



Supplement to 5/16/16 MPWMD Board Packet

Attached are copies of letters received between April 9, 2016 and May 6, 2016. These letters are listed in the May 16, 2016 Board packet under Letters Received.

Author	Addressee	Date	Topic
Mike Watson	Ed Ghandour	5/3/16	Coastal Development Permit (CDP) A-3-SNC-98-114 (Monterey Bay Shores Resort) – Prior to Construction Condition Compliance Status
Kimberly Cole, AICP	David J. Stoldt	4/28/16	State of California Model Water Efficient Landscape Ordinance
Mark Brodeur	David J. Stoldt	4/25/16	State of California Model Water Efficient Landscape Ordinance
Todd Bodem	David J. Stoldt	4/22/16	State of California Model Water Efficient Landscape Ordinance
Robert MacLean	Barbara Evoy	4/21/16	Request or Application for Order Modifying State Water Board Order WR 2009-0060 (Cease and Desist Order)
Barbara Evoy	Robert MacLean	4/21/16	Request or Application for order Modifying State Water Board Order WR 2009-0060 (Cease and Desist Order)
Tia Hain	MPWMD Board	4/18/16	Proposed Change in Sub Meter Policy
John Hain	MPWMD Board	4/17/16	Sub Metering Policy
Moe Ammar	David J. Stoldt	4/6/16	Public Official of the Year Award - 2016

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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May 3, 2016

Ed Ghandour
Security National Guaranty (SNG)
505 Montgomery Street, Suite 1140
San Francisco, CA 94111

RECEIVED
MAY 06 2016
MPWMD

Subject: Coastal Development Permit (CDP) A-3-SNC-98-114 (Monterey Bay Shores Resort) – Prior to Construction Condition Compliance Status

Dear Mr. Ghandour:

The purpose of this letter is to provide additional detail about what steps SNG needs to take in order to obtain staff signoff on the remaining prior to construction (PTC) condition requirements associated with the above-referenced CDP. The CDP has six special conditions with PTC requirements: Special Condition 3 includes deferred PTC requirements related to supplements to the approved Dune Restoration Plan's Landscape Plan; Special Condition 5 includes deferred PTC requirements related to certain aspects of the approved Public Access Plan; Special Condition 14 requires a lower cost visitor accommodations mitigation payment; Special Condition 15 requires a revised Habitat Protection Plan (HPP), other agency sign offs where legally required, and revised project materials if necessary in relation to the revised HPP and other agency sign offs; Special Condition 16 requires all EIR transportation mitigation measures to be completed; and Special Condition 17 requires a Transportation Demand Management (TDM) Program.

Special Condition 3

Special Condition 3 was a prior to issuance condition, but staff agreed to SNG's request to allow certain aspects of it to be deferred to be PTC in order to facilitate issuance of the CDP. With regard to the deferred PTC supplements to the Landscape Plan, the document received on January 21, 2016 does not include the deferred additional information identified on the plan note of the approved Landscape Plan. The plan note states:

The permittee shall submit details regarding planting plan specifics, maintenance requirements, and dune contouring parameters, as well as details regarding enhancement measures to be applied to enhance sensitive species habitats, to the Executive Director for review and approval prior to construction. All such details shall be consistent and integrated with the reviewed Habitat Protection Plan in accordance and consistent with Special Condition 15.

The supplemental Landscape Plan notes the following:

- 1) that native seed *would* be collected locally;

Ed Ghandour, SNG
CDP A-3-SNC- 98-114 Prior to Construction Condition Compliance Status
May 3, 2016
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- 2) that the revegetation plant list *would* consist of species that reflect the diversity and cover of the intact beach, foredune, secondary dune, and back dune habitats in the vicinity; and
- 3) that plant lists and seed mixes *would* consider site characteristics and seed rates should result in long-term recolonization and dune restoration that meets the performance standards defined by the diversity and cover found in adjacent intact habitats. (emphasis added)

We note that the proposal suffers from the same issues that we identified during the prior to issuance review of the Plan, namely that the Plan defers actual parameters to a later date. These are not specific enforceable requirements so much as deferred details. The Plan must identify specifics such as the actual seed mix and the rate of application, the numbers, species, and location of all hand-sewn plants, etc.

