

NOVATO SANITARY DISTRICT

Meeting Date: April 30, 2015

The Finance Committee of the Novato Sanitary District will hold a meeting at 3:00PM, Thursday, April 30, 2015, at the District offices, 500 Davidson Street, Novato.

AGENDA

1. AGENDA APPROVAL

2. PUBLIC COMMENT (PLEASE OBSERVE A THREE-MINUTE TIME LIMIT):

This item is to allow anyone present to comment on any subject not on the agenda, or to request consideration to place an item on a future agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Committee at this time as a result of any public comments made.

3. APPROVAL OF MINUTES:

- a. Consider approval of minutes of December 16, 2014 meeting.

4. CITY REQUEST – JUNIOR ACCESSORY DWELLING UNITS:

- a. Receive staff report on fee options for Junior Accessory Dwelling Units (JADUs).
- b. Consider making a recommendation to the District Board.

5. GASB 45 ACTUARIAL REPORT – SCHEDULE UPDATE:

- a. Receive update on schedule for completion of GASB 45 mandated 2015 Actuarial Study for Other Post-Employment Benefits (OPEB).

6. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

Materials that are public records and that relate to an open session agenda item will be made available for public inspection at the District office, 500 Davidson Street, Novato, during normal business hours.

December 16, 2014

The Finance Committee of Novato Sanitary District held a meeting at 2:00 p.m., Tuesday, December 16, 2014, at the District office, 500 Davidson Street, Novato.

COMMITTEE MEMBERS PRESENT: Members William C. Long and Jerry Peters.

STAFF PRESENT: Manager-Engineer-Secretary Sandeep Karkal, Finance Officer Laura Creamer and Administrative Secretary Julie Swoboda.

ALSO PRESENT: Vikki Rodriguez, Vice President (Tax/Audit), Maze and Associates

AGENDA APPROVAL: The agenda was approved as presented.

REVIEW OF MINUTES: The December 12, 2013 meeting minutes were approved by acclamation as written.

FISCAL YEAR (FY) 2013-14 DRAFT ANNUAL AUDIT:

- Receive report from independent auditor, Maze and Associates. The Manager-Engineer introduced Vikki Rodriguez of Maze and Associates who was present to review the audit documents with the Committee. Ms. Rodriguez stated that Maze and Associates had performed an independent audit which involved examining evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. She stated that Maze and Associates had concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion and that the District's financial statements for the fiscal year ended June 30, 2014 are fairly presented in conformity with the generally accepted accounting principles (GAAP). Ms. Rodriguez noted that this opinion is the highest rating given.

Ms. Rodriguez discussed details of the audit with Committee Members Long and Peters and responded to their questions.

Committee Member Peters questioned why the District's Net OPEB (Other Post Employment Benefits) Obligation is increasing, as shown on page 41 of the Comprehensive Annual Financial Report. Ms. Rodriguez and Finance Officer Laura Creamer explained that the annual required contribution was determined as part of the July 2012 actuarial valuation. Ms. Creamer added that the District budgets the obligation annually but has not set up an irrevocable or trust account and consequently carries it on its financial statements. Discussion followed.

- Review draft Comprehensive Annual Financial Report (CAFR) for the years ended June 30, 2014, and 2013, including draft audited financial statements. There were no questions or comments.

- Consider making a recommendation to the District Board that, subject to minor edits, the Board accept the audit and CAFR. The Manager-Engineer requested that the Committee make the recommendation to the Board to accept the audit, subject to minor edits.

Committee Members Long and Peters unanimously agreed to make the recommendation to the District Board that, subject to minor edits, the Board accept the audit and CAFR.

DISTRICT POLICY 3120 – INVESTMENT OF PUBLIC FUNDS:

- Review District Statement of Investment Policy, District Policy 3120 – Investment of Public Funds, and recommend its ratification by the District Board. The Manager-Engineer stated that the policy was originally adopted in its current form in December 2012 and updated at the March 24th 2014 Board meeting. He stated that it is a good practice for the Board to review this policy periodically.

Committee Members Long and Peters unanimously agreed to bring District Policy 3120 before the District Board for review and ratification.

ADJOURNMENT: The meeting was adjourned at 2:36 p.m.

Respectfully submitted,

Sandeep Karkal
Secretary

Julie Swoboda, Recording

NOVATO SANITARY DISTRICT

MEMORANDUM

DATE: April 24, 2015

TO: Finance Committee (Directors Long and Peters)

FROM: Sandeep Karkal, Manager-Engineer *SK*

SUBJECT: City of Novato Request - Junior Accessory Dwelling Units

Background

At its January 26, 2015 meeting, the Novato Sanitary District (District) Board of Directors (Board) received a letter from City of Novato (City) Mayor Jeanne MacLeamy. In the letter, the City requested that the District consider waiving the District's standard connection fees for a new class of affordable housing units called "Junior Accessory Dwelling Units" (or JADUs) in order to incentivize their development. These units would be separate from, and in addition to, the City's existing classification of "accessory dwelling units".

A comparison of these two types of accessory dwelling units and their differentiating characteristics was provided in an attachment to Mayor MacLeamy's letter, and is reproduced as Table 1 herein.

Discussion

The North Marin Water District (NMWD) Board recently acted on the issue of fees for JADUs, and their process and actions may be helpful to the Finance Committee and the Board. Therefore, the following items are attached as informational items:

1. A copy of a letter dated April 22, 2015 from NMWD Board President Jack Baker to Mayor MacLeamy, whereby the NMWD Board has agreed to waive connection fees for the JADU category.
2. A copy of a staff report dated April 3, 2015 prepared by NMWD staff for their Board of Directors, which the NMWD Board considered at its April 7, 2015 meeting.

District staff has reviewed the Mayor's letter, NMWD's April 22, 2015 letter, NMWD's April 7, 2015 staff report, and supporting documentation. Staff has also reviewed the District's Sewer Use Ordinance (SUO) and related documents, and looked into several

options for the Board’s consideration in addressing the issue of fees for the City’s JADUs housing category. These options are presented below.

