

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month. The meetings begin at 7:00 PM.



AGENDA

**Regular Meeting**

**Board of Directors**

**Monterey Peninsula Water Management District**

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**Monday, August 15, 2016**

**Closed Session, 5:30 pm**

2999 Salinas Highway, Monterey, CA 93940

**Regular Meeting, 7:00 PM**

Conference Room, Monterey Peninsula Water Management District

5 Harris Court, Building G, Monterey, CA

Staff notes will be available on the District web site at

<http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/>

by 5 PM on Friday, August 12, 2016.

The 7:00 PM Meeting will be televised on Comcast Channels 25 & 28. Refer to broadcast schedule on page 3.

**5:30 PM – Closed Session**

As permitted by Government Code Section 54956 et seq., the Board may adjourn to closed or executive session to consider specific matters dealing with pending or threatened litigation, certain personnel matters, or certain property acquisition matters.

- 1. Public Comment** – Members of the public may address the Board on the item or items listed on the Closed Session agenda.
- 2. Adjourn to Closed Session**
- 3. Conference with Labor Negotiators (Gov. Code 54957.6)**  
Agency Designated Representatives: David Stoldt; Suresh Prasad and Cynthia Schmidlin  
Employee Organization: General Staff and Management Bargaining Units Represented by United Public Employees of California/LIUNA, Local 792  
Unrepresented Employees: Confidential Unit
- 4. Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9 (a))**  
Monterey Peninsula Water Management District v. California Public Utilities Commission (California American Water Company) (Case S208838)
- 5. Adjourn to 7 pm Session**

**Board of Directors**

Jeanne Byrne, Chair – Division 4  
Robert S. Brower, Sr., Vice Chair – Division 5  
Brenda Lewis – Division 1  
Andrew Clarke - Division 2  
Molly Evans – Division 3  
David Pendergrass, Mayoral Representative  
David Potter, Monterey County Board of Supervisors Representative

**General Manager**

David J. Stoldt

This agenda was posted at the District office at 5 Harris Court, Bldg. G Monterey on Thursday, August 11, 2016. Staff reports regarding these agenda items will be available for public review on 8/12/2016, at the District office and at the Carmel, Carmel Valley, Monterey, Pacific Grove and Seaside libraries. After staff reports have been distributed, if additional documents are produced by the District and provided to a majority of the Board regarding any item on the agenda, they will be available at the District office during normal business hours, and posted on the District website at <http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/>. Documents distributed at the meeting will be made available in the same manner. The next regular meeting of the Board of Directors is scheduled for September 19, 2016 at 7 pm.

**7:00 PM – Regular Meeting**

**CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS AND CORRECTIONS TO AGENDA** - The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

**ORAL COMMUNICATIONS** - Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.

**CONSENT CALENDAR:** The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes.

1. Consider Adoption of Minutes of the July 18, 2016 Regular Meeting of the Board of Directors
2. Consider Extension of Cooperative Agreement with the United States Geological Survey for Streamflow Gaging in Water Year 2017
3. Consider Approval of Changes to the District's Organization Chart

**GENERAL MANAGER'S REPORT**

4. Status Report on California American Water Compliance with State Water Resources Control Board Order 2009-0060 and Seaside Groundwater Basin Adjudication Decision
5. Update on Development of Water Supply Projects
6. Report on Drought Response

**ATTORNEY'S REPORT**

7. Report on 5:30 pm Closed Session of the Board

**DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)**

8. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

**PUBLIC HEARINGS** – Public comment will be received on each of these items. Please limit your comment to three (3) minutes per item.

9. **Consider Appeal of Decision to Issue Water Permit #34741 for 150 Sea Foam, Monterey, (APN 011-462-039)**

*Action: The Board of Directors will consider an appeal of a decision to issue a Water Permit for a new house using Water Use Credit from the adjacent parcel.*

10. **Consider Second Reading and Adoption of Ordinance No. 172, An Ordinance of the Monterey Peninsula Water Management District Amending Regional Water Efficient Landscape Requirements in Compliance with the California Code of Regulations, Title 23, Division 2, Chapter 2.7, California Model Water Efficient Landscape Ordinance**

*Action: The Board will conduct a public hearing and consider adoption on second reading of Ordinance No. 172, which would add the provisions of the State of California Model Water Efficient Landscape Ordinance to the Water Management District's Rules and Regulations and ensure consistency with regulations to be adopted by the County of Monterey.*

**11. Consider Adoption of Urgency Ordinance No. 173, Suspending Authority to Accept Water Permit Applications for New Connections Based Upon the Paralta or Pre-Paralta Allocations**

*Action: The action prevents applications to the District for Water Permits that are subject to Cal-Am's moratorium on New Connections. Projects impacted by this ordinance would not receive water service (a Water Meter) to serve the project.*

**ACTION ITEMS** – Public comment will be received on each of these items. Please limit your comment to three (3) minutes per item.

