *Aug 19, Management Team*
- *Aug 19, County CAO Office – Carolyn Berg*
- *Aug 19, Board Officer Meeting*
- *Aug 20, General Counsel & Staff Planning (GSWC Meeting)*

Meetings Scheduled (August 25 through August 31):

Upcoming Meetings (telephonically or in person):

- *Aug 27, Eng/Admin Meeting*
- *Aug 28, Rotary*
- *Aug 28, Regular NCSD Board Meeting*
- *Aug 28, Exec. Team After Board Meeting*
- *Aug 28, City of Santa Maria – Prop 218 Public Hearing (Water Rates)*
- *Aug 29, NMMA Water Purveyors – Santa Barbara*

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- *NMMA-TG: September 10th (Tuesday) @ 10:00 AM, NCSD Board Room*
- *RWVG: September 4th @ 10:00 AM, SLO Library*
- *WRAC: September 4th @ 1:30 PM, SLO Library*
- *NMMA Purveyor Meeting: August 29th @ 2:00 AM, TBD*

RECOMMENDATION

Staff seeks direction and input from your Honorable Board

ATTACHMENTS

- A. County of San Luis Obispo – Accessory Dwelling Unit Ordinance, Public Draft

AUGUST 28, 2019

ITEM F

ATTACHMENT A

COUNTY OF SAN LUIS OBISPO
ACCESSORY DWELLING ORDINANCE
PHASE II –
PUBLIC REVIEW DRAFT



January 9, 2019

Introduction

On January 1, 2017, California Government Code section 65852.2 governing Accessory Dwelling Units, or ADUs ("Secondary Dwellings" per current County Ordinance), as amended, became effective. The County Board of Supervisors identified the Accessory Dwelling ordinance revisions as a top priority, and specifically, directed staff to explore the removal of barriers to their creation to provide for affordable housing.

The Board of Supervisors adopted two amendments (Phase I) to the existing ordinance in 2017, to remove road surfacing and owner occupancy requirements for ADUs. The current effort, Phase II, is intended to further remove regulatory barriers to the creation of ADUs.

Ordinance Framework and Public Outreach

The Board of Supervisors, on August 21, 2018, supported the ordinance framework for the amending ordinance. This framework was based on staff's research, input from the ADU technical advisory committee (TAC), and a public workshop on October 24, 2018. The attached Administrative Draft Ordinance has been crafted to include these framework recommendations:

- Elimination of most ADU exclusion areas. One well known example is South Atascadero. Some exclusion areas reflect environmental or resource constraints and others are based on land use planning concerns. In some cases, exclusion areas may be redundant since other ordinances already address the underlying concern. Elimination of the 34 exclusion areas would free up about 17,000 parcels for ADUs. Staff recommends retaining the RWQCB exclusion for areas with known wastewater concerns.
- Removal of requirement excluding ADUs on parcels with non-conforming development. For instance, when the existing primary dwelling is non-conforming

to a setback but the proposed ADU would comply with setbacks and all other Title 22 requirements.

- Elimination of the minimum lot size for parcels on sewer and community water. Currently Title 22 requires a minimum lot size of 6,000 square feet for an ADU with water and sewer and 1-acre for sites served by a septic system. In areas without a community sewer, the minimum size will be determined by the Local Agency Management Plan (LAMP).
- Allowance of larger ADUs on parcels less than 2 acres. The proposed amendments tie the size of the ADU to a percentage of the size of the primary dwelling, similar to the current rules for a guesthouse (maximum of 60 percent of the size of the primary dwelling).
- Elimination of parking requirements for ADUs, but require replacement of required parking spaces that would be removed through conversion of an existing garage to an ADU.
- Elimination of maximum separation distance between the primary dwelling and the ADU. Currently Title 22 requires an ADU to be within 50 feet of the primary dwelling for 2-acre or smaller parcels and within 250 feet of the primary dwelling on larger parcels. Title 22 currently allows this requirement to be waived with Minor Use Permit approval.
- Prohibition of ADUs as short-term rentals to ensure they are used for the purpose of housing affordable to the county's workforce and aging family members.
- Expansion of land use categories where ADUs are allowed to include RMF, CR, and O/P. Currently ADUs are allowed on parcels in the RSF, RS, RR, or REC land use categories. They are currently only allowed in the RMF, CR, and O/P categories when included as part of a Workforce Housing Subdivision.