Table 1: Comparison - Accessory Dwelling Unit and Junior Accessory Unit.
 Source: City of Novato⁽¹⁾

	Accessory Dwelling Unit	Junior Accessory Unit
Size	150-750 sq. ft.; up to 1,000 sq. ft. on lots over 10,000 sq. ft.	150 -500 sq. ft. – conversion of existing bedroom required, no building expansion.
Kitchen	Kitchen components not limited.	Wet-bar type kitchen only. Limits on sink and counter sizes; limit on size of drain line; no gas service and limit on electrical service (110v).
Bathroom	Required as part of the unit.	Separate bathroom for unit not required - shared bathroom OK.
Access	Interior access not required.	External and internal access required.
Parking	One additional space required.	Not required if existing dwelling meets original parking standards when built.
Owner Occupancy	Owner occupancy required.	Owner occupancy required.
Approval Process	Zoning Administrator ministerial approval unless project deviates from standards (e.g., upper story addition, exceeds size limit, etc.); Notification to adjacent property owners.	Zoning Administrator ministerial approval unless project deviates from standards; Notification to adjacent property owners.
Deed Restriction	Recordation of a deed restriction requiring owner occupancy.	Recordation of a deed restriction requiring owner occupancy.

⁽¹⁾From the attachment to Mayor MacLeamy’s letter.

Option One: Consider Waiving Connection Fees.

In its letter, the City presents a rationale that “...*the new units make use of existing residential housing space, and do not add demand for either water or sewer services compared with the original occupancy or capacity of the single-family dwelling. No new water meter or system connection would be needed, because adequate capacity would exist in the existing structure to accommodate the new unit. In addition, the addition of a wet bar-type kitchen within a home does not typically result in increased fees from the utility districts.*”

Therefore, one option for the District would be to waive connection fees related to the repurposing of an existing residential single family unit space into a JADU. This would be consistent with the approach taken by the NMWD Board.

Option Two: Consider Waiving Connection Fees But Recover Potential Permitting Costs.

A second option for the District would be to assume a waiver of SUO based connection fees, but consider cost-recovery related to permitting the repurposing of unused residential single family unit space into JADUs.

Under this option, staff would evaluate the typical costs to the District from considering requests for conversions to JADUs. Such costs would typically include an application fee, a minimal anticipated design review fee, an inspection fee, and an approval letter and closeout fee. Using a cost recovery model and the District's standard labor costs, it is anticipated that the total cost under this option could range from about \$300 to \$500 per JADU conversion. This approach would be consistent with the City's intent to waive its Development Impact Fees, and charge a reduced Planning Application Fee of \$374 for JADUs.

Option Three: Consider Reduced Connection Fees On Basis Of Reasonable Accommodation.

The District's connection fees are addressed in the District's SUO (Ordinance No. 70), as amended by Ordinance No. 101 (June 2004). Specifically, Section 708 of Ordinance No. 70 sets forth the definitions of "family unit" and "connection fee", and establishes the connection fee per family unit. For Fiscal Year FY2014-15, the District has established a connection fee of \$9,870 per single family unit.

In 2013, the District had received a request from the City that the District consider reduced connection fees for accessory dwelling units. At that time, the District Board had decided that, as a reasonable accommodation, all accessory dwellings 750 square feet and under shall be charged seventy five percent (75%) of the full connection fee.

Extending this concept of reasonable accommodation, a third option would be to charge JADUs 250 square feet or under a connection fee of twenty-five percent (25%) of the full single family unit connection fee. Similarly, JADUs over 250 square feet and up to 500 square feet could be charged fifty percent (50%) of the full connection fee. Therefore, based on the FY14-15 single family unit connection fee of \$9,870, a JADU that is 250 square ft and under would be charged a connection fee of \$2,764, and a JADU that is over 250 square ft and up to 500 square ft would be charged \$4,935.

This option would also address a concern related to the lack of occupancy limits associated with the City Code definition for JADUs. As defined, the City Code states that "A Junior Accessory Dwelling unit provides living facilities for one or more persons, including

permanent provisions for living, eating and cooking”. Thus, there is no occupancy limit, only a size limit of 500 square feet or less.

Option Four: Consider a Compromise Fee Amount Based On Potential for Incremental Additional Water Use.

One of the concerns associated with JADUs is that a potential increase in residential population from JADUs could result in more water use and thereby generate more sewage flows. (The potential increase could be from an absence of occupancy limits for JADUs). Therefore, a fourth option could address the potential for increased sewage flows from incremental additional water use, based on reasonable assumptions of the potential for population increase as a result of repurposing existing space to JADUs.

For illustrative purposes only, utilizing the District’s terminology for average occupancy per single family unit, and assuming an incremental addition of one person on creating a JADU, it is possible to derive a connection charge of \$2,820 per JADU based on the FY14-15 connection fee.

Next Steps/Recommendation

To summarize the above discussion, there are four options that the Committee may wish to consider with regard to fees for JADUs:

1. Option One: Consider Waiving Connection Fees.
2. Option Two: Consider Waiving Connection Fees But Recover Potential Permitting Costs in a range of \$300 to \$500.
3. Option Three: Consider Reduced Connection Fees on Basis Of Reasonable Accommodation.
4. Option Four: Consider a Compromise Connection Fee Amount Based On Potential for Incremental Additional Water Use.

Also, regardless of the selected option, staff recommends that any response from the Committee and the Board include a request to the City that it add a requirement for District sign-off prior to final approval of any new JADU related construction including address, size, and number of occupants for all approved JADUs.

In closing, staff recommends that the Committee provide direction to staff on one of the above options. Depending on the selected option, staff can then prepare a Board Agenda item with the Committee’s recommendation for presentation to the full Board at the next Board meeting.

- Attachments:
1. Letter from Mayor MacLeamy.
 2. NMWD Letter of April 22, 2015 to City, waiving connection fees.
 3. NMWD staff report, presented to NMWD Board on April 7, 2015.

January 5, 2015



Board of Directors
Novato Sanitary District
500 Davidson Street
Novato, CA 94945

THE CITY OF
NOVATO
CALIFORNIA

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Mayor
Jeanne MacLeamy
Mayor Pro Tem
Pat Eklund
Councilmembers
Denise Athas
Madeline Kellner
Eric Lucan

City Manager
Michael S. Frank

Dear President Mariani and Directors:

At our meeting of December 9, 2014 the Novato City Council adopted amendments to our Zoning Code and fee schedule to create a new option for affordable housing in our community. This new concept is called Junior Accessory Dwelling Units, which provide for repurposing an existing bedroom in single-family dwellings with the addition of a limited size (wet bar type) kitchen to allow for separate occupancy or rental. We believe this will create additional options for elderly residents who may wish to create a semi-private space in the home for a live-in caregiver, or for households wishing to accommodate a family member or to create a small rental unit.

