



ITEM 17. CONSIDER APPEAL OF GENERAL MANAGER'S DECISION TO REQUIRE A WATER PERMIT FOR TWO SHOWERHEADS PURSUANT TO DISTRICT RULE 20, PERMITS REQUIRED – 951 CORAL DRIVE, PEBBLE BEACH (APN: 007-254-005)

Presented by:

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April 18, 2011

Summary

- Mr. Richard Thum and Ms. Sharlene Thum (appellants) are appealing a decision of the General Manager regarding a Notice of Non-Compliance for two unpermitted Showerheads documented during a July 6, 2010, District inspection at 951 Coral Drive, Pebble Beach

Summary

- The District conducted an inspection at 951 Coral Drive, Pebble Beach, on July 6, 2010, to verify compliance with Water Permit No. 30234.
- Water Permit No. 30234 permitted a new Bathroom. The Water Permit and the Deed Restriction listed one Showerhead in each Bathtub and Shower.
- In addition to verifying compliance with the Water Permit conditions for the new Bathroom, the inspector also rechecked the other plumbing fixtures in the home.
- The inspector documented two unpermitted Showerheads that were not listed during a District inspection in 2007.
- Previous inspections by the District in 1992, 1993, 2000 and 2007 did not document these additional Showerheads.

Summary



Summary

- Following the July 6, 2010 inspection, District staff reviewed the information related to the property, including a review of all Water Permits, inspection reports, Water Release Forms, Water Permit Applications, and previous District deed restrictions.
- There is no record of a Water Permit for the two additional Showerheads.
- The District sent an Immediate Action Required letter to the appellants, notifying them that the property was not in compliance with the Water Permit and that an amendment was required to permit the two additional Showerheads.
- An appeal of the decision was received on July 29, 2010.

Summary

- District Rule 20 requires a Water Permit before installing new water fixtures or modifying existing water fixtures.
- The former property owner (Mr. Paul Felice) submitted a statement “that there were not any modifications to the water fixtures at the Property from August 15, 2007 (date of final inspection related to permit 24754 to the date the Property was sold in June 2009.”
- However, three Water Permits and two Deed Restrictions listing all of the water fixtures in the house do not identify any bathing enclosure as having two Showerheads.

Summary

In an attempt to resolve this situation, staff has reviewed the file and has proposed several options that would resolve the Water Permit issue:

- The appellant has the option of removing the two unpermitted Showerheads (two fixture units or 0.02 acre-foot annually (AFA) each)
- The appellant could request water from Monterey County's Water Allocation and obtain a Water Permit.
- The appellant could obtain a Water Permit using one of following three viable options:

Summary

- Pebble Beach Entitlement -- The appellants can purchase Entitlement water from the Pebble Beach Company.
- On-Site Credit -- The two Showerheads can be partially offset using High Efficiency Appliance Credits available for the permanent installation of four High Efficiency Toilets and two High Efficiency Dishwashers. The second Showerhead can be offset by the removal of the Utility Sink (two fixture units).
- New Diverter -- The applicant may permanently replace the existing showerhead diverter with one that prevents the Showerheads from operating simultaneously.



Recommendation

- Staff recommends the Board find the Site requires a Water Permit for two Showerheads.
- This recommendation is consistent with the District's position in similar situations involving an unpermitted water fixture.
- Staff has found no evidence to support a finding that the two additional Showerheads were installed and operational on the Site when the District documented water fixtures in 1992 or in 2000, or that the two Showerheads were ever permitted by the District in one of the Site's Showers and one of the Site's Bathtubs.
- Staff therefore recommends the Board deny the appeal and require the appellants to permit the two Showerheads, or remove them.

For More Information

Staff reports, ordinances and presentation materials can be found on the District's website at:

www.mpwmd.dst.ca.us

PowerPoint presentations will be posted on the website the day after the meeting