Please submit comments on the Public Review Draft to Brian Pedrotti, Senior Planner, by Friday, March 8, 2019. Comments may be submitted by e-mail (bpedrotti@co.slo.ca.us) or mail (County Planning and Building, Attn: Brian Pedrotti)

**Proposed Amendments to
Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance)**

Accessory Dwellings – Phase II
Administrative Draft (December 2018)

Item #1 – Proposed amendments to Article 8, Section 22.80.030 (Definitions Of Land Uses, And Specialized Terms And Phrases):

Remove existing definition for “Secondary Dwelling (land use)” and add new definition for “Accessory Dwelling (land use)”.

Note: Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

~~Secondary Dwelling (land use). A second permanent dwelling that is accessory to a primary dwelling on a site. (Amended 1995, Ord. 2740)~~

Accessory Dwelling (land use). An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the primary dwelling and shall be located on the same parcel as the primary dwelling.

Item #2 – Proposed amendments to Article 4, Section 22.30.470 (Residential - Secondary Dwellings):

Update land use regulations pertaining to accessory dwellings in accordance with Government Code Section 65852.2.

Note: Proposed text is shown as underlined text, whereas proposed deletion of text is shown with strikethrough.

22.30.470 - Residential - ~~Secondary~~Accessory Dwellings

An ~~second permanent~~accessory dwelling may be allowed, in compliance with this Section, in addition to ~~at the first~~primary dwelling on a site as allowed by Section 22.10.130 (Residential Density), provided the site and the existing primary dwelling comply with all other applicable provisions of this Title. ~~(A caretaker residence is subject to Section 22.30.430, farm support quarters are subject to Section 22.30.480.)~~

A. Authority. ~~Secondary~~Accessory dwellings are authorized in compliance with the authority established by Government Code Sections 65852.2 et seq. An accessory dwelling that complies with the standards and regulations contained in this section shall be subject to ministerial review, without discretionary review or public hearing.

B. Limitations on use.

- 1. Accessory unit only.** An secondary accessory dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 22.30.410) or more than one dwelling unit, except where a guesthouse is proposed to be converted to an secondary unit accessory dwelling in compliance with this Section. A maximum of one accessory dwelling shall be allowed per lot.
- 1.2. Density.** An accessory dwelling that conforms to this section shall be deemed to be a residential accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located.
- 2. ~~In Residential Multi-Family, Commercial Retail, and Office/Professional.~~** ~~Secondary units are only allowed within Workforce Housing Subdivisions pursuant to Section 22.30.477.~~
- 3. Nonconforming accessory dwellings.** Accessory dwellings and uses thereof, which have been permitted by the County prior to [EFFECTIVE DATE OF ADU PHASE II ORDINANCE], are deemed nonconforming, but shall be allowed to be used and operated as approved. Any expansion, discontinuance, or modification of a nonconforming accessory dwelling and uses thereof shall be subject to the regulations of Chapter 22.72 (Nonconforming Uses, Structures, Parcels, and Signs).
- 4. Rental of accessory dwelling.**

 - a. 30 days or more.** An accessory dwelling may be rented separate from the primary dwelling, but shall not be sold or otherwise conveyed separate from the primary dwelling.
 - b. Less than 30 days.** Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days shall be prohibited.

