

## EXHIBIT 10-A


**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

RECEIVED

MAR 8 2005

MPWMD

**APPLICATION FOR VARIANCE  
REGARDING WATER CONNECTION PERMITS**

Rule 24 of the District Rules and Regulations states that upon request an applicant may apply for a variance from standards incorporated in the District's Rules and Regulations. Variances may be approved when: a) special circumstances exist, as defined in the Rules and Regulations; b) when strict interpretation and enforcement of any standard would cause undue hardship; and c) when the granting of such a variance will not tend to defeat the purpose of the Rules and Regulations.

In order to be considered for a variance hearing, all applicants must submit a completed application with payment of a non-refundable processing fee, and any other information necessary to evaluate the case. Applications must be received 5 weeks in advance of the next scheduled board meeting in order to be considered for placement on the agenda. All applicants are required to provide the information requested on this form. This information will be used as the basis for finding on which the Board will support or deny your variance request. Submission of an incomplete application may constitute grounds for denial of your request.

**APPLICANT INFORMATION**

Applicant's Full Name: DEBRA L. GAMESPACHER  
 Mailing Address: 8 MESCAL PLACE  
 City: SEASIDE State: CALIFORNIA Zip: 93955  
 Phone Number(s): Work ( 831 ) 583-2500-5531 Home ( 831 ) 392-1159  
 Name of Agent(s) to Represent Applicant: DONALD S. CLARK & WALTER N. CLARK  
 Mailing Address: 1254 DEL MONTE BLVD.  
 City: PACIFIC GROVE State: CALIFORNIA Zip: 93950  
 Phone Number(s): Work ( 202 ) 326-2514 (DONALD) Home ( 831 ) 646-1956 (WALTER)

**PROPERTY INFORMATION**

Full Name of Property Owner: DEBRA L. GAMESPACHER  
 Mailing Address: 8 MESCAL PLACE  
 City: SEASIDE State: CALIFORNIA Zip: 93955  
 Phone Number(s): Work ( 831 ) 583-2500-5531 Home ( 831 ) 392-1159  
 Property Address: 8 MESCAL PLACE  
 City: SEASIDE State: CALIFORNIA Zip: 93955  
 Assessor's Parcel Number: 012 - 673 - 018  
 Property Area: Acres: \_\_\_\_\_ Square Feet: 9,000+/- Other: \_\_\_\_\_  
 Past Land Use: RESIDENTIAL  
 Present Land Use: RESIDENTIAL  
 Proposed Land Use: RESIDENTIAL  
 Existing buildings? Yes  No   
 Types of uses and square footage: RESIDENTIAL +/- 2,700

SUBMITTED BY APPLICANT

RECEIVED

MAR 8 2005

MPWMD

VARIANCE APPLICATION

EXHIBIT 1

## STATEMENT OF VARIANCE REQUEST

*\*If additional space is needed for response to any question, please continue on a separate piece of paper and attach to the back of this application.*

1. From which rule(s) are you requesting a variance?

**THE FIXTURE UNIT VALUES RULES APPEAR TO SUGGEST THAT INSTALLING AN INSTANT HOT WATER SHOWER IN THE BEDROOM ADDITION (MPWMD WATER PERMIT No. 20676) MAY REQUIRE 1.1 FIXTURE UNITS, MORE THAN THE 0.9 E UNITS THE PROPERTY NOW HAS (INCLUDING 0.4 UNITS FOR CONSERVATION STEPS PREVIOUSLY TAKEN AND 0.5 UNITS FOR THE INSTANT SYSTEM RECENTLY ADDED)**

2. Please state the special circumstances which distinguish your application from all others which are subject to enforcement of this process.

**THE ADDITION OF THE INSTANT HOT WATER SHOWER WILL NOT ONLY NOT INCREASE THE AMOUNT OF WATER USED ON THE PROPERTY, BUT WILL ACTUALLY DECREASE THE USAGE BY AN ESTIMATED 500 GALLONS A YEAR**

3. What difficulties or hardships would result if your variance request was denied?

**THE APPLICANT'S 81 YEAR OLD FATHER WILL BE REQUIRED TO TRAVEL APPROXIMATELY 100 FEET AND DOWN AND UP A STAIR FLIGHT OF 14 STEPS IN ORDER TO TAKE HIS DAILY SHOWER IN ONE OF THE PROPERTY'S EXISTING SHOWERS.**

4. What specific action are you requesting that the Board take?

**WE REQUEST THAT THE BOARD OF DIRECTORS PERMIT US TO INSTALL A SHOWER IN THE UPSTAIRS ADDITION, FOR THE REASONS DETAILED IN THE ATTACHED COVER LETTER. THIS INSTALLATION WILL SAVE AN ESTIMATED 500 GALLONS OF WATER EACH YEAR, AND WILL PREVENT THE HARDSHIPS TO THE APPLICANT'S FATHER DESCRIBED IN RESPONSE TO QUESTION 3 ABOVE.**

5. Please indicate if you intend to make a statement at the variance hearing, and list the names of any other individuals who may speak on your behalf.

**I, DEBRA GRAMESPACHER, WISH TO MAKE A STATEMENT, AS DOES MY FATHER, WALTER CLARK. ADDITIONLY MY BROTHER, DONALD CLARK, IF HE IS PRESENT IN MONTEREY, MAY ALSO WISH TO SPEAK.**

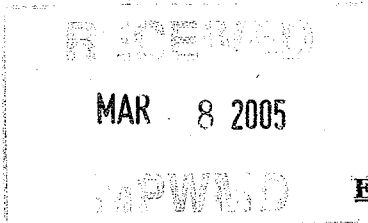


EXHIBIT 2

VARIANCE APPLICATION

PROJECT INFORMATION

\*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

1. Type of Project: \_\_\_\_\_ New Construction  Remodel/Addition

2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

Residential No. Dwellings ONE Total No. Fixture Units (Residential Only) 13.4

\_\_\_\_\_ Commercial/Industrial/Governmental

Type of Use: \_\_\_\_\_ Square Footage: \_\_\_\_\_

\_\_\_\_\_ Other (Specify): \_\_\_\_\_

3. Current Zoning Classification:

**R-1**

4. Name of water company which services the property: **CITY OF SEASIDE**

5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption.

**THE INSTANT HOT WATER SHOWER WILL USE AN ESTIMATED 500 GALLONS LESS WATER EACH YEAR THAN IF THE OCCUPANT WERE TO USE ONE OF THE EXISTING SHOWERS**

6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received.)

**YES**

7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site?

**THE CITY OF SEASIDE BUILDING PERMIT NO. BP2003-0074 IS DATED 4/21/03**

\*\*\*\*\*

I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.

Debra Gramspacher  
Signature of Applicant

2-27-05, Seaside  
Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested.