**12. Consider Approval of Policy that will Address Monterey County General Plan Requirements for Carmel Valley Alluvial Aquifer**

*Action: The Board will consider adoption of a policy addressing use of wells on parcels overlying the Carmel Valley Alluvial Aquifer for subdivision or development, and direct staff to incorporate policy into District Rules and Regulations.*

**INFORMATIONAL ITEMS/STAFF REPORTS** The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.

- 13. Letters Received Supplemental Letter Packet
- 14. Committee Reports
- 15. Monthly Allocation Report
- 16. Water Conservation Program Report
- 17. Carmel River Fishery Report
- 18. Quarterly Carmel River Riparian Corridor Management Program Report
- 19. Monthly Water Supply and California American Water Production Report

**ADJOURNMENT**

Board Meeting Broadcast Schedule – Comcast Channels 25 & 28	
View Live Webcast at <a href="http://Ampmedia.org">Ampmedia.org</a>	
Ch. 25, Sundays, 7 PM	Monterey
Ch. 25, Mondays, 7 PM	Monterey, Del Rey Oaks, Pacific Grove, Sand City, Seaside
Ch. 28, Mondays, 7 PM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside
Ch. 28, Fridays, 9 AM	Carmel, Carmel Valley, Del Rey Oaks, Monterey, Pacific Grove, Pebble Beach, Sand City, Seaside

Upcoming Board Meetings			
Monday, September 19, 2016	Regular Board Meeting	7:00 pm	District conference room
Monday, October 17, 2016	Regular Board Meeting	7:00 pm	District conference room
Monday, November 14, 2016	Regular Board Meeting	7:00 pm	District conference room

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please submit a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary

aid or service by 5:00 PM on Thursday, August 11, 2016. Requests should be sent to the Board Secretary, MPWMD, P.O. Box 85, Monterey, CA, 93942. You may also fax your request to the Administrative Services Division at 831-644-9560, or call 831-658-5600.

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**ITEM: CONSENT CALENDAR****1. CONSIDER ADOPTION OF MINUTES OF THE JULY 18, 2016 REGULAR MEETING OF THE BOARD OF DIRECTORS**

<b>Meeting Date:</b>	<b>June 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
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<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
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<b>Prepared By:</b>	<b>Arlene Tavani</b>	<b>Cost Estimate:</b>	<b>N/A</b>
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**General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: N/A**

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**SUMMARY:** Attached as **Exhibit 1-A** are draft minutes of the July 18, 2016 Regular meeting of the Board of Directors.

**RECOMMENDATION:** District staff recommends approval of the minutes with adoption of the Consent Calendar.

**EXHIBIT****1-A** Draft Minutes of the July 18, 2016 Regular Meeting of the Board of Directors

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## EXHIBIT 1-A

DRAFT MINUTES  
**Regular Meeting**  
**Board of Directors**  
**Monterey Peninsula Water Management District**  
*July 18, 2016*

The meeting was called to order at 7:10 pm in the MPWMD conference room.

### CALL TO ORDER/ROLL CALL

*Directors Present:*

Jeanne Byrne – Chair, Division 4  
 Robert S. Brower, Sr. – Vice Chair, Division 5  
 Brenda Lewis – Division 1  
 Andrew Clarke – Division 2  
 Molly Evans – Division 3  
 David Pendergrass – Mayoral Representative  
 David Potter – Monterey County Board of Supervisors

*Directors Absent: None*

*General Manager present: David J. Stoldt*

*District Counsel present: David Laredo*

The assembly recited the Pledge of Allegiance.

### PLEDGE OF ALLEGIANCE

On a motion by Pendergrass and second of Brower, the agenda was approved as presented on a vote of 7 – 0 by Brower, Byrne, Clarke, Evans, Lewis, Pendergrass and Potter.