C. ~~Limitations on location.~~

- 1. ~~Excluded areas.~~** ~~An secondary accessory dwelling shall not be allowed within the following areas, where secondary units are deemed incompatible with existing development, or where the density increase from secondary units would create adverse cumulative effects on essential community services and natural features. These services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal, or that are subject to erosion.~~

 - a. ~~Atascadero.~~** ~~The areas south of the Atascadero urban reserve line within the Residential Suburban land use category, as defined by the Land Use~~

~~Element, Salinas River area plan, except for parcels with direct driveway access to El Camino Real.~~

~~b. — **Nacimiento area.** The areas identified by the Land Use Element, Nacimiento area plan as being within the South Shore Area or the villages of Heritage Ranch or Oak Shores.~~

~~c. — **Specific subdivisions.** Secondary dwellings are not allowed within Tracts 7, 17, 19, and 502.~~

~~d.C. **Regional Water Quality Control Board (RWQCB) exclusion.** All any areas of the County where the Regional Water Quality Control Board RWQCB has issued a notice of resource constraints through moratoria or other means.~~

D. Application content. In addition to the information required by Section 22.62.030 (Zoning Clearance), information submitted with the Zoning Clearance application shall also indicate whether or not there are conditions, covenants or restrictions applicable to the site that would prohibit an secondary accessory dwelling. ~~This information will not be grounds for county denial of a permit.~~

E. Minimum site area. ~~An secondary accessory dwelling may shall be allowed only on sites that comply with the following minimum site areas specified in this Section, except that where other minimum site area requirements are established by Article 9 (Planning Area Standards) or Article 10 (Community Planning Standards), those requirements shall control.:~~

~~1. 6,000 square feet A minimum site area of 1,750 square feet is required for sites served by community water and sewer facilities.;~~

~~2. Sites not served by community water and sewer facilities shall be subject to Local Agency Management Program (LAMP) requirements pertaining to parcel size. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance; or~~

~~3. One acre (gross) where community water and on-site sewage disposal are proposed on an existing parcel, provided that all applicable provisions of Title 19 of this Code for septic system design and performance are satisfied.~~

~~2. Except that where a larger minimum site area requirement is established by planning area standards (Article 9), the larger area shall be required.~~

F. Design/Development standards.

1. The following apply to all land use categories where secondaryaccessory dwellings are allowed.

<u>SIZE OF LOT/SITE AREA</u>	<u>MAXIMUM SIZE OF UNIT/ACCESSORY DWELLING-(1)</u>	<u>MAXIMUM DISTANCE FROM PRIMARY UNIT/HEIGHT OF ACCESSORY DWELLING</u>
6,000 sq. ft. – 1 acre <u>or less</u>	800 square feet <u>Lesser of 40% of primary dwelling size or 1,200 square feet(2)</u>	50 feet <u>Lesser of 35 feet or height of primary dwelling(3)(4)</u>
>1 acre <u>to</u> 2 acres	800 square feet <u>Lesser of 40% of primary dwelling size or 1,200 square feet(2)</u>	50 feet <u>35 feet(4)</u>
>2 acres	1,200 square feet <u>Lesser of 50% of primary dwelling size or 1,200 square feet(2)</u>	250 feet <u>35 feet(4)</u>

Notes:

- (1) Includes attics greater than six feet in height, unconditioned storage space and lofts.
- (2) If the specified percentage of the primary dwelling size is less than an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code, an efficiency unit may be allowed.
- (3) If the accessory dwelling is proposed above an existing garage, the maximum height shall be 35 feet.
- (4) If the accessory dwelling is located within a required side or rear yard of the primary dwelling, the maximum height shall be 17 feet.

- 2. Driveways:** The driveways serving the primary and secondaryaccessory dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 22.70.030 if combining driveways is prohibitedhindered by a physical site constraint, would result in grading on slopes over 15 percent, or would require the removal of oak trees or other native trees.

3. Site design.

- a. Detached accessory dwellings shall:

- i. be provided a minimum setback of at least 25 feet from the nearest point on the front lot line;
- ii. be provided a minimum setback of at least five feet from all side and rear lot lines; and
- iii. not be located closer than 10 feet from any building.

b. Attached accessory dwellings shall:

- i. be located behind or above the primary dwelling; and
- ii. comply with the setback requirements of the primary dwelling.