Fee Paid \_\_\_\_\_ *See attached list* Receipt No. \_\_\_\_\_ Staff Initials \_\_\_\_\_

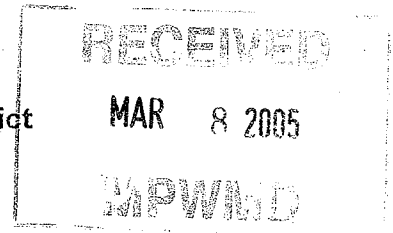
U:\staff\wp\forms\variance\_exhibit2 (revised 3/2000)

SUBMITTED BY APPLICANT



Monterey Peninsula Water Management District

DISCLOSURE STATEMENT  
(EX PARTE COMMUNICATIONS)



Name or description of project, action, etc.: MPWMD WATER PERMIT No. 20676

Names and addresses of all persons authorized to communicate with the Board of Directors on this matter:

Name	Address
<u>WALTER N. CLARK</u>	<u>1254 DEL MONTE, PACIFIC GROVE, CA 93950</u>
<u>DONALD S. CLARK</u>	<u>9615 BRONTE DR., FAIRFAX, VI 22032</u>
<u>DEBRA GRAMESPACHER</u>	<u>8 MESCAL PLACE, SEASIDE, CA 93955</u>

This *Disclosure Statement* is completed in my capacity as  the Applicant for matter referenced in the first line, or as  an authorized Agent of the Applicant. My signature evidences I am duly authorized to act on behalf of all individuals and/or entities that have an ownership interest in this matter (exceptions shall be noted by checking this box  and providing a complete explanation as an attachment to this *Disclosure Statement*).

I understand this *Disclosure Statement* is required to list the names and addresses of all persons authorized to communicate with the Directors of the Water Management District on this matter. I further understand and agree to revise and amend this *Disclosure Statement* whenever any other person is authorized to communicate regarding this matter. Oral disclosure of agents shall not satisfy this requirement.

I understand and agree that failure to disclose the name of individuals who shall communicate with the District Board Members on behalf of the applicant shall subject the matter referenced above to immediate review and denial. Further, I understand that if denial is based on failure of either the applicant or of an authorized agent of the applicant to comply with these disclosure requirements, no request for approval of an identical or similar matter shall be granted for a period of twenty-four (24) months from the date this matter is denied.

I declare the foregoing to be true and correct of my own personal knowledge. I have signed this form this SIX day of MARCH, \_\_\_\_\_, This form is signed in the City of SEASIDE, State of CALIFORNIA.

**DEBRA L. GRAMESPACHER**  
Name (print)  
  
Signature

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SUBMITTED BY APPLICANT

Debra and Max Gramespacher  
8 Mescal Place  
Seaside, California 93955

March 7, 2005

RECEIVED

MAK 8 2005

MPWMD

Members of the Board of Directors  
Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Post Office Box 85  
Monterey, California 93942-0085

Re: *Application for Variance and Appeal from Decision Concerning  
Application of Debra and Max Gramespacher to Amend Water Permit  
No. 20676  
8 Mescal Place Seaside, California 93955*

Dear Members of the Board:

On December 4, 2004, my husband and I filed an Application to amend the above Water Permit (Exhibit 3) so that we can provide a shower for my father in the upstairs Addition in which he will shortly reside. By letter dated January 19, 2005, a District Conservation Representative declined to approve the Application. On February 1, 2005, we filed a timely Appeal from that decision with the District, and paid the requisite \$250 fee. On February 25, 2005, the District Water Demand Manager issued a letter suggesting that the Appeal constitutes a request for a policy change that "must be initiated at the policy level before the District Board of Directors," advising that an Application for Variance could be substituted for the Appeal; and stating that the District will apply the previously paid \$250 fee to the Application for Variance.

We are today filing the enclosed Application for Variance, which incorporates by reference both our December 4, 2004 Application to Amend Water Permit No. 20676 and our February 1, 2005 Appeal. While we take no position on the suggestion in the February 25 letter that the February 1, 2005 filing constitutes a request for a policy change rather than an Appeal, the relief we request from the Board of Directors is the same regardless of how our filings are characterized. We simply ask that the Board of Directors approve the installation of a shower for my father in the upstairs Addition to our home.

The District has determined, as the Application for Variance itself indicates, that a variance may be approved

when a) special circumstances exist . . . ; b) when strict interpretation and enforcement of any standard would cause undue hardship; and c) when the granting of such a variance will not tend to defeat the purpose of the Rules and Regulations.

All three of these criteria are clearly satisfied in this case.

**First**, special circumstances warrant approval of the proposed shower installation without attributing any fixture units to the shower. When the District prescribed residential water fixture unit values in April 2001 -- through the adoption of Ordinance 98 -- it expressly and correctly found that "actual water use may vary from

the theoretic capacity for water use" denominated by "fixture unit methodology."<sup>1</sup> The District therefore determined that applications for certain sets of fixtures should be accorded "special circumstance" treatment; that is, they should be approved without attributing any fixture units to the fixtures covered by the applications.<sup>2</sup> The District had previously determined that (1) "the addition of a second wash basin in a master bath" and (2) "use of both a tub and separate shower in a master bath" warranted this type of special circumstance treatment, because "these extra water appliances are typically added to a master bath for the purpose of aesthetics or convenience, [and] do not significantly cause additional water demand."<sup>3</sup>

Through Ordinance 98, the District determined to extend the same treatment to "the addition of a second bathroom in any existing residence,"<sup>4</sup> because

the addition of a second bath to an existing residence is primarily for the purpose of convenience. These added water appliances shall not significantly cause additional water demand.<sup>5</sup>

As amended by Ordinance 98, Rule 24 C (1) therefore provides, in relevant part, that "under this second bathroom special accounting protocol, the General Manager shall not debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel."

For precisely the same special circumstance reasons, we should be permitted to add a shower to the half-bathroom in the upstairs Addition without attributing any fixture units to that installation. Adding the shower will not produce any additional water demand, because if the shower cannot be installed, my father will have to use an existing shower on the downstairs floor of our home. In fact, as shown below, the steps we have taken in conjunction with the proposed shower installation will actually produce a substantial reduction in water demand and usage.

**Second**, strict interpretation and enforcement of the fixture unit methodology in this case clearly would cause undue hardship. My father is 81 years old, and his health conditions arguably make it necessary (rather than simply more convenient) for him to be able to take showers in the upstairs Addition rather than downstairs. If we are not permitted to install a shower in the Addition, then my father will have to travel approximately 100 feet, and down and up a stair flight of 14 steps, each day in order to take his daily shower. This would clearly constitute an undue hardship; indeed, it would be a completely unwarranted hardship given the substantial reduction in water usage which will actually be effected.

**Third**, Board approval of the requested variance by permitting the requested shower installation will not in any way defeat the purpose of the District's Rules and Regulations; in fact, the steps my husband and I have already taken will substantially advance that purpose. The Mission of the District is of course, *inter alia*, to "augment and protect water resources . . ." As noted above, the new shower will not result in any

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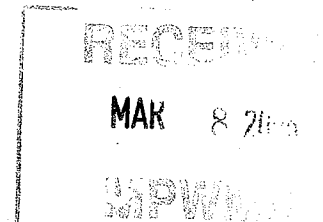
<sup>1</sup> See *Final Ordinance No. 98 of the Monterey Peninsula Water Management District Amending Residential Water Fixture Unit Values* (adopted April 16, 2001), Finding 3.

