

## CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **8.B.**

FROM: Jerry Gruber, General Manager  
David Hirsch, Assistant District Counsel

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Meeting Date:	July 25, 2013	Subject:	Public Hearing to Consider Introduction of Ordinance 03-2013 and Adoption of Resolution 19-2013 Amending the CCSD Municipal Code and Approving Administrative Procedures and Related Actions to Implement the Interim Issuance of Intent to Serve Letters and the Revised Water Conservation and Retrofit Program
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### **RECOMMENDATIONS:**

It is recommended that the Board of Directors hold a public hearing in accordance with California Water Code Section 375, waive further reading, read by title only and introduce Ordinance 03-2013, and adopt Resolution 19-2013. Ordinance 03-2013 amends Chapters 4.16, 4.20 and 8.04 of the CCSD Municipal Code relating to Water Conservation Devices, the Water Conservation and Retrofit Program, and Water and Sewer Allocations. Resolution 19-2013 will approve several documents, including an Administrative Policy, lists of Acceptable and Prohibited Water Savings Plumbing and Fixtures, and a Retrofit Points Equivalency Table. These Municipal Code changes, administrative procedures and documents have been developed to implement the Water Use Efficiency Plan, the Interim Issuance of Intent to Serve Letters and revise the CCSD's Water Conservation and Retrofit Program.

### **FISCAL IMPACT:**

New development will be required to fund the demand offset water-use efficiency measures being completed as part of the District's adopted comprehensive Water Conservation and Retrofit Program, or to take the lead in completing conservation measures within the District's water service area.

### **DISCUSSION:**

On February 28, 2013 the Board of Directors approved a Water Use Efficiency Plan ("WUEP") which will further the CCSD's Urban Water Management Plan goal of significantly reducing per capita water use. In addition, on March 21, 2013 the Board adopted Resolution 09-2013 approving the issuance of intent to serve letters on an interim basis while the District continues to pursue a long-term supplemental water supply project ("Interim Issuance of Intent to Serve Letters"). The Interim Issuance of Intent to Serve Letters is predicated upon water savings that will be achieved through the Water Use Efficiency Plan and offset increased water use through retrofit of existing water fixtures within the Cambria Community Services District's service area,

or through other verifiable actions to reduce existing water use. This approach to new development and any resulting increased water use is consistent with Cambria Communitywide Condition 4.B of the North Coast Area Plan.

Resolution 09-2013 directed CCSD staff to implement the WUEP and the Interim Issuance of Intent to Serve Letters through the development of administrative procedures and other actions that are determined to be necessary and appropriate. Accordingly, an Ordinance and Resolution have been prepared for Board of Directors consideration. A study session was held by the Board of Directors on June 21, 2013 to review drafts of the Ordinance, Resolution and related changes to the CCSD Municipal Code, as well as the draft Administrative Policy. The drafts were also subsequently reviewed by the Administrative Procedures Ad Hoc Committee. The Conservation Ad Hoc Committee also reviewed the Retrofit Equivalency Table and New Project Requirements prepared by Maddaus Water Management, Inc.. As a result of those reviews, changes have been incorporated into the Ordinance, Resolution and attachments.

Ordinance 03-2013 will amend a number of provisions in the CCSD Municipal Code. Chapter 4.20 contains the District's Water Conservation and Retrofit Program. The proposed amendments are designed to implement the Interim Issuance of Intent to Serve Letters, and includes express language regarding the process for determining the number of "points" required by a project to offset water use, as well as the District's Points Bank and retrofit in-lieu fee process. Revisions to Chapter 4.16 relating to Water Conservation Devices have been prepared, including provisions regarding prohibited and acceptable water devices and fixtures. Chapter 4.16 also includes prohibitions and penalties. The prohibitions have been revised to make it clear that failure to install required plumbing fixtures, or removal after installation, is a Code violation and constitutes a misdemeanor. In addition, provisions are included that allow for recordation of notices against properties in violation.

Chapter 8.04 of the CCSD Municipal Code, which addresses allocations of Intent to Serve Letters, is also being proposed for amendment. The amendments will expressly provide for the Board to determine how many Intent to Serve Letters are to be issued. It also provides for Board approval of an administrative policy containing the process for determining the number of Intent to Serve Letters, as well as procedures for polling the Wait List to determine which positions are ready to move forward with projects. It also will provide that the time that Intent to Serve Letters are valid will be tolled during any period that there are no allocations under the County's Growth Management Ordinance.

Resolution 19-2013 provides for the adoption of the Administrative Policy containing the procedure for the Board's determination regarding Intent to Serve Letters and polling of Wait List positions. In addition, the Administrative Policy also has provisions relating to points and the Points Bank, as well as verification of the installation of devices and fixtures. Also, Section 2 of Resolution 09-2013 addressed the San Luis Obispo County Growth Management Ordinance (GMO), and directed CCSD staff to work with the County to amend the GMO to permit the recipients of Interim Issuance of Intent to Serve Letters to obtain building permits. At the June 27, 2013 meeting the Board of Directors discussed and considered the issue of including a numerical or percentage limit related to the CCSD's request to San Luis Obispo County to amend the Growth Management Ordinance. As a result, the Board determined that their request to amend the GMO would be for a maximum annual allocation of 20 single family dwelling units per fiscal year for the period of July 1, 2013 through June 30, 2015. A notation reflecting this request has been added to the Administrative Policy in the section relating to the process for the Board to determine the number of Intent to Serve Letters to be issued.

Previously Chapters 4.16 and 4.20 of the CCSD Municipal Code contained appendices relating to Acceptable and Prohibited Water Savings Plumbing and Fixtures and a Retrofit Points Equivalency Table. Ordinance 03-2013 will amend the CCSD Municipal to remove these appendices from the Code and instead provide that they are to be adopted by resolution in order to facilitate future changes and make the requirements contained in those appendices more efficient to administer. Resolution 19-2013 includes adoption of the lists of Acceptable and Prohibited Water Savings Plumbing and Fixtures, and the Retrofit Points Equivalency Table.

Ordinance 03-2013 and Resolution 19-2013 are intended to provide for the CCSD's revised Water Conservation Program, and are being presented for adoption pursuant to the statutory authority contained in Sections 375 through 377 and Section 1009 of the California Water Code. Those statutes require publication of the regulations and holding a public hearing. After compliance with those statutory procedures, violations of the requirements of a duly adopted water conservation programs are punishable as a misdemeanor. Water Code Section 377 contains specific penalties for such violations, which are referenced in revised CCSD Municipal Code Section 4.16.110. Ordinance 09-2003, which was adopted in December 2003, and was the last comprehensive amendment to the CCSD's Water Conservation and Retrofit Program that is contained in CCSD Chapter 4.20, was also adopted using those provisions in the Water Code.

Adoption of amendments to the CCSD's existing Water Conservation Program, and procedures and related administrative activities to implement the issuance of Intent to Serve Letters on an interim basis, will not result in direct or indirect physical changes in the environment and are exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5)) and Class 3 Categorical Exemption to CEQA under Title 22 C.C.R. Section 60101(c).. Also, approval of individual utility service connections are exempt under Section 15268(b)(4). Additionally, amending the CCSD's existing Water Conservation and Retrofit Program and providing for the interim issuance of Intent to Serve Letters is not subject to CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), and also Section 15378(b)(2), general policy and procedure making, in that the Board is providing direction to create policies and procedures to implement the CCSD's Water Conservation and Retrofit Program, as well as Cambria Communitywide Condition 4.B of the North Coast Area Plan. Accordingly, Ordinance 03-2013 and Resolution 19-2013 provide that the District Clerk is to file an appropriate notice of exemption.

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BOARD ACTION:     Date \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

UNANIMOUS:    \_\_\_ THOMPSON \_\_\_ BAHRINGER \_\_\_ CLIFT \_\_\_ RICE\_\_\_ROBINETTE\_\_\_

ORDINANCE NO. 03-2013

BOARD OF DIRECTORS  
CAMBRIA COMMUNITY SERVICES DISTRICT  
DATED:           , 2013

ORDINANCE AMENDING CHAPTERS 4.16, 4.20 AND 8.04 OF THE CCSD MUNICIPAL CODE RELATING TO WATER CONSERVATION DEVICES, THE WATER CONSERVATION AND RETROFIT PROGRAM, AND WATER AND SEWER ALLOCATION IN ORDER TO AMEND THE WATER CONSERVATION AND RETROFIT PROGRAM AND IMPLEMENT THE WATER USE EFFICIENCY PLAN AND THE INTERIM ISSUANCE OF INTENT TO SERVE LETTERS

**WHEREAS**, On February 28, 2013 the Board of Directors approved a Water Use Efficiency Plan ("WUEP") which will further the CCSD's Urban Water Management Plan goal of significantly reducing per capita water use and on March 21, 2013 the Board adopted Resolution 09-2013 approving the issuance of intent to serve letters on an interim basis ("Interim Issuance of Intent to Serve Letters"), while the District continues to pursue a long-term supplemental water supply project; and

**WHEREAS**, Resolution 09-2013 directed the CCSD Staff to implement the WUEP and the Interim Issuance of Intent to Serve Letters through the development of administrative procedures and other necessary actions; and

**WHEREAS**, on December 18, 2003 the Board of Directors adopted Ordinance 09-2003 in accordance with the procedures and requirements of Water Code Section 375, et seq., and the authority in Water Code Section 1009, regarding the CCSD's Water Conservation and Retrofit Program, which Program is codified in CCSD Municipal Code Chapter 4.20; and

**WHEREAS**, in order to implement the WUEP and the Interim Issuance of Intent to Serve Letters it has been determined that amendments to CCSD Municipal Code, including revisions to Chapter 4.16 Water Conservation Devices and Chapter 4.20 Water Conservation and Retrofit Program, and Chapter 8.04 Water and Sewer Allocation are appropriate; and

**WHEREAS**, this Ordinance, along with Resolution 19-2013 adopting an Administrative Policy to administer the Interim Issuance of Intent to Serve Letters, lists of Acceptable and Prohibited Water Saving Plumbing and Fixtures, and the Retrofit Points Equivalency Table, is intended to provide for the CCSD's revised Water Conservation Program, and is adopted pursuant to the statutory authority granted in Sections 375 through 377 and Section 1009 of the California Water Code, and the Board of Directors has adopted this Water Conservation Program after having held a public hearing in compliance with the requirements of Water Code Section 375(a); and

**WHEREAS**, the Board of Directors finds that the adoption of amendments to the CCSD's existing Water Conservation Program, and procedures and related administrative activities to implement the issuance of Intent to Serve Letters on an interim basis, will not result in direct or indirect physical changes in the environment and are exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5) and Class 3 Categorical Exemption to CEQA under Title 22 C.C.R. Section 60101(c). Also, approval of individual utility service connections are exempt under Section 15268(b)(4). Additionally, the Board of Directors finds that amending the CCSD's existing Water Conservation and Retrofit Program and providing for the interim issuance of Intent to Serve Letters is not subject to CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), and also Section 15378(b)(2), general policy and procedure making, in that the Board is providing direction to create policies and procedures to implement the existing Water Conservation and Retrofit Program, as well as Cambria Communitywide Condition 4.B of the North Coast Area Plan, which will be implemented in a manner consistent with and significantly less than the number of dwelling units that could be allowed under the San Luis Obispo County Growth Management Ordinance limits and further will be controlled by the amount of actual water conservation achieved within the District's service area. The District Clerk is directed to file an appropriate notice of exemption.

The Board of Directors of the Cambria Community Services District (CCSD) ordains as follows:

## **Section 1. Findings**

- A. The findings contained in Ordinance No. 09-2003, a copy of which is attached hereto, regarding the CCSD's Water Conservation and Retrofit Program are hereby readopted and incorporated herein by reference as if fully set forth.
- B. The findings in Ordinance 09-2003 included findings regarding the CCSD's water supply, Order WR 89-19 of the State Water Resources Control Board regarding Santa Rosa Creek, Order WR 88-22 of the State Water Resources Control Board regarding San Simeon Creek, and findings regarding the general welfare requiring that the water resources of the District be put to beneficial use to the fullest extent capable and conservation of such water is being exercised in the interests of the District's residents , as well as consistent with Article X, Section 2 of the California Constitution regarding the State's policy of water conservation and the prohibition of waste.
- C. The findings in Ordinance 09-2003 also determined that specific rules, regulations and restrictions established in the CCSD's Water Conservation and Retrofit Program are necessary to conserve and supplement the District water supplies for the greatest public benefit, with particular regard to domestic use, sanitation and fire protection and that new water users must be regulated accordingly to ensure that demand does not exceed supply and that the use of water is reasonable and orderly, with a program goal to offset the expected

number of Equivalent Dwelling Units (EDU's) of water to be used by each new or remodeled structure, with in-lieu fee provisions established to allow for the collection of funds to accomplish the water savings by direct water conservation activities performed by the District.

- D. The Board of Directors further finds, that the adoption of revisions to the CCSD's water conservation program, and provision for its enforcement, as provided by this Ordinance and Resolution 19-2013, are necessary and appropriate to reduce the quantity of water used by persons in the District for the purpose of conserving the water supplies of the District, and that the direction in Resolution 09-2013 providing for the Interim Issuance of Intent to Serve Letters is consistent with the existing provisions of Ordinance 09-2003, as codified in Chapter 4.20 of the CCSD Municipal Code, as well as the District's duties and obligations as the community's water purveyor, and that providing for the interim issuance of Intent to Serve Letters based upon the water savings that will be achieved through the Water Use Efficiency Plan, while the District continues its efforts to develop a major public works project to provide a long-term supplemental water supply, constitutes utilization of the water supply in a manner that will provide the greatest public benefit with particular regard to domestic use, sanitation and fire protection.

**Section 2.** Subsection B of Section 8.04.040 is hereby amended to read as follows:

"B. Positions which are active service commitments, non-active service commitments, or parks/landscape/irrigation commitments are designated based on current meter designation, or if no current meter designation, then the most recent historical meter designation. Attached to the ordinance codified in this chapter and made a part hereof by reference is Exhibit D titled designation of positions. Exhibit D identifies the designation of position held by each parcel (identified by county assessor parcel number unless otherwise specifically identified in Exhibit D), which holds a position, which is an active service commitment, non-active service commitment, or parks/landscape/irrigation commitment. Water use is restricted to that designated on Exhibit D and to new customers who have been permitted to connect to the water system as new commitments authorized by the Board of Directors. The Table of Existing Commitments shall be updated to reflect such new commitments."

