



RECEIVED

APR 21 2011

MPWMD

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, plus \$70.00 an hour for more than 10 hours of staff time); 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

- 1. Applicant's Full Name: Emily Anne Smith
Mailing Address: 1179 Waring Street
City: Seaside State: CA Zip: 93955
Phone Number(s): Work () Home (831) 238-2902 cell
2. Name of Agent(s) to Represent Applicant:
Mailing Address:
City: State: Zip:
Phone Number(s): Work () Home ()

PROPERTY INFORMATION

- 1. Full Name of Property Owner: Emily Anne Smith + Michael James Howard
Mailing Address: 1179 Waring Street
City: Seaside State: CA Zip: 93955
Phone Number(s): Work () Home (831) 238-2902
2. Property Address: 1179 Waring Street
City: Seaside State: CA Zip: 93955
3. Assessor's Parcel Number: 012401-082-000
4. Property Area: Acres: Square Feet: 7,700 Other:
5. Past Land Use: Residential
6. Present Land Use: Residential
7. Proposed Land Use:
Existing buildings? Yes Horse No
Types of uses and square footage: Home 1500 sq. feet - total lot 7,700 ft^2

Copyright WorkForms Applications Application for Appeal Revised 08/06/2004.doc

SUBMITTED BY APPLICANT

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?

I was given a letter stating that our lawn rebate application was denied because we did not finish the work "within six months to qualify for a rebate." This information was not given to me when we first applied for the rebate so I'd like to ~~repeal~~ appeal.

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?

I understand the rule but it was not stated in the letter sent that accepted my application. If I had known the work needed to be done in six months I would have made sure to have the paperwork submitted.

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

I was not told the work needed to be complete in time in six months. See attached letters that do not state the deadline. We have done a lot of work to reduce our water use by removing the lawn and planting native drought-tolerant plants.

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

As stated above, I only want my application to be completed since I was not told I had a deadline. The work is 95% finished - see attached photos.

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

We are committed to water conservation and have worked very hard to make our yard need very little supplemental water. The amount of money we hoped to receive for the rebate was to be used to install a rain water catchment tank which will further reduce our water consumption.

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

Please give us consideration on this matter. Allow us to complete the application and process our lawn rebate payment. Thank you.

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.

If this is necessary I would be happy to be there as long as I am notified to when and where this takes place.

Thank you for your consideration. Sincerely,
Emily Smith

APPLICATION FOR APPEAL

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 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 _____ Total No. Fixture Units (Residential Only) _____

_____ Commercial/Industrial/Governmental

Type of Use: _____ Square Footage: _____

Other (Specify): Lawn removal + replacement w/

- 3. Current Zoning Classification: Draught to lawn + native plants.

- 4. Name of the water company which services the property:

Cal Am

- 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.

Once establish this yard will need minimal supplement irrigation.

- 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, attached

- 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?

No.

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.

Emily Smith
Signature of Applicant

4/19/11
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.

Official Use Only

Fee Received \$250.00 Receipt No. 204222011001
 Check No. 1028 Bank Routing No. 80-508
 Received by S. Carter

March 31, 2011

TO: Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

SUBJECT: Appeal to denial of Rebate Application for Lawn Removal at 1179 Waring Street, Seaside.
APN: 012-401-082-000

Dear MPWMD,

I'm writing to ask for an appeal on the recent letter I received stating that our lawn rebate application has been denied. I was not aware that the follow up inspection needed to happen within six months of the application date. The original lawn has been removed and we have nearly completed the installation of draught tolerant California native species. The total lawn to native replacement is 1,700 square feet. We have worked very hard to make this happen but we had many home improvements going on at the same time. Please see attached before and after photos.

We are dedicated to water conservation and hope to install a water catchment tank this summer to further decrease our impact on our local rivers and aquifers. We are also active with our local sustainability group and our home will be featured on a green homes tour this fall. We hope to lead by example and encourage others to conserve.

Please reconsider our application. Thank you very much.

Sincerely,

Emily A. Smith

1179 Waring Street, Seaside
831-238-2909
EmilySmith831@gmail.com

SUBMITTED BY APPLICANT



**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>

April 15, 2010

Emily Smith
1179 Waring Street
Seaside, CA 93955

Subject: Rebate Application for 1179 Waring Street, Seaside APN: 012-401-082-000

This letter is to inform you that the District received your application for rebate for Lawn Removal and Replacement. Please refer to Rebate Number 7781 when corresponding with the District. The following items will be required to process this application:

Inspection has been scheduled for April 21, 2010.

- ✓ Provide a Site plan of the current landscaping; include detailed measurements of the turf area.
- ✓ Provide a Site plan showing the area and what will be installed in place of the turf.
- ✓ Allow a second inspection once lawn replacement has been done.
- ✓ Sign Notice and Deed Restriction for Limitation of Use of Water pertaining to Lawn Removal and Replacement for recordation on the property title.

All of the above steps must be completed before the District can process payment.

This application is considered denied until the above conditions have been met. The denial of a rebate application is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District rule 70.

Sincerely,

Debbie Martin
Conservation Technician
012401082_20100415_Deny_REB_Smith

SUBMITTED BY APPLICANT



March 28, 2011

Emily Smith
1179 Waring Street
Seaside, CA 93955

**Subject: Denial of Rebate Application for Lawn Removal at 1179 Waring Street, Seaside
APN: 012-401-082-000**

Dear Ms. Smith:

On April 5, 2010, the District received a rebate application for the removal of lawn with rebate at the above property. District Rule 141.D.8.C, Conditions of Approval, states, "*Removal of Lawn shall require documentation of existing conditions and submittal of a pre-application. This review shall document the existing Lawn and shall include a follow-up inspection to document removal of the Lawn and replacement with low water use plants or permeable surfaces and/or installation of Synthetic Turf. These actions, along with submittal of a complete Rebate Application and recordation of Deed Restrictions, shall occur within six months to qualify for a Rebate.*"

The actions required to complete your application were not taken within six months, therefore your application is being denied. This decision to deny a Rebate for Lawn removal is an appealable decision of the General Manager. If you believe this information is incorrect, you may appeal to the Board of Directors, in writing, within twenty-one (21) days pursuant to District Rule 70. An appeal may be filed by the applicant or any other person.

The District is no longer accepting applications for Lawn removal Rebates. If you wish to reapply when a future Rebate program is available, you will be required to meet the terms of that program. If you have any questions, please call me at 831-658-5634.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Martin".

Debbie Martin
Conservation Technician

SUBMITTED BY APPLICANT

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APN: 012-401-082-000
1179 Waring Street, Seaside

BEFORE: Jan. 2010



After: 3/31/11



SUBMITTED BY APPLICANT