<sup>2</sup> *Id.*, Finding 4.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, Finding 5 (emphasis added).



additional water consumption whatsoever, because my father will take the same number of showers, whether in the upstairs addition or downstairs.

Moreover, as a consequence of the more than \$5,000 which we have already spent on water conservation measures, as required by the District, and other actions we have taken with respect to our property, it can be argued that we are entitled to a total of 1.4 fixture unit credits, which we are willing to allocate to this project. This total includes not only the 0.4 credit described in our Application but, arguably under the GRANDFATHER<sup>1</sup> concept, an additional 1.0 fixture unit credit which we should have received when we moved into our home in 1998, for disabling a hot tub located on the property. At that time, we were advised that that action would entitle us to a fixture unit credit, which we would be able to use to cover additional indoor water fixtures. Instead of continuing to use the hot tub with its need for water, we have now completely removed it to make room for the Addition, and the water savings produced by that action are therefore permanent. A rule change effective in 2000, after we disabled the hot tub, apparently suggests that disabling outdoor fixtures no longer produces indoor fixture unit credits. However, that rule change, as mentioned above, under the GRANDFATHER concept, should not deprive us of the 1 fixture unit credit we earned before the change was made.

Furthermore, in addition to the above actions, we have already installed an instant access hot water system, with its own water heater, in the Addition. As a consequence, both the wash basin and the shower in the Addition will use considerably less water than if my father were instead to have to take showers in the lower floor of the residence, which does not currently have an instant access hot water system. Under present permit conditions, each of the existing showers, and each of the existing wash basins, uses approximately 1.25 gallons of cold water before the hot water arrives. If the proposed shower is installed in the Addition -- and one assumes, conservatively, that the new shower and the addition wash basin will each be used one time per day -- then the instant access hot water system is likely to save approximately 2.5 gallons of water per day, and approximately 1,000 gallons of water per year. Moreover, use of the new shower alone is likely to save approximately 1.25 gallons of water per day, and approximately 500 gallons of water per year.

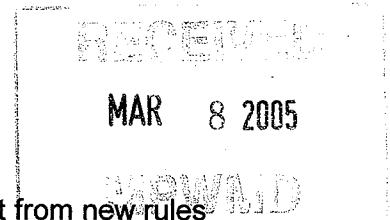
For the foregoing reasons, we request that the Board of Directors approve our Application for Variance and permit us to install a shower for my father in the upstairs Addition to our home. Thank you for your assistance.

Sincerely,



Debra Gramespacher

P.S. Attached is a listing of the sequence of actions that we have taken to comply with the District's rules.



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<sup>1</sup> This concept is the provision that an existing situation may be exempt from new rules and regulations

Debra Gramespacher \* Sequence of Events leading up to Variance Application

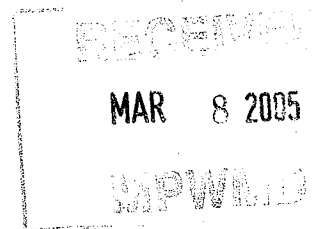
1. November, 1998 – Property was purchased. 2 existing Toilets were replaced with ultra-low-flow 1.6 Gallon toilets Expense \$ 250 Labor \$ 50.--
2. November, 1998 – Applied for fixture unit allocation from City of Seaside - Appeal Packet #11
3. December, 2000 – Replaced existing Washing Machine with an ultra-low 28 gallon washing machine: Expense - \$ 700.-- + \$ 100 Labor
4. April, 2003 – Advised by the MPWMD to replace existing 1.6 Gallon Toilets with 2 Liter toilets. Filed 1<sup>st</sup> DEED restriction. Appeal Packet # 10 Expense: \$ 250.—
5. September, 2003 - Walter Clark appeared before the MPWMD requesting that applicant be allowed to use 1 gallon instead of the 2 Liter toilet without debiting credits. Request denied.
6. September, 2003 – MPWMD advises not to install 2 Liter Microphor toilets. Article in Herald following editorial special by Walter Clark, former Fresno County Public Works, and surveys by 270 unsatisfied registered users of the toilets.
7. April, 2004 – Following MPWMD revocation of water credits for Microphor Microflush toilets... applicant replaces 28 gallon washing machine with an 18 gallon washing machine to receive additional fixture units. Expense: \$ 1200.-- + Labor \$ 200.-- ( required rewiring to 220 voltage)
8. August, 2004 – Filed 2<sup>nd</sup> DEED restriction for 18 gallon washing machine and 1 gallon toilets. Packet # 9 Expense: \$90.—
9. February, 2005 Installed 3 1 gallon toilets, replacing existing 2 1.6 gallon toilets. Expense: \$ 2,100.-- Labor \$ 100.—
10. February, 2005 Filed application for appeal to install a shower in the addition built by permit received in 2003. Packet # 6 Expense: \$ 250.--
11. February, 2005 Received denial of appeal and direction to re-apply for a variance from MPWMD Packet # 4
12. March 8, 2005 Applicant files Variance Appeal Packet with 23 supporting documents. Packet # 1 & 2 Expense: Fee has been waived by MPWMD

**Total expense for MPWMD directives: \$ 5290.—**

Fixtures: \$ 4250.—

Labor: \$ 450.--

Fees: 590.--







**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

February 25, 2005

Ms. Debra L. Gramespacher  
8 Mescal Place  
Seaside, California 93955

**Subject: Application of Appeal**

Dear Ms. Gramespacher:

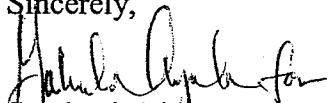
This letter responds to an application for appeal received from you on February 1, 2005. After reviewing the appeal application, it is apparent that the request is for a policy change rather than an appeal.

Specifically, your applications states, "Waive the staff's fixture unit requirement and allow the installation of an essentially instant hot water shower which will result in saving a substantial amount of water". An appeal must pertain to the misapplication of a rule or policy. You may consider substituting the Application of Appeal with an Application for Variance (Enclosed). As a courtesy, the District will apply the previously paid application fee of \$250 to the Application for Variance.

No further action will be taken on this matter. Any change to existing Rules and Regulations must be initiated at the policy level before the District Board of Directors.

If you have any questions, please call 658-5601.

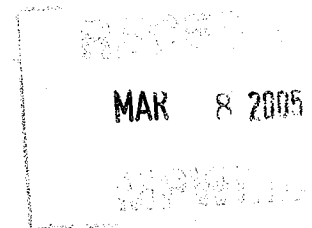
Sincerely,

  
Stephanie Pinar  
Water Demand Manager

Enclosure (Application for Variance)

Cc: David Berger, General Manager, MPWMD  
David Laredo, Legal Counsel

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SUBMITTED BY APPLICANT



**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

RECEIVED  
MAR 8 2000  
WPM

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www/mpwrmd.dst.ca.us>

Please PRINT OR TYPE all information. Applications must be received within twenty-one (21) days after an appealable decision has been made pursuant to District Rule 70. To be considered for an appeal hearing, please submit a completed application and include a non-refundable processing fee (\$250 for less than half acre-foot of water, \$500 for half - one acre-foot of water, and \$750 for more than one acre-foot of water); other information as necessary which may include 5 years of water records from purveyor. The Board will support or deny your appeal based on the pertinent information you have provided. Submission of an incomplete application may constitute grounds for denial of your request.