### ADDITIONS AND CORRECTIONS TO AGENDA

The following comments were directed to the Board during Oral Communications. **(a) George Riley** stated that there are serious threats of litigation against components of the Monterey Peninsula Water Supply Project. He urged the Board to prioritize consideration of contingency water supply projects. **(b) Chuck Cech**, resident of Monterey, expressed concern about the proposed Monterey Pipeline that will cross through Pacific Grove, Monterey and Seaside. He noted that a representative of the Ohlone Indian Tribe advised him that the pipeline will disturb Indian sacred grounds. Cech advocated development of an alternate pipeline that would go around the Peninsula cities. He submitted a letter that described his proposal which is on file at the District office and can be viewed on the agency's website.

### ORAL COMMUNICATIONS

On a motion by Brower and second of Potter, the Consent Calendar was approved on a vote of 7 – 0 by Brower, Potter, Byrne, Clarke, Evans, Lewis and Pendergrass. No comments were directed to the Board during the public comment period on this item.

### CONSENT CALENDAR

- |   |  |
|---|--|
| Adopted.  | 1. <b>Consider Adoption of Minutes of the June 20, 2016 Board Meeting</b>  |
| Received.   | 2. <b>Receive Water Year 2015 Aquifer Storage and Recovery Project Summary of Operations Report</b>  |
| Approved expenditure of \$184,748 for ASR Operations Support, and expenditure of \$300,729 for ASR Engineering Support. | 3. <b>Consider Expenditure for FY 2016-17 Aquifer Storage and Recovery Planning and Operations</b>   |
| Approved expenditure of \$2,000.  | 4. <b>Consider Expenditure to Amend Contract with Pueblo Water Resources to Provide Hydrogeologic Review for Water Distribution System Permits</b>                             |
| Approved expenditure of \$49,200.   | 5. <b>Consider Contract for District Public Outreach and Communications Services with Thomas Brand Consulting for Fiscal Year 2016-2017</b>                                    |
| Approved expenditure of \$100,000.  | 6. <b>Consider Contract for Pure Water Monterey Project Management, Public Outreach and Communication Services with Thomas Brand Consulting for Fiscal Year 2016-2017</b>      |
| Approved expenditure of \$61,075.   | 7. <b>Authorize Expenditure for Software Maintenance Agreements</b>  |
| Approved.   | 8. <b>Consider Approval of Change from Senior Water Resources Engineer to Water Resources Engineer on the District's Organization Chart</b>                                    |
| Approved.   | 9. <b>Consider Reclassification of Two Conservation Representative I/II Positions and Related Change to the District's Organization Chart</b>                                  |
| Adopted.  | 10. <b>Consider Adoption of Resolution 2016-13 Update to Rule 24, Table 3, Capacity Fee History</b>  |
| Approved  | 11. <b>Consider Approval of an Amendment to the Cost Sharing Agreement with the Monterey Regional Water Pollution Control Agency for the Groundwater Replenishment Project</b> |



Adopted.

Stoldt announced that Suresh Prasad, Chief Financial Officer and Administrative Services Division Manager, was awarded a certificate of achievement by the Government Financial Officers Association for development of the comprehensive annual financial report for Fiscal Year 2014-15.

Board Chair Byrne presented Joseph Oliver with a gift and thanked him for his service to the Water Management District. Oliver stated that he was honored and privileged to have had the opportunity to work with a very dedicated and competent staff. Stoldt acknowledged Joe for development of a well populated database on the water resources system. In addition Joe envisioned and oversaw development of his legacy, the Aquifer Storage and Recovery Project.

Stoldt reported that as of June 30, 2016, water production in the Monterey Peninsula Water Resources System was 14 percent below the target. In addition, consumer demand was 421 acre-feet less than recorded at the end of June 2015. Chair Byrne requested that a report on non-revenue water production be presented at a future meeting. In response to a question from Brower, Stoldt stated that production delays at the Sand City Desalination plant were due to poor intake water quality caused by drought conditions. The proposed California-American desalination project should not experience the same problems because the source water will be pumped from slant wells.

Stoldt reported that the State Water Resources Control Board was scheduled to meet on July 19, 2016 to consider the application for modification of Order 2006-0060, the Cease and Desist Order. Stoldt noted that 77 comment letters were submitted to the SWRCB regarding a previous draft of the proposed modification order. He distributed a draft order amending Order 2006-0060 that was received from the SWRCB on July 15, 2016. Stoldt stated that the community could comply with the proposed diversion limit to the Carmel River; however, the carryover was capped to a diversion limit which would not allow the community much flexibility from year-to-year. The SWRCB did not agree with the request that a portion of water from any new water supply project could be set aside for the project developer and a portion for the river to reduce diversions.