In addition, the supplemental materials you submitted also fail to provide any additional information on final dune contouring for dune restoration purposes and instead refer to the grading plan approved by the Executive Director for rough grading and pre-construction site preparation. We have already notified you that that rough grading plan is insufficient to meet the dune restoration requirements of Special Condition 3. Dune contouring plans need to provide actual detail on the way the dunes will ultimately be contoured to support dune restoration (including planting) and habitat enhancement requirements. The plans must identify specifics, such as the location, size, and height of dune hummocks and depressions as necessary to facilitate specific habitat and plant success, how planting parameters will be coordinated with the dune contouring to address sensitive species needs, where contours will be built up to provide screening and wind protection for such habitats/species, etc.

The supplemental plan also includes little mention of specific enhancement measures for sensitive species habitats, including for snowy plover. Similar to the planting issues above, the materials submitted appear to defer identification of actual sensitive species habitat enhancement methods, and are premised more on protecting what habitats will exist post project. Simply achieving conditions that currently exist on site does not constitute sensitive species habitat enhancement. Again, the plans require specific measures to be identified in the plans now. We would suggest that you consult with sensitive species wildlife experts such as Point Blue Conservation Science and/or the United States Fish and Wildlife Service (USFWS) for examples of specific habitat enhancements that can be appropriately implemented on-site. Please identify actual sensitive species enhancement measures in your next submittal (see also Special Condition 15 discussion below for more detail).

Lastly, the supplemental Landscape Plan identifies a reference site on which to base dune restoration performance standards that is more than one mile to the south of the project site in the dunes north of Seaside Beach in an area largely devoid of intact habitat. Although this area does exhibit some habitat characteristics, it is also subject to ongoing disturbance by beachgoers and it is not indicative of a robust, high functioning dune habitat area, as is required for an effective reference site. Based on our current understanding, we would recommend a reference site at the

Ed Ghandour, SNG

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southern end of Fort Ord Dunes State Park directly abutting the project site to the north where there are fairly good habitat values, including for sensitive species. If a reference site in that area should prove infeasible, we would recommend a reference site in the dune restoration area immediately north of Bay Avenue approximately one mile from the project site.

In sum, to address the supplemental Landscape Plan shortcomings, please submit a revised supplemental Landscape Plan that includes:

- 1) Specific details regarding restoration planting methodologies;
- 2) A reference site that better represents nearby habitat values, such as the sites recommended in this letter;
- 3) Specific sensitive species enhancement measures; and
- 4) Specific dune contouring plans, which must at a minimum be effectively coordinated and integrated with planting and habitat enhancement details.

If you need additional direction, please contact me. In addition, we would be happy to provide you with examples of these types of provisions at the level of detail needed to meet condition requirements if that would be helpful, and/or our staff ecologist can also consult with your biologist to provide additional guidance on what is necessary to meet the requirements of this condition.

Special Condition 5

As noted in our February 9, 2016 status letter, the off-site public beach parking plan required per Special Condition 5(h) has been satisfied. The first of the annual payments must be provided prior to obtaining a business license for the approved development and prior to certificate of occupancy, whichever comes first. With respect to other Special Condition 5 PTC requirements, we have not received any additional information regarding the deferred elements of the public access management plan (e.g., siting, design, and text of all signs and the required public access elements) that we allowed to be submitted PTC to allow issuance of the CDP. Please submit these items so that we can review them as soon as possible.

Special Condition 14

Special Condition 14 requires a lower cost visitor accommodations mitigation payment of \$1,773,300. You have indicated a preference to postpone payment of the fee until after all other prior to construction requirements have been satisfied. We do not object to the timing of this payment, but we just note here that you have not yet complied with this condition.