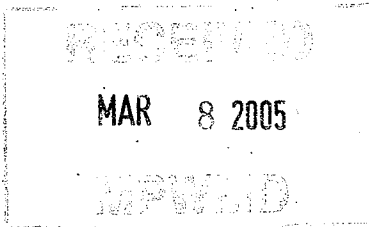
**APPLICATION FOR APPEAL**

**APPLICANT INFORMATION**

- Applicant's Full Name: **DEBRA L. GRAMESPACHER**  
Mailing Address: **8 MESCAL PLACE**  
City: **SEASIDE** State: **CALIFORNIA** Zip: **93955**  
Phone Number(s): Work ( **831** ) **583-2500-5513** Home ( **831** ) **392-1159**
- Name of Agent(s) to Represent Applicant: **DONALD CLARK AND WALTER CLARK**  
Mailing Address: **1254 DEL MONTE BLVD.**  
City: **PACIFIC GROVE** State: **CALIFORNIA** Zip: **93950**  
Phone Number(s): Work ( **202** ) **309-4934 DONALD CLARK** Home ( **831** ) **646-1956 WALTER CLARK**

**PROPERTY INFORMATION**

- Full Name of Property Owner: **DEBRA L. GRAMESPACHER**  
Mailing Address: **8 MESCAL PLACE**  
City: **SEASIDE** State: **CA** Zip: **93955**  
Phone Number(s): Work ( **831** ) **583-2500-5531** Home ( **831** ) **392-1159**
- Property Address: **8 MESCAL PLACE**  
City: **SEASIDE** State: **CA** Zip: **93955**
- Assessor's Parcel Number: **012 - 673 - 018**
- Property Area: Acres: \_\_\_\_\_ Square Feet: **9,000+/-** Other: \_\_\_\_\_
- Past Land Use: **RESIDENTIAL**
- Present Land Use: **RESIDENTIAL**
- Proposed Land Use: **RESIDENTIAL**  
Existing buildings? Yes **YES** No \_\_\_\_\_  
Types of uses and square footage: **RESIDENTIAL**



APPEAL APPLICATION

EXHIBIT 1

STATEMENT OF APPEAL REQUEST

\*If additional space is needed for response to any question, please continue on a separate piece of paper and attach it to the back of this application.

1. From which rule(s) or staff's decision(s) are you requesting an appeal?

**THAT TO INSTALL A SHOWER IN THE ADDIION WILL REQUIRE 1.1 ADDITIONAL FIXTURE UNITS BEYOND THE 0.4 CREDIT THE PROPERTY NOW HAS**

2. Do you feel the rule or staff's decision is applicable in most cases, or do you believe it should be revoked or changed?

**MY REQUEST WAS UNIQUE--TO WAVE THE NEED FOR ADDITIONAL FIXTURE UNITS BECAUSE THE INSTALLATION OF A SHOWER WITH ESSENTIALLY INSTANT HOT WATER IN THE ADDITION, WOULD SAVE AN ESTIMATED 500 GALLONS OF WATER A YEAR**

3. What were the circumstances surrounding your decision to appeal?

**THE DISTRICT'S STAFF IGNORED THE WATER SAVINGS THAT WERE SPELLED OUT IN DETAIL IN THE LETTER FROM DONALD CLARK DATED NOVEMBER 11, 2004, REQUESTING AN AMENDMENT TO WATER PERMIT NO. 20676**

4. Please state the special circumstances that distinguish your application from all others which are subject to enforcement of this process.

**THE INSTALLATION OF A SHOWER IN THE ADDITION WOULD NOT RESULT IN AN INCREASE IN WATER USE, BUT AN ACTUAL DECREASE OF AN ESTIMATED 500 GALLONS A YEAR THEREFORE THE LACK OF 1.1 FIXTURE UNITS IS MUTE**

5. What difficulties or hardships would result if your appeal request is denied?

**THE PETITIONER'S 81 YEAR OLD FATHER WILL BE REQUIRED TO TRAVEL APPROXIMATLY 100 FEET AND DOWN AND UP A STAIR FLIGHT OF 14 STEPS IN ORDER TO TAKE A SHOWER**

6. What specific action are you requesting that the Board take?

**WAVE THE STAFF'S FIXTURE UNIT REQUIREMENT AND ALLOW THE INSTALLTION OF AN ESENTUALLY INSTANT HOT WATER SHOWER WHICH WILL RESULT IN SAVING A SUBSTANTIAL AMOUNT OF WATER BY NOT REQUIRING THE USE OF ONE OF THE LESS EFFICIENT EXISTING SHOWERS**

7. Please indicate if you intend to make a statement at the appeal hearing, and list the names of any other individuals who may speak on your behalf. **I AND MY FATHER MR. CLARK WILL MAKE STATEMENTS**

SUBMITTED BY APPLICANT

APPEAL APPLICATION

Supplementary Answers for  
Exhibit 1

RECEIVED  
MAR 8 2005

## STATEMENT OF APPEAL REQUEST

*\*If additional space is needed for responses to any question, please continue on a separate piece of paper and attach it to the back of this application.*

1. From which rule(s) or staff's decision are you requesting an appeal?
  - A. We appeal from the staff decision letter dated January 19, 2005, from Gabriela Ayala (and approved by her supervisor) to Donald S. Clark, concerning our December 4, 2004 Application to Amend Water Permit No. 20676, for 8 Mescal Place, Seaside, California 93955 (hereinafter "Application") (copy attached as Exhibit 2). We appreciate the assistance that Ms. Ayala provided in the course of this process, and are confident that her decision -- and the determination of her supervisor to approve that decision -- were rendered in good faith. However, for the reasons detailed below, we must appeal that decision.
2. Do you feel the rule or staff's decision is applicable in most cases, or do you believe it should be revoked or changed?
  - A. The staff decision should not apply in this case or any similar case, because it appears to be based on the erroneous premise that the addition of the requested shower stall constitutes an "intensification of use." When the District adopted Ordinance 98, it expressly recognized that "actual water use may vary from the theoretic capacity for water use" denominated by "fixture unit methodology." In this case, the "fixture unit methodology" on which the staff decision appears to be based is not relevant, because the steps detailed in the Application will in fact actually produce a substantial reduction in water use. The Mission of the District is of course, *inter alia*, to "augment and protect water resources . . .," and the steps detailed in the Application will have precisely that effect. The requested shower stall will not result in any additional water consumption whatsoever, because the occupant of the addition will take the same number of showers, whether in the addition or in an existing shower on the first floor of the house. Moreover, the steps that we have already taken, as detailed in the Application, will together actually reduce water consumption by an estimated 1,000 gallons per year. For these reasons, the staff decision should be reversed.
3. What were the circumstances surrounding your decision to appeal?
  - A. As noted above, the staff decision does not appear to recognize the substantial water savings that the steps detailed in the Application will produce. Moreover, the suggestion that the District cannot "waive any water permit requirements" is not correct. In fact, as detailed in the Application, the District has expressly