**Section 3.** Subsection C of Section 8.04.080 of the CCSD Municipal Code is hereby amended to read as follows:

C. In order to implement the district's program to issue intent to serve letters on an interim basis while the district continues to pursue a long-term supplemental water supply project, during each allocation year the board of

directors shall make a determination regarding how many intent to serve letters are to be made available for issuance. The process for determining the number of intent to serve letters that will be made available shall be set forth in an administrative policy approved by the board.

Prior to each allocation year in which intent to serve letters will be issued, the district shall conduct a poll of waiting list applications, in priority order, to determine which positions are willing and able to move forward on their building projects. Subject to approval by the board, the general manager shall establish administrative procedures for making such inquiries. This "inquiry" shall notify each eligible applicant of the requirements, which must be met upon acceptance of an intent to serve.

1. Deferral Policy. Based upon the number of years in which the Water Code Section 350 declaration of water shortage emergency has been in existence and restrictions and regulations have limited new connections to the water system, eEffective with the date of the ordinance codified amending in this chapter, each waiting list position, regardless of changes in ownership, is is allowed one to deferral acceptance of an intent to serve letter (choosing to remain on the waiting list when offered an intent to serve), without losing their position. ~~Failure to respond to the inquiry in a timely manner shall constitute a deferral.~~

a. ~~Variances may be allowed for deferral upon the following conditions: applicant provides proof of exceptional unanticipated circumstances which may include but not be limited to: recent serious illness or injury, death in immediate family, divorce, loss of employment. If circumstances meet the conditions, the board of directors may allow one non-penalty deferral in addition to that allowed in paragraph (C)(1) of this section.~~

b. ~~Deferrals subsequent to those discussed in paragraphs (C)(1) and (C)(1)(a) of this section shall cause the position to move to the end of the waiting list.~~

**Section 4.** Subsection E 2 of Section 8.04.080 of the CCSD Municipal Code is hereby amended to read as follows:

2. Subject to the limitations otherwise specified in this chapter, intent to serve letters shall remain valid for eighteen (18) months from the date of issuance. Multifamily and commercial projects receiving an intent to serve letter for less than their entire project in any one year shall have their intent to serve letter automatically extended to the date of the expiration of their last allocation for the project provided they accept the maximum number of EDUs available to the project each year. For those commercial and multifamily projects with permanent

structures already existing, the EDUs shall be assigned to the parcel upon compliance with this chapter. The time limits contained herein shall be tolled during any period that there are no allocations under the County of San Luis Obispo Growth Management Ordinance.

**Section 5.** Chapter 4.16 is hereby amended and replaced in its entirety as set forth in Exhibit A, which exhibit is hereby incorporated herein by reference.

**Section 6.** Chapter 4.20 is hereby amended and replaced in its entirety as set forth in Exhibit B, which exhibit is hereby incorporated herein by reference.

**Section 7.** If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

**Section 8.** In accordance with Water Code Section 376, a summary prepared by District Counsel, was published and a certified copy of the full text of the proposed resolution were posted in the office of the Cambria Community Services District at least five days prior to the Board of Directors meeting at which this resolution was to be adopted. The District Clerk is hereby directed within 15 days after adoption of this resolution, to publish such summary, along with the names of those members voting for and it, and post a certified copy of the full text of the adopted resolution, along with the names of those Board members voting for and against the resolution in the Cambria Community Services District office.

**Section 9.** In accordance with the provisions in Water Code Section 376, this Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance amendment was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the                      day of 2013.

AYES:

NOES:

ABSENT:

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Michael Thompson  
President, Board of Directors

APPROVED AS TO FORM:



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Kathy A. Choate  
District Clerk

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Timothy J. Carmel  
District Counsel

**EXHIBIT A**  
**ORDINANCE ~~03XX~~-2013**

**Chapter 4.16 - WATER CONSERVATION DEVICES**

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**Sections:**

4.16.010 - Purpose.

4.16.020 - Definitions.

4.16.030 - Plumbing fixtures for new construction.

4.16.040 — ~~Reserved. retrofit of existing hotels and motels.~~

4.16.050 - Requirements upon change of ownership or use.

4.16.060 - Retrofit upon expansion of use.

4.16.070 - Retrofit upon resale.

4.16.080 - ~~Failure to install and prohibition on removal after installation--~~  
Recordation of notice.

4.16.090 - Discretionary exemptions.

4.16.100 - Appeals.

4.16.110 - ~~Failure to install and prohibition on removal after installation--~~ Penalties.

4.16.120 - Enforcement.

4.16.130 - Civil nuisance.

4.16.140 - Cost of enforcement.

4.16.150 - Remedies cumulative.

4.16.160 - ~~Conflicting provisions~~General notes.

~~Appendix 4.16A — ACCEPTABLE WATER SAVING PLUMBING AND FIXTURES~~

~~Appendix 4.16B — PROHIBITED DEVICES AND FIXTURES THAT CAUSE THE~~  
~~EXCESSIVE USE OF WATER~~

**4.16.010 - Purpose.**

It is the purpose and intent of this chapter to reduce the use of potable water within the Cambria Community Services District boundaries through the installation of water saving devices and plumbing, and through the prohibition of other devices and fixtures which cause the excessive use of water. It is also the purpose and intent of this chapter, in conjunction with the provisions of chapter 4.20 of this Code, to facilitate the policies of the board of directors to issue intent

to serve letters on an interim basis while the District continues to pursue a long-term supplemental water supply project, based upon implementation of the District's approved Water Use Efficiency Plan through water demand offsets.

~~(Ord. 3-88 § 1)~~

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#### **4.16.020 - Definitions.**

The definitions contained in Chapter 4.04 shall be used for interpreting this chapter. The following definitions are applications to this chapter.

"Change of ownerships" means a transfer of a present interest in real property, and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of the ownership interest transferred, which transfer is the result of a contract of sale or similar instrument and for which escrow is opened or a contract of sale has been executed. Except for transfers of title from one spouse to another. ~~Every transfer of property shall qualify as a "change of ownership," except transfers of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of ownership" affected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title. A change of ownership resulting from a contract of sale or similar instrument shall be so regarded only if escrow is opened or a contract of sale is executed, whichever occurs last,~~ on or after the effective date of this chapter.

"Change of use" means, in the case of commercial, industrial or public authority structures, a change in the use to which the structure was previously devoted, to a substantially different use.

"Commercial" or "commercial building" means any use, structure, or project not defined as "residential" or "residential building."

"High-efficiency Low water-use plumbing and plumbing fixtures" means the particular requirements and standards of this chapter are those set forth in the approved list of Acceptable Water Savings Plumbing and Fixtures (the "Acceptable Water Savings Plumbing and Fixtures List"), which shall be maintained by the District and approved by the board of directors by resolution. Appendix 4.16A. The board may, from time to time, by resolution, modify, add to, or remove from, the standards and restrictions therein.

"New construction" means any construction of a previously non-existent structure requiring a discretionary or ministerial permit issued after the effective

date of this chapter that includes the installation of plumbing fixtures. "New construction" shall include additions, modifications, or structural improvements, which add square footage to floor space of existing structures and includes the installation of plumbing fixtures.

"Prohibited devices and fixtures" means the devices and fixtures set forth in the approved list of Prohibited Devices and Fixtures that Cause the Excessive Use of Water (the "Prohibited Water Devices and Fixtures List"), which shall be maintained by the District and approved by the board of directors by resolution. Appendix 4.16B. The board may, from time to time, by resolution, modify, add to, or remove from, the standards and restrictions therein.

"Residential" or "residential building" means any use or structure built and intended primarily for the shelter, or housing of any person.

*(Amended during 2004 codification; Ord. 3-88 § II)*

#### **4.16.030 - Plumbing fixtures for new construction.**

All new construction, as defined herein, shall be exclusively equipped with high-efficiency low water-use plumbing and plumbing fixtures as defined by this chapter, and no prohibited devices or fixtures as defined in the approved Prohibited Water Devices and Fixtures List Appendix 4.16B shall be permitted. These high-efficiency low water-use fixtures shall be installed and maintained, and shall not be replaced with fixtures which allow greater water use. When the district installs any new water service meter, the meter shall be set with a flow restriction device installed and the flow restriction device shall not be removed until such time as the customer shows to the district compliance with the requirements of this chapter by means of one of the following methods:

A.

A. A copy of the plumbing permit obtained in relation to fixture installation which shows compliance with this chapter shall be forwarded to the district;

B.

B. A copy of the pest control inspection report, energy audit report, or other appropriate report (the general manager shall maintain a list of individuals qualified to provide this certification, which certifies exclusive installation of high-efficiency low water-use fixtures shall be forwarded to the district;

C.

C. A copy of the building inspection report by the county building official which indicates exclusive installation of ~~high-efficiency low~~ water-use fixtures shall be forwarded to the district; or

D.

D. Statement of ~~exclusive~~ compliance with this chapter, together with a dated copy of the purchase receipt for each ~~high-efficiency low~~ water-use fixture, and a copy of the labor contract, or statement of self installation, which evidences complete installation, shall be forwarded to the district, and a written agreement by the property owner/purchaser allowing inspection of property by district staff or authorized agent.

*(Ord. 3-88 § III)*

**4.16.040 — ~~Reserved. retrofit of existing hotels and motels.~~**

~~All existing hotels, motels, recreational vehicle parks, and campgrounds within ninety (90) days following the effective date of this chapter, shall retrofit all plumbing fixtures which are installed, but which do not meet low water use plumbing fixture standards, with showers and shower heads as described in Category No. 4 of Appendix 4.16A, toilet water use reduction devices capable of reducing flow by at least one gallon per flush, and bathroom washbasin faucets with aerators which limit the flow rate to a maximum of eight liters (two gallons) per minute. The general manager shall defer the retrofit requirement of this section for any plumbing fixture for which present technology is not available to cause the required flow reduction, such as in flushometer style toilet fixtures, or where retrofitting is not otherwise feasible.~~

*(Ord. 3-88 § IV)*

**4.16.050 - Requirements upon change of ownership or use.**

A.

A. Residential. All existing residential buildings shall, at the time of change of ownership, be retrofitted, if not already so, exclusively with ~~high-efficiency low~~ water-use plumbing fixtures as defined by this chapter. These fixtures shall be installed and maintained, and shall not be replaced with fixtures which allow greater water use.

B.

B. Commercial. All existing commercial, industrial, and public authority structures shall, at the time of change of ownership or change of use, be retrofitted, if not already so, with ~~low-high-efficiency~~ water-use plumbing fixtures as defined by this chapter. These fixtures shall be installed and

maintained and shall not be replaced with fixtures which allow greater water use.

~~(Ord. 3-88 § V)~~

#### **4.16.060 - Retrofit upon expansion of use.**

All residential, commercial, public authority, and industrial reconstruction, remodels or additions that add or change bathroom plumbing fixtures, and/or increase floor area by twenty (20) percent or greater of the existing floor area shall meet "new construction" ~~low~~ high-efficiency water-use plumbing fixture standards for the entire facility, including retrofitting of existing plumbing fixtures as identified in Section 4.16.030.

~~(Ord. 3-88 § VI)~~

#### **4.16.070 - Retrofit upon resale.**

A.

A. Prior to the close of escrow, the new owner/applicant shall show compliance with the retrofit requirements of this chapter by successfully meeting the district's inspection.

B.

B. Prior to the change of use of any commercial, industrial, or public authority buildings, the owner of record shall certify in writing to the Cambria Community Services District about such changes of use of the structure and compliance with this chapter, including compliance with all plumbing fixture retrofitting requirements. No change of use of such buildings shall be made prior to submission of such written certification to the general manager.

~~(Ord. 6-2005 § 1: amended during 2004 codification; Ord. 3-88 § VII)~~

#### **4.16.080 — Failure to install and prohibition on removal after installation-- Recordation of notice—.**

Plumbing fixtures that have been installed as required by this chapter shall not be removed after installation, except for replacement with fixtures that are of greater efficiency. Whenever the general manager determines that there is an existing violation of this chapter based upon a determination that high-efficiency, ~~that low~~ water-use plumbing fixtures have not been installed at the time of change of ownership or use or have been removed since initial installation, the general manager may record a notice of violation with the office of the county recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is known to the general

manager. The general manager shall cause a notice of correction to be recorded at such time as the property owner has established full compliance with the provisions of this chapter.

~~(Ord. 3-88 § VIII)~~

#### **4.16.090 - Discretionary exemptions.**

The general manager may, in his or her discretion, exempt projects from the provisions of this chapter, or impose reasonable conditions in lieu of compliance therewith, if he or she determines that any of the following sections apply:

~~A.~~

A. Hardship. The general manager may grant an exemption for hardship where the requirements of this chapter would cause an unnecessary and undue substantial hardship upon the owner or purchaser of the facility or the public. Substantial hardship may include, but is not limited to:

~~1.~~

1. Plumbing in an existing facility which does not match connections with high-efficiency low-water-using plumbing fixtures and would, therefore, require partial replumbing of the structure. For example, different rough-in dimensions.

~~2.~~

2. Unavailability of high-efficiency low-water-using plumbing fixtures to match a well-defined historic architectural style (i.e., Victorian, Mission Revival) in an historic building (pre-1920).

Any project exempted pursuant to subsection (A)(1) of this section shall be required to have installed toilets using a no greater than one maximum of three and six-tenths one-half gallons per flush and two gallons per minute shower heads, if not already so provided.

~~B.~~

B. Emergency. The general manager may grant an exemption for emergency purposes when the requirements of this chapter would create a condition affecting the health, sanitation, fire protection or safety of the facility owner or the public. Emergency conditions include, but are not limited to, sewer line grades that are insufficient to accommodate reduced flows caused by conversion of

water closet(s) to three and one-half gallons per flush as determined by the district engineer.

~~C.~~

C. In Lieu Compliance. The general manager may grant an exemption by imposing reasonable conditions in lieu of compliance with the requirements of this chapter, where the conditions would not allow the quantity of water consumed by the facility to exceed the total water demand achieved if the low water-use plumbing fixture standards set by this chapter had been used, and would not otherwise adversely affect service to any existing water consumer.