Special Condition 15

Special Condition 15 includes three related components: (1) the requirement for a revised HPP that addresses certain USFWS concerns; (2) the requirement for evidence of legally required approvals from the City of Sand City, the Monterey Peninsula Water Management District (MPWMD), USFWS, and the California Department of Fish and Wildlife (CDFW); and (3) any

Ed Ghandour, SNG
CDP A-3-SNC- 98-114 Prior to Construction Condition Compliance Status
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changes to project plans and materials necessary to meet other agency and/or revised HPP requirements.

With respect to the revised HPP, we coordinated with USFWS as part of our review, and USFWS provided guidance and ultimately written comments (in a letter dated April 1, 2016 – see enclosed) on the revised HPP document. The USFWS has advised us that the revised HPP does not address their concerns, stating in relevant part that “*the 2015 HPP does little to address our previously voiced concerns...and it prescribes management actions that are likely to result in take of listed species.*” We have reviewed and concur with USFWS’ observations, and agree with the necessary modifications to the HPP that they describe. Please revise the HPP to address the shortcomings identified in the USFWS April 1, 2016 letter.

In addition to the concerns identified in the USFWS letter that must be met, we have identified the following deficiencies with the submitted HPP that need to be corrected. It must:

- 1) establish seasonal nesting zones *prior to* the plover nesting season, not during the nesting season, as proposed;
- 2) establish fixed closures based on recommendations of the USFWS – these cannot be altered during the nesting season except to expand them if plovers are found nesting outside of the fenced areas;
- 3) describe the method of closure and provide a map with polygons of where the closures would be located based on the best available current information, recognizing that the closure areas may change from year to year as nesting locations change;
- 4) describe the size, configuration and type of fencing used to protect the nesting zone;
- 5) identify the specific method for protection of nests in Management Area II;
- 6) establish a 300-foot buffer around plover nests, whether in Management Area I or Management Area II, in which all grading and construction related activities are prohibited until after the nesting season has closed;
- 7) prohibit beach raking;
- 8) prohibit the take of buckwheat plants; and
- 9) require a 2:1 mitigation ratio for impacts to Monterey spineflower.

Please submit a revised HPP that is modified as directed by the April 1, 2016 USFWS letter and the other above-identified issues.

As you know, the Commission did not impose a specific requirement that SNG obtain an Incidental Take Permit or prepare a Habitat Conservation Plan. The CDP does, however, require SNG to provide evidence of all legally required approvals. When approvals are within the purview of other government agencies, the Commission looks to those agencies to provide guidance about whether such approvals are necessary. USFWS’ April 1, 2016 letter notes that the HPP “*is not sufficient to avoid take of listed species caused by construction and use of the Project,*” and that the only available approach to address the “take” resulting from the Project to be permitted under the Endangered Species Act, is for the Applicant to prepare a habitat

Ed Ghandour, SNG

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conservation plan (HCP) in support of an application for an incidental take permit (ITP). The letter explicitly states that *“the Applicant is legally required to comply with the Act and has neither requested nor received any permit or authorization from the Service that would allow for the take of any listed species in association with the proposed Project.”* Thus, authorization for the project is legally required from USFWS, and SNG needs to provide evidence of their approval of an HCP/ITP for the project.

Accordingly, in order to comply with the other agency sign-offs associated with Special Condition 15 we need: 1) evidence of an Incidental Take Permit issued by the USFWS; and 2) authorization from CDFW for predator capture and release (because the HPP’s predator management plan includes the capture, relocation, and/or release of predators, which requires authorization from CDFW).

Finally, after we have received and approved a revised HPP, and after we have received evidence of all above authorizations, we will need to evaluate if the revised HPP and/or the authorizations result in a modified project that is inconsistent with the project plans that have already been approved. If the project must be modified, we will need revised project plans and other related materials from you for our review and approval to reflect those modifications (as we identified in our August 29, 2014 and November 14, 2014 condition compliance letters).