While Novato and most other cities encourage the creation of Accessory Dwelling Units, we find very few applicants who are able to provide the additional required parking space and who can afford the permit fees which average about \$31,000 when utility connections are included. By creating a new category of Junior Accessory Dwelling Units which would not allow expansion of an existing dwelling and would require the repurposing of an existing bedroom with the addition of a small kitchenette and exterior access, we believe that additional property owners will find this a more viable option. The City has eliminated our development impact fees for Junior Accessory Dwelling Units based on the rationale that the impact fees were originally assessed at the time the home was constructed, and the repurposing of an existing bedroom would not constitute an increase in development impacts on City infrastructure or services.

To successfully implement this housing alternative the City Council requests that our local utility districts consider their water and sewer connection fees. Connection fees exist to ensure that the cost of the infrastructure necessary to serve a new residence is covered. In the case of Junior Second Units, however, the new units make use of existing residential housing space, and do not add demand for either water or sewer services compared with the original occupancy or capacity of the single-family dwelling. No new water meter or system connection would be needed, because adequate capacity would exist in the existing structure to accommodate the new unit. In addition, the addition of a wet bar-type kitchen within a home does not typically result in increased fees from the utility districts. Consequently, we ask that your agency consider waiving connection fees for Junior Second Dwelling Units.

A comparison of the regulatory requirements of a regular Accessory Dwelling Unit and a Junior Accessory Dwelling Unit is attached. Based on feedback from other Marin jurisdictions, we believe that several other cities will adopt similar provisions to encourage the creation of a new, low impact option for affordable housing in

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NOVATO SANITARY DISTRICT

our communities. If your staff have questions about our new regulations and fee reductions, please have them contact Community Development Director Bob Brown at 415-899-8938.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeanne MacLeamy". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jeanne MacLeamy
Mayor

cc: Sandeep Karkal

	Accessory Dwelling Unit	Junior Accessory Unit
Size	150-750 sq. ft.; up to 1,000 sq. ft. on lots over 10,000 sq. ft.	150 -500 sq. ft. – conversion of existing bedroom required, no building expansion.
Kitchen	Kitchen components not limited.	Wet-bar type kitchen only. Limits on sink and counter sizes; limit on size of drain line; no gas service and limit on electrical service (110v)
Bathroom	Required as part of the unit	Separate bathroom for unit not required – shared bathroom OK
Access	Interior access not required	External and internal access required
Parking	One additional space required	Not required if existing dwelling meets original parking standards when built
Owner Occupancy	Owner occupancy required	Owner occupancy required
Approval Process	Zoning Administrator ministerial approval unless project deviates from standards (e.g., upper story addition, exceeds size limit, etc.); Notification to adjacent property owners.	Zoning Administrator ministerial approval unless project deviates from standards; Notification to adjacent property owners.
Deed Restriction	Recordation of a deed restriction requiring owner occupancy	Recordation of a deed restriction requiring owner occupancy



STAFF REPORT

MEETING

DATE: December 9, 2014

TO: City Council

FROM: Robert Brown, Community Development Director

PRESENTER: Robert Brown

SUBJECT: **CONSIDERATION OF:**

1) AMENDMENTS TO THE MUNICIPAL CODE TO ADD SECTION 19.34.031 AND REVISE TABLES 2-2, 2-4 AND 2-5 AND SECTIONS 19.16.070, 19.34.030, AND 19.60.020 OF THE ZONING ORDINANCE TO ALLOW FOR THE PERMITTING OF JUNIOR ACCESSORY DWELLING UNITS AND FINDING THAT THE ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 65852.2, and

2) AMENDMENTS TO THE COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT APPLICATION FEE SCHEDULE TO REDUCE APPLICATION AND DEVELOPMENT IMPACT FEES FOR JUNIOR ACCESSORY DWELLING UNITS

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REQUESTS

1. Consider adoption of an ordinance amending the Novato Municipal Code (Chapter 19 – Zoning) to allow the permitting of Junior Accessory Dwelling Units and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 65852.2, and
2. Consider adoption of a resolution Consider adopting a resolution of intent to amend Administrative Fee Policy 2-3, Appendix B, Community Development/Public Works Department Application Fee Schedule to reduce planning application and development impact fees for Junior Accessory Dwelling Units.

RECOMMENDATIONS

Adopt ordinance and resolution.

Novato City Council Agenda Staff Report Date: _____ File No. _____

DISCUSSION

Program 11.B of the new 2015-2023 Housing Element calls for the adoption of standards and fees for “Junior Accessory Dwelling Units” as a means of allowing accessory dwelling units which are more minor in size and potential impacts and less costly to permit and construct than typical accessory dwelling units. The proposed modifications to the Zoning Code would create a definition, regulations and permitting procedures for what would be termed “Junior Accessory Dwelling Units.”

Program 11.B of the new 2015-2023 Housing Element states:

“Adopt Standards and Fees for Junior Accessory Dwelling Units (JSU).

Review and adopt zoning standards and fees that serve to incentivize the creation of Junior Accessory Dwelling Units. Standards and fee considerations should include, but not be limited to, the following:

Zoning Standards to consider:

- Conversion of existing bedroom required – no building expansion;
- Maximum 500 square-foot size;
- Wet-bar type kitchen only with limitations on size of sink, waste line and counter area;
- Cooking facility limited by electrical service (110v maximum) and prohibition of gas appliances;
- Separate bathroom permitted, but not required;
- Require external access and internal access to the remainder of the home;
- No additional parking required if dwelling complies with current parking standards;
- Owner occupancy required and established by recorded deed restriction; and
- Ministerial approval process.

Fees considerations:

- Establish a minimal “flat fee” for a planning entitlement;
- No City Residential Development Impact Fee charged; and
- Work with special districts, e.g. water and sanitary, to reduce or waive fees.”

Between 2007 and 2012 only nine accessory units were approved, and of these only six were constructed (one-half unit per year on average). The Housing Element projects the addition of 13 accessory dwelling units between 2015 and 2023. The State Department of Housing and Community Development (HCD) limits the number of potential accessory dwelling units that a jurisdiction may project in its housing element based on the actual production of such units during the previous planning period. Novato has projected an increase in the creation of accessory dwelling units due to its commitment to reduce development fees to encourage such units. HCD also considers the affordability of accessory dwelling units projected based on a local survey of rental rates for accessory units. Novato’s last survey of accessory dwelling units indicated that two-thirds are rented at levels affordable to very-low income households and one-third to low-income households.