No report.

District Counsel Laredo stated that the Board of Directors provided general direction on item 3, but no reportable action was taken.

**12. Consider Adoption of Treasurer's Report for May 2016**

**PRESENTATIONS**

**13. Recognize Suresh Prasad for Certificate of Achievement for Excellence in Financial Reporting Awarded to the MPWMD by the Government Financial Officers Association**

**14. Presentation to Joseph Oliver upon his Retirement after 31 Years of Service to the MPWMD**

**GENERAL MANAGER'S REPORT**

**15. Status Report on California American Water Compliance with State Water Resources Control Board Order 2009-0060 and Seaside Groundwater Basin Adjudication Decision**

**16. Update on Development of Water Supply Projects**

**17. Report on Drought Response**

**ATTORNEY'S REPORT**

**18. Report on 5:30 pm Closed Session of the Board**

- 3. Conference with Labor Negotiators (Gov. Code 54957.6)**  
 Agency Designated  
 Representatives: David Stoldt;  
 Suresh Prasad and Cynthia Schmidlin  
 Employee Organization: General Staff and Management Bargaining Units Represented by United Public Employees of California/LIUNA, Local 792  
 Unrepresented Employees: Confidential Unit

**DIRECTORS’ REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)**

No reports.

- 19. Oral Reports on Activities of County, Cities, Other Agencies/Committees/ Associations**

On a motion by Potter and second of Lewis, a motion to approve the first reading of Ordinance No. 172, and to incorporate changes suggested by the Board in preparation for second reading, was approved on a roll-call vote of 6 -1 by Potter, Lewis, Byrne, Clarke, Evans and Pendergrass. Director Brower was opposed.

During the public hearing on this item, Chuck Cech asked if the new regulations would apply to a half-acre lot covered in wild native grasses. Staff stated that the lot as described would not be subject to the regulations.

Brower offered a motion that was seconded by Lewis that the District contract with Hazen and Sawyer for preparation of a value engineering study, not to exceed \$110,000, and receive reimbursement from California-American Water conditional upon the MPWSP Governance Committee recommendation to approve on July 20, 2016. The motion was approved on a unanimous vote of 7 – 0 by Brower, Lewis, Byrne, Clarke, Evans, Pendergrass and Potter.

The following comments were directed to the Board during the public comment period on this item. **(a) Chuck Cech** stated that the proposed Monterey Pipeline was expensive and should be abandoned, and that the Segunda Pipeline would be a more cost effective option for delivery of ASR water and Pure Water Monterey project water. **(b) George Riley** requested that Public Water Now be placed on the distribution list to receive notice of any public meetings regarding alternate pipelines.

**PUBLIC HEARINGS**

- 20. Consider First Reading of Ordinance No. 172 – An Ordinance of the Monterey Peninsula Water Management Amending Regional Water Efficient Landscape Requirements in Compliance with the California Code of Regulations, Title 23, Division 2, Chapter 2.7, California Model Water Efficient Landscape Ordinance**

**ACTION ITEMS**

- AA. Authorize Entering Into Contract with Consultant to Conduct Value Engineering Analysis of MPWSP Pipelines and Conveyance Facilities**

On a motion by Pendergrass and second of Evans, the Board of Directors approved Amendment 2, conditional on MPWSP Governance Committee recommendation and approval on July 20, 2016. The motion was approved on a unanimous vote of 7 – 0 by Pendergrass, Evans, Brower, Byrne, Clarke, Lewis and Potter. No comments were directed to the Board of Directors during the public comment period on this item.

There was no discussion of the Informational Items/Staff Reports.

The meeting was adjourned at 8:25 pm.