Special Condition 16

With respect to EIR transportation mitigation measure requirements, we received a letter from the City of Sand City on March 23, 2016 noting that SNG will be required to submit a surety and performance bond, cash, or other form of financial security for the required off-site work (i.e., completion of all EIR transportation mitigation measures). However, the condition requires the actual measures to have been met and/or achieved prior to construction, not merely providing financial surety of them eventually being met and/or achieved. As such, we note in advance that such letter will not satisfy Special Condition 16 requirements. Please provide an explanation of how you intend to meet and/or achieve the EIR transportation mitigation measure requirements, and under what time schedule.

Special Condition 17

In our February 9, 2016 compliance letter, we requested that you submit a revised Transportation Demand Management (TDM) Program that identifies alternative strategies and the specific financial incentives that will be implemented to reduce the project’s traffic impacts, along with the specific enforceable measures to ensure implementation. In response to the claim in your February 12, 2016 letter that the TDM program includes all that is reasonably possible, we disagree. Developers commonly commit to specific TDM measures prior to construction. The project does not need to be built and staffed for SNG to commit to TDM specifics as required by Special Condition 17. Please submit a revised TDM program with specific financial incentives and enforceable measures as identified in our previous correspondence in accordance with the requirements of Special Condition 17.

Ed Ghandour, SNG
CDP A-3-SNC- 98-114 Prior to Construction Condition Compliance Status
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We are happy to work with you as you pursue completing the PTC requirements, including, as noted in the past, that we will continue to prioritize the review of your materials, including providing feedback to you on necessary changes required to achieve compliance. We are also happy to provide you with examples of the types of plan provisions that include sufficient specifics and detail to comply with the terms and conditions of this permit. If you have any questions regarding the above, please feel free to contact me at your convenience.

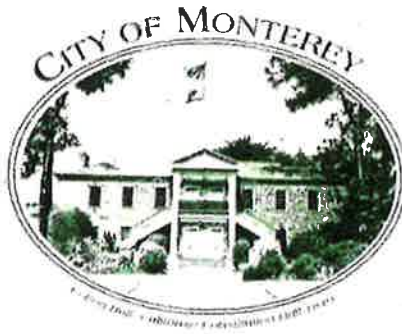
Regards,



Mike Watson
Coastal Planner
Central Coast District Office

Enclosure: USFWS April 1, 2016 letter

cc: Todd Bodem, City Administrator, City of Sand City
Stephen P. Henry, Field Supervisor, U.S. Fish & Wildlife Service
Jeff Cann, Environmental Scientist, California Department of Fish & Wildlife
David Stoldt, General Manager, MPWMD



7
MAY 02 2015
MAY 02 2015

April 28, 2016

Mr. David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

Subject: State of California Model Water Efficient Landscape Ordinance

Dear Mr. Stoldt:

We understand that the City of Monterey had until December 1, 2015 to adopt the State's Model Water Efficient Landscape Ordinance or adopt its own ordinance, which must be at least as effective in conserving water as the State's Ordinance, or conversely had until February 1, 2016 to adopt a regional ordinance. If the City did not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance would become effective by default.

This letter is to inform you that the City of Monterey wishes that the Monterey Peninsula Water Management District adopt a regional ordinance, undertake the Landscape Documentation Package review, and perform the required annual reporting to the State.

The City will retain authority over, and provide review of, any Grading Design Plan element of a Landscape Documentation Package. The City will also remain responsible for review of any jurisdictional-specific landscape design requirements, as well as compliance with the Monterey Regional Stormwater Management Plan.

The City will inform its planning and building department staff of the District's MWELO ordinance and provide a copy for public review in City offices.

Sincerely yours,

Kimberly Cole, AICP
Chief of Planning, Engineering & Environmental Compliance



CITY OF PACIFIC GROVE
Community and Economic Development Department
300 Forest Avenue, Pacific Grove, CA 93950
T : 831.648.3183 • F : 831.648.3184 • www.cityofpacificgrove.org/cdd

RECEIVED

APR 28 2016

MPWMD

April 25, 2016

Mr. David J. Stoldt
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

RE: State of California Model Water Efficient Landscape Ordinance

Dear Mr. Stoldt:

We understand that the City of Pacific Grove had until December 1, 2015 to adopt the State's Model Water Efficient Landscape Ordinance (MWELo) or adopt its own ordinance, which must be at least as effective in conserving water as the State's Ordinance, or conversely had until February 1, 2016 to adopt a regional ordinance. If the City did not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance would become effective by default.