Regulations and Fees for Accessory Dwelling Units

The City’s Zoning Ordinance allows one accessory dwelling unit per single-family lot. A maximum size of 750 square feet is allowed, although a unit up to 1,000 square feet may be built on lots larger than 10,000 square feet on a sliding scale based on the lot size. The property owner

must reside on-site, and an additional parking space is required. A deed restriction is required to be recorded indicating the restrictions associated with the accessory unit. Property owners proposing an accessory unit must apply for and receive a Zoning Clearance by Planning Division staff to assure compliance with zoning standards.

A common complaint among those considering creation of an accessory dwelling unit is the cost of construction, including permit fees. On average, an accessory dwelling unit built in Novato will cost approximately \$31,913 in fees to the City, the two utility districts, fire district and school district, as indicated in the table below.

TYPICAL FEES FOR AN ACCESSORY DWELLING UNIT*

Planning Permit Fees	\$747**
Building Permit Fees	\$2,163
Development Impact Fees	
Rec/Cultural Facilities	\$ 3,241
Civic Facilities	582
General Government Systems	252
Open Space	701
Drainage	398
Streets & Intersections	2,022
Transit Facilities	70
Corporation Yard	44
TOTAL	\$7,309**
Novato Fire Protection District	\$729
Novato School District Developer Impact Fee	Units less than 500 sf: \$0 Units 500+ sf: \$1,975
Sewer Service/Connection	\$8,990
Water Connection	\$10,000***
TOTAL	\$31,913

- * Assumes a 750 sf detached accessory dwelling unit
- ** The City reduced its Planning permit fee from \$1,494 to \$747 and it's Development Impact Fees for accessory units from \$14,082 to \$7,041 in 2013
- *** The North Marin Water District reduced its connection fee for accessory units from \$11,200 to \$10,000 in 2013.

The other typical constraint in creating an accessory dwelling unit is the requirement to provide an additional parking space.

Junior Accessory Dwelling Units

In an attempt to address the parking and permit cost issues, a Zoning Code amendments are proposed to allow a reduced size accessory dwelling unit that would be created by repurposing an existing bedroom and adding a wet bar-type kitchen. This concept is also being cited in other Marin jurisdictions' housing elements,

Staff envisions that Junior Accessory Dwelling Units would be a lower cost option for a senior living in a large home to create a space for a caregiver or a small rental for additional income. Junior Accessory Dwelling Units would provide inexpensive workforce housing for local service and retail employees, or part-time weekday accommodations for long-distance commuters.

The Junior Accessory Dwelling Unit concept was presented in workshops before the Planning Commission and City Council reviewing a draft General Plan White Paper as part of presentations

on the Draft 2015-2023 Housing Element on June 2 and June 10, 2014, respectively. Both the Planning Commission and City Council endorsed the concept of Junior Accessory Dwelling Units. Feedback from the workshops included comments that Junior Accessory Dwelling Units would fill a local housing need and be a reasonable reuse of larger, under-occupied homes, although a few participants expressed concern that the units could be occupied by more than a single individual, which could result in more than a single additional vehicle and result in some on-street parking.

In an attempt to define a smaller, less impactful shared living situation, a Junior Accessory Dwelling Unit would be limited to conversion of an existing bedroom, incorporating a small wet-bar kitchen, an exterior entrance and a limited size (maximum of 500 square feet). The wet-bar kitchen would have a limited sink size (16” max. length and width), a small drain line (max. 1.5” diameter) to preclude a dish washer or garbage disposal, limitation on the length of associated counter and cabinets (6 feet max.), prohibition on natural gas or 220v electrical service to preclude a full-sized cooking appliance, and a prohibition on installation of a dedicated electrical circuit, gas line, gas stub out or plumbing stub out to preclude future service expansion. Since the Junior Accessory Dwelling Unit would not result in an additional bedroom, no additional parking beyond that required for the single-family home, would be necessary. On-site owner occupancy would be required. A comparison between our typical Accessory Dwelling Unit regulations and those proposed for a Junior Accessory Dwelling Unit is provided below.

	Accessory Dwelling Unit	Junior Accessory Unit
Size	150-750 sq. ft.; up to 1,000 sq. ft. on lots over 10,000 sq. ft.	150 -500 sq. ft. – conversion of existing bedroom required, no building expansion.
Kitchen	Kitchen components not limited.	Wet-bar type kitchen only. Limits on sink and counter sizes; limit on size of drain line; no gas service and limit on electrical service (110v)
Bathroom	Required as part of the unit	Separate bathroom for unit not required – shared bathroom OK
Access	Interior access not required	External and internal access required
Parking	One additional space required	Not required if existing dwelling meets original parking standards when built
Owner Occupancy	Owner occupancy required	Owner occupancy required
Approval Process	Zoning Administrator ministerial approval unless project deviates from standards (e.g., upper story addition, exceeds size limit, etc.); Notification to adjacent property owners.	Zoning Administrator ministerial approval unless project deviates from standards; Notification to adjacent property owners.
Deed Restriction	Recordation of a deed restriction requiring owner occupancy	Recordation of a deed restriction requiring owner occupancy

Counting Junior Accessory Dwelling Units towards Regional Housing Needs Allocation

Staff from the State Department of Housing and Community Development (HCD) have confirmed that they base their determinations on whether units count towards a jurisdiction’s RHNA numbers on the definitions in the California State Building Code. The 2010 California

Building Code defines “Dwelling Unit” as, “a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” HCD staff have indicated that the proposed provisions for Junior Second Units would meet the CBC definition and would therefore count towards RHNA allocations if the unit is “independent,” meaning that it has a dedicated, private bathroom, such as would be the case in conversion of a master bedroom suite. Staff recommends that the ordinance allow Junior Accessory Dwelling Units either with a dedicated bathroom, which would be counted as a RHNA unit, or with a shared bath, which would not count towards our RHNA numbers.

Fee Reductions

Staff has contacted a number of utility districts in Marin to determine connection fees that would be charged for creation of a Junior Accessory Dwelling Unit. All confirm that they would not charge connection or meter fees for installation of a wet bar within a single-family residence. However, when defined as a separate unit, they would impose the same connection fee as for a typical Accessory Dwelling Unit. Some district staff and board members have indicated a willingness to consider a reduced fee based on the smaller size of a Junior Accessory Dwelling Unit and the requirement that an existing bedroom be utilized, but district staff have asked that cities and towns adopt new zoning regulations for Junior Accessory Dwelling Units prior to requesting reconsideration of fee levels by the utilities.