~~(Ord. 3-88 § IX)~~

#### **4.16.100 - Appeals.**

~~A.~~

A. Content of Appeal. An appeal may be made to the board by any public agency or person aggrieved by a decision of the general manager ~~and engineer~~ pursuant to this chapter. All appeals shall be made to the board by filing a written appeal with the district secretary within ten (10) working days from the date of the decision. The appellant must specifically state in the notice of appeal:

~~1.~~

1. The identity of the appellant and his or her interest in the decision;

~~2.~~

2. The identity of the decision appealed from and the conditions appealed from;

~~3.~~

3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate;

~~4.~~

4. The specific reasons the appellant disagrees with the findings of the general manager;

~~5.~~

5. The specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense of opposition without being subjected to surprise. The board will not accept an appeal stated in generalities, legal or otherwise.



B.

B. Form. An optional form for giving notice of appeal shall be provided by the general manager. The form need not be used if the notice of appeal is complete.

C.

C. Acceptance of Appeal. An appeal shall not be accepted by the board of directors unless it is complete and complies with all requirements. The district secretary shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.

D.

D. Hearing. The board shall set the matter for hearing at a regular meeting or special meeting within thirty (30) days from the date the appeal is filed, and may in its discretion thereafter affirm, reverse, or modify the manager's ~~and engineer's~~ decision, and impose any conditions it deems just and proper.

~~(Ord. 3-88 § X)~~

#### 4.16.110 - Failure to install and prohibition on removal after installation--

##### Penalties.

Plumbing fixtures that have been installed as required by this chapter shall not be removed after installation. Any person, firm, or corporation whether as principal, agent, employee, or otherwise who fails to install fixtures as required by this chapter or who violates or causes or permits violating or causing or permitting the violation of any of the provisions of this chapter; or, any person or contractor who installs or removes plumbing fixtures contrary to the provisions of this chapter ~~with the intent to defeat the purposes of this chapter~~, shall be guilty of a misdemeanor in accordance with California Water Code Section 377. As provided in Water Code Section 377, upon conviction thereof such person, firm or corporation shall be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both. ~~punishable as an infraction as provided by Section 1-12.010. Violations carry a maximum penalty of two hundred fifty dollars (\$250.00) for each offense. Each separate day or portion thereof during which any violation occurs or continues without a good faith effort by the responsible party to correct the violation, shall be deemed to constitute a separate offense, and upon conviction thereof, shall be separately punishable.~~

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~~(Ord. 3-88 § XI)~~

#### 4.16.120 - Enforcement.

The general manager shall be the officer primarily charged with enforcement of this chapter. All public employees of the Cambria Community Services District who are vested with the duty or authority to issue permits or install new water meters, shall conform to the provisions of this chapter and shall

issue no such permits or install such water meters in conflict with the provisions of this chapter, and any such permits issued in conflict with the provisions of this chapter, shall be null and void, and any such water meters installed shall be removed.

~~(Ord. 3-88 § XII)~~

#### **4.16.130 - Civil nuisance.**

~~A.~~

A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of this chapter, and/or any use of land, building, or premises, established, conducted operated or maintained contrary to the provisions of this chapter, shall be, and the same is declared to be a violation of this chapter and a public nuisance.

~~B.~~

B. The district may summarily abate the public nuisance, and district counsel or the district attorney, upon order of the board, may bring civil suit or other action, to enjoin or abate the nuisance.

~~C.~~

C. ~~Each day any violation of this chapter continues shall be regarded as a new violation and separate offense.~~ The remedies provided in this chapter shall be cumulative and not exclusive.

~~D.~~

D. Should any person, firm, or corporation violate the terms of this chapter, and any action is authorized either by the board, district counsel, or district attorney, or is, in fact commenced by the agencies for the violation, no other action shall be taken on any application file by or on behalf of the person, firm, or corporation until the action has been concluded or resolved.

~~(Ord. 3-88 § XIII)~~

#### **4.16.140 - Cost of enforcement.**

~~A.~~

A. Any person, firm, or corporation who creates or maintains a public nuisance in violation of this chapter or upon whose property a notice of violation has been recorded, shall be liable for the costs of abatement and correction which shall include, but not be limited to:

~~1.~~

1. Cost of investigation;

~~2.~~

- 2. Court costs;
- 3. Attorney fees;
- 4. Cost of monitoring compliance.

B.

Upon a continuation of the public nuisance after notice from the district to cease the nuisance, any person, firm, or corporation shall be liable for the cost of abatement set forth above, plus a civil penalty of fifty (50) percent of these cost payable to the district in addition to any other cost of enforcement imposed by the court.

~~(Amended during 2004 codification; Ord. 3-88 § XIV)~~

#### **4.16.150 - Remedies cumulative.**

The remedies available to the district to enforce this chapter are in addition to any other remedies available under the district's ordinances, or any other state statutes, and do not replace or supplant any other remedy but are cumulative thereto.

~~(Ord. 3-88 § XV)~~

#### **4.16.160 – Conflicting provisions. General notes.**

A.

If any other codes or ordinances in effect in the district are in conflict with the provisions of this chapter, the more restrictive shall apply.

B.

In the event any provision of existing ordinances, regulations, or procedures of the district conflicts with the provisions of this chapter, the provisions of this chapter shall prevail.

~~(Ord. 3-88 § XVI)~~

#### **Appendix 4.16A–**

#### **ACCEPTABLE WATER SAVING PLUMBING AND FIXTURES**

~~Piping and water using devices and fixtures acceptable to the district shall be comprised of those plumbing and water using devices and fixtures described by the following category headings and meeting the standards set forth under these headings.~~

~~**Category No. 1 – Plumbing System Requirements (New Construction Only)**~~

~~All hot water systems will be of the circulating or two pipe type with forced circulation provisions.~~

~~Thermal insulation of a kind typically used to insulate pipes and having a thickness of not less than three-fourths of an inch shall be installed on all hot water piping except plastic piping with a no heat loss rating factor.~~

~~All hot water pipes located within or under concrete slabs must be insulated and contained in chases or conduits.~~

~~Any hot water fixture or outlet located within five feet of the hot water heater shall be exempt from the requirements of Category No. 1.~~

#### **~~Category No. 2 – Toilets, Tank Type~~**

~~Tank type toilets shall be of a design or equipped with a device that does not exceed 1.6 gallons per flush.~~

#### **~~Category No. 3 – Toilets and Urinals, Flushometer Type~~**

~~Flushometer type toilets and urinals shall be of a design that does not exceed 1.6 gallons per flush. (eg. Sloan model 110-1/Eljer Ultra bowl for toilets, Sloan 186 for urinals)~~

#### **~~Category No. 4 – Shower Heads and Showers~~**

~~Shower heads shall be of a design that limits the maximum flow to eight liters (two gallons) per minute (gpm) at fifty (50) pounds per square inch (psi), and shall have a shut-off valve located near the shower head. All showers having unsupervised public access shall have automatic shut-off valves which shall limit the flow of water to not more than five minutes.~~

#### **~~Category No. 5 – Faucets, Faucet Aerators~~**

~~All faucets in residential sinks shall be equipped with faucet aerators and shall be of a design that limits the maximum flow to two gallons per minute (2.0 GPM) at fifty (50) psi. All faucets in residential and commercial lavatories shall be equipped with faucet aerators and shall be of a design that limits the maximum flow to one-half gallon per minute at fifty (50) psi. Water faucets for uses other than residential shall have aerators and shall be of a design that limits the flow to a maximum of two and three-fourths gallons per minute (gpm) at fifty (50) psi and shall be operated by foot button or pedal valves.~~

#### **~~Category No. 6 – Exterior Hose Bibs~~**

~~Hose bibs shall be equipped with backflow preventers/vacuum breakers of a design that limits the maximum flow of water to four gallons per minute at fifty (50) psi.~~

#### **~~Category No. 7 -- Water Pressure Regulators~~**

~~Pressure regulators rated capacity of at least three hundred (300) psi shall be installed and set at fifty (50) psi at all locations served by the district's water distribution system.~~

#### **~~Category No. 8 -- Bath Tub Capacity~~**

~~All new installations of bath tubs and whirlpool spas, specifically units that are designed to be drained after each use, shall be of a design that does not exceed a maximum capacity of seventy (70) gallons.~~

#### **~~Category No. 9 -- Hot Tubs, Spas~~**

~~Acceptable spas and hot tubs are tubs of any size that have a water recirculation system that filters and chlorinates the water. These units are not emptied after each use and are covered when not in use.~~

~~(Amended during 2004 codification; Res. 37-95 Schedule A; Ord. 5-88 Schedule A)~~

#### **~~Appendix 4.16B--~~**

#### **~~PROHIBITED DEVICES AND FIXTURES THAT CAUSE THE EXCESSIVE USE OF WATER~~**

~~Devices and fixtures which the district has determined to cause the excessive use of water shall be comprised of those water using devices and fixtures described by the following category headings and the operation and/or use of these fixtures and devices is prohibited.~~

#### **~~Category No. 1 -- Oversized Bathtubs in Motels~~**

~~"Oversized Bathtubs" are tubs that are greater than seventy (70) gallons capacity.~~

~~Any existing "Oversized Bathtub" shall, upon resale of the property, be removed, permanently disconnected or converted to a recirculating, treated water type of tub, or a tub of seventy (70) gallons capacity or less and are subject to the retrofit on resale provisions of this chapter.~~

~~(Res. 37-95 Schedule B; Ord. 5-88 Schedule B)~~



**EXHIBIT B**  
**ORDINANCE ~~03XX~~-2013**

**Chapter 4.20 - WATER CONSERVATION AND RETROFIT PROGRAM**

**Sections:**

[4.20.010 - Application of ~~r~~Retrofit requirements providers.](#)  
[4.20.020 - Retrofit recipients.](#)  
[4.20.030 - Program implementation.](#)  
[4.20.040 - Equivalency table.](#)  
[4.20.050 - Program standards.](#)  
[4.20.060 - Program administration.](#)  
[4.20.070 - Administrative fees.](#)  
[4.20.080 - Time limit and transferability.](#)  
[Appendix 4.20 - RETROFIT POINTS EQUIVALENCY TABLE](#)

**4.20.010 — [Application of ~~r~~Retrofit requirements providers.](#)**

All commercial and residential property owners upon issuance of an intent to serve letter, all grandfathered services where no previous structure has been connected, ~~and or~~ all applicants for remodel or reconstruction of an existing service whereby any water fixtures will be added shall be required to participate in this program prior to issuance of a connection permit or remodel approval, pursuant to [Title 8](#) of this code. [It is also the purpose and intent of this chapter, in conjunction with the provisions of chapter 4.16 of this Code, to facilitate the policies of the board of directors to issue intent to serve letters on an interim basis while the District continues to pursue a long-term supplemental water supply project, based upon implementation of the District's approved Water Use Efficiency Plan through water demand offsets.](#)

[\(Ord. 9-2003 Attach. 1 \(part\)\)](#)

**4.20.020 - Retrofit recipients.**

All commercial and residential improved-property owners and public agencies within the Cambria Community Services District service area are

eligible, on a volunteer basis, to have their structures retrofitted, or otherwise participate in the programs offered by the district with the following exceptions:

Not eligible:

~~1.~~

~~1. Structures already required to retrofit under Chapter 4.16 (resales and remodels);~~

~~2.~~

~~2. Existing fixtures in structures that provide no additional water savings based upon their being in compliance with the standards and requirements contained in Chapter 4.16 and the most current adopted Acceptable Water Savings Plumbing and Fixtures List previously retrofitted, provided however, that fixtures not already retrofitted to the standards required under this chapter shall be eligible;~~

~~3.~~

~~3. Replacement structures (tear down/rebuild, whether on same site or transferred).~~

In addition, riparian water users and/or property owners in the Santa Rosa Creek and San Simeon Creek watersheds, upon approval of the general manager, are eligible for participation in district sponsored programs under this chapter.

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.030 - Program implementation.**

No new residential or commercial water and sewer connections or remodel approvals will be allowed except under this water conservation and retrofit program. The water conservation and retrofit program, hereinafter referred to as "program" shall be initiated as follows:

~~A.~~

~~A. New Construction From Waiting Lists.~~

~~4.~~

~~1. As provided in Section 8.04.080 (C) and as further provided in the administrative policy adopted in accordance with that Section, the board of directors of the Cambria Community Services District may authorize issuance of the general manager to issue such number of intent to serve~~



~~(ITS) letters, under this program as deemed appropriate and in accordance with Title 8 of this code.~~

2. Points and Points Bank.

a. The number of points required to offset water use for the project shall be calculated based upon administrative procedures approved by the board and a retrofit points equivalency table, which shall be adopted by the board by resolution. Points for commercial projects shall be determined based upon either values contained in the retrofit points equivalency table or based upon factors deemed appropriate by CCSD staff for the particular type of commercial use, including but not limited to the number of employees and whether facilities such as restrooms are to be made available for use by the public. Points shall represent water units (i.e. 1 point shall equal .72 annual water unit or 1.47 gallons per day). The retrofit points equivalency table shall include point values for fixtures, and the methodology for calculating the number of points required for a project in order to offset water use. Applicants shall be notified of the number of points required for his or her project.

b. A points bank shall be maintained by the district which shall represent retrofit points that accrue from the installation of high-efficiency water use fixtures that result from retrofits when there is a change of ownership or use (Section 4.16.050), expansion of use (Section 4.16.060, resale (4.16.070), district rebate programs, and other district programs used to achieve verifiable reductions in existing water use in the district's service area. .

c. Applicants shall have the obligation to provide retrofits in the district's service area that offset the water demand of the project, as represented by the required number of points as determined by district staff. The district may permit all or a portion of the required points to be satisfied by payment of in-lieu fees for points from the points bank. In-lieu fees shall be established by the board by resolution, and shall be based upon a determination of the cost to implement programs and projects that will reduce existing water use within the district's service area in an amount equal to or greater than the anticipated water use of projects being issued intent to serve letters.

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2.