This letter is to inform you that the City of Pacific Grove supports adoption of a regional ordinance by the Monterey Peninsula Water Management District to undertake the Landscape Documentation Package review, and perform the required annual reporting to the State.

The City will retain authority over, and provide review of, any Grading Design Plan element of a Landscape Documentation Package. The City will also remain responsible for review of any jurisdictional-specific landscape design requirements, as well as compliance with the Monterey Regional Stormwater Management Program.

The City will inform its planning and building department staff of the District's MWELo ordinance and provide a copy for public review in City offices.

Sincerely,

Mark Brodeur
Community and Economic Development Director



April 22, 2016

Mr. David J. Stoldt
 General Manager
 Monterey Peninsula Water Management District
 5 Harris Court, Building G
 Monterey, CA 93940

Subject: State of California Model Water Efficient Landscape Ordinance

Dear Mr. Stoldt:

We understand that the City of Sand City had until December 1, 2015 to adopt the State's Model Water Efficient Landscape Ordinance or adopt its own ordinance, which must be at least as effective in conserving water as the State's Ordinance, or conversely had until February 1, 2016 to adopt a regional ordinance. If the City did not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance would become effective by default.

This letter is to inform you that the City of Sand City wishes that the Monterey Peninsula Water Management District adopt a regional ordinance, undertake the Landscape Documentation Package review, and perform the required annual reporting to the State.

The City will retain authority over, and provide review of, any Grading Design Plan element of a Landscape Documentation Package. The City will also remain responsible for review of any jurisdictional-specific landscape design requirements, as well as compliance with the Monterey Regional Stormwater Management Program.

The City will inform its planning and building department staff of the District's MWELO ordinance and provide a copy for public review in City offices.

Sincerely,

Todd Bodem
 City Administrator

City Hall
 1 Sylvan Park,
 Sand City, CA
 93955

Administration
 (831) 394-3054

Planning
 (831) 394-6700

FAX
 (831) 394-4272

Police
 (831) 394-1451

FAX
 (831) 394-1038

Incorporated
 May 31, 1960



Robert MacLean
 President, California-American Water
 1033 B Avenue, Suite 200
 Coronado, CA 92118
 robert.maclea@amwater.com

P 619.522.6361
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April 21, 2016

Barbara Evoy
 Division of Water Rights
 State Water Resources Control Board
 P.O. Box 2000
 Sacramento, CA 95812

RECEIVED
 APR 26 2016
 SIPWNO

Via U.S. and Electronic Mail

*Re: Request or Application for Order Modifying State Water Board Order
 WR 2009-0060 (Cease and Desist Order)*

Dear Ms. Evoy,

Thank you for your letter dated April 21, 2016 regarding the pending joint request of California-American Water Company, ("Cal-Am"), the Monterey Peninsula Water Management District (the "District"), the Monterey Peninsula Regional Water Authority (the "Authority"), Pebble Beach Company, and the City of Pacific Grove to modify Order WR 2009-0060-DWR under Water Code §1846. I hereby confirm that it is Cal-Am's intention to file a request to amend the November 2015 application.

The Authority has scheduled a special meeting on April 26, 2016 at 7:00 pm to consider this matter. The District's Board of Directors discussed this matter on April 18, 2016 in closed session. All applicants, including Cal-Am, are committed to filing an amended application in advance of May 1, 2016.

Your letter notes that a request to amend the November petition is likely to extend the anticipated timeline to allow consideration of the new information. We humbly request that applicant's amended application be heard on or around June 21, 2016, as currently anticipated, and not further delayed. We recognize the importance of using Board review time efficiently. The amendments to the application should be relatively minor and should not result in additional time for review. Moreover, any delay could jeopardize projects we plan to introduce to bring new water to the Carmel River beginning this summer.