SUBMITTED BY APPLICANT

RECEIVED

MAR 8 2005

HPWMD

determined to waive such requirements in a variety of circumstances. For example, in Ordinance 98, the District determined to accord "special circumstance" treatment to "the addition of a second bathroom in any existing residence," and therefore directed the General Manager not to "debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel." Furthermore, when Mr. Clark consulted Mr. Medina of the City of Seaside, as the staff decision letter suggests, Mr. Medina advised that the City of Seaside is devoting nearly all its water allocations to new construction, and that there is a very long waiting list of applicants for any minimal water allocations that might be available for existing residences. As a consequence, it is effectively impossible to secure the requisite approval from the City of Seaside for the "Residential Water Release Form and Water Permit Application" that the staff decision suggests should be submitted. In any event, no such filing is either required or warranted. Because the steps detailed in the Application will reduce rather than increase water consumption, and the addition of the shower stall does not constitute an "intensification of [water] use," the District can accord special circumstance treatment to the Application, and grant it without the proffer of any fixture units.

4. Please state the special circumstances that distinguish your application from all others which are subject to enforcement of this process.
  - A. As noted above, the installation of a shower in the addition will not produce any increase in water consumption. Moreover, all the steps detailed in the Application together will actually reduce water consumption by an estimated 1,000 gallons per year. Furthermore, the District has already recognized, in Ordinance 98, that "the addition of a second bath to an existing residence is primarily for the purpose of convenience;" that such an addition "shall not significantly cause additional water demand;" and therefore that such additions can be effected without any fixture units. In this case, by contrast, the addition of just a shower (rather than an entire bathroom) is needed to meet the health needs of the prospective occupant, rather than simply for purposes of convenience. It would be inequitable to allow additions for purposes of convenience but to disallow additions that address important health needs.
5. What difficulties or hardships would result if your appeal request is denied?
  - A. My 81-year old father, who will shortly begin occupying the addition, will not be able to take a shower in that addition. Instead, he will have to travel approximately 100 feet, and down and up a stair flight of fourteen steps, in order to take a shower on the first floor of our house.

APPLICATION FOR APPEAL

MAR 8 2005

EXHIBIT 2

PROJECT INFORMATION

\*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

- 1. Type of Project: New Construction XXX Remodel/Addition
2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)
XXX Residential No. Dwellings ONE Total No. Fixture Units (Residential Only) 13.4
Commercial/Industrial/Governmental
Type of Use: Square Footage:
Other (Specify):

3. Current Zoning Classification: R1

4. Name of the water company which services the property: CITY OF SEASIDE

5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption. THE ESENTUALLY INSTANT HOT SHOWER WILL USE 500 +/- GAL. LESS PER YEAR THAN IF ONE OF THE EXISTING SHOWERS, WHICH WASTE 1 1/2 GALLONS OF WATER BEFORE HOT WATER ARRIVES, IS USED

6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received.) THIS PROJECT HAS BEEN APPROVED BY THE CITY OF SEASIDE

7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site? THE BUILDING PERMIT FROM THE CITY OF SEASIDE HAS ALREADY BEEN OBTAINED

I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.

Signature of Applicant

Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested. SEE ATTACHED

- your Nov. 9 letter was also

Official Use Only

Fee Received Receipt No.
Check No. Bank Routing No.
Received by

SUBMITTED BY APPLICANT



## MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5601  
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

January 19, 2005

Mr. Donald S. Clark  
9615 Bronte Drive  
Fairfax, Virginia 22032

**Subject: MPWMD Water Permit No. 20676 for 8 Mescal Place, Seaside. APN: 012-673-018.**

Dear Mr. Clark:

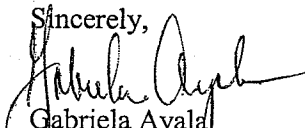
This letter responds to your correspondence of December 4, 2004, requesting that the Monterey Peninsula Water Management District's (District) amend Water Permit No. 20676. In April 8, 2003, your sister, Ms. Debra Gramespacher, obtained the water permit to add a half bathroom to the property at 8 Mescal in Seaside. Your letter requests that the District grant special consideration to allow the addition of a shower stall to the half-bath and grant an exemption from the water permit requirement of offsetting the two fixture units associated with the shower stall.

You propose to install an instant-access hot water system for a 0.5 fixture unit credit and using the on-site credit of 0.4 fixture unit to offset the shower stall. Your proposal does provide 0.9 fixture units of credit, however, 1.1 fixture units are still needed for the shower stall. There must be sufficient water credits to offset the shower stall. The addition of the shower stall is an intensification of use under District Rule 24. The District does not have the authority to "waive" any water permit requirements. The City of Seaside must allocate the additional 1.1 fixture units for the project from one of its water allocations. You may want to bring your special consideration request to the Community Development Department with the City of Seaside, as that agency has the discretion to authorize use of the City's water allocation. The Water Management District does not control the use of a jurisdiction's allocation. For further information about the availability of water within the City of Seaside, please contact Mr. Rick Medina at (831) 899-6220.

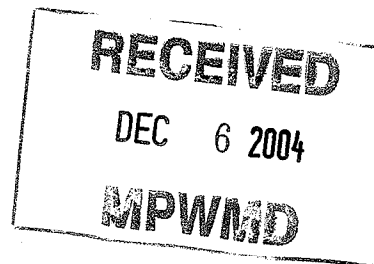
A Residential Water Release Form and Water Permit Application must be submitted to the District in order to amend Water Permit No. 20676. A written request for a permit is not an appropriate application. A revised deed restriction will be required indicating the change on the water permit.

If you have further questions about the permit process, please call the Permit and Conservation office at 658-5601.

Sincerely,

  
Gabriela Ayala  
Conservation Representative

Donald S. Clark  
9615 Bronte Drive  
Fairfax, Virginia 22032



December 4, 2004

Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Post Office Box 85  
Monterey, California 93942-0085

Re: *Application of Debra and Max Gramespacher to Amend Water Permit No. 20676  
8 Mescal Place Seaside, California 93955*

Dear Sir or Madam:

On April 8, 2003, Debra and Max Gramespacher secured Water Permit No. 20676 from the Monterey Peninsula Water Management District, authorizing them to add a half-bathroom to their property at 8 Mescal Place in Seaside, as part of an addition to their residence. The half-bathroom was to include a wash basin and a toilet, and the District projected the water demand associated with the water permit to be 2.7 "fixture units," including 1.0 fixture unit for a wash basin and 1.7 fixture units for a 1.6 gallon toilet.<sup>1</sup> The water permit actually granted, however, authorized the Gramespachers to install only a 0.5 gallon toilet and a wash basin in the half-bathroom, thereby reducing the projected water demand to a total of 2.0 fixture units.<sup>2</sup> As a condition for securing this permit, the Gramespachers were required (1) to replace the two 1.6 gallon toilets already in their residence with 0.5 gallon toilets; (2) to replace the dishwasher already in their residence with an ultra-low consumption dishwasher; and (3) to replace the washing machine already in their residence with an ultra-low consumption washing machine (28 gallons per cycle maximum).