3. The district will issue a notification to eligible waiting list position holders along with an invoice for administrative fees, as required by the district's adopted fee schedule. Within ~~thirty (30) fifteen (15)~~ days of issuance of notification or such other time established by the General Manager, the applicant must make full payment of administrative fees and, if permitted by the district to select the option to perform retrofits or pay an in-lieu fee, tender to the district the amount of in-lieu fees that are required, of fifty dollars (\$50.00) per point required. The appropriate number of points shall be calculated in accordance with the schedule provided in Appendix 4.20. Payment of in-lieu fees shall relieve applicant of any further requirements under this program, except for those provided in subsections (A)(3) and (A)(4) of this section. On receipt of the administrative fee and in-lieu fees, if applicable, applicant's selection of retrofit option, and when in compliance with all other applicable laws and regulations, the district shall issue an intent to serve letter.

3.

4. In the event in-lieu fees are not requested by the applicant, or are not permitted or only satisfy a portion of the points required for the project, wWithin sixty (60) days of the issuance of the intent to serve letter, applicant must pay the in-lieu fee, if chosen, or submit properties proposed for plumbing and/or agriculture retrofit. All retrofit work then must be completed within ninety (90) days of the issuance date of the intent to serve ITS letter. Also within that same ninety (90) days (or no later than the last business day of the calendar year, whichever comes first), all residential applicants must show proof to the district, that they have applied for a building permit allocation under the San Luis Obispo County growth management ordinance. The allocation requires that a complete application be submitted to the county building and planning department for a building permit (and a minor use permit, where required) within the deadline set by the allocation.

4.

5. Failure to complete items in subsections (A)(~~32~~) and (A)(~~43~~) within the prescribed time periods will result in the general manager revoking the intent to serve letter and notify

the county that the applicant is not eligible for water and sewer service. All persons returned to the water and sewer waiting list shall be notified in writing. Such persons returned to the water and sewer waiting list shall be placed back on the list in the same relative order that their original position bears to all others on to the list. Any administrative fee paid shall be forfeited. Retrofit fees are non-refundable. Any retrofits paid or completed shall be held in credit for future use for that project.

~~(Ord. 9-2003 Attach. 1 (part))~~

~~B.~~

B. Grandfathered Services. Grandfathered services are subject to retrofit requirements as per [the adopted retrofit points equivalency table. Appendix 4.20](#). If the grandfather status was the result of a previously existent residence, the retrofit requirement shall be as for a "remodel." If there was no previous existent residence, the retrofit requirement shall be due and payable upon issuance of a county-approved building permit.

~~C.~~

C. Remodels and Active Service Transfers.

~~1.~~

1. Remodel or reconstruction of any existing service is subject to review by district staff when the project either adds: twenty-five (25) percent or more to existing habitable floor space, or adds any water-using fixtures.

~~2.~~

2. Application for approval of a remodel or reconstruction shall be made on a form provided by the district and include floor plans for the complete existing structure as well as the proposed remodel. [Detailed information shall be provided on the existing fixtures and the fixtures proposed for installation, including existing fixture flow rates and toilet gallons per flush volume. Timed discharge into a known volume container \(i.e. bucket tests\) may be used in cases where faucet manufacturer's information is not readily shown. Test shall be witnessed by a district representative or otherwise performed by a licensed plumber.](#) The remodel plans must be the same ones that will be submitted to San Luis Obispo County for construction permit. [Hard copy plans](#)

shall include an 11-inch by 17 inch drawing set, as well as associated electronic images provided on a compact disc in Adobe Acrobat® file format (i.e. "pdf" files). Applications submitted on behalf of a property owner shall be accompanied by an agent authorization form provided by the district. An application fee shall be charged for plan review, except that in the event fixtures are being added, the plan review fee shall be included within the remodel impact fee.

~~3.~~

3. Impact fees for added water fixtures shall conform to Exhibit 2 of the ordinance codified in this chapter, and/or current district fee schedule, as may be amended.

~~4.~~

4. Upon receipt of complete application and fees, district shall provide a clearance letter stating project description, approval conditions, and fees paid. The clearance letter shall be provided by applicant to San Luis Obispo County for processing of construction permit.

~~D.~~

D. The general manager is authorized to establish a separate account for remodel impact and retrofit in-lieu fees collected in accordance with the provisions of this program. The general manager may authorize the expenditure of funds from this account to provide for retrofits and programs that will add points to the points bank, and for such other purposes authorized by the board of directors, only for qualified projects and programs identified in Section 4.20.050 and subject to such limitations contained therein.

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.040 - Equivalency table.**

~~A.~~

A. ~~An equivalency table is adopted and codified in Appendix 4.20. The retrofit points~~ equivalency table approved by the board shall indicate ~~indicates~~ the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled residential or commercial structure. Points for commercial projects shall be determined based upon either values contained in the retrofit points equivalency table or based upon factors deemed appropriate by CCSD staff for the particular type of commercial use, including but not limited to the number of employees and whether facilities such as restrooms are to be made available for use by the public. A

package of proposed retrofits must add up to no less than the minimum requirements established in ~~the retrofit points equivalency table.~~ [Appendix 4.20.](#)

~~B.~~

B. Owners of building parcels of eight thousand (8,000) square feet or more are required to install, on their own parcel, non-potable irrigation water cisterns with a minimum capacity of three thousand (3,000) gallons with collection-distributions systems, prior to receiving final occupancy approval. [Properties with non-potable piping shall install and maintain a reduced pressure backflow device on the potable water service. For non-residential properties with more than 1,000 square feet of irrigated land area, a separate water meter service shall be installed to measure irrigation water.](#) Re-inspection will be required at time of resale and remodeling to encourage continued use and maintenance. This requirement shall also apply to transfer of any service (active or otherwise) from a smaller parcel to one that is eight thousand (8,000) sq. ft. or larger.

~~C.~~

C. The general manager is authorized to make determinations for fixtures or projects not specifically designated in the equivalency table, including but not limited to irrigation water conservation projects, water-line leak detection and correction projects, and water marketing program projects. Such determinations shall be based on the estimated amount of water to be saved or created, the cost of project implementation, the type, size, and estimated water use of the structure to be built and attainment of the savings goal established under this chapter.

~~D.~~

D. The ~~retrofit equivalency~~ [retrofit points equivalency](#) table may be periodically adjusted to reflect changes in water use and/or water savings or for other reasons determined by resolution of the board of directors.

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.050 - Program standards.**

~~A.~~

A. The following procedures, standards and/or warranties will be utilized in processing plumbing retrofit installation projects:

~~1.~~

1. Fixtures [shall comply with the performance standards contained in approved list of Acceptable Water Savings Plumbing and Fixtures, as provided for in Chapter 4.16. \(see Appendix 4.20 for point values\).](#)

- a. ~~Toilets—Ultra-low flow 1.6 gallons per flush maximum;~~
- b. ~~Showerheads with shutoff valve—two gallons per minute maximum;~~
- c. ~~Faucet aerators—two gallons per minute maximum;~~
- d. ~~Outside hose bib with vacuum breaker—four gallons per minute maximum at fifty (50) pounds per square inch;~~
- e. ~~Pressure regulators—fifty (50) pounds per square inch with a rated capacity of at least three hundred (300) pounds per square inch;~~
- f. ~~Hot water recirculating pump (only where the wait for hot water at the tap exceeds approximately twenty (20) seconds);~~
- g. ~~Energy Star rated domestic washing machines. (Annual re-inspection of washer installations shall insure continued use within this community)~~

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2.

2. The district shall maintain a list of approved replacement fixtures that meet the standards required under this subsection. The district reserves the right to only approve specified fixtures for installation. Other brands may be approved by the general manager provided that they meet applicable performance standards equivalent to the brand specified.

3.

3. At the time of retrofit, the plumbing system will be checked for leaks and if any leaks are found they shall be repaired at the homeowner's expense. In addition, a water pressure test shall be conducted. Water pressure regulators shall be adjusted or installed in order that the water pressure does not exceed fifty (50) psig. The regulator shall be installed as close to the water meter as practical.

4.

4. Plumbing retrofits shall be conducted so that the entire residential or commercial structure shall be brought up to the standards required under this [Chaptersection](#), wherever practical; however, partial retrofits shall be allowed for reduced point values.

All work shall conform to applicable law and shall be warranted for a period of one year.

5.

5. The contractor shall be responsible for disposal of the old toilet and replacement of the toilet seat if requested by the home owner. All additional repairs to make the toilet fit in the bathroom, as well as repairs for damage, shall be at the plumber's expense. All refuse and discarded materials created by the retrofit shall be removed from the project volunteer's premises on the same day the work is performed. Failure to remove materials as required will result in the assessment of a mandatory re-inspection fee.

B.

~~B. Points shall be assigned to agriculture water conservation projects on a comparable basis to the approved retrofit equivalency table and conversion chart provided in Appendix 4.20. The general manager shall make determinations as to the estimated amount of water to be saved based on the proposed project to be conducted. In cases where a special installation is required or where unforeseen costs are incurred, the general manager may issue additional points. The general manager shall determine the eligibility of properties under this program as well as the type of installations eligible for participation under this program. C.~~

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~~B.~~ The following general provisions shall be applicable to the provisions of this section:

1.

1. This program shall be conducted by licensed, bonded, and insured contractors. The general manager may require that the contractor put a bond or cash deposit on file with the district and/or attend a district sponsored orientation program as a condition of providing services under this program. On request, the contractor shall provide the district with detailed costs and invoices associated with any installation under this program.

2.

2. The general manager may approve waivers and/or extensions where the conservation fixture(s) is not sufficient for the intended use, where there are significant problems associated with the installation, where the special demands of the household or business require modification, where additional time is needed to complete a project and/or where appropriate conservation fixtures are not readily available for the particular installation. Such waivers or extensions shall be in writing and may require additional water

reduction methods to be installed to offset the nonconforming fixtures.

~~3.~~

3. The general manager may approve the use of in-lieu fees not to exceed an amount established by the board by resolution, one thousand dollars (\$1,000.00) for any one retrofit project for the installation of unique or special fixtures and/or equipment associated with plumbing or agricultural retrofitting. The use of such funds shall include, but not be limited to: wall hung, one piece or specialty toilets; extensive replacement materials required of an installation; unique equipment needed for agricultural retrofits or for other types of related installation issues.

~~4.~~

~~The board of directors establishes the following categories for the use of funds collected from in-lieu fees: plumbing retrofits for volunteers, water conservation and retrofit consultant study, leak detection, meter audits, and any other expenditure approved by resolution of the board of directors.~~

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.060 - Program administration.**

~~A.~~

A. The general manager is authorized to establish such procedures and such forms as are necessary to implement this program.

~~B.~~

B. The general manager shall monitor and periodically report to the board of directors the status of the program, and its ability to meet the intended purposes.

~~C.~~

C. The general manager shall designate appropriate staff to conduct pre-inspection and final inspections for verification of compliance with this chapter and otherwise delegate responsibility for program administration.

~~D.~~

D. The general manager shall implement retrofit project priorities, taking into account the amount of funds available, and the board's priorities for use of funds.

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.070 - Administrative fees.**

~~A.~~



A. A nonrefundable administrative fee shall be payable to the district by applicants eligible for intent to serve letters. The fee shall cover the cost of administering this program as well as the necessary pre- and final inspections.

B.

B. In the event that an applicant withdraws prior to completing this program, or fails to meet appropriate deadlines, the administrative fee shall be forfeited.

C.

C. The minimum fees established under this section shall be for normal processing of applications under this program. In the event that inspections on any individual project are required beyond the pre- and final inspection, additional inspection charges may be charged. The district reserves the right to charge for time and materials on any project that exceeds the costs identified in this section.

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **4.20.080 - Time limit and transferability.**

A.

~~Plumbing retrofit approvals may be "assigned" to a new owner upon the sale of the property for which the retrofits were conducted or "transferred" to a new property pursuant to the district's assignment and transfer programs. No other assignment or transfer of retrofit credits shall be permitted.~~

B.

~~This program shall be in effect until rescinded or modified by the board of directors.~~

~~(Ord. 9-2003 Attach. 1 (part))~~

#### **Appendix 4.20 - RETROFIT POINTS EQUIVALENCY TABLE**

**Points:** 1 point is equal to .72 annual water unit or 1.47 gallons per day

##### **Fixture Values:**

Each existing home or fixture retrofitted is worth the following points:

Each 3.5 gpm toilet replaced with 1.6 gpm	5.4 points
Each whole house upgrade (faucets, shower heads & pressure regulator)	2.7 points
Each Hot Water recirculation pump installed*	6.8 points
Each Energy Star domestic washing machine installed	6.65 points
Each 3,000-gallon (minimum) non-potable cistern	22.0 points

**Editor's note** — \* Hot water recirculation pump shall only be installed where the wait for hot water at the tap exceeds about twenty (20) seconds.

**Editor's note** — NOTE: Builders performing actual retrofits are responsible for locating their own retrofit points, arranging details and obtaining commitments from property owners. Payment of the "in lieu" fee relieves builder of further involvement in retrofitting other properties, unless otherwise required as a condition of county building permit.

