

**EXHIBIT 10-D**

**DRAFT  
FINDINGS OF APPROVAL**

**CONSIDER APPLICATION FOR VARIANCE FROM SEPARATE WATER METER  
REQUIREMENT FOR MULTI-FAMILY HOUSING PROJECT AT A SITE  
BORDERED BY BROADWAY AVENUE, TERRACE STREET, OLYMPIA AVENUE,  
AND SAN LUCAS STREET IN THE CITY OF SEASIDE (APNS: 012-191-001, 002, 003,  
004, 013, 016, 017, 021, 022, 023, 024, 025, 028, and 029)**

**July 20, 2020**

- 1. FINDING:** West End Partners, LLC is requesting Board approval of a variance to Rule 23 to allow permanent submetering in place of individual Cal-Am Water Meters at a Mixed Use project at a Site owned by the City of Seaside that is bordered by Broadway Avenue, Terrace Street, Olympia Avenue, and San Lucas Street in Seaside (APNs 012-191-001, 002, 003, 004, 013, 016, 017, 021, 022, 023, 024, 025, 028, and 029).

**EVIDENCE:** Application for Variance attached as **Exhibit 10-A**.
- 2. FINDING:** District Rule 23-A-1-i requires Water Measuring Devices maintained by the Water Distribution System Operator be installed for each Residential and Non-Residential water User except as allowed in 23-A-1-i-(4).

**EVIDENCE:** Rule 23-A-1-i-(4) attached as **Exhibit 10-B**.
- 3. FINDING:** Installation of approximately 110+ Water Meters (and boxes) along the perimeter of the Project Site is not feasible and would conflict with other utilities.

**EVIDENCE:** Application for Variance attached as **Exhibit 10-A**.
- 4. FINDING:** District Rule 23-A-1-i-(5) allows the Board to consider variances to the rule when the installation of separate Water Meters is not feasible due to “Special Circumstances.” Special Circumstances are defined in Rule 11 as “unusual, uncommon, peculiar, unique or rare situations that require Board consideration.” In considering a variance, the rule states that the Board shall determine if another type of Water Measuring Device is appropriate (e.g., submeters) and shall make reporting of consumption a condition of approval.

**EVIDENCE:** District Rule 23-A-1-i-(5) attached as **Exhibit 10-B**.
- 5. FINDING:** Individual Water Measuring Devices encourage efficient water use by making each water User accountable for their consumption. The American

Water Works Association (AWWA) recommends that every water utility accurately meter all water taken into its system and all water distributed from its system at its customers' points of service. Meters should be read at sufficiently frequent intervals appropriate to support the utility's understanding of volume of production, rate structures and to provide accurate bills and feedback to its customers. Additionally, state legislation passed in 2016 (California Water Code, Div. 1, Ch.8, Article 5) requires Multi-Family Residential Dwelling Units to either have a utility meter or a submeter for each individual Residential unit. Individual Water Meters also facilitate compliance with water use reductions during rationing periods.

**EVIDENCE:** [AWWA Policy Statement on Metering and Accountability](#), [California Water Code, Div. 1, Ch.8, Article 5](#), and [MPWMD Rules and Regulations](#).

- 6. FINDING:** Special Circumstances exist in this case because it is not feasible to have 110+ individual Water Meters at the property line and have a trench wide enough for those lines to not conflict with other utilities.

**EVIDENCE:** Application for Variance attached as **Exhibit 10-A**.

- 7. FINDING:** Special Circumstances exist in this case because the plumbing design is optimized for water conservation, energy efficiency, and cost of construction. Installing individual Water Meters for each unit would increase the project construction costs and would result in reduced energy efficiency.

**EVIDENCE:** Application for Variance attached as **Exhibit 10-A**.

- 8. FINDING:** The project will be built with in-line Water Meters installed to monitor water use for each User, providing a method for individual accountability of water use and encouraging conservation.

**EVIDENCE:** Conditions of Approval (**Exhibit 10-C**).

- 9. FINDING:** There have been similar variances were granted for permanent submeters at housing projects in the MPWMD: MidPen Housing Corporation for 19 low-income senior housing units in Monterey; Pacific Meadows low-income senior housing project in Carmel Valley; Osio Plaza Apartments with 30 low to moderate housing units in the City of Monterey; Vista Point Apartments (South County Housing) with 49 low-income senior housing units in the City of Pacific Grove; Park Lane for 40 unit senior housing project; and the Independent apartments in Sand City.

**EVIDENCE:** Records of variance proceedings on file in District office.

- 10. FINDING:** Exterior water use will be tracked with a separate Water Meter or submeter.

**EVIDENCE:** Conditions of Approval (**Exhibit 10-C**).

**11. FINDING:** Granting a variance from the separate Water Meter requirement for the proposed housing project will not defeat the purpose of Rule 23-A, which is to encourage individual accountability for water use. Granting this variance will not compromise water efficiency in the City of Seaside.

**EVIDENCE:** The above stated facts.

**12. FINDING:** In granting this variance, the Board has adopted the attached Conditions of Approval (**Exhibit 10-C**), including a requirement for an Indemnification Agreement (**Exhibit 10-E**).

**EVIDENCE:** Minutes of the July 20, 2020, regular Board meeting.