Unfortunately, as a number of subsequent developments established, 0.5 gallon ("two-liter") toilets have proven to be highly unsatisfactory for residential use in numerous respects. In particular, the website for the only apparent manufacturer of such toilets indicates that the only "two quart flush" toilets they sell are "railroad toilets," designed for use on trains rather than for residential use. Moreover, such toilets require compressed air in order to function properly, and if the requisite supporting air compressor malfunctions -- or there is an electricity interruption, as,

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<sup>1</sup> This assessment was based on the District's formula for assigning fixture unit values to different types of water fixtures. See *Final Ordinance No. 111 of the Monterey Peninsula Water Management District Amending District Rule 24 and Rule 11* (adopted January 29, 2004), at *Table 1: Residential Fixture Unit Count*.

<sup>2</sup> See *id.* (1.0 fixture unit assigned to "Toilet, ultra low-flow (0.5 gallon per flush)").



for example, in the aftermath of an earthquake -- the toilets will not function at all. As a consequence, when the District conducted "a survey of property owners who were required to install the half-gallon toilets as a condition of a water permit" in August 2003, they found that "the satisfaction level of the respondents was mostly negative."<sup>3</sup>

For these reasons, the Gramespachers subsequently filed an application to amend Water Permit No. 20676 to permit them to use three 1.0 gallon toilets instead of the 0.5 gallon toilets. On August 18, 2004, the District approved the application, through the issuance of a water permit that "Amends original [water permit] to upgrade toilets and change ULF washer." As a condition for securing this amendment to the permit, the Gramespachers were required to replace their ultra-low consumption washing machine (28 gallons per cycle maximum) -- which they had previously been required to purchase and install in order to secure the original water permit -- with a super ultra-low consumption washing machine (18 gallons per cycle maximum). In addition, the Gramespachers were given a 0.4 fixture unit credit.

The Gramespachers have complied with all the terms of Water Permit No. 20676, as amended, at a cost of approximately \$5,000. The Gramespachers now need to add a shower with a separate stall to the addition bathroom, and hereby apply to amend Water Permit No. 20676 accordingly.

A number of factors should lead the District to grant this application as quickly as possible, without imposing any conditions. In particular, adding the shower to the half-bathroom will not result in any increase in water demand. When the District prescribed residential water fixture unit values in April 2001 -- through the adoption of Ordinance 98 -- it expressly and correctly found that "actual water use may vary from the theoretic capacity for water use" denominated by "fixture unit methodology."<sup>4</sup> The District therefore determined that applications for certain sets of fixtures should be accorded "special circumstance" treatment; "that is, they should be approved without attributing any fixture units to the fixtures covered by the applications."<sup>5</sup> The District had previously determined that (1) "the addition of a second wash basin in a master bath" and (2) "use of both a tub and separate shower in a master bath" warranted this type of special circumstance treatment, because "these extra water appliances are typically added to a master bath for the purpose of aesthetics or convenience, [and] do not significantly cause additional water demand."<sup>6</sup> Through Ordinance 98, the District determined to

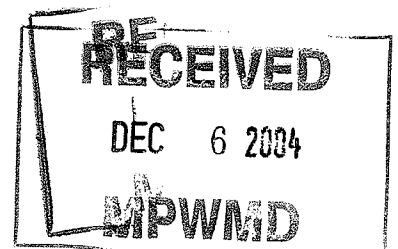
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<sup>3</sup> Letter to Mr. Walter N. Clark from Ms. Fran Farina, District General Manager (April 30, 2004), at 2. Mr. Clark is my and Ms. Gramespacher's father.

<sup>4</sup> See *Final Ordinance No. 98 of the Monterey Peninsula Water Management District Amending Residential Water Fixture Unit Values* (adopted April 16, 2001), Finding 3.

<sup>5</sup> *Id.*, Finding 4.

<sup>6</sup> *Id.*



extend the same treatment to “the addition of a second bathroom in any existing residence,”<sup>7</sup> because

the addition of a second bath to an existing residence is primarily for the purpose of convenience. These added water appliances shall not significantly cause additional water demand.<sup>8</sup>

As amended by Ordinance 98, Rule 24 C(1) therefore provides, in relevant part, that “[u]nder this second bathroom special accounting protocol, the General Manager shall not debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel.”

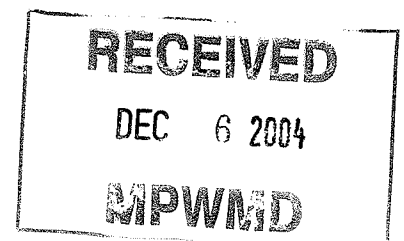
For precisely the same reasons, the Gramespachers should be permitted to add a shower to the half-bathroom without sacrificing any fixture units. Adding the shower will not produce any additional water demand, because if the shower cannot be installed, the addition occupant will simply use an existing shower on the lower floor of the residence. Moreover, not assessing any fixture units is even more strongly warranted with respect to the Gramespachers’ application than with respect to the usual application to add a second bathroom. The addition is to be occupied by an older person whose health conditions arguably make it necessary for him -- rather than simply more convenient -- to be able to take showers in the addition, rather than having to descend the stairs to the lower floor of the residence. It would not be equitable to treat the Gramespachers’ application -- borne of necessity and covering only a portion of a bathroom -- less favorably than an application to add an entire second bathroom solely for purposes of convenience.

Although not obligated to do so, the Gramespachers are willing to take two additional steps to secure approval of this amendment application. First -- as a consequence of the substantial sums they have already invested in water conservation measures -- the Gramespachers are now entitled to a 0.4 fixture unit credit, which they are willing to allocate to this amendment application. Second, the Gramespachers are willing to install an instant access hot water system, with its own water heater, in the addition. As a consequence, both the wash basin and the shower in the addition will use considerably less water than if the occupant were to have to take showers in the lower floor of the residence, which does not currently have an instant access hot water system. Under present permit conditions, each of the existing showers, and each of the existing wash basins, uses approximately 1.25 gallons of cold water before the hot water arrives. If one assumes, conservatively, that the addition occupant will effect only two of these uses each day -- at a cost of 2.5 gallons of water per day -- the instant access hot water system is likely to save at least 1,000 gallons of water per year. The District has determined that a homeowner who installs

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<sup>7</sup> *Id.*

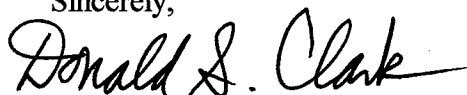
<sup>8</sup> *Id.*, Finding 5.



such a system is entitled to a fixture unit credit of 0.5 fixture units.<sup>9</sup> Thus, the Gramespachers are entitled to a total of at least 0.9 fixture units for the steps they have already taken, and the steps they intend to take, with respect to this application to amend Water Permit No. 20676. In addition, the Gramespachers' 28 gallons per cycle maximum washing machine has been used to replace a very old washing machine that used far more water per cycle in another residence in Pacific Grove, thereby producing additional water savings.

