



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

TRANSMITTAL

TO: MPWMD Board of Directors

DATE: March 14, 2007

RE: March 19, 2007 Board Meeting Agenda, Item 15 -- Consider Appeal of District General Manager' s Decision to Deny a Water Permit for a Third Bathroom Addition to 905 Ocean View Blvd., Pacific Grove (APN 006-031-004) – Continued from February 22, 2007 Board Meeting

WE ARE SENDING YOU:

- | | |
|--|--|
| <input type="checkbox"/> DOCUMENTS | <input type="checkbox"/> AGREEMENT OR CONTRACT |
| <input type="checkbox"/> DOCUMENTS YOU REQUESTED | <input type="checkbox"/> OTHER |
| <input checked="" type="checkbox"/> COPY OF LETTER | |

THE ABOVE ITEMS ARE SUBMITTED:

- | | |
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| <input type="checkbox"/> At your request | <input type="checkbox"/> Please review and comment |
| <input checked="" type="checkbox"/> For your information and files | <input type="checkbox"/> For your action |
| <input type="checkbox"/> For your approval | <input type="checkbox"/> Please sign and return |
| <input type="checkbox"/> Please telephone me | |

REMARKS: Attached is a letter dated March 14, 2007, from Derinda Messenger, who represents the applicant in the appeal described under item 15 of the March 19, 2007 Board meeting agenda.

BY: *Arlene M. Tavani*
Arlene M. Tavani, Executive Assistant

Anthony L. Lombardo
Jeffery R. Gilles
Derinda L. Messenger

Dennis C. Beougher
Patrick S.M. Casey
Sheri L. Damon
E. Soren Diaz
J. Kenneth Gorman
Virginia A. Hines
Steven D. Penrose
Paul Rovella
Miriam Schakar
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Lombardo
& Gilles
PROFESSIONAL CORPORATION
Attorneys At Law

318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-757-2444 (MONTEREY)
831-754-2011 (FAX)

225 Sixth Street
Hollister, CA 95023
831-630-9444

File No.: 03793.000

March 14, 2007

VIA FACSIMILE & U.S. MAIL

RECEIVED

MPWMD

David Pendergrass, Chair
Members of the MPWMD Board of Directors
P. O. Box 85
Monterey, CA 93942

Re: McDannold Appeal

Dear Chair Pendergrass and Members of the Board:

This firm represents Steven McDannold in matters related to his property at 905 Ocean View Boulevard, in Pacific Grove. The McDannolds have filed an appeal to the Water Management District Board of Directors regarding the staff decision to deny issuance of retrofit credits for the McDannold home.

Shortly after the McDannolds received approval to construct a second bathroom for their home in June of 2003, they began designing a renovation of the entire home. The second bath added pursuant to District Ordinance was completed in advance of the overall renovation project because of its immediate need as well as the likelihood of a lengthy design process for total renovation given the constraints of this very small parcel.

When the architect began the design for the renovation, he encountered numerous obstacles related to the existing home. For example, the existing structure on this site was originally constructed within what are now the rear and side yard setbacks. In order to maximize the use of this site for a newly renovated 2,300 square foot home, the architect had to design a structure that incorporated those portions of the old building located within the setback. As you may well imagine, this took considerable time on the part of the architect as well as numerous meetings with the City to ensure development of a project that could be approved by the City of Pacific Grove. During this lengthy design and approval process, the McDannolds recorded the Deed Restriction for their second bath addition pursuant to District Ordinance No. 98.

As you know, Ordinance No. 98 did not preclude addition of a third bathroom to the McDannold home based on retro-fit of existing fixtures within the residence. Accordingly, my client proceeded to spend a considerable amount of time and money to develop plans for the renovation

Jacqueline M. Zechke
of counsel

**Certified by the State Bar
of California Board of Legal
Specialization as a Specialist
in Estate Planning, Trust and
Probate Law.*

David Pendergrass, Chair
Members of the MPWMD Board of Directors
March 14, 2007
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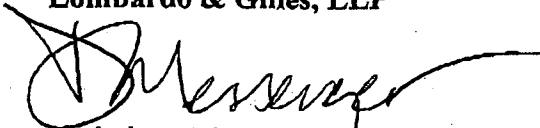
of their home. Prior to receiving approval from the City of Pacific Grove for the renovation, the District adopted Ordinance No. 114 which added a provision limiting the total number of bathrooms to two where the second bathroom was added under the second bath rule (Ordinance No. 98). When the McDannolds received their final approval of the renovation and attempted to obtain a building permit, Mr. McDannold was advised that Ordinance No. 114 had been adopted which amended Ordinance No. 98 to prevent addition of a third bath.

Unfortunately, had my client been directed by the City to obtain his Water Release Form at the onset of this process, as is done in the City of Carmel and other jurisdictions, he would not be in a position requiring this appeal. It is understood that the District has no control over how or when each jurisdiction implements the requirements for a Water Release Form, however given the unique circumstances in this case, fairness dictates that the Board should grant the requested appeal and allow the McDannolds to proceed with renovation of their home.

Thank you for your consideration in this matter.

Respectfully submitted,

Lombardo & Gilles, LLP



Derinda L. Messenger
DLM:rp

cc: Client
Eric Miller, Architect