The fire marshals of Marin have discussed the concept of a Junior Accessory Dwelling Unit and have expressed a willingness to forego the typically required installation of fire sprinklers in conjunction with creation of the new dwelling unit. The Novato Fire Prevention District’s Fire Marshal and our Building Official have also reviewed building and fire codes and have adopted an interpretation that the creation of Junior Accessory Dwelling Units within existing single-family homes would not necessitate the creation of fire separation and noise attenuation between the Junior Accessory Dwelling Unit and the remainder of the single-family dwelling.

The attached resolution of intent to amend the fee schedule proposes to reduce the planning application fee for Junior Accessory Dwelling Units by half (from \$747 to \$374) and elimination of Development Impact Fees (currently \$7,309) in keeping with the rationale that the impacts of the existing single-family home were addressed when the dwelling was constructed, and that the Junior Accessory Dwelling Unit is only repurposing previously occupied space.

PLANNING COMMISSION RECOMMENDATION

At its meeting of November 17, 2014 the Planning Commission unanimously recommended approval of the proposed Zoning Code amendments to the City Council (draft minutes attached).

ENVIRONMENTAL ASSESSMENT

The proposed Zoning Ordinance amendments are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 65852.2 which exempts local ordinances for the creation of second units in single-family residential zones.

FISCAL IMPACT

The reduction in planning application fees and development impact fees for Junior Accessory Dwelling Units may slightly reduce permit income to the City, however the number of anticipated units is expected to be relatively insignificant, and impacts on City services due to repurposing

existing space within a single-family dwelling are also expected to be very minimal.

ALTERNATIVES

1. Adopt the attached ordinance and resolution initiating the proposed Zoning Code amendments and fee adjustments.
2. Direct staff to make revisions to the proposed Zoning Code amendments or fee schedule.
3. Request additional information or analysis from staff.
4. No not adopt the attached ordinance and/or resolution, recommending no change to the Zoning Code and/or fee schedule.

ATTACHMENTS

1. Ordinance
2. Resolution
3. Public Hearing Notice
4. Junior Second Unit White Paper
5. Letters of support
6. American Planning Association article



April 22, 2015

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Mayor Jeanne McLeamy
City of Novato
922 Machin Ave.
Novato, CA 94945

Re: Junior Accessory Dwelling Units

Dear Mayor McLeamy:

At our meeting on April 7, 2015, the Board of Directors of the North Marin Water District considered the City's request that the District waive connection fees for "Junior Accessory Dwelling Units" (JADU's). Your letter of January 5, 2015 had advised NMWD that JADUs were now included as a housing category in the Novato zoning code.

Following much discussion and consideration of input from community members and affordable housing advocates, the Board has agreed to not charge a connection fee for the JADU housing category at this time. NMWD reserves the right however to set a connection fee for JADUs in the future if the District subsequently determines that water consumption exceeds the historical water use (without a JADU) for previously existing single-family residential unit(s).

The District has the following recommendations for the City to consider in processing JADU's:

1. We suggest that the JADU category be retitled as "Junior Family Unit" and to limit the number of occupants to avoid substantial additional demand on utility and other community services, including water service by NMWD.
2. We request that the City add the requirement for NMWD sign-off prior to final approval of any new construction and provide all pertinent information to NMWD including address, size, and number of occupants for all approved JADUs.

In the future, NMWD requests that the City consult with local special districts

prior to establishing a new housing category to coordinate development regulations in advance to avoid scenarios where housing classifications utilized by NMWD and perhaps other entities are inconsistent with newly adopted City housing categories.

Should you have questions in regards to these comments, please feel free to contact me at (415) 382-3332 or Chris DeGabriele, our General Manager at (415) 897-4133.

Sincerely,



Jack Baker
Board President

Cc:

Sandeep Karkal, Manager-Engineer – Novato Sanitary District
500 Davidson St.
Novato, CA 94945

CD/kly

t:\gm\2015 misc\letter to city re jad.doc

ITEM #12

MEMORANDUM

To: Board of Directors

April 3, 2015

From: Chris DeGabriele, General Manager 

Subj: Junior Accessory Dwelling Units

1 | neighborhood_miac_2015 | r accessory dwelling units.docx**RECOMMENDED ACTION:** Board Determine the Appropriate Connection Fee for Junior Accessory Dwelling Units**FINANCIAL IMPACT:** Yet to Be Determined

At the February 3rd meeting, the Board received a letter from Jeanne McLeamy, Mayor of the City of Novato, advising that the Novato City Council has amended the zoning code to create a new junior accessory dwelling unit classification. That letter also requested that the North Marin Water District consider waving connection fees for junior accessory dwelling units. The Mayor's letter indicates that the City has eliminated its development impact fee for junior accessory dwelling units based on the rationale that the impact fees were originally assessed at the time the home was constructed and that repurposing of an existing bedroom would not constitute an increase in development impacts on City infrastructure or services. This is not so for NMWD, as an increase in residential population will result and will equal more water use.

The letter and supporting information listed below is attached:

- 1) Comparison table of accessory dwelling units and junior accessory dwelling units;
- 2) Code section for junior accessory dwelling units.

It's noted in the attached zoning code that "A junior accessory dwelling unit provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating and cooking." Thus there is no occupancy limitation; only a limitation on the size of the junior accessory unit to no more than 500 sq/ft.

NMWD Regulation 1 (also Attached) currently identifies a Facilities Reserve Charge (FRC) for a dwelling unit without kitchen facilities and landscape. This classification in NMWD Regulation 1 was established to accommodate group housing quarters. That FRC is \$6,100.

NMWD staff met in late February to review the request from the City and determined that a connection fee should be charged. That fee can range from:

- 1) \$6,100 plus a bi-monthly service charge for the meter as is currently charged for regular accessory dwelling units;
- 2) \$6,100 only;

3) a compromised amount based on a calculation of incremental water demand and equal to \$2,645; or

4) \$0 as requested by the City of Novato.

Staff recommends that junior accessory dwelling units be consistent with the existing Regulation 1 classification for a dwelling unit without kitchen facilities and landscape.

RECOMMENDATION:

Board authorize connection fee for junior accessory dwelling units in Novato equivalent to the Facilities Reserve Charge for a dwelling unit without kitchen facilities and landscape and equal to \$6,100.