We appreciate your consideration of this application, and look forward to its expeditious approval. Please do not hesitate to call Debra or me if you have any questions about any aspect of this application. Thank you for your assistance.

Sincerely,

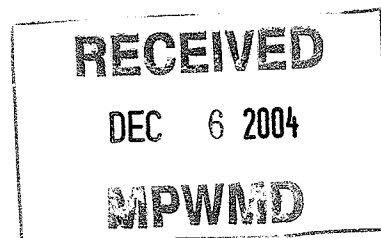


Donald S. Clark  
Member, The District of Columbia Bar (Active Status)  
Member, The State Bar of California (Inactive Status)  
For Debra and Max Gramespacher<sup>10</sup>

cc: The Honorable John Laird  
Member, California State Assembly  
99 Pacific Street, Suite 555D  
Monterey, California 93940

The Honorable Abel Maldonado  
Member, California State Assembly  
State Capitol, Room 4015  
Sacramento, California 95814

The Honorable David Potter  
Member, Board of Directors  
Monterey Peninsula Water Management District



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<sup>9</sup> See *Residential Water Credits* ("Instant-Access Hot Water (IAHW): .5 F[ixture] U[nits], at the following URL: <http://www.mpwmd.dst.ca.us/wdd/NewWDDsiteinfo/forms/Residential%20Water%20Credits%20V2.pdf>.

<sup>10</sup>Debra and Max are my sister and brother-in-law, and I am assisting them with this application, although I am not serving as their legal representative. Debra can be reached at (831) 583-2500, extension 5531 (O), or at (831) 392-1159 (H), while I can be reached at (703) 978-7126.

Confirmation Report - Memory Send

Page : 001  
 Date & Time: Nov-08-04 12:14pm  
 Line 1 : +  
 Line 2 : +  
 Machine ID : kinkos

Job number : 413  
 Date : Nov-08 12:10pm  
 To : 12023262496  
 Number of pages : 004  
 Start time : Nov-08 12:10pm  
 End time : Nov-08 12:14pm  
 Pages sent : 004  
 Status : OK



Job number : 413 \*\*\* SEND SUCCESSFUL \*\*\*



MPWMD WATER PERMIT  
 Issue Date: 08/18/2004  
 PERMIT #: 20676

Expires: 8/17/2005  
 Expires one year after date of issue or at discretion of jurisdiction.  
 Final Inspection Required by MPWMD

Phone: (831) 583-2500

Phone: ( ) -

Applicant: Gramespacher, Debra  
 Agent: Same  
 Applicant Mailing Address: 8 Mescal Place, Seaside, CA 93955  
 Property Address: 8 Mescal Place

SEASIDE, CA 93955  
 DEED RESTRICTION APPLIES

Water Company: GAL-AM  
 Allocation debited: 0.000 AF Lot: AP Number: 012-673-018  
 Permit Type: REMODEL (Residential) Number of Proposed Connections: 0  
 Existing Land Use SFD  
 Proposed Land Use UPGRADE TOILETS Water Account Number:  
 Remarks: ORD #60/THREE-ONE GAL. MAX TOILETS, ULF DISHWASHER, ULF WASHER-18  
 GLS MAX, 2.5 GPM SHOWERHEADS & 2.2GPM FAUCETS REQ.  
 AMENDS ORIGINAL TO UPGRADE TOILETS AND CHANGE ULF  
 WASHER.

FIXTURES	F E E S NO. OF FIXTURES		FIXTURE UNIT VALUE		FIXTURE UNIT COUNT
Bathtub(may have shower above)	( 2.0 )	X	2.00	==	( 4.00 )
Bathtub(may have shower above)	( 2.0 )	X	1.00	==	( 3.00 )
Wash Basin, each	( 3.0 )	X	1.00	==	( 3.00 )
Wash Basin, each	( 1.5 )	X	1.00	==	( 1.50 )
KITCHEN/ULF DW	( 1.5 )	X	1.00	==	( 1.00 )
KITCHEN/ULF DW	( 1.0 )	X	1.00	==	( 1.50 )
ULF WASHER-18GLS MAX	( 1.5 )	X	1.00	==	( 3.90 )
ULF WASHER-28GLS MAX	( 3.9 )	X	1.00	==	( 3.00 )
THREE-1 GAL. TOILETS	( 3.0 )	X	1.00	==	( 0.00 )
THREE-1/2GAL. TOILETS					
			Connection Charge		25.00
			Permit Processing		36.00
			Deed Restriction		29.00
			Recording Fee		90.00
				=====	

Credits applied: 0.400 Fixture Units TOTAL ---->

I declare under penalty of perjury that the information on this permit, the accompanying application, and any attachments is correct to the best of my knowledge and belief. I have had an opportunity to review the Rules and Regulations of the MPWMD. The undersigned, as property owner or agent thereof, hereby authorizes MPWMD staff to make on-site inspections as deemed necessary to insure the accuracy of this application and compliance with the permit.

Furthermore, by signing this water permit, the undersigned acknowledges the District's right to assess and collect fees and impose fines

SUBMITTED BY APPLICANT



MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT

5 Harris Court, Building G • P.O. BOX 85  
Monterey, CA 93942-0085  
(831) 658-5601 FAX (831) 644-9558

MPWMD WATER PERMIT  
Issue Date: 04/08/2003  
PERMIT #: 20676

Expires: 4/7/2004  
Expires one year after date of Issue  
or at discretion of jurisdiction.  
Final inspection Required  
by MPWMD

Applicant: Gramespacher, Debra

Phone: (831)583-2500

Agent:

Phone: (831)392-1159

Applicant Mailing Address: 8 Mescal Place  
Seaside, CA 93955

Property Address: 8 Mescal Place

SEASIDE, CA 93955  
DEED RESTRICTION APPLIES

Water Company: CAL-AM

Allocation debited: 0.000 AF Lot: AF Number: 012-673-018

Permit Type: ADDITION (Residential) Number of Proposed Connections: 0

Existing Land Use SFD

Proposed Land Use + 1/2 BATH Water Account Number:

Remarks: ORD #60/THREE-2 LITER MAX TOLLETS, ULF DISHWASHER, ULF WASHER-28  
GLS MAX, 2.5 GPM SHOWERHEADS & 2.2GPM FAUCETS REQ.