- BB. Consider Approval of Amendment 2 to Amended and Restated Agreement to Form the Monterey Peninsula Water Supply Governance Committee**

**INFORMATIONAL ITEMS/STAFF REPORTS**

- 21. Letters Received**
- 22. Committee Report**
- 23. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project**
- 24. Monthly Allocation Report**
- 25. Water Conservation Program Report**
- 26. Water Use Credit Quarterly Transfer Status Report**
- 27. Carmel River Fishery Report for June 2016**
- 28. Quarterly Carmel River Riparian Corridor Management Program Report**
- 29. Monthly Water Supply and California American Water Production Report**

**ADJOURNMENT**

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Arlene M. Tavani, Deputy District Secretary

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**ITEM: CONSENT CALENDAR****2. CONSIDER EXTENSION OF COOPERATIVE AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR STREAMFLOW GAGING IN WATER YEAR 2017**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>Yes</b>
<b>From:</b>	<b>Dave Stoldt General Manager</b>	<b>Program/ Line Item No.:</b>	<b>2-5-1 A</b>
<b>Prepared By:</b>	<b>Greg James</b>	<b>Cost Estimate:</b>	<b>\$14,700</b>

**General Counsel Approval: N/A****Committee Recommendation: The Administrative Committee reviewed this item on August 8, 2016 and recommended approval.****CEQA Compliance: N/A**

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**SUMMARY:** The United States Geological Survey (USGS) operates two streamflow gaging stations on the Carmel River:

- (1) Carmel River at Robles del Rio (No. 11143200) and
- (2) Carmel River near Carmel (No. 11143250).

The upper or "Robles" gage is immediately downstream of Esquiline Bridge (River Mile 14.4) and the lower or "Carmel" gage is immediately downstream of Via Mallorca Bridge (River Mile 3.6). The Monterey Peninsula Water Management District (District) relies on the flow data from both of these stations to support a variety of programs and studies. It should be noted that the Robles del Rio station is funded by the Monterey County Water Resources Agency.

**RECOMMENDATION:** Authorize the General Manager to execute the agreement with the USGS providing cooperative investigation of the water resources within the District for Water Year (WY) 2017 for an amount not-to-exceed \$14,700. The Administrative Committee reviewed this item on August 15, 2016 and recommended this agreement be approved by a vote of 3 to 0.

**BACKGROUND:** The District has funded a cooperative water resources program with the USGS to monitor Carmel River streamflow since the late 1980s. Other than the District, the USGS is the only other independent agency that monitors continuous Carmel River streamflow. The Carmel station provides a long-term streamflow record that began in 1962. The USGS streamflow data provide a valuable cross check for the District's streamflow data when verifying the daily, annual, and peak flows that occur on the Carmel River. The USGS Carmel River streamflow data also support the District's implementation of Aquifer Storage and Recovery (ASR) operations in the Seaside Groundwater Basin in that the data are utilized in real-time to assist in scheduling when to commence or cease injection, given current trends in streamflow conditions. In addition, as a cooperator with the USGS, the District has an improved ability to

request and obtain various streamflow information including annual reports, current flow conditions, and historical flood flow information.

**IMPACT TO STAFF/RESOURCES:** The District's share for continuation of streamflow monitoring at the Carmel River near Carmel station for WY 2017 (October 1, 2016 - September 30, 2017) is \$14,700, as indicated on **Exhibit 2-A**, which represents a 3.2 percent increase over the WY 2016 cost.

**EXHIBIT**

**2-A** Draft Joint Funding Agreement for Water Year 2017

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California Water Science Center  
6000 J Street, Placer Hall  
California State University  
Sacramento, California 95819-6129  
Phone: (916) 278-3000 Fax: (916) 278-3070  
<http://water.wr.usgs.gov>

Mr. David Stoldt, General Manager  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

Subject: Carmel River near Carmel Gage, Joint Funding Agreement, Water Year 2017

Dear Mr. Stoldt:

This letter confirms discussions between our respective staffs, concerning the continuation of the cooperative water resources program between the Monterey Peninsula Water Management District (District) and the U.S. Geological Survey (USGS) for the period November 1, 2016 to October 31, 2017.

The proposed program and associated costs are as follows:

<b><u>Station number and name</u></b>	<b><u>District Funds</u></b>	<b><u>USGS Funds</u></b>	<b><u>Total Funds</u></b>
11143250 Carmel River near Carmel	<u>\$14,700</u>	<u>\$7,400</u>	<u>\$22,100</u>
<b>TOTAL</b>	<b>\$14,700</b>	<b>\$7,400</b>	<b>\$22,100</b>

Total cost of the proposed program is \$22,100. Cost to the District is \$14,700, and subject to the availability of Federal matching funds, the USGS will provide \$7,400.

Enclosed are two originals of Joint Funding Agreement (JFA) 17WSCA14300, signed by our agency, for your approval. If you are in agreement with this proposed program, please return one fully executed JFA to our office. Work performed with funds from this agreement will be conducted on a fixed-price basis. Billing for this agreement will be rendered annually.