#### Points Required to Build a New Project:

No. of "Basic Full Baths" in proposed project (See per fixture fees for additional partial baths) "Basic Full Bath" = 1 toilet, 1/tub/shower combination, and 1 sink.					
Each point = \$50 "In Lieu Fee" (Fees in this chart are illustrative only and subject to change. Fees should be confirmed with district fee schedule in effect at time of charges)	1 Bath	2 Baths	3 Baths	4 Baths	5 or More
	Points/In Lieu Fee	Points/In Lieu Fee	Points/In Lieu Fee	Points/In Lieu Fee	Points/In Lieu Fee
<b>Parcel Size</b> Under 4,000 Sq. Ft.	80/\$4,000	100/\$5,000	125/\$6,250	150/\$7,500	175/\$8,750
4,000 — 8,000 Sq. Ft.	90/\$4,500	125/\$6,250	150/\$7,500	175/\$8,750	200/\$10,000
All projects over 8,000 sq. ft. require cistern installation in addition to retrofit points shown here. 8,001 — 16,000 Sq. Ft.	100/\$4,500	150/\$7,500	175/\$8,750	200/\$10,000	250/\$12,500
16,001 — 32,000 Sq. Ft.	110/\$5,500	175/\$8,500	200/\$10,000	250/\$12,500	300/\$15,000
Over 32,000 Sq. Ft.	120/\$6,000	200/\$10,000	225/\$11,250	300/\$15,000	325/\$16,250
Each common-wall condominium, or attached multi-family				100 points / \$5,000 (per	

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unit	unit)
Commercial Projects (per EDU)	125 points / \$6,250 (per EDU)
Per fixture fees for partial and/or oversized baths = toilet or sink \$400 (8 points), tub or shower \$800 (16 points)	

**Editor's note**— *New Construction Example:*

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**Editor's note**— *To build a 3-bathroom house on a 9,000 sq. ft. lot requires 175 points. 175 points equate to 126 water units per year, or 21 units per billing period (average). Points may be satisfied in any combination totaling at least 175, such as:*

Replace 21 toilets @ 5.4 points	113.40 points
Install 3 Energy-Star Washers @ 6.65 points	19.95 points
3 Whole-house upgrades @ 2.7 points	8.10 points
Install 5 hot-water recirc. pumps @ 6.8 points	34.00 points
<b>TOTAL</b>	<b>175.45 points</b>

### Remodel Regulations

Remodels may not change the type of service existing  
(i.e. a single-family residence may not be converted to a multi-family dwelling)

How to determine if your remodel requires any processing by CCSD:

QUESTION	If YES, then ...
Will your remodel add less than 25% to your existing habitable floor space, and no water using fixtures?	No further process required from CCSD
Will your remodel add more than 25% to your existing habitable floor space?	Plan Review required.*
Will your remodel add any water-using fixtures?	Plan Review required* and impact fees due. See Fee Schedule below
Will your remodel require additional EDU allocation (i.e. commercial use increase, or additional residential dwelling being created)	NOT ALLOWED under water moratorium

**Editor's note**— \* *Plan review includes submittal to CCSD of a completed application form, a copy of the remodel floor plans being submitted to county planning (reduced size if possible), and also, existing (pre-remodel) floor plan for comparison of water fixtures.*

District will review your plans, and upon approval of project will provide you with a "Verification of Water Service" letter for county. Applicable fees and conditions of approval will be indicated on the letter.

**Exhibit 2**

Impact Fee Schedule:	
Plan Review Only—No fixtures being added (with Letter for County)	\$25.00
Additional water fixtures:	Fee Includes letter for county
—Each Additional Toilet	\$400.00 ( 8 points)
—Each Additional Kitchen or Bath Sink	\$400.00 ( 8 points)
—Each Additional Clothes Washer	\$400.00 ( 8 points)
—Each Additional Tub or separate Shower	\$800.00 (16 points)
Each Additional Bar or Laundry Sink	\$200.00 ( 4 points)

(Ord. 9-2003-Exh. 1)

**RESOLUTION NO. 19-2013  
, 2013**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT  
APPROVING ADMINISTRATIVE PROCEDURES AND OTHER ACTIONS  
NECESSARY TO IMPLEMENT THE INTERIM ISSUANCE OF INTENT TO  
SERVE LETTERS AND THE CCSD'S REVISED WATER  
CONSERVATION AND RETROFIT PROGRAM**

**WHEREAS**, On February 28, 2013 the Board of Directors approved a Water Use Efficiency Plan ("WUEP") which will further the CCSD's Urban Water Management Plan goal of significantly reducing per capita water use and on March 21, 2013 the Board adopted Resolution 09-2013 approving the issuance of intent to serve letters on an interim basis, while the District continues to pursue a long-term supplemental water supply project ("Interim Issuance of Intent to Serve Letters"); and

**WHEREAS**, Resolution 09-2013 directed that the WUEP and the Interim Issuance of Intent to Serve Letters be implemented through the development of administrative procedures and other necessary actions; and

**WHEREAS**, on December 18, 2003 the Board of Directors adopted Ordinance 09-2003 in accordance with the procedures and requirements of Water Code Sections 375, et seq., and the authority in Water Code Section 1009, regarding the CCSD's Water Conservation and Retrofit Program, which Program is codified in CCSD Municipal Code Chapter 4.20; and

**WHEREAS**, Chapter 8.04 of the CCSD Municipal Code addresses allocations of Intent to Serve Letters and Section 8.04.120 provides that Chapter 8.04 is to be administered by the General Manager. In addition, CCSD Municipal Code Section 4.20.060 of the District's Water Conservation and Retrofit Program further provides the General Manager with the authority to establish procedures to implement the Water Conservation and Retrofit Program, including related inspections for verification of compliance with the Program; and

**WHEREAS, Chapters** 4.16 and 4.20 of the CCSD Municipal Code includes appendices relating to Acceptable and Prohibited Water Savings Plumbing and Fixtures and a Retrofit Points Equivalency Table, and the CCSD Municipal Code is now being amended to remove these appendices from the Code and instead provide that they are to be adopted by resolution in order to facilitate future changes and make the requirements contained in those appendices more efficient to administer; and

**WHEREAS**, a comprehensive Administrative Policy has been developed to manage and implement the Interim Issuance of Intent to Serve Letters; and

**WHEREAS**, the Board of Directors now desires to revise the Water Conservation and Retrofit Program and approve the list of Acceptable Water Savings and Plumbing Fixtures and the list of Prohibited Water Savings Plumbing and Fixtures that Cause Excessive Water Use, the Retrofit Points Equivalency Table, and the Administrative Policy: Interim Issuance of Intent to Serve Letters; and

**WHEREAS**, this Resolution, along with Ordinance 03-2013, which includes amendments to CCSD Municipal Code Chapters 4.16 and 4.20, is intended to provide for the CCSD's revised Water Conservation Program, and is adopted pursuant to the statutory authority granted in Sections 375 through 377 and Section 1009 of the California Water Code, and the Board of Directors has adopted this Water Conservation Program after having held a public hearing in compliance with the requirements of Water Code Section 375(a); and

**WHEREAS**, the Board of Directors finds that the adoption of amendments to the CCSD's existing Water Conservation Program, and procedures and related administrative activities to implement the issuance of Intent to Serve Letters on an interim basis, will not result in direct or indirect physical changes in the environment and are exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5) ) and Class 3 Categorical Exemption to CEQA under Title 22 C.C.R. Section 60101(c).. Also, approval of individual utility service connections are exempt under Section 15268(b)(4). Additionally, the Board of Directors finds that amending the CCSD's existing Water Conservation and Retrofit Program and providing for the interim issuance of Intent to Serve Letters is not subject to CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), and also Section 15378(b)(2), general policy and procedure making, in that the Board is providing direction to create policies and procedures to implement the existing Water Conservation and Retrofit Program, as well as Cambria Communitywide Condition 4.B of the North Coast Area Plan, which will be implemented in a manner consistent with and significantly less than the number of dwelling units that could be allowed under the San Luis Obispo County Growth Management Ordinance limits and further will be controlled by the amount of actual water conservation achieved within the District's service area. The District Clerk is directed to file an appropriate notice of exemption.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Cambria Community Services District as follows:

1. Findings.

- A. The findings regarding the CCSD's Water Conservation and Retrofit Program contained in Ordinance No. 09-2003, a copy of which is attached hereto, are hereby readopted and incorporated herein by reference as if fully set forth.

- B. Ordinance 09-2003 also included findings regarding the CCSD's water supply, Order WR 89-19 of the State Water Resources Control Board regarding Santa Rosa Creek, Order WR 88-22 of the State Water Resources Control Board regarding San Simeon Creek, and findings regarding the general welfare requiring that the water resources of the District be put to beneficial use to the fullest extent capable and conservation of such water is being exercised in the interests of the District's residents , as well as consistent with Article X, Section 2 of the California Constitution regarding the State's policy of water conservation and the prohibition of waste.
  - C. The findings in Ordinance 09-2003 also determined that specific rules, regulations and restrictions established in the CCSD's Water Conservation and Retrofit Program are necessary to conserve and supplement the District water supplies for the greatest public benefit, with particular regard to domestic use, sanitation and fire protection and that new water users must be regulated accordingly to ensure that demand does not exceed supply and that the use of water is reasonable and orderly, with a program goal to offset the expected number of Equivalent Dwelling Units (EDU's) of water to be used by each new or remodeled structure, with in-lieu fee provisions established to allow for the collection of funds by the District to accomplish the water savings by direct water conservation activities.
  - D. The Board of Directors further finds, that the adoption of revisions to the CCSD's Water Conservation and Retrofit Program, and provision for its enforcement, as provided by this Resolution and Ordinance 03-2013, are necessary and appropriate to reduce the quantity of water used by persons in the District for the purpose of conserving the water supplies of the District, and that the direction in Resolution 09-2013 providing for the Interim Issuance of Intent to Serve Letters is consistent with the existing provisions of Ordinance 09-2003, as codified in Chapter 4.20 of the CCSD Municipal Code, as well as the District's duties and obligations as the community's water purveyor, and that providing for the interim issuance of Intent to Serve Letters based upon the water savings that will be achieved through the Water Use Efficiency Plan, while the District continues its efforts to develop a major public works project to provide a long-term supplemental water supply, constitutes utilization of the water supply in a manner that will provide the greatest public benefit with particular regard to domestic use, sanitation and fire protection.
2. Adoption. The Administrative Policy: Interim Issuance of Intent to Serve Letters, attached hereto as Exhibit A; the list of Acceptable Water Savings Plumbing and Fixtures and the list of Prohibited Water Devices and Fixtures that Cause the Excessive Use of Water, attached hereto as Exhibit B; and the Retrofit Points Equivalency

Table attached hereto as Exhibit C, which exhibits are hereby incorporated into this Resolution by reference, are hereby approved and adopted.

3. Publication. In accordance with Water Code Section 376, a summary of this Resolution prepared by District Counsel was published and a certified copy of the full text of the proposed Resolution was posted in the Offices of the Cambria Community Services District at least five days prior to the Board of Directors meeting at which this Resolution was to be adopted. The District Clerk is hereby directed within 15 days after adoption of this Resolution, to publish such summary, along with the names of those members voting for and it, and post a certified copy of the full text of the adopted Resolution, along with the names of those Board members voting for and against the Resolution in the Offices of Cambria Community Services District.

PASSED AND ADOPTED THIS 25<sup>th</sup> day of July 2013.

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Michael Thompson, President  
Board of Directors

APPROVED AS TO FORM:

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Timothy J. Carmel  
District Counsel

ATTEST:

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Kathy A. Choate  
District Clerk





## **CAMBRIA COMMUNITY SERVICES DISTRICT**

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

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TO: Interested Parties

FROM: Jerry Gruber  
General Manager

DATE: July , 2013

SUBJECT: **ADMINISTRATIVE POLICY: INTERIM ISSUANCE OF INTENT TO SERVE LETTERS**

### **PURPOSE:**

On March 21, 2013 the Board of Directors of the Cambria Community Services District ("CCSD") adopted Resolution 09-2013 approving the issuance of intent to serve letters on an interim basis, while the District continues to pursue a long-term supplemental water supply project ("Interim Issuance of Intent to Serve Letters"). On February 28, 2013 the Board also approved a Water Use Efficiency Plan ("WUEP") which will further the CCSD's Urban Water Management Plan goal of significantly reducing per capita water use. Resolution 09-2013 directed that the WUEP and the Interim Issuance of Intent to Serve Letters be implemented through the development of administrative procedures and other necessary actions.

Chapter 8.04 of the CCSD Municipal Code, Water and Sewer Allocation, addresses allocations of Intent to Serve Letters and Section 8.04.120 provides that Chapter 8.04 is to be administered by the General Manager. In addition, Chapter 4.20 of the CCSD Municipal Code contains the District's Water Conservation and Retrofit Program. Section 4.20.030 provides that "No new residential or commercial water and sewer connections or remodel approvals will be allowed except under this water conservation and retrofit program", and subsection A of Section 4.20.030 states that "As provided in Section 8.04.080(C) and as further provided in the administrative policy adopted in accordance with that Section the Board of Directors of the Cambria Community Services District may authorize the issuance of intent to serve letters". Section 4.20.060 further provides the General Manager with the authority to establish procedures to implement the Water Conservation and Retrofit Program, including related inspections for verification of compliance with the Program.

Accordingly, this Administrative Policy is set forth to carry out the Board of Directors direction and the related provisions of the CCSD Municipal Code in a manner that provides a transparent process with regard to implementation. It is recognized that in order to have a

successful program, members of the Community, as well as property owners, need to be fully aware and have confidence in the manner in which the Interim Issuance of Intent to Serve Letters is to be administered to achieve the purpose of permitting new water connections only on the basis that water use is offset through conservation.

In addition, this Administrative Policy, along with Resolution 19-2013 and Ordinance 03-2013, which includes amendments to CCSD Municipal Code Chapters 4.16 and 4.20, is intended to provide for the CCSD's water conservation program, pursuant to the statutory authority granted in Sections 375 through 377 and Section 1009 of the California Water Code.

## **POLICY:**

### **I. Authorization of Intent to Serve Letters.**

1. Each allocation year, as defined in CCSD Municipal Code Section 8.04.010, the Board of Directors shall make a determination regarding how many Intent to Serve Letters are to be made available for issuance.
2. The determination of how many single family, commercial and multi-family Intent to Serve Letters are to be made available shall be within the Board's discretion. Consideration shall be given to the status of the Points Bank and the amount of water conservation being achieved in the CCSD service area. In addition the Board's determination shall take into account other relevant factors, including but not limited to projections of the amount of water savings that will be achieved by new projects, based upon installation of water savings plumbing fixtures and devices at the properties to be served by the new connections, and related demand offset calculations.
3. In accordance with its authority under Water Code Section 353, the number of Intent to Serve Letters to be made available is within the sole discretion of the Board of Directors based upon its determination as to what constitutes conservation and utilization of the CCSD's water supply in a manner that will provide the greatest public benefit with regard to domestic use, sanitation and fire protection. Therefore, while the Board may take into consideration the number of dwelling units permitted by the County of San Luis Obispo Growth Management Ordinance (GMO), its determination shall not be bound by the GMO.