As always, your cooperation in this matter is deeply appreciated. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Robert MacLean
 President, California-American Water

(continued on next page)

cc: John O'Hagan
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
john.o'hagan@waterboards.ca.gov
Via Email and U.S. Mail

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State Water Resources Control Board
Division of Water Rights
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marianna.aue@waterboards.ca.gov
Via Email and U.S. Mail

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Via Email and U.S. Mail

Ken Lewis
California Public Utilities Commission
c/o Environmental Science Associates
550 Kearny Street, Suite 800
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Via U.S. Mail Only

David J. Stoldt
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940
Via U.S. Mail Only

Monterey Peninsula Regional Water Authority
City of Monterey
580 Pacific Street
Monterey, CA 93940
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City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950
Via U.S. Mail Only

(continued on next page)

Pebble Beach Community Services District
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Pebble Beach, CA 93953
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Planning and Conservation League & PCL Foundation
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Via U.S. Mail Only

Rita Dalessio
Larry Silver, Esq.
Sierra Club, Ventana Chapter
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Carmel, CA 93921
Via U.S. Mail Only

Ron Weitzman
Water Ratepayers Association of the Monterey Peninsula
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Via U.S. Mail Only

Roy L. Thomas, D.D.S.
26535 Carmel Rancho Blvd, Suite 5-A
Carmel, CA 93923
Via U.S. Mail Only

The Honorable William W. Monning
Seventeenth Senate District
Monterey District Office
99 Pacific Street, Suite 575-F
Monterey, CA 93940
Via U.S. Mail Only

Coalition of Peninsula Businesses
P.O. Box 223542
Carmel, CA 93922
Via U.S. Mail Only

Larry Silver
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Monterey Bay Partisan
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Via Email Only

State Water Resources Control Board

APR 21 2016

Via Email and U.S. Postal Service

California American Water Company
Attn: Robert MacLean, President
1033 B Avenue, Suite 200
Coronado, CA 92118
Robert.MacLean@amwater.com

RECEIVED
APR 25 2016
MPWMD

Dear Mr. MacLean:

**REQUEST OR APPLICATION FOR ORDER MODIFYING STATE WATER BOARD ORDER
WR 2009-0060 (CEASE AND DESIST ORDER)**

By letter dated November 20, 2015, California-American Water Company (Cal-Am) submitted a request under Water Code section 1846 to modify Order WR 2009-0060-DWR. Cal-Am submitted this request/application jointly with the Monterey Peninsula Water Management District, Monterey Peninsula Regional Water Authority, Pebble Beach Company and City of Pacific. The State Water Resources Control Board (State Water Board) posted this request, and all related correspondence on its website at:
[http://www.waterboards.ca.gov/waterrights/water_issues/projects/california_american_water_co
mpany/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/projects/california_american_water_company/index.shtml).

Because this request would necessarily be before the full State Water Board, in an abundance of caution, the State Water Board implemented an ex parte communications bar for consideration of the request.

The State Water Board is prepared to formally notice receipt of the November request and to announce an anticipated schedule that results in consideration of the request at a State Water Board public meeting on or around June 21, 2016.

However, the State Water Board has recently become aware of

- 1) an amended petition, with a revised project description, submitted by Cal-Am on March 14, 2016 to the California Public Utility Commission (CPUC) and
- 2) a decision by the CPUC to revise its schedule for a decision on the Monterey Peninsula Water Supply Project.

Additionally, State Water Board staff notes that an April 11, 2016 Monterey Herald article reports that Cal Am and Peninsula representatives intend to submit a revised application to the State Water Board.

Before formally noticing the November application to modify the Cease and Desist Order, staff of the State Water Board asks that Cal-Am clarify in writing if it will be filing a revised application to modify the Cease and Desist Order, and the anticipated timeline for any such request. If Cal-Am anticipates filing such a request, but the timeline extends beyond May 1, 2016, the State

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

APR 21 2016

Water Board asks that Cal-Am withdraw the pending application to avoid confusion and use State Water Board review time efficiently.