2. Exception: Setback standards shall not apply to an existing permitted structure or portion thereof that is converted to an accessory dwelling or to a portion of an accessory dwelling. New additions or construction shall comply with the site design requirements of this Section.

3. Entrance to accessory dwelling~~Within urban and village reserve lines.:~~

~~a.4. The secondary dwelling shall employ a design style compatible with the primary dwelling.~~

a. When an secondaryaccessory dwelling is attached to the primary dwelling, the entrances shall be designed:

- i. to maintain the character of a single-family dwelling; and
- ii. to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex.

b. An accessory dwelling shall have independent exterior access separate from the primary dwelling. The entrance to an attached secondaryaccessory dwelling shall not be located on the same building face as the entrance to the primary dwelling, unless the entrance to both the primary and secondary dwellings is shared.

b.

c. No more than 50 percent of the site shall be covered by structures.

5. Conversion of an existing permitted structure. An application to establish an accessory dwelling within an existing single-family dwelling or accessory structure shall be ministerially approved if the following criteria are satisfied:

a. The land use category of the lot allows single-family dwelling use.

- b. The accessory dwelling is located on a lot with a permitted single-family dwelling.
- c. The accessory dwelling is contained within the existing space of a single-family dwelling or accessory structure.
- d. The accessory dwelling has independent exterior access separate from the existing single-family dwelling.
- e. The side and rear setbacks are sufficient for fire safety.
- f. The conversion satisfies all applicable building standards of the San Luis Obispo County Code and all applicable sewage and water requirements.

~~4. — **Exceptions to design standards.** The Review Authority may approve alternatives to the design standards of Subsection F in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section. The maximum size of unit as set forth in Subsection F.1, and the maximum size of the garage workshop as set by Subsection F.6, cannot be modified except by a Variance (Section 22.62.070). The maximum distance from the primary unit may be adjusted in compliance with Section 22.70.030 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:~~

- ~~a. — Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:~~
 - ~~i. Exiting improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.~~
 - ~~ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.~~
 - ~~iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.~~
 - ~~iv. Archaeological resources.~~

~~5. — **Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces – Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.~~

~~6. **Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.~~

~~**G. Parking.** A secondary dwelling shall be provided one off-street parking space in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces – Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.~~

~~1. **Accessory dwelling.** No off-street parking spaces are required for an accessory dwelling.~~

~~2. **Primary dwelling.** No accessory dwelling shall be approved unless the required off-street parking spaces for the primary dwelling is provided in accordance with Chapter 22.18 (Parking and Loading Standards).~~

~~**G.3. Exception.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling or converted to an accessory dwelling, the replacement off-street parking spaces may be located in any configuration on the same lot as the accessory dwelling, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. For the purposes of this section, “tandem spaces” means that two or more automobiles are parked on an approved driveway or in any other approved location on a lot, lined up behind one another.~~

Item #3 – Proposed amendments to Article 2, Section 22.06.030 (Allowable Land Uses And Permit Requirements):

Replace “secondary dwellings” with “accessory dwellings”, and list accessory dwellings as a permitted use in all land use categories where single-family dwellings or multi-family dwellings are allowed, as required by Government Code Section 65852.2.

Note: Proposed amendments are summarized below.

Summary:

Table 2-2 (Allowable Land Uses and Permit Requirements) would be updated to remove “secondary dwellings” and allow accessory dwellings as a permitted use (P) in the following land use categories:

- Agricultural (AG)
- Rural Lands (RL)

- Residential, Rural (RR)
- Residential, Suburban (RS)
- Residential, Single Family (RSF)
- Residential, Multi Family (RMF)
- Office and Professional (OP)
- Commercial, Retail (CR)
- Recreation (REC)

Item #4 – Proposed amendments to various sections throughout Title 22 (Land Use Ordinance):

Update all sections of Title 22 referencing secondary dwellings to reflect the proposed amendments in Items #1-3 of this document.