THE CITY OF
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January 5, 2015

Board of Directors
North Marin Water District
999 Rush Creek Place
Novato, CA 94945

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North Marin Water District

Dear President Rodoni and Directors:

At our meeting of December 9, 2014 the Novato City Council adopted amendments to our Zoning Code and fee schedule to create a new option for affordable housing in our community. This new concept is called Junior Accessory Dwelling Units, which provide for repurposing an existing bedroom in single-family dwellings with the addition of a limited size (wet bar type) kitchen to allow for separate occupancy or rental. We believe this will create additional options for elderly residents who may wish to create a semi-private space in the home for a live-in caregiver, or for households wishing to accommodate a family member or to create a small rental unit.

While Novato and most other cities encourage the creation of Accessory Dwelling Units, we find very few applicants who are able to provide the additional required parking space and who can afford the permit fees which average about \$31,000 when utility connections are included. By creating a new category of Junior Accessory Dwelling Units which would not allow expansion of an existing dwelling and would require the repurposing of an existing bedroom with the addition of a small kitchenette and exterior access, we believe that additional property owners will find this a more viable option. The City has eliminated our development impact fees for Junior Accessory Dwelling Units based on the rationale that the impact fees were originally assessed at the time the home was constructed, and the repurposing of an existing bedroom would not constitute an increase in development impacts on City infrastructure or services.

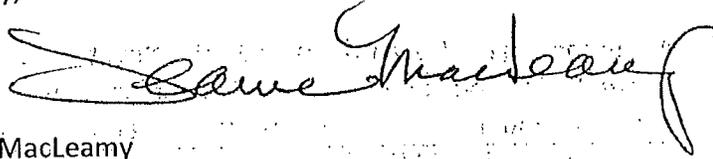
To successfully implement this housing alternative the City Council requests that our local utility districts consider their water and sewer connection fees. Connection fees exist to ensure that the cost of the infrastructure necessary to serve a new residence is covered. In the case of Junior Second Units, however, the new units make use of existing residential housing space, and do not add demand for either water or sewer services compared with the original occupancy or capacity of the single-family dwelling. No new water meter or system connection would be needed, because adequate capacity would exist in the existing structure to accommodate the new unit. In addition, the addition of a wet bar-type kitchen within a home does not typically result in increased fees from the utility districts. Consequently, we ask that your agency consider waiving connection fees for Junior Second Dwelling Units.

A comparison of the regulatory requirements of a regular Accessory Dwelling Unit and a Junior Accessory Dwelling Unit is attached. Based on feedback from other Marin jurisdictions, we believe that several other cities will adopt similar provisions to encourage the creation of a new, low impact option for affordable housing in

our communities. If your staff have questions about our new regulations and fee reductions, please have them contact Community Development Director Bob Brown at 415-899-8938.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne MacLeamy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jeanne MacLeamy
Mayor

cc: Chris De Gabriele

	Accessory Dwelling Unit	Junior Accessory Unit
Size	150-750 sq. ft.; up to 1,000 sq. ft. on lots over 10,000 sq. ft.	150 -500 sq. ft. – conversion of existing bedroom required, no building expansion.
Kitchen	Kitchen components not limited.	Wet-bar type kitchen only. Limits on sink and counter sizes; limit on size of drain line; no gas service and limit on electrical service (110v)
Bathroom	Required as part of the unit	Separate bathroom for unit not required – shared bathroom OK
Access	Interior access not required	External and internal access required
Parking	One additional space required	Not required if existing dwelling meets original parking standards when built
Owner Occupancy	Owner occupancy required	Owner occupancy required
Approval Process	Zoning Administrator ministerial approval unless project deviates from standards (e.g., upper story addition, exceeds size limit, etc.); Notification to adjacent property owners.	Zoning Administrator ministerial approval unless project deviates from standards; Notification to adjacent property owners.
Deed Restriction	Recordation of a deed restriction requiring owner occupancy	Recordation of a deed restriction requiring owner occupancy

Junior Accessory Dwelling Units in Zoning Section of Novato Municipal Code

19.34.031 Added

19.60.020 Amended to add Junior Accessory Dwelling Units

19.34.031 Junior Accessory Dwelling Units.

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth in Section 19.34.030, and are allowed in accordance with Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards).

A. *Development Standards.* Junior accessory dwelling units shall comply with the following standards, including the standards in Table 3-13:

1. *Number of Units Allowed.* Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
2. *Owner Occupancy:* The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling.
3. *Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
4. *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section D below.
5. *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
6. *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
7. *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a. A sink with maximum width and length dimensions of sixteen (16) inches and with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b. A cooking facility or appliance which does not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c. A food preparation counter and storage cabinets which do not exceed six (6) feet in length.
8. *Parking:* No additional parking is required beyond that required at the existing primary dwelling was constructed.

Table 3-13
Development Standards for Junior Accessory Dwelling Units

Site or Design Feature	Site and Design Standards
Maximum unit size	500 square feet
Minimum unit size	150 square feet
Setbacks	As required for the primary dwelling unit by Article 2
Parking	No additional parking required

B. Application Processing.

1. The Zoning Administrator shall issue a junior accessory dwelling unit permit if the application provides the information required per the Submittal Requirements (Section C below) and conforms to the Development Standards (Section A above).
2. The City shall provide notice in compliance with Division 19.58 – Public Hearings.

C. Submittal Requirements. Application for a junior accessory dwelling unit shall include a completed application for a junior accessory dwelling unit permit and the following information as deemed appropriate by the Zoning Administrator:

1. *Plot Plan (Drawn to Scale):* Dimension the perimeter of parcel on which the junior accessory dwelling will be located. Indicate the location and use of all existing and proposed structures on the project site.
2. *Floor Plans:* A dimensioned plan drawn to scale of the existing primary dwelling identifying the use of each room and identifying the room(s) to be dedicated to the junior accessory dwelling unit, including an exterior entrance. The resulting floor area calculation of the proposed junior accessory dwelling unit shall be included, which shall include the area of any dedicated bathroom, if any, for the exclusive use of the junior accessory dwelling unit.
3. *Kitchen Plan:* A dimensioned plan drawn to scale indicating proposed kitchen improvements, including a kitchen sink, cooking appliance(s) food preparation counter and food storage cabinets.

D. Deed Restriction. Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:

1. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
2. The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards in Section 19.34.031;

3. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property;
4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of Section 19.34.030, may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

19.60.020 Definitions of Specialized Terms and Phrases.

Accessory Dwelling Units. A second permanent dwelling that is accessory to a legal primary dwelling on the same site. An accessory dwelling unit provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. An accessory dwelling unit also includes manufactured homes.