Note: Section 2 of Resolution 09-2013 addressed the GMO and directed CCSD staff to work with the County to amend the GMO to permit the recipients of Interim Issuance of Intent to Serve Letters to obtain building permits. At the June 27, 2013 meeting the Board of Directors discussed and considered the issue of including a numerical or percentage limit related to the CCSD's request to San Luis Obispo

County to amend the Growth Management Ordinance. As a result, the Board determined that their request to amend the GMO would be for a maximum annual allocation of 20 single family dwelling units per fiscal year for the period of July 1, 2013 through June 30, 2015.

4. In administering the issuance of Intent to Serve Letters, CCSD staff shall also monitor the ratio of residential water use to assure compliance with Community Wide Standard 2A of the North Coast Area Plan that 20 percent of water and sewer capacity is being reserved and maintained for visitor-serving and commercial uses.

## **II. Points and Points Bank Maintenance and Administration.**

1. In accordance with CCSD Municipal Code Section 4.20.030, the CCSD shall maintain a Points Bank. Points shall be added to the Points Bank to represent retrofit points that accrue from the installation of high-efficiency water use fixtures and devices that result from retrofits required when there is a change of ownership or use (CCSD Municipal Code Section 4.16.050), expansion of use (CCSD Municipal Code Section 4.16.060), resale (4.16.070), CCSD rebate programs, and other actions by the CCSD to achieve verifiable reductions in existing water use in the District's service area.
2. When an Intent to Serve Letter is issued, the number of points required to offset the water demand of the project shall be calculated based upon the retrofit points equivalency table adopted pursuant to Chapter 4.20 and as further provided therein. Points for commercial projects shall be determined based upon either values contained in the retrofit points equivalency table or based upon factors deemed appropriate by CCSD staff for the particular type of commercial use, including but not limited to the number of employees and whether facilities such as restrooms are to be made available for use by the public. Such determination shall be based upon the plans and specifications for the project submitted by the applicant, as well as other appropriate criteria, and will be subject to verification and issuance of a Water Demand Offset Conservation Letter, as further set forth in this Administrative Policy.
3. The applicant shall be notified of the number of points required for his or her project. Subject to the availability of points in the Points Bank, the CCSD may permit all or a portion of the required points to be satisfied by payment of retrofit in-lieu fees for points from the CCSD Points Bank, as further set forth in CCSD Municipal Code Chapter 4.20. Upon payment of such in-lieu fees, an equivalent number of points from the CCSD Points Bank shall be credited to the applicant. Issuance of the Water Demand Offset Conservation Letter shall include a detailed listing of retrofits completed to offset the water use of the new construction and the high-efficiency water use fixtures and devices that have been installed.

### **III. Inquiry Letters and New Service Procedures from Wait Lists.**

1. CCSD Municipal Code Section 8.04.080 provides for new service from the District's water and sewer waiting lists. Subsection C provides that CCSD staff shall adopt administrative procedures and policies to administer the process for issuance of Intent to Serve Letters when the Board of Directors has determined that Intent to Serve Letters will be made available for issuance.
2. At such time that the Board of Directors determines the number of Intent to Serve Letters to be issued, CCSD staff will send letters of inquiry to persons on the waiting list, in priority order of their position on the waiting list, to determine which lot owner or position holder is ready, willing and able to move forward on their building projects. The inquiry letter shall notify each eligible applicant of the CCSD's requirements to proceed, including the retrofit requirements, points and points bank system, the amount of connection fees and any other related information regarding the requirements that must be met upon acceptance of an Intent to Serve Letter that will assist persons holding a position on the waiting list in making a decision to accept or defer proceeding with their development.
3. Upon affirmative response by the applicant to the inquiry and establishment of the number of Intent to Serve Letters to be allowed annually, the General Manager shall notify each eligible applicant of the following conditions, which must be met in order to be eligible for an allocation:
  - A. The District will notify the applicant of the requirement to participate in the District's plumbing retrofit program;
  - B. The applicant shall successfully complete all of the requirements established under the District's Water Conservation and Retrofit Program within established deadlines; and
  - C. The applicant shall file for a building permit allotment under the County's growth management ordinance in the time periods specified by the District's Water Conservation and Retrofit Program, and submit a complete application to the County of San Luis Obispo Building and Planning Department for a minor use permit or development plan, and a building permit within the deadline set by the County.

4. Upon payment of all required fees as set forth in the CCSD's Fee Schedule, acknowledgement of requirements and payment of in-lieu fees by applicant if applicable, the General Manager shall promptly issue an Intent to Serve Letter, which may be used for processing permit applications with the County. Such Intent to Serve Letter shall be revocable in the event that the applicant does not comply in a timely manner with each of the provisions of this Administrative Policy or the CCSD Code. The Intent to Serve Letter shall contain conditions reserving the right of the District to revoke the letter as a result of conditions imposed on the District by other governmental agencies, or by a change in availability of resources, or by a change in ordinance, resolutions, rules or regulations adopted by the Board of Directors for the protection of the health, safety and welfare of the District. The Intent to Serve Letter shall also contain a condition that issuance of the connection permit shall be subject to payment of all permit fees in force at the time of issuance of the connection permit. The Intent to Serve Letter does not constitute a binding commitment to provide water or sewer service and such letters may be revoked or suspended by the District at any time. In the event the District determines it is unable to serve the applicant, the applicant shall be notified and a full refund of applicable fees paid shall be made by the District.
5. In the event an applicant's Intent to Serve Letter is revoked for any reason, including failure to comply with the District's Water Conservation and Retrofit Program, the applicant shall be returned to his or her position on the water and sewer wait list based on the date the original application was received. The General Manager will calculate and apply retrofits completed, or in lieu retrofit fees paid, to future retrofit requirements for the same parcel. Upon revocation of an Intent to Serve Letter as provided for in this subsection, if allocations are still available for the same allocation year as the revoked letter, the General Manager shall promptly notify the next applicant on the appropriate waiting list that an Intent to Serve Letter is available to be issued. If the next applicant does not respond within thirty (30) working days, or such other period of time established by the General Manager, of the District's notice of availability of an Intent to Serve Letter, then the General Manager shall proceed in the same manner with the next applicant on the appropriate waiting list until the offer of Intent to Serve Letter is accepted, or the allocation year expires, whichever comes first.

#### **IV. Water Demand Offset Conservation Letter .**

1. Upon submittal and verification of proof of installation of the required number of high-efficiency water use fixtures and devices necessary for the number of points

required to offset the water demand of the project, a Water Demand Offset Conservation Letter ("Water Offset Letter") shall be issued. Required proof may, in the CCSD's discretion, be satisfied by payment of retrofit in-lieu fees for points from the CCSD Points Bank. A detailed list of completed retrofits shall be appended to the Water Offset Letter, which shall include the locations of the installation of high-efficiency water use fixtures and devices that result from retrofits demonstrating verifiable reductions in existing water use in the Districts service area.

2. Proof of Installation of high-efficiency water use fixtures and devices shall include submittal of certifications, signed under penalty of perjury, by the owner of any property on which a fixture or device is installed and by the applicant, in substantially the following form:

"By signing below I/we certify, under penalty of perjury, that each [list fixtures or devices installed such as toilets, showerheads, faucet aerators, etc] (hereinafter referred to as the "fixtures") installed will be maintained and utilized. I understand that this form will be filed by the CCSD within its APN filing system, and may be referenced for future remodeling projects and related inspections. In the event it is determined that excessive water use is occurring on the property, CCSD shall endeavor to work cooperatively with the property owner to determine the cause. Removal or failure to continue to maintain and use the fixtures and devices without District approval will result in the property owner and or party responsible for such removal being assessed such fines and penalties as provided by Chapter 4.16 of the CCSD Code. In addition, I acknowledge that removal or failure to maintain and use the fixtures without District approval will be deemed to be a violation of Water Code Section 377, which provides that violation of a requirement of a water conservation program is a misdemeanor. Upon conviction thereof such person shall be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both.

**I HAVE READ AND UNDERSTAND THE ABOVE TERMS AND CONDITIONS. I CERTIFY THAT THE INFORMATION I HAVE PROVIDED IS TRUE AND CORRECT AND THE FIXTURE (S) MEETS THE REQUIREMENTS OF THE CCSD WATER CONSERVATION AND RETROFIT PROGRAM."**

3. Water Offset Letters shall include a summary of water conservation requirements for the project and such conditions as deemed necessary and appropriate to further the purpose and intent of the CCSD's Water Conservation

and Retrofit Program, including but not limited to the following; such conditions shall be in addition to any and all conditions imposed on the Intent to Serve Letter for the project:

- A. In the event of any conflict between conditions in the Intent to Serve Letter and the Water Offset Letter, the provisions in the Water Offset Letter shall take precedence.
- B. No water service lines may extend beyond the property line for the project. Any subsequent need to serve adjacent properties shall require a property merger. No secondary housing units shall be served potable water as the result of the project.
- C. All fixtures and appliances shall comply with the most recent CCSD standards and requirements for high efficiency water use fixtures and devices.
- D. Water Offset Letters shall reflect that the demand offsets have been estimated based specific plans and specifications, which shall be specifically referenced in the conditions. Any subsequent changes to the design set forth in the plans and specifications which may add fixture units, add square footage, or change the intended use, shall be resubmitted for additional review to further assess the accuracy of the calculations relating to the number of points that have been determined necessary to offset the water demand of the project. Project applicants shall bear the cost for any additional design review time by the CCSD and the subsequent need to acquire points or complete any additional demand offsets.
- E. Applicants shall reimburse the CCSD for the costs of plan checking, construction inspection, project administration and legal assistance of any CCSD related improvement associated with the project. For all services rendered by CCSD personnel, the applicant shall be charged and pay to the CCSD the actual cost. The CCSD will invoice the applicant, and any amounts unpaid 30 days from the date of the invoice shall bear interest at the rate of 1.5 % per month beginning 30 days after the date of said invoice.
- F. Applicants shall grant the CCSD, or its authorized agent, permission to enter upon the land that is the subject of the project for the purpose of inspection of any and/or all work related to the water and sewer improvements for the project.
- G. Plumbing fixtures that have been installed shall be maintained and shall not be removed after installation, except for replacement with fixtures that are of greater efficiency. Removal or failure to maintain fixtures is a violation of CCSD Code Section 4.16.110 and Water Code Section 377 and constitutes a misdemeanor.

4. Prior to issuance of a Water Offset Letter the applicant must grant any required utility or access easements that may be reasonably required by the CCSD.
5. Applicant shall also execute an agreement providing that they will defend, indemnify and hold harmless the CCSD, its officers, agents, representatives and employees from any and all claims, demands, damages, costs expenses or liabilities, including attorney fees, occasioned by the performance or attempted performance of the provisions contained in the Water Offset Letter .  
Such agreement shall also provide that the applicant agrees to pay all CCSD fees related to connection of service prior to connecting to the water distribution system, sanitary sewer collection system, or any combination of the two, and agrees to pay all monthly potable water and sanitary sewer service charges.
6. Applicants shall verify that they understand that by issuance of a Water Offset Letter the CCSD is not making any determination as to required environmental mitigations and land use entitlements required for the proposed project, and the issuance shall not be construed to be an expression of CCSD's position regarding the proposed project's environmental mitigations or use or intensity of use of the development property.



Exhibit B –Resolution 19-2013– Acceptable Water Savings Plumbing and Fixtures

Item No.	Existing CCSD Code Description (Appendix 4.16A and parts 4.02.050 A1 and 4.02.050 A2)	Policy Reference
1	Plumbing System Requirements (New Construction Only)	Hot water circulating system shall be in conformance with Paragraph 3.3 of EPA WaterSense New Home Specification <sup>i</sup> (Version 1.1, effective January 1, 2013). All hot water pipes located within or under concrete slabs shall be insulated and contained in chases or conduits.
2	Toilets, Tank Site	Single flush no greater than 1.28 gallons per flush (gpf), or dual flush with an effective flush volume of no greater than 1.28 gpf based on a composite, average flush volume of two reduced flushes and one full flush. U.S. EPA WaterSense High-Efficiency – see listing at <a href="http://www.epa.gov/watersense/product_search.html">www.epa.gov/watersense/product_search.html</a>
3	Toilets and Urinals, Flushometer type	Toilets: Single flush no greater than 1.28 gallons per flush (gpf), or dual flush with an effective flush volume of no greater than 1.28 gpf based on a composite, average flush volume of two reduced flushes and one full flush. Urinals: No greater than 1/8 gallon per flush. Toilets and urinals can found at: <a href="http://www.epa.gov/watersense/product_search.html">www.epa.gov/watersense/product_search.html</a> except the urinals listed at this site will need to be sorted for 1/8 gpf or less models.
4	Shower heads and showers	Shower heads shall be of a design that limits the maximum flow to one and one-half (1.5) gallons per minute (gpm) at 60 pounds per square inch (psi), and shall have a shut-off valve located near the shower head. All showers having unsupervised public access shall have automatic shut-off valves, which shall limit the flow of water to not more than five minutes. (Contact CCSD Offices for current list of devices.)
5	Residential and Commercial Faucets, and Commercial Pre-rinse Valves	Residential lavatory faucets shall be 1.5 gallons per minute at 60 pounds per square inch and provided with an installed aerator rated at no more than 0.5 gallons per minute. Commercial lavatory faucets shall be no greater than 0.5 gallons per minute at 60 pounds per square inch and provided with an installed aerator rated at no greater than 0.5 gallons per minute. Residential kitchen sinks shall be no greater

Exhibit B –Resolution 19-2013– Acceptable Water Savings Plumbing and Fixtures

		than 1.5 gallons per minute at 60 pounds per square inch and provided with an installed aerator rated at no greater than 1.5 gallons per minute. Commercial kitchen sinks shall be no greater than 1.8 gallons per minute at 60 pounds per square inch and provided with an installed aerator rated at no greater than 1.5 gallons per minute. Commercial pre-rinse spray valves shall be provided at restaurant and similar food-service wash sinks, and be rated at no greater than 1.6 gallons per minute. (Contact CCSD Offices for current list of devices.)
6	Exterior Hose Bibs	Hose bibs shall be equipped with backflow preventer/vacuum breakers of a design that limits maximum flow to four gallons per minute at fifty (50) psi.
7	Water Pressure Regulators	Rated pressure capacity of at least 300 psi and installed with a setting of no greater than 50 psi.
8	Bath tub and spas	Bathtubs and spas designed to be drained after each use shall not exceed 70 gallons in capacity.
9	Hot tubs and spas (not normally drained after each use)	Covered when not in use. Water recirculation system shall be provided with filters and disinfection system.
10	Clothes washing machines and dishwashers	Clothes washing machines and dishwashers – Residential clothes washers shall be energy star rated and have a water factor (gallons of water used per load divided by the cubic feet of drum capacity) of no greater than 4.0. Commercial clothes washers with less than or equal to 20-pounds per load capacity shall have a water factor of no greater than 4.0. Commercial clothes washing machines with greater than 20-pounds per load capacity shall be reviewed with the district prior to installation to determine the most water efficient and feasible water factor available for the application. Residential dishwashers shall be energy star rated and shall use no more than 5.8 gallons per load. Commercial dishwashers shall be reviewed with the district prior to installation to determine the most water efficient and feasible machines available for the application. For latest qualifying product listing, see Consortium for Energy Efficiency web site at:

Exhibit B –Resolution 19-2013– Acceptable Water Savings Plumbing and Fixtures

		<a href="http://www.cee1.org/content/cee-program-resources">http://www.cee1.org/content/cee-program-resources</a>
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<sup>i</sup> Except for the hot water circulating system reference, CCSD policy references under items 2 through 10 herein shall take precedent over the EPA WaterSense New Home Specification, with the more water-efficient CCSD criteria being applicable.