Please note that a request to amend the November petition is likely to extend the anticipated timeline to allow for consideration of the new information.

If Cal-Am does not provide a prompt response, the State Water Board will proceed with its plan to publically notice the existing application and schedule the matter for Board consideration in June. Cal-Am can immediately request a withdrawal of the existing application via email to Mr. John O'Hagan at: john.o'hagan@waterboards.ca.gov.

If you have any non-controversial procedural questions, you may contact John O'Hagan at (916) 341-5368, john.ohagan@waterboards.ca.gov or Marianna Aue at (916) 327-4440, marianna.aue@waterboards.ca.gov.

State Water Resources Control Board
Division of Water Rights
Attn: John O'Hagan
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Barbara Eyoy, Deputy Director
Division of Water Rights

cc: Robert Donlan
Ellison, Schneider & Harris L.L.P.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816
red@eslawfirm.com
Via Email and U.S. Postal Service

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c/o Environmental Science Associates
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See Next Page

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Via Email Only

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calkinsroyal@gmail.com
Via Email Only

To MPWMD Board Members, for reading at the April 18 Hearing in regard to proposed change in Sub Meter Policy;

Dear Board Members and Staff,

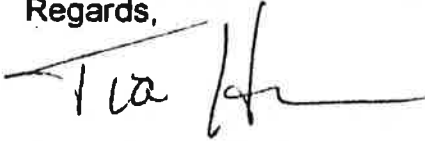
We purchased 1304 Funston Ave., Pacific Grove, APN 007-564-044 three years ago. It has an area of 17,835 sq. ft. lot, the largest residential property in the Del Monte Park area, composed of 4 full size lots. Our residence occupies about two thirds of the lot, with the rear third of the lot, which fronts on Shafter, occupied only by a dilapidated, unused garage/shed that needs to be demolished.

Since the beginning of this year we have been researching ways to improve the rear portion of our property, and found what was most reasonable and beneficial for both us and the community was to apply excess water fixture credits from the existing house (which has 17.4 + 0.5 for hot water circulator to be installed) by eliminating and replacing enough fixtures to allow us to build a new single family residence with 1.5 baths, subject to approval for subdividing the lot, which we have determined will be 5500 sq. ft. In early February we were informed this could be accomplished under the existing sub-metering policy, but in mid February we were led to believe by the MPWMD water demand staff that changes to the sub metering policy to exclude projects such as ours had been proposed and were up for approval in March, so we started making other plans for the property. In mid March, however, we were informed by Water Demand Supervisor Stephanie Locke by email that "The Water Demand Committee reviewed the proposed changes to the sub metering rule and decided not to change it." This resulted in our returning to our original plan and rapidly proceeding to have architectural plans, surveys, arborist, historical, and other preliminary planning steps undertaken, amounting to considerable expenses of time and money as we became increasingly invested financially and emotionally in finalizing the plans for submission to PG Planning. Then, just a few days ago, in response to an inquiry we made about unlisted fixture credits, we were shocked by the following reply: "the District will be considering changes to its sub-metering rule regarding Single-Family Dwellings. This affects situations where credits are proposed to offset the demand of a new Single Family Dwelling." It went on to say that changes in the policy that would exclude our project could be enacted by mid June if approved by the Board.

We fully understand and support the mission and vision of the MPWMD to conserve water resources, but believe any abrupt change in the sub metering policy that prevents approval of our project is both misguided and cruel. We have been proceeding with the utmost care and consideration to design a new residence and modify the existing residence so that no net increase of water usage would occur. In fact, we will submit design ideas that will reduce overall water consumption for the property! This would mean that the community would benefit from improving the appearance of the property, a residence for another middle class family would become available for purchase in the most affordable area of PG, and the existing residence would not be expanded to house a much larger family (which is otherwise very possible within its existing number of fixture credits). We also are willing to compose and abide by any necessary deed

restrictions and inspections. At the very least the MPWMD should allow impacted property owners who are in the planning phase, such as us, to have sufficient time to submit plans and gain approval for their projects. As you likely understand the planning process for subdividing a lot of record is both lengthy and costly. We appeal to your sense of fairness to give us and others like us sufficient time under the existing sub metering policy to negotiate our way through the approval process.

