

RESOLUTION No 2017-2082

A RESOLUTION IMPLEMENTING THE RECENTLY ENACTED SB 1069 PRIOR TO
PASSAGE OF A PENDING ORDINANCE CHANGE
FOR
LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the Legislature has recently passed SB 1069 which modified the ability of the District to charge connection fees for certain uses and the District has not completed modifying its ordinances to comply with the newly passed legislation; and

WHEREAS, there is a pending application for a Will Serve letter from Merav Alterman for APN 179-174-06,16 Roosevelt Avenue, San Rafael, CA as described in Exhibit "A"; and

WHEREAS, effective January 1, 2017, under Government Code Section 65852.2(g)(2)(A) this unit would not be charged a connection fee as the second unit would be converted from an existing garage within the same square footage as the existing structure.

NOW, THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District herein approves the issuance of a Will Serve letter, a copy of which is attached hereto as Exhibit "B", for capacity to Merav Alterman for the proposed application for 16 Roosevelt Avenue, San Rafael, CA without a connection fee or capacity charge with all other requirements being met.

* * * * *

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 12th day of January 2017, by the following vote of the members thereof:

AYES, and in favor thereof, Members: Clark, Elias, Murray, Greenfield, Schickman
NOES, Members: None.
ABSTAIN, Members: None.
ABSENT, Members: None.

Russ Greenfield

Russ Greenfield, President Board of Director

Attest:
Teresa L. Lerch

Teresa L. Lerch, District Secretary





Consent _____
Staff/Consultant Reports _____
Agenda Item _____
Date _____

Agenda Summary Report

EXHIBIT A

To: Mark R. Williams, General Manager
From: Irene Huang, PE, Assistant Engineer
Mtg. Date: January 12, 2017
Re: Application of Allocation of Capacity for APN 179-174-06, 16 Roosevelt Ave

BACKGROUND:

The property owner of a single family unit located at 16 Roosevelt Ave has proposed to convert an existing garage into a second unit with approval from County of Marin Planning Department. The Legislature has recently passed Senate Bill 1069, which states that a local agency may not require a residential customer adding an accessory dwelling unit that is contained within the existing space of a single-family residence or accessory structure (e.g. a garage conversion) to pay a connection fee or capacity charge. The second unit will be converted from an existing garage within the same square footage; hence, would not be charged a connection fee as a second unit.

STAFF RECOMMENDATION:

Board approve the Application for Allocation and issuance of a Will Serve Letter to 16 Roosevelt Ave.

FISCAL IMPACT:

None

PERSON(S) TO BE NOTIFIED:

Merav Alterman, Property Owner



DISTRICT BOARD
 Megan Clark
 Rabi Elias
 Russ Greenfield
 Craig K. Murray
 Judy Schriebman

DISTRICT ADMINISTRATION
 Mark R. Williams,
 General Manager
 Michael Cortez,
 District Engineer
 Mel Liebmann,
 Plant Manager
 Susan McGuire,
 Administrative Services Manager
 Greg Pease,
 Collection System/Safety Manager

EXHIBIT B

Date: January 12, 2017
 Property Owner: Merav Alterman
 Property Owner Address: 16 Roosevelt Ave
 San Rafael, CA 94903
 Applicant: Merav Alterman
 Project Name: Garage Conversion to Second Unit
 Project Address: 16 Roosevelt Ave
 San Rafael, CA 94903
 Project APN: APN 179-174-06

Re: Will-Serve Letter

You have requested a **Will-Serve Letter** from the Las Gallinas Valley Sanitary District (“LGVSD”) on January 12, 2017 meeting.

Subject to the terms and conditions in this letter, LGVSD will serve the project with the equivalent dwelling unit capacity (EDU) of 1, or the equivalent to 200 gallons per day. This letter may be used to submit to another local agency to satisfy a condition for either tentative subdivision map approval or any other permit approval.

The standard terms and conditions of approval are as follows:

Initial	Item	Condition of Approval
	1	You pay for the facility capacity fee (new connection fee) in accordance with LGVSD ordinances and policies. Please note payment date obligation and amount obligation.
	2	You agree to abide by all conditions of approval of the Board of Directors.
	3	This Will Serve approval terminates three (3) years from the Board meeting date unless all building permits have been issued for the project.
	4	After the lateral inspection is completed and the connection verified, the property will be added to the sewer user charge and will receive a charge for this service.

A complete summary of the project specific conditions of approval is included in the Board Meeting minutes.

The Connection Fee approved by the Board is as follows:

Capital Facilities Charge for One (1) Second Unit:	\$ 5,184.90 (waived)
Application Fee:	\$ 250.00 (paid)
Engineering Review and Inspection Fees:	\$ 0.00
Total Fee:	\$ 0.00

The District ordinance provides for payment of the Connection Fee over a two year period according to the following:

1. 10% of the Connection Fee is due within thirty days of Board approval of final plans and specifications;
2. 40% of the Connection Fee is due within one year, January 12, 2018; or upon the date of building permit issuance, whichever occurs first;
3. 50% of the Connection Fee is due within two years, January 12, 2019; or upon the date of building permit issuance, whichever occurs first;

By issuing this **Will-Serve Letter**, LGVSD is not incurring any liability of any nature, including but not limited to mandate, damages or injunctive relief. LGVSD is making no representation to the applicant nor waiving any rights it has under any applicable State or Federal law. In the event there is any court imposed moratorium on LGVSD, a connection to the District system may not occur. In the event any government agency imposes a moratorium on LGVSD, a connection to the District system may not occur. In the event there is not sufficient capacity, a connection to the District system may not occur.

If connection has not been made within three years, the allocation will be terminated without prejudice. Upon request, you will receive a refund of 90% of the above fees and you will be able to re-apply for an allocation at the fee rate then prevailing. Please sign and date the original of this letter and return it to the District office within 10 days. The copy is for your records.

Sincerely,

Mark R. Williams, General Manager

AGREED:

Date: _____

Project Applicant

Cc: Michael P. Cortez, District Engineer
Greg Pease, Collection System/Safety Manager
Susan McGuire, Administrative Services Manager