## Exhibit B – Prohibited Water Devices and Fixtures

Item No.	Existing CCSD Code Description	Policy Reference
1	Oversized bathtubs in motels (Appendix 4.16B)	Oversized bathtubs that are greater than 70 gallons capacity. Any oversized bathtub shall, upon resale of property be removed, permanently disconnected or converted to a recirculating, treated water type tub, or replaced with a tub of no more than 70 gallons capacity, and are subject to CCSD's retrofit on resale requirements.

# Exhibit C - Resolution 19-2013 - Retrofit Points Equivalency Table & Points Required to Build a New Project

## Retrofit Points Equivalency Table

Water Savings Associated With Various Conservation Measures									
Conservation Measure	Pre-retrofit usage (gallons per use)	Post-retrofit usage (gallons per use)	Water savings (gallons per use)	Uses per person per day	Number of users	Savings per day per account (gal)**	Savings per year per account (gal)	Savings per year per account (AFY)	Equivalent points***
SF Showerhead replacement (ME to HE)	18.3	13.9	4.4	0.71	2.21	6.90	2520	0.008	4.70
SF Showerhead replacement (LE to HE)	23.5	13.9	9.6	0.71	2.21	15.06	5498	0.017	10.25
MF Showerhead replacement (ME to HE)	18.3	13.9	4.4	0.64	2.7	7.60	2775	0.009	5.17
MF Showerhead replacement (LE to HE)	23.5	13.9	9.6	0.64	2.7	16.59	6055	0.019	11.28
SF Toilet replacement (3.5 to 1.28)	4	1.3	2.7	5.05	2.21	30.13	10999	0.034	20.50
SF Toilet replacement (3.5 to 0.8)	4	0.8	3.2	5.05	2.21	35.71	13035	0.040	24.29
SF Toilet replacement (1.6 to 1.28)	1.8	1.3	0.5	5.05	2.21	5.58	2037	0.006	3.80
SF Toilet replacement (1.6 to 0.8)	1.8	0.8	1	5.05	2.21	11.16	4074	0.013	7.59
MF Toilet replacement (3.5 to 1.28)	4	1.3	2.7	5.05	2.21	30.13	10999	0.034	20.50
MF Toilet replacement (3.5 to 0.8)	4	0.8	3.2	5.05	2.21	35.71	13035	0.040	24.29
MF Toilet replacement (1.6 to 1.28)	1.8	1.3	0.5	5.05	2.21	5.58	2037	0.006	3.80
MF Toilet replacement (1.6 to 0.8)	1.8	0.8	1	5.05	2.21	11.16	4074	0.013	7.59
Commercial Toilet replacement (3.5 to 1.28)	4	1.3	2.7	varies	varies	varies	varies	varies	varies
Commercial Toilet replacement (3.5 to 0.8)	4	0.8	3.2	varies	varies	varies	varies	varies	varies
Commercial Toilet replacement (1.6 to 1.28)	1.8	1.3	0.5	varies	varies	varies	varies	varies	varies
Commercial Toilet replacement (1.6 to 0.8)	1.8	0.8	1	varies	varies	varies	varies	varies	varies
SF Clotheswasher replacement (ME to HE)	36	19	17	varies	varies	varies	varies	varies	varies
SF Clotheswasher replacement (LE to HE)	43	19	24	0.36	2.21	19.09	6969	0.021	12.99
MF Clotheswasher replacement (ME to HE)	36	19	17	0.3	2.7	13.77	5026	0.015	9.37
MF Clotheswasher replacement (LE to HE)	43	19	24	0.3	2.7	19.44	7096	0.022	13.22
Urinal replacement (ME to HE)	1	0.5	0.5	varies	varies	varies	varies	varies	varies
Urinal replacement (LE to HE)	3	0.5	2.5	varies	varies	varies	varies	varies	varies
Hot Water Recirculator*	48	37.92	10.08	---	---	10.08	3679	0.011	6.86
Cisterns/Greywater Permit**	varies	varies	varies	---	---	varies	varies	varies	varies
Commercial Irrigation Upgrades**	varies	varies	varies	---	---	varies	varies	varies	varies
MF Irrigation Upgrades**	varies	varies	varies	---	---	varies	varies	varies	varies
AMR (leak account detection)**	varies	varies	varies	---	---	varies	varies	varies	varies
Large Meter Replacement**	varies	varies	varies	---	---	varies	varies	varies	varies

\*Water use and savings on a "per day" basis, not per use basis units in gallons per day (gpd) per account. Units also converted to acre-feet per year (AFY) estimated savings for re

\*\*Water savings to be estimated based on difference between existing use with original fixtures and new use with new fixtures.

For uses that are a measured on a volume basis, old/new volume = flow rate (gpm) times duration of use per day (minutes) = vol in gal/day; Savings = old minus new volume. Example would be flow rates and duration for irrigation upgrades.

For uses that are based on a per use estimate then savings = (old - new use vol per use) times number of uses per day. Example would be commercial toilets.

\*\*\*Water savings for projects totaling more than 500 points savings to be measured on a "per day" basis using meter readings or means of quantification (i.e., datalogging) before and after retrofit

\*\*\*\* Number of users (2.21) is from the 2000 US Census data for Cambria.

## Points Required to Build a New Project

Points Required to Build New Project			
	Number of Baths		
Parcel Size	1-2 Bath	3 Bath	4 + Bath
Sq. ft.			
<4000	120 pts	120 pts	120 pts
4,001-6000	120 pts	135 pts	135 pts
6,001-8000	135 pts	155 pts	190 pts
8,001-10000	170 pts	170 pts	205 pts
>10,000	190 pts	190 pts	230 pts
Each common-wall condominium, or attached multi-family unit		120 points*	
Commercial (per EDU)		TBD**	
* Based on average single family home in CCSD service area			
**TBD = To be determined values indicates requires a special study based on development plans			

## **ORDINANCE NO. 09-2003**

DATED: December 18, 2003

### **ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAMBRIA COMMUNITY SERVICES DISTRICT REGARDING WATER CONSERVATION AND RETROFIT PROGRAM**

#### **SECTION 1. FINDINGS**

- A. The water supply of the Cambria Community Services District is obtained from groundwater basins and/or underflow of San Simeon Creek and Santa Rosa Creek which are recharged by annual rains; and underground reservoir capacities of said groundwater basins and/or underflow are adversely affected by reduction in average rainfall and increased demands by water users in the District; and
- B. The District is subject to the provisions of Order WR 89-19 by the State Water Resources Control Board for Santa Rosa Creek which among other things, prohibits interference with other rights and instream beneficial uses, requires the District to cease diversions when water levels in its monitoring wells fall below 3 feet above mean sea level, or when vertical ground deformation exceeds the limit established in the ground deformation monitoring program, and deliver water to upstream riparian users when their wells become unusable; and the provisions of Order WR 88-22 by the State Water Resources Control Board for San Simeon Creek which, among other things, prohibits interference with other rights and instream beneficial uses, requires the District to deliver water to upstream riparian users when their wells become unusable, and implement all cost-effective measures identified in a water conservation program; and
- C. General welfare requires that the water resources of the District be put to beneficial use to the fullest extent capable, and conservation of such water is to be exercised in the interests of the residents of the District and for the public welfare; pursuant to the directive of Article X, Section 2 of the California Constitution establishing the State's policy of water conservation and prohibition of waste, and pursuant to the statutory authority granted by Sections 375-377 and Section 1009 of the California Water Code, the District is engaged in a successful ongoing program of water conservation; and
- D. Specific rules, regulations and restrictions established herein are necessary to conserve and supplement District water supplies for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and are in addition to any voluntary conservation programs undertaken by water users within the service area; and
- E. New water users must be regulated accordingly, to ensure that demand does not exceed supply and that the use of water is reasonable and orderly. If water use exceeded supply and adequate water was not available to users, the result could

be increased fire hazards, adverse impact on commerce, industry and recreation, and the public health, safety and welfare would generally be jeopardized; and

- F. It is the purpose of the Water Conservation and Retrofit Program, (hereinafter referred to as "Program") to conserve existing water resources, supplement and protect existing water supply, and increase water availability. The Program goal shall be to offset the expected number of Equivalent Dwelling Units (EDU's) of water to be used by each new or remodeled structure. The in-lieu fee provisions established herein shall allow for the collection of funds to accomplish the water savings by direct water conservation activities as provided; and
- G. This Ordinance reflects County Growth Management Ordinance limitations on issuance of new construction building permits as well as limitations and conditions of the Coastal Permits setting forth ratios of residential and commercial development; and
- H. Due to the difficulty in quantifying water savings based on this and other water conservation programs already in effect in the District, the determination of water savings under this Program is conservative; and data will continue to be collected to monitor this Program in order that the Program's effectiveness can be evaluated.

## **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FINDING.**

The Board of Directors of the District further finds that this project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 3 Categorical Exemption to CEQA under Title 22 C.C.R. § 60101(c).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CAMBRIA COMMUNITY SERVICES DISTRICT THAT:

- 1.) The Water Conservation and Retrofit Program provided as Attachment 1 is hereby adopted;
- 2.) "Intent to Serve" (ITS) letters for new construction and remodels, or Water and Sewer Permits, shall only be issued pursuant to the Water Conservation and Retrofit Program adopted herein;
- 3.) This Ordinance shall take effect January 1, 2004, shall repeal Ordinance01-2003; and shall be in effect until amended or repealed by the Board of Directors;
- 4.) Within fifteen days of passage, a summary of this Ordinance shall be published one time in a newspaper of general circulation published within the Cambria Community Services District, together with the names of said Board members voting for and against the Ordinance. A copy of this Ordinance will also be available at the District office.

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

AYES: Chaldecott, Cobin, Funke-Bilu, Sanders, Villeneuve

NOES: none

ABSENT: none


ABSTAINED: none

Ordinance No. 09-2003 is hereby adopted.

A large, stylized handwritten signature in black ink, appearing to read 'Ian Funke-Bilu', written over a horizontal line.

Ian Funke-Bilu  
President, Board of Directors

ATTEST:

A handwritten signature in black ink, appearing to read 'Kathy Choate', written over a horizontal line.

Kathy Choate  
District Clerk



**Attachment 1**  
**CAMBRIA COMMUNITY SERVICES DISTRICT**  
**Water Conservation and Retrofit Program**

**A. Retrofit Providers:** All commercial and residential property owners upon issuance of an Intent to Serve Letter, all grandfathered services where no previous structure has been connected, or all applicants for remodel or reconstruction of an existing service whereby any water fixtures will be added shall be required to participate in this Program prior to issuance of a connection permit or remodel approval, pursuant to Ordinance 2-2000, as may be amended.

**B. Retrofit Recipients:** All commercial and residential improved-property owners and public agencies within the Cambria Community Services District service area are eligible, on a volunteer basis, to have their structures retrofitted, or otherwise participate in the programs offered by the District with the following exceptions:

- NOT Eligible: 1.) Structures already required to retrofit under District Ordinances 3-88, 5-88 and Resolution 37-95, (resales and remodels);
- 2.) Structures previously retrofitted, provided however, that fixtures not already retrofitted to the standards required under this Ordinance shall be eligible;
- 3.) Replacement structures (tear down/rebuild, whether on same site or transferred).

In addition, Riparian water users and/or property owners in the Santa Rosa Creek and San Simeon Creek watersheds, upon approval of the General Manager, are eligible for participation in District sponsored programs under this Ordinance.

**C. Program Implementation:** No new residential or commercial water and sewer connections or remodel approvals will be allowed except under this Program. The Water Conservation and Retrofit Program, hereinafter referred to as "Program" shall be initiated as follows:

**1) NEW CONSTRUCTION from Waiting Lists:**

- a. The Board of Directors of the Cambria Community Services District may authorize the General Manager to issue such number of "Intent To Serve" ("ITS") letters under this program as deemed appropriate and in accordance with the Water and Sewer Allocation Ordinance 02-2000, as may be amended..
- b. The District will issue a notification to eligible waiting list position holders along with an invoice for administrative fee. Within fifteen (15) days of issuance of notification, the applicant must make full payment of administrative fees and select the option to perform retrofits or pay an in-lieu fee of fifty dollars (\$50.00) per point required. The appropriate number of points shall be calculated in accordance with the schedule provided as Exhibit 1. Payment of in-lieu fees shall relieve applicant of any further requirements under this program, except for those provided in Section C-4 and C-5. On receipt of the administrative fee and applicant's selection of retrofit option, and when in compliance with all other applicable laws and regulations, the District shall issue an Intent to Serve letter.
- c. Within sixty (60) days of the issuance of the "Intent to Serve" letter, applicant must pay the

in-lieu fee, if chosen, or submit properties proposed for plumbing and/or agriculture retrofit. All retrofit work then must be completed within ninety (90) days of the issuance date of the "ITS" letter. Also within that same ninety (90) days (or no later than the last business day of the calendar year, whichever comes first), all residential applicants must show proof to the District, that they have applied for a building permit allocation under the San Luis Obispo County Growth Management Ordinance. Said allocation requires that a complete application be submitted to the County Building and Planning Department for a building permit (and a minor use permit, where required) within the deadline set by the allocation.