Regards,

A handwritten signature in black ink, appearing to read 'Tia Hain', with a long horizontal flourish extending to the right.

Tia Hain

Arlene Tavani

APR 18 2016

From: John Hain <johnhain49@gmail.com>
Sent: Sunday, April 17, 2016 7:47 AM
To: Arlene Tavani
Cc: James Smith; Sam, Tia, Max & Oskar Hain; Sam, Tia, Max & Oskar Hain
Subject: Sub metering policy

MPWMD

I intend to be present Monday evening to comment on proposed Ordinance 170, but if unable to attend am requesting this email statement be submitted for their review. Thankyou.

Members of the Board,

My son, daughter-in-law and I purchased 1304 Funston Ave., the largest property in the working middle class area of Pacific Grove, known as Del Monte Park, 3 years ago where they currently live, raising two small children, my grandchildren. The lot is 225 ft. deep and on the rear 5500 sq. ft of the property, which is accessed from Shafter Ave., is an ugly dilapidated garage/open shed. Since January we have invested considerable time, money, and emotional energy into creating a plan for most conscientiously using the property's preexisting 17.4 water credits, taking into account our family's needs and those of the neighborhood and wider community. Our plan is two build a new separate single family residence on the Shafter Ave end of the lot and subdivide the property. The result will be two homes, each having 3 bedrooms and one and a half baths, ideal for average families. **Both** homes would be fit with the latest water saving fixtures and, **additionally**, include metered washbasin faucets, smart shower valves, minimal or no flush urinals, and grey-water systems. If feasible, the proposed new home could even have a rainwater catchment system. **Our well considered approach, which relies on sub metering, will offer the community a new single family home without utilizing any additional water resources, and, over the long term, will actually save water compared with alternative property improvements.**

If the Board eliminates sub metering for family residences, as proposed by this ordinance, not only will our ability to responsibly improve and make the best use of our property be taken away, but so will the opportunity for another working couple to raise a family in PG. Adopting this ordinance will effectively take away our reasonable right to subdivide a property that is currently the size equivalent of four lots and will leave us two inferior improvement options, one being to add on to the existing house by making use of the its 17.4+ water fixture credits in order to create more living space, hence accommodate a very large family (i.e. cheaper by the dozen) or construct a 650 sq. ft. second unit, which would not be cost effective, not serve the residential needs of a working family, and not guarantee any water savings. **The proposed ordinance will not further the goals nor serve the mission of the water district, but will only serve to obstruct the responsible exercise of property rights and reduce options for water wise projects like ours.**

Respectfully submitted,
John Hain
April 18,2016



PACIFIC GROVE
CHAMBER OF COMMERCE
& TOURIST CENTERS

RECEIVED
APR 11 2016
MPWMD

April 6, 2016

Mr. David Stoldt
Monterey Peninsula Water Management District
5 Harris Court, Bldg G
Monterey, CA 93940

Dear Mr. Stoldt,

Congratulations! You have been selected by the Board of Directors of the Pacific Grove Chamber of Commerce to receive the Public Official of the Year Award - 2016. The award is based on your dedication, hard work, and commitment to Monterey County.

In order to honor you, a dinner will be held on Saturday, May 21, beginning at 6:00 pm with a no-host reception followed by dinner at 7:00 pm at the Asilomar Conference Grounds, Merrill Hall. You will be requested to address the chamber members and civic leaders at this event.

If you have any questions, please contact me or Rita Pescatore at rita@pacificgrove.org. Please let us know if you prefer the steak or vegetarian entree.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Moe Ammar'.

Moe Ammar
President