Junior Accessory Dwelling Unit. A type of accessory dwelling unit that is accessory to and included within a legal primary dwelling on the same site. A junior accessory dwelling unit provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking. Cooking and food preparation facilities shall be limited to an efficiency kitchen as provided for in Section 19.34.031. Sanitation facilities may be independently provided for the junior accessory dwelling unit or may be shared with occupants of the primary dwelling provided interior access is available.

**NORTH MARIN WATER DISTRICT
REGULATION 1
NEW SERVICE CONNECTIONS**

a. Application for Service and Processing

Application for service must be made to the District in writing on the District's form by the property owner or his/her authorized agent. Applications must be supported by data as required by the District, such as a map and/or legal description of the property to be served, a description or plan showing intended water fixtures, a plan showing lawn and garden areas and an estimate of amount of water to be used. The size of the meter and service connection will be determined by the District.

Applications requiring a single service having a meter size equal to or less than one and one-half inch will be processed in the order of the date the application is received provided all requirements of the District are met. All other applications will be processed in the order of the date the application is received provided the Applicant meets all District requirements within 30 days of said date. If District requirements are not met within said 30 days, the application shall be null and void and must be resubmitted to the District except that:

the General Manager may extend the 30-day period if failure to comply with District requirements is due to workload limits of the District.

Receiving an application shall in no way represent a commitment or agreement by the District to serve water. Said commitment will be made only at the time service actually commences or when the District executes a service extension agreement whichever shall first occur. In the case of a service extension agreement, the commitment of the District to supply water shall be limited to the number of connections to be installed pursuant thereto and in accordance with the terms thereof. Additional requirements for recycled water service are included in Regulation 18.

b. Conditions Precedent to Service

Water service will be provided subject to:

- (1) The existence of a main of adequate capacity and pressure abutting the property to be served, or the construction of adequate mains, pumps and storage facilities under the provisions of Part B of these Regulations;
- (2) The advance payment of the District's initial charge for service as provided in Regulation 1 c.; and
- (3) Compliance with the other applicable provisions of these regulations.

c. Initial Charges for Service

Prior to commencement of service the Applicant shall pay an initial charge for service which shall be the total of the meter charge, the service line charge, the reimbursement fund charge and the facilities reserve charge computed as set forth below. "Est." means the actual cost of the service line as estimated by the District; "d.u." means dwelling unit. The Reimbursement Fund Charge shall not apply to recycled water service. Applications for a single service connection having a meter size equal to or less than one and one-half-inch shall pay a meter charge and a service line charge as set forth below. Applications requiring more than one meter or requiring a meter size greater than one and one-half-inch shall pay a meter charge and a service line charge based on the actual cost of said meter and service line installation(s) incurred by the District.

The Facilities Reserve Charge shall depend on the type of use as shown herein. The charge shall be based on the District's estimate of the quantity of water that will be used on the average day of the maximum month expressed in "equivalent single family dwelling units" of 636 gallons each for Novato and 295 gallons each for West Marin. The District shall determine Facilities Reserve Charges for those consumers served prior to May 1, 1973 by its estimate of gallons per day of water use on the average day of the maximum month divided by 636 for Novato, or 295 for West Marin, over the first ten years of service or less as applicable. If at any time a consumer's use exceeds the estimate used in fixing the charge the District may require the consumer to pay an additional Facilities Reserve Charge at the rate then in effect for each equivalent single family d.u. of such excess.

(1) Novato Service Area

Meter Size Inches	Meter Charge (1)	Service Line Charge (2)	Reimbursement Fund Charge (3)
5/8	\$60	\$3,500	\$ 420
1	120	3,500	1,055
1-1/2	300	3,500	1,540
2	Est.	Est.	3,140
3	Est.	Est.	4,680
4	Est.	Est.	7,310
6	Est.	Est.	14,360
8	Est.	Est.	31,250
10	Est.	Est.	41,610

Effective
12/03/13
Facilities
Reserve
Charge

Single family detached residences and duplexes (each d.u)	\$28,600
Townhouses and condominiums (3 units or more) (each d.u)	17,200
Mobile home (each d.u.)	10,000
Apartment houses - 5 units or more, (each d.u.)	11,200
Second (accessory) d.u. on a parcel in undivided ownership	10,000
d.u. with kitchen or kitchenette whose occupants receive regular meals from central kitchen/dining facility on site.....	7,600
d.u. without kitchen facilities and landscape	6,100
Non-residential uses and master metered residential uses with a history of water consumption: the District shall determine equivalent single family d.u.'s by its estimate of gallons per day of potential water use on the average day of the maximum month divided by 636 (each equivalent single family d.u.).....	28,600

Also see Regulation 29.

(2) West Marin Service Area – Effective January 1, 2009

Meter Size (Inches)	Meter Charge (1)	Service Line Charge (2)	Reimbursement Fund Charge (3)
5/8	\$60	\$3,500	\$1,950
1	120	3,500	4,950
1-1/2	300	3,500	7,200
2	Est.	Est.	14,700
3	Est.	Est.	21,900
4	Est.	Est.	34,200

	Effective 12/03/13 Facilities Reserve Charge
Single family detached residences and duplexes (each d.u)	\$22,800
Townhouses and condominiums (3 units or more) (each d.u)	13,700
Mobile home (each d.u.)	8,000
Apartment houses - 5 units or more, (each d.u.)	8,900
Second (accessory) d.u. on a parcel in undivided ownership	8,000
d.u. with kitchen or kitchenette whose occupants receive regular meals from central kitchen/dining facility on site.....	6,100
d.u. without kitchen facilities and landscape	4,900
Non-residential uses and master metered residential uses with a history of water consumption: the District shall determine equivalent single family d.u.'s by its estimate of gallons per day of potential water use on the average day of the maximum month divided by 295 (each equivalent single family d.u.)	22,800

Also see Regulation 29.

(3) Charge for Annexation - All Service Areas

In addition to the other charges specified, no property shall be annexed to an improvement district unless an annexation fee is paid. The annexation fee shall be equal to the total revenue from tax on land (not improvements) that the District would have received had the property to be annexed been within the improvement district from the date of its formation, plus an amount equal to the interest revenue the District would have received on said tax revenue.

(4) Single Service Connection Requests - Deposit Requirement for Water-Saving Devices and Restrictions

A \$500 deposit must be paid to the District before a single water service connection is provided to assure compliance with all Water-Saving Devices and Restrictions for New Development pursuant to Regulation 15.e and 17.e. Upon inspection that requirements for all Water-Saving Devices and Restrictions have been met, the \$500 deposit will be refunded to the applicant.