- d.) Failure to complete items C-3 and C-4 above within the prescribed time periods will result in the General Manager revoking the "Intent to Serve" letter and notify the County that the applicant is not eligible for Water & Sewer Service. All persons returned to the water and sewer waiting list shall be notified in writing. Such persons returned to the water and sewer waiting list shall be placed back on the list in the same relative order that their original position bears to all others on to the list. Any administrative fee paid shall be forfeited. Retrofit fees are non-refundable. Any retrofits paid or completed shall be held in credit for future use for that project.

2) **GRANDFATHERED SERVICES**

Grandfathered services are subject to retrofit requirements as per Exhibit 1. If the grandfather status was the result of a previously existent residence, the retrofit requirement shall be as for a "remodel." If there was no previous existent residence, the retrofit requirement shall be due and payable upon issuance of a County-approved building permit.

3) **REMODELS and Active Service Transfers**

- a. Remodel or reconstruction of any existing service is subject to review by District staff when the project either adds: 25% or more to existing habitable floor space, or adds any water-using fixtures.
- b. Application for approval of a remodel or reconstruction shall be made on a form provided by the District and include floor plans for the complete existing structure as well as the proposed remodel. The remodel plans must be the same ones that will be submitted to San Luis Obispo County for construction permit. An application fee shall be charged for Plan Review, except that in the event fixtures are being added, the Plan Review Fee shall be included within the Remodel Impact fee.
- c. Impact fees for added water fixtures shall conform to Exhibit 2, attached, and/or current District fee schedule, as may be amended.
- d. Upon receipt of complete application and fees, District shall provide a clearance letter stating project description, approval conditions, and fees paid. Said clearance letter shall be provided by applicant to San Luis Obispo County for processing of construction permit.

- 4.) The General Manager is authorized to establish a separate account for remodel impact and retrofit in-lieu fees collected in accordance with the provisions of this program. The General Manager may authorize the expenditure of funds from this account only for qualified projects and programs identified in Section E of this Ordinance and subject to such limitations contained therein.

## **D. Equivalency Table**

- 1.) An Equivalency Table is adopted and incorporated into this Ordinance as Exhibit 1. The Equivalency Table indicates the point values of existing fixtures which may be retrofitted and the corresponding point requirements for each newly constructed or remodeled residential or commercial structure. A package of proposed retrofits must add up to no less than the minimum requirements established in Exhibit 1.
- 2.) Owners of building parcels of 8,000 square feet or more are required to install, on their own parcel, non-potable irrigation water cisterns with a minimum capacity of 3,000 gallons with collection-distributions systems, prior to receiving final occupancy approval. Re-inspection will be required at time of resale and remodeling to encourage continued use and maintenance. This requirement shall also apply to transfer of any service (active or otherwise) from a smaller parcel to one that is 8,000 sq. ft. or larger.
- 3.) The General Manager is authorized to make determinations for fixtures or projects not specifically designated in the Equivalency Table, including but not limited to irrigation water conservation projects, water-line leak detection and correction projects, and water marketing program projects. Such determinations shall be based on the estimated amount of water to be saved or created, the cost of project implementation, the type, size, and estimated water use of the structure to be built and attainment of the savings goal established under this Ordinance.
- 4.) The Equivalency Table may be periodically adjusted to reflect changes in water use and/or water savings or for other reasons determined by resolution of the Board of Directors.

## **E. Program Standards**

- 1.) The following procedures, standards and/or warranties will be utilized in processing plumbing retrofit installation projects:
  - a.) Fixtures (*see Exhibit 1 for point values*)
    - 1.) Toilets - Ultra-low flow 1.6 gallons per flush maximum
    - 2.) Showerheads with shutoff valve - 2.0 gallons per minute maximum
    - 3.) Faucet aerators - 2.0 gallons per minute maximum
    - 4.) Outside hose bib with vacuum breaker - 4.0 gallons per minute maximum at 50 pounds per square inch
    - 5.) Pressure Regulators - 50 pounds per square inch with a rated capacity of at least 300 pounds per square inch
    - 6.) Hot Water recirculating pump  
(only where the wait for hot water at the tap exceeds approximately 20 seconds)
    - 7.) Energy-Star rated domestic washing machines.  
(Annual re-inspection of washer installations shall insure continued use within this community)
  - b.) The District shall maintain a list of approved replacement fixtures that meet the standards required under this subsection. The District reserves the right to only approve specified fixtures for installation. Other brands may be approved by the General Manager provided that they meet applicable performance standards equivalent to the brand specified.

- c.) At the time of retrofit, the plumbing system will be checked for leaks and if any leaks are found they shall be repaired at the homeowner's expense. In addition, a water pressure test shall be conducted. Water pressure regulators shall be adjusted or installed in order that the water pressure does not exceed 50 psig. The regulator shall be installed as close to the water meter as practical.
  - d.) Plumbing retrofits shall be conducted so that the entire residential or commercial structure shall be brought up to the standards required under this Section, wherever practical; however, partial retrofits shall be allowed for reduced point values. All work shall conform to applicable law and shall be warranted for a period of one year.
  - e.) The contractor shall be responsible for disposal of the old toilet and replacement of the toilet seat if requested by the home owner. All additional repairs to make the toilet fit in the bathroom, as well as repairs for damage, shall be at the plumber's expense. All refuse and discarded materials created by the retrofit shall be removed from the project volunteer's premises on the same day the work is performed. Failure to remove materials as required will result in the assessment of a mandatory re-inspection fee.
- 2.) Points shall be assigned to agriculture water conservation projects on a comparable basis to the Equivalency Table and Conversion Chart provided in Exhibit 1. The General Manager shall make determinations as to the estimated amount of water to be saved based on the proposed project to be conducted. In cases where a special installation is required or where unforeseen costs are incurred, the General Manager may issue additional points. The General Manager shall determine the eligibility of properties under this Program as well as the type of installations eligible for participation under this program.
- 3.) The following general provisions shall be applicable to the provisions of Section E:
- a.) This program shall be conducted by licensed, bonded, and insured contractors. The General Manager may require that the contractor put a bond or cash deposit on file with the District and/or attend a District sponsored orientation program as a condition of providing services under this program. On request, the contractor shall provide the District with detailed costs and invoices associated with any installation under this Program.
  - b.) The General Manager may approve waivers and/or extensions where the conservation fixture(s) is not sufficient for the intended use, where there are significant problems associated with the installation, where the special demands of the household or business require modification, where additional time is needed to complete a project and/or where appropriate conservation fixtures are not readily available for the particular installation. Such waivers or extensions shall be in writing and may require additional water reduction methods to be installed to offset the nonconforming fixtures.
  - c.) The General Manager may approve the use of in-lieu fees not to exceed \$1000 for any one retrofit project for the installation of unique or special fixtures and/or equipment associated with plumbing or agricultural retrofitting. The use of such

funds shall include, but not be limited to: wall hung, one piece or specialty toilets; extensive replacement materials required of an installation; unique equipment needed for agricultural retrofits or for other types of related installation issues.

- 4.) The Board of Directors establishes the following categories for the use of funds collected from in-lieu fees: plumbing retrofits for volunteers, water conservation and retrofit consultant study, leak detection, meter audits, and any other expenditure approved by Resolution of the Board of Directors.

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**F. Program Administration**

- 1.) The General Manager is authorized to establish such procedures and such forms as are necessary to implement this program.
- 2.) The General Manager shall monitor and periodically report to the Board of Directors the status of the Program, and its ability to meet the intended purposes.
- 3.) The General Manager shall designate appropriate Staff to conduct pre-inspection and final inspections for verification of compliance with this Ordinance and otherwise delegate responsibility for program administration.
- 4.) The General Manager shall implement retrofit project priorities, taking into account the amount of funds available, and the Board's priorities for use of funds.

**G. Administrative Fees**

- 1.) A nonrefundable administrative fee shall be payable to the District by applicants eligible for "Intent to Serve" letters. The fee shall cover the cost of administering this program as well as the necessary pre- and final inspections.
- 2.) In the event that an applicant withdraws prior to completing this program, or fails to meet appropriate deadlines, the administrative fee shall be forfeited.
- 3.) The minimum fees established under Section G shall be for normal processing of applications under this program. In the event that inspections on any individual project are required beyond the pre- and final inspection, additional inspection charges may be charged. The District reserves the right to charge for time and materials on any project that exceeds the costs identified in this Section.

**H. Time Limit and Transferability**

- 1.) Plumbing retrofit approvals may be "assigned" to a new owner upon the sale of the property for which the retrofits were conducted or "transferred" to a new property pursuant to the District's Assignment and Transfer Programs. No other assignment or transfer of retrofit credits shall be permitted.
- 2.) This Program shall be in effect until rescinded or modified by the Board of Directors.

Ordinance 09-2003

**EXHIBIT 1**

**RETROFIT POINTS EQUIVALENCY TABLE**

**POINTS:** 1 point is equal to .72 annual water unit or 1.47 gallons per day

**FIXTURE VALUES**

Each existing home or fixture retrofitted is worth the following points:

Each 3.5 gpm toilet replaced with 1.6 gpm	5.4	pts
Each whole house upgrade (faucets, shower heads & pressure regulator)	2.7	pts
Each Hot Water recirculation pump installed*	6.8	pts
Each Energy-Star domestic washing machine installed	6.65	pts
Each 3,000 gallon (minimum) non-potable cistern	22.0	pts

\* Hot water recirculation pump shall only be installed where the wait for hot water at the tap exceeds 20 seconds.

**NOTE:** Builders performing actual retrofits are responsible for locating their own retrofit points, arranging details and obtaining commitments from property owners. Payment of the "In Lieu" fee relieves builder of further involvement in retrofitting other properties, unless otherwise required as a condition of County building permit.

**POINTS Required To Build a NEW PROJECT:**

# of "Basic Full Baths" in proposed project (SEE PER FIXTURE FEES FOR ADDITIONAL PARTIAL BATHS)  
**"BASIC FULL BATH" = 1 toilet, 1 tub/shower combination, & 1 sink.**

**Each point = \$50 "In Lieu Fee"**

*(Fees in this chart are illustrative only and subject to change. Fees should be confirmed with District Fee Schedule in effect at time of charges)*

	1 BATH POINTS/IN LIEU FEE	2 BATHS POINTS/IN LIEU FEE	3 BATHS POINTS/IN LIEU FEE	4 BATHS POINTS/IN LIEU FEE	5 OR MORE POINTS/IN LIEU FEE
<b><u>PARCEL SIZE</u></b>					
◆ Under 4,000 Sq. Ft.	80 / \$4,000	100 / \$5,000	125 / \$6,250	150 / \$7,500	175 / \$8,750
◆ 4,000 – 8,000Sq. Ft.	90 / \$4,500	125 / \$6,250	150 / \$7,500	175 / \$8,750	200 / \$10,000
<b><i>All projects over 8,000 sq ft require cistern installation in addition to retrofit points shown here.</i></b>					
◆ 8,001 - 16,000 Sq. Ft.	100 / \$4,500	150 / \$7,500	175 / \$8,750	200 / \$10,000	250 / \$12,500
◆ 16,001- 32,000 Sq. Ft.	110 / \$5,500	175 / \$8,500	200 / \$10,000	250 / \$12,500	300 / \$15,000
◆ Over 32,000 Sq. Ft.	120 / \$6,000	200 / \$10,000	225 / \$11,250	300 / \$15,000	325 / \$16,250

◆ Each common-wall condominium, or attached multi-family unit ..... 100 pts / \$5,000 (per UNIT)

◆ Commercial Projects ..... 125 pts / \$6,250 (per EDU)

**PER-FIXTURE FEES for Partial &/or oversized Baths = Toilet or Sink \$400 (8 pts), Tub or Shower \$800 (16 points)**

**New Construction Example:**

To build a 3-bathroom house on a 9,000 sq ft lot requires 175 points. 175 points equate to 126 water units per year, or 21 units per billing period (average). Points may be satisfied in any combination totaling at least 175, such as:

Replace 21 toilets @ 5.4 pts	113.40 points
Install 3 Energy-Star Washers @ 6.65 pts	19.95 points
3 Whole-house upgrades @2.7 pts	8.10 points
Install 5 hot-water recirc pumps @ 6.8 pts	<u>34.00 points</u>
<b>TOTAL</b>	<b>175.45 points</b>

## **REMODEL REGULATIONS**

Remodels may not change the type of service existing  
(i.e. a single-family residence may not be converted to a multi-family dwelling)

How to determine if your remodel requires any processing by CCSD:

<b>QUESTION</b>	<b>If YES, then...</b>
Will your remodel add less than 25% to your existing habitable <b>floor space</b> , <b>and</b> no water using fixtures?	No further process required from CCSD
Will your remodel add <b>more than 25%</b> to your existing <b>habitable floor space</b> ?	Plan Review required.*
Will your remodel <b>add any water-using fixtures</b> ?	Plan Review required* and <b>impact fees due</b> . See <i>Fee Schedule below</i>
Will your remodel require <b>additional EDU allocation</b> (i.e. commercial use increase, or additional residential dwelling being created)	<b>NOT ALLOWED</b> under water moratorium

\* Plan Review includes submittal to CCSD of a completed application form, a copy of the remodel floor plans being submitted to County Planning (reduced size if possible), and also, existing (pre-remodel) floor plan for comparison of water fixtures.

District will review your plans, and upon approval of project will provide you with a "Verification of Water Service" letter for County. Applicable fees and conditions of approval will be indicated on the letter.

**Impact Fee Schedule:**

- Plan Review Only – No fixtures being added (with Letter for County) \$ 25.00
  
- Additional water fixtures: Fee Includes letter for county
  - Each Additional Toilet \$ 400.00 ( 8 points)
  - Each Additional Kitchen or Bath Sink \$ 400.00 ( 8 points)
  - Each Additional Clothes Washer \$ 400.00 ( 8 points)
  - Each Additional Tub or separate Shower \$ 800.00 (16 points)
  - Each Additional Bar or Laundry Sink \$ 200.00 ( 4 points)