F E E S

FIXTURES	NO. OF FIXTURES		FIXTURE UNIT VALUE		FIXTURE UNIT COUNT
Bathtub(may have shower above)	2.0	X	2.0	=	4.00
Bathtub(may have shower above)	( 2.0)	X	2.0	= (	4.00)
Kitchen Sink and Dishwashers	1.0	X	2.0	=	2.00
Kitchen Sink and Dishwashers	( 1.0)	X	2.0	= (	2.00)
washing Machine	1.0	X	2.0	=	2.00
washing Machine	( 1.0)	X	2.0	= (	2.00)
Wash Basin, each	3.0	X	1.0	=	3.00
Wash Basin, each	( 2.0)	X	1.0	= (	2.00)
Water Closet, ULF, 1.6 gal.	( 2.0)	X	1.7	= (	3.40)
THREE-2LITER MAX WCS	3.0	X	1.0	=	3.00
ULF DISHWASHER	( 0.5)	X	1.0	= (	0.50)
ULF WASHER-28GLS MAX	( 0.5)	X	1.0	= (	0.50)
			Connection Charge		0.00
			Permit Processing		150.00
			Deed Restriction		36.00
			Recording fee		28.00
				=====	
			TOTAL	---	214.00

I declare under penalty of perjury that the information on this permit, the accompanying application, and any attachments is correct to the best of my knowledge and belief. I have had an opportunity to review the Rules and Regulations of the MPWMD. The undersigned, as property owner or agent thereof, hereby authorizes MPWMD staff to make on-site inspections as deemed necessary to insure the accuracy of this application and compliance with the permit.

Furthermore, by signing this water permit, the undersigned acknowledges the District's right to assess and collect fees and impose fines

Property Address: 117 MESSAC PLACE

Mailing Address (if different than property): Street: \_\_\_\_\_

City: SEASIDE Zip 93955

Assessor's Parcel Number: 012-673-018

No. Meters Requested \_\_\_\_\_

Water Company Serving Parcel: Cal-Am C.V. Mutual Bishop Ryan Ranch  
Private Well Seaside Mun. Sleepy Hollow Other (Explain)

PROJECT DESCRIPTION: (Be specific) ADDITION OF ~~HAF~~ 2.7  
FIXTURE UNITS

Does this application include toilet retrofit credit? If yes, number of toilets eligible for retrofit credit: \_\_\_\_\_ X 2.35 = \_\_\_\_\_

TABLE NO 1 - EXISTING PROPERTY FIXTURE COUNT (All fixtures before project)

TYPE OF FIXTURE	FIXTURES	UNIT VALUE	UNIT COUNT
Wash basin, each	2 X	1 unit	2
Water closet (toilet)	2 X	1.7 units	3.4
Large bathtub (over 55 gallon capacity)	1 X	3 units	3
Standard bathtub (may have showerhead above)	1 X	2 units	2
Shower, separate stall (one head)	1 X	2 units	2
Shower (each additional showerhead)	1 X	2 units	2
Kitchen sink and dishwasher	1 X	2 units	2
Dishwasher (each additional)	1 X	2 units	2
Laundry/utility sink	1 X	2 units	2
Washing machine	1 X	2 units	2
Bidet	1 X	2 units	2
Bar sink	1 X	1 unit	1
Vegetable sink	1 X	1 unit	1
Outdoor spa/Jacuzzi (built-in fixtures only)	1 X	1 unit	1
Decorative fountain (built-in fixtures only)	1 X	2 units	2
Drinking fountain	1 X	1 unit	1
Swimming pool (ea. 100 sq. ft. of pool surface)	1 X	1 unit	1

OPTIONAL INSTALLATIONS IN NEW PROJECT - Contact MPWMD for details

ULF washing machine (less than 18 gallons per cycle)	1 X	1 unit	1
ULF washing machine (up to 28 gallons per cycle)	1 X	0.5 unit	0.5
ULF dishwasher (maximum 7.66 gallons per cycle)	1 X	0.5 unit	0.5
2-liter ULF toilet	1 X	0.7 unit	0.7
Other (specify)	1 X		

TOTAL 13.4

TABLE NO 2 - POST-PROJECT PROPERTY FIXTURE COUNT (All fixtures after project completion)

TYPE OF FIXTURE	NO. OF FIXTURES	FIXTURE UNIT VALUE	FIXTURE UNIT COUNT
Wash basin, each	3 X	1 unit	3
(2nd wash basin in Master Bath included)			
Water closet, ultra-low-flow (1.6 gal. per flush)	3 X	1.7 units	5.1
Large bathtub (over 55 gallon capacity)	1 X	3 units	3
(Separate stall shower in Master Bath included)			
Standard bathtub (may have showerhead above)	1 X	2 units	2
Shower, separate stall (one head)	2 X	2 units	2
Shower (each additional showerhead)	1 X	2 units	2
Kitchen sink and dishwasher	1 X	2 units	2
Dishwasher (each additional)	1 X	2 units	2
Laundry/utility sink	1 X	2 units	2
Washing machine	1 X	2 units	2
Bidet	1 X	2 units	2
Bar sink	1 X	1 unit	1
Vegetable sink	1 X	1 unit	1

Subtotal of Interior Fixture Units \_\_\_\_\_  
 Landscaping: Multiply Subtotal By 0.5 (new construction only) \_\_\_\_\_

Outdoor spa/Jacuzzi (built-in fixtures only)	1 X	1 unit	1
Decorative fountain (built-in fixtures only)	1 X	2 units	2
Drinking fountain	1 X	1 unit	1
Swimming pool (ea. 100 sq. ft. of pool surface)	1 X	1 unit	1

TOTAL 16.1

PROPOSED FIXTURE UNIT COUNT 13.4

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, water permits for the property may be canceled. In addition, water fixtures installed without a water permit may be cause for interruption of the water service to the site, additional fees and penalties, the imposition of a lien on the property, and deduction from the local jurisdiction's allocation.

I certify, under penalty of perjury, that the information provided on the Water Release Form & Permit Application is to my knowledge correct, and the information accurately reflects the changes affecting water use presently planned for this property.

Debra Aramapacke  
 Signature of Owner/Agent

Date \_\_\_\_\_

Location Where Signed \_\_\_\_\_

This form expires on the same date as any discretionary or building permits issued for this project by the city or county. 1/1/97

SUBMITTED BY APPLICANT

**OFFICIAL USE ONLY**

PLAN CHECK FOR: \_\_\_\_\_

BUILDING PERMIT DISCRETIONARY

FILE OR PLAN CHECK NO. \_\_\_\_\_

PLAN CHECK DATE \_\_\_\_\_

FIXTURE UNIT (FU) COUNT (THIS FORM) \_\_\_\_\_

FU \_\_\_\_\_

NET INCREASE IN F.U. 2.7

NET INCREASE IN A.P. 0027

AMOUNT OF WATER DEDUCTION AUTHORIZED \_\_\_\_\_

AF (Main Allocation) \_\_\_\_\_

AF (Retrofit Credits) \_\_\_\_\_

AF (Public Water Credit) \_\_\_\_\_

AF (Other source) \_\_\_\_\_

DATE OF AUTHORIZATION \_\_\_\_\_

AUTHORIZED BY (SIGN) \_\_\_\_\_

**RECEIVED**

NOV - 2 1998

Comm. Dev. Dept.-Seaside