(5) Initial charges for Affordable Housing

Payment of Initial Charges for water service to Applicant projects that include housing units affordable to lower income households, as defined in Government code Section 65589.7(d)(1), may be deferred for affordable units only until such time as a certificate of occupancy is issued by the city or county and meters thereto are authorized to be set or a period of two years from the date of the Applicant's Water Service Agreement, whichever duration is less. Said deferred payment shall include interest calculated at the rate earned on the District investment portfolio over the deferral period as determined solely by the District.

d. (This section left intentionally blank)

e. Location of Service Connection

Service will be provided at a meter abutting a major frontage of the consumer's property at a point determined by the District. The consumer may indicate the point on his property where he desires the service.

f. Facilities Reserve Charge for Public Parks - All Service Areas

The Facilities Reserve Charge for public parks shall be the amount charged for a 5/8-inch meter serving a single dwelling unit irrespective of the actual size of the meter provided each and all of the following conditions are met:

- (1) The public park is owned by a public agency and is open and accessible to the public for active recreational uses. For the purposes of this regulation landscaped areas along roadways and surrounding public buildings and landscaped areas in privately owned recreational areas or in areas where use is limited to a select group, such as a homeowners association are not public parks. Golf courses, whether privately or publicly owned or any other enterprise which charges a use fee, are not public parks.
- (2) The public agency owning the park enters into a service agreement with the District providing:
 - (a) Water shall be used only during such off-peak hours as shall be therein specified by the District with the exception that water can be used during peak periods for special limited and unusual circumstances such as system testing, germination of newly seeded turf, major turf renovation projects, irrigation following fertilization or herbicide applications, irrigation required prior to aeration and minor hand irrigation required for plant establishment, and
 - (b) Water use shall be discontinued or reduced as directed by the District at any time it determines that a threatened water shortage exists and so notifies the consumer.
 - (c) Water applied to turf areas shall be applied through a well-designed irrigation system that contains the following features as demonstrated by design drawings and specifications:
 - (i) Use of sprinkler heads, sprinkler head components and/or control schedules which achieve precipitation rates which match the water absorption capacity of the sod/soil column.
 - (ii) Sprinkler head spacing that is not greater than 50% of the diameter of the precipitation pattern thrown by the sprinkler head (i.e., head-to-head

spacing) at the minimum delivery pressure available at the site based on field measurements or pressure data supplied by the District. This 50% diameter spacing requirement can be varied provided the requirements of Section 1(f)(2)(c)(ix) are met.

- (iii) Sizing and layout of pipe laterals and selection and grouping of sprinkler heads and nozzles in a manner which assures that the pressure requirement of each sprinkler head is achieved.
 - (iv) Separation of valves such that valves serving turf sprinklers do not include sprinklers irrigating non-turf landscape which has a different water requirement.
 - (v) A valve in every head may be required by the District to control drain down and optimize distribution control.
 - (vi) Control of all turf valves by an automatic controller capable of programming each valve for the following variables:
 - (1) Irrigation days,
 - (2) Minimum of three independently scheduled start times per irrigation day
 - (3) Minutes of run time per start time cycle.
 - (vii) Controller shall contain a water budgeting feature which permits the same incremental percentage change in all run times (up or down) by changing the water budget setting, thus permitting easy irrigation scheduling as a function of changes in evapotranspiration demand.
 - (viii) Controller shall accommodate a rain shut-off feature which automatically shuts down irrigation when it is raining.
 - (ix) The irrigation distribution system shall be designed to achieve a lower quartile distribution uniformity of at least 80%. This distribution uniformity shall be verified after installation by field precipitation tests performed by a competent expert selected by the District and paid for by the applicant public agency. In the event said uniformity is not achieved, the applicant public agency shall make changes to the system until subsequent tests by said expert, and also paid for by the applicant agency, demonstrate achievement of said distribution uniformity. The lower-quartile uniformity coefficient, an approximation of overall irrigation system uniformity, shall be determined by sampling the precipitation pattern or "footprint" of the irrigation system with catch cans. The coefficient is determined by arraying the resulting data expressed as inches per catch can (or volume of water in can if cans are of uniform size) in descending order of magnitude, determining the mean of the lower one fourth of the catch-can data, and dividing it by the mean value for all of the cans.
- (d) In designing the irrigation system, the applicant agency shall conduct field tests to determine typical infiltration rates for the sub-turf soil. Design precipitation rates shall, as near as practicable, be matched to or not exceed said infiltration rates

- (e) Consumer or consumer's operator of the turf irrigation system shall apply water pursuant to an irrigation schedule developed for the site and based on applied water advice made available by the District or said turf irrigation system shall be controlled by moisture sensing devices which are operated to achieve efficient irrigation.
- (f) In the case of recycled water service, exceptions to this section may be made or additional requirements imposed as determined by the District to assure optimum soil moisture conditions are maintained and slime growth in the private distribution system is minimized.

g. Land Use Approval Established

An application for service to unimproved land shall not be processed to completion by the District unless the Applicant presents to the District a document from the city or county entity having jurisdiction verifying that a:

- (1) Valid Building Permit has been issued; or
- (2) Preliminary Division of Land has been approved; or
- (3) Tentative Subdivision Map has been approved; or
- (4) Planned Unit Development Precise Development Plan has been approved; or
- (5) Conditional Use Permit has been approved.

The word unimproved as used herein means land on which no improvements exist or land which although improved to a degree is being further improved and said further improvement is the cause for augmented water service and requires one or more of the above listed land use approvals.

h. Wastewater Disposal Established

Water service will not be furnished to any building unless it is connected to a public sewer system or to a wastewater disposal system approved by all governmental entities having regulatory jurisdiction. This subsection shall not apply to service during construction or service provided under Regulation 5.

i. Initial Charges for Service to Residential Connections With Fire Fighting Equipment

Where a meter larger than is otherwise necessary for consumption needs is installed solely to provide capacity for private fire sprinklers, fire hydrants or other fire fighting equipment in residential connections, the Reimbursement Fund Charge shown in Column (3) of subsections c.(1) and c.(2) that shall apply shall be the corresponding charge for the next smaller size meter.

j. Landscape Plans

If the city or county requires an approvable landscape plan as part of its land use approval process said plan must be submitted to the District before an application shall be processed to completion.