Note: Proposed amendments are summarized below.

Summary:

The principal proposed amendments are detailed in Items #1-3 of this document. If adopted, such amendments would affect other sections of Title 22. These sections would be updated for consistency purposes.

Item #5 – Proposed amendments to various sections throughout Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance):

Update sections of Title 22 and 23 pertaining to secondary dwellings for consistency with the proposed amendments in Items #1-3, in accordance with Government Code Section 65852.2.

The sections of Titles 22 and 23 listed below would be updated in accordance with the proposed amendments in Items #1-3. Following each listed section is a brief description denoting how the section would be affected.

Title 22

- Title 22 Table of Contents – Update term
- Section 22.10.095(C)(7)(a) – Update term
- Section 22.10.130(A)(2)(d) – Update term
- Section 22.12.080(B)(2)(r) – Update term
- Section 22.12.080(H)(2)(d) – Update term
- Section 22.18.030(A) – Update to allow replacement off-street parking spaces in required front setback area when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling or converted to an accessory dwelling
- Section 22.22.145(B)(3) – Remove section

- Article 4 Table of Contents – Update term
- Section 22.30.410(D)(1)(c) – Update term
- Section 22.30.475(B) – Update term
- Section 22.30.477(E)(2)(b)(2) – Remove section
- Section 22.30.510(B)(6) – Update term and remove section reference
- Section 22.80.030 – Update “Residence, Primary and Secondary” definition
- Section 22.94.032(B)(6) – Update term
- Section 22.94.042(C)(7)(a) – Eliminate section
- Section 22.94.082(G)(5)(a) – Update term and remove section reference
- Section 22.96.050(E)(2)(a) – Update term
- Section 22.96.050(E)(4)(a) – Remove term
- Section 22.96.050(E)(5)(a) – Remove term
- Section 22.96.050(E)(8) – Eliminate restriction on secondary dwellings
- Section 22.96.050(E)(9)(a) – Eliminate restriction on secondary dwellings
- Section 22.96.050(E)(10)(b) – Eliminate restriction on secondary dwellings
- Section 22.96.060(F)(1)(b) – Eliminate restriction on secondary dwellings
- Section 22.96.060(F)(2)(b) – Eliminate restriction on secondary dwellings
- Section 22.98.052(B)(1)(b) – Eliminate restriction on secondary dwellings
- Section 22.98.070(I)(10) – Update term
- Section 22.98.072(H)(4)(c) – Update term
- Section 22.98.072(H)(9)(g) – Update term and ensure consistency with State Code
- Section 22.104.030(A)(2) – Update term and removal of language, “Secondary dwellings are not permitted”.
- Section 22.104.050(F)(7) – Update term and removal of sentence, “A secondary dwelling constructed concurrently with, or after, construction of the primary dwelling and meeting the standards set forth in Section 22.30.470 is not subject to the Minor Use Permit requirement”.
- Section 22.104.070(A)(2)(a) – Update term
- Section 22.104.080(A)(17)(b) – Update term
- Section 22.104.090(A)(2)(a) – Update term
- Section 22.106.010(F)(1)(b) – Update term
- Section 22.106.010(F)(1)(e) – Update term
- Section 22.108.040(H)(1)(f) – Elimination of this section
- Section 22.108.050(H)(1)(d) – Update term
- Section 22.113.043(B)(8) – Update term
- Section 22.113.050 – Update “Secondary Dwelling” definition

Title 23

- Title 23 Table of Contents – Update term
- Section 23.02.032(f) – Update term
- Section 23.04.082(b)(4) – Update terms
- Section 23.04.096((b)(1)(xv) – Update term
- Section 23.04.096(h)(2)(iv) – Update term

- Chapter 8 Special Uses – Update term
- Section 23.08.014 – Update term
- Section 23.08.032(e)(1)(ii) – Update term
- Section 23.08.160 – Update term
- Section 23.08.161(f) – Update term and remove section reference