The USGS is required to have an agreement in place prior to any work being performed on a project. We request that a fully executed JFA be returned prior to November 1, 2016. If it is not received by November 1, we will be required to suspend operations until an agreement is received.

**Mr. David Stoldt, General Manager- Monterey Peninsula WMD**

If you have any questions concerning this program, please contact Anthony Guerriero, in our Santa Cruz Field Office, at (831) 460-7494. If you have any administrative questions, please contact Tammy Seubert, in our Sacramento Office, at (916) 278-3040.

Sincerely,

Eric G. Reichard  
Director, USGS California Water Science Center

Enclosure

cc: Mr. Greg James  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085  
Anthony Guerriero, USGS CAWSC



**Form 9-1366  
(April 2015)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Agreement#: 17WSCA14300  
Customer#: 6000000949  
Project #: ZG009J5  
TIN #: 94-2535586  
USGS DUNS #: 1761-38857**

**Page 1 of 2**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the November 1, 2016, by the U.S. GEOLOGICAL SURVEY, California Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the MONTEREY PENINSULA WATER MANAGEMENT DISTRICT party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for cooperative water resources investigations in the Monterey Peninsula Water Management District area, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$7,400.00 by the party of the first part during the period November 1, 2016 to October 31, 2017
- (b) \$14,700.00 by the party of the second part during the period November 1, 2016 to October 31, 2017
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of : \$0.00

Description of the USGS regional/national program:  
*Not Applicable*

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered **annually**. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.)

Form 9-1366  
(April 2015)

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

Agreement#: 17WSCA14300  
Customer#: 6000000949  
Project #: ZG009J5  
TIN #: 94-2535586  
USGS DUNS #: 1761-38857

Page 2 of 2

**USGS Technical Point of Contact**

Name: Anthony Guerriero  
Supervisory Hydrologic Technician  
Address: 400 Natural Bridges Drive  
Santa Cruz, CA 95060  
Telephone: (831) 460-7494  
Fax: (831) 427-4475  
Email: [aquerrie@usgs.gov](mailto:aquerrie@usgs.gov)

**Customer Technical Point of Contact**

Name: David Stoldt  
General Manager  
Address: Post Office Box 85  
Monterey, CA 93942-0085  
Telephone:  
Fax:  
Email:

**USGS Billing Point of Contact**

Name: Tamara Seubert  
Budget Analyst  
Address: Placer Hall 6000 J Street  
Sacramento, CA 95819  
Telephone: (916) 278-3040  
Fax: (916) 278-3070  
Email: [tseubert@usgs.gov](mailto:tseubert@usgs.gov)

**Customer Billing Point of Contact**

Name:  
Address:  
Telephone:  
Fax:  
Email:

**U.S. Geological Survey  
United States  
Department of Interior**

**MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT**

**Signature**

**Signatures**

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Eric G. Reichard  
Title: Director, USGS California Water Science Center

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

**ITEM: CONSENT CALENDAR****3. CONSIDER APPROVAL OF CHANGES TO THE DISTRICT'S ORGANIZATION CHART****Meeting Date:** August 15, 2016 **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager **Program/  
Line Item No.:** N/A**Prepared By:** Cynthia Schmidlin **Cost Estimate:** N/A**General Counsel Approval:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

**SUMMARY:** As a result of changes to the mission of the District over the past several years, the General Manager has been working with Division Managers on plans for reorganizing the Water Resources and Planning and Engineering Divisions. The retirement of Water Resources Division Manager, Joe Oliver, on August 1, 2016, presents an opportune time to put those plans into action.

The Water Resources Manager position would be eliminated. The two divisions would be combined into a Water Resources and Engineering Division, with the exception of the three-person Fisheries Staff, who would report directly to the General Manager.

The Planning and Engineering Manager/District Engineer, retitled Water Resources and Engineering Manager, would retain direct supervision for the Water Resources Engineer position, as well as two first-line supervisors. The Senior Hydrogeologist would assume direct supervisory duties for the Associate Hydrologist and Hydrography Programs Coordinator positions. The Riparian Projects Coordinator would assume direct supervisory duties for the River Maintenance Specialist and River Maintenance Worker positions.

Additionally, it is proposed that the positions of Community Relations Liaison, Project Manager, and Conservation Technician I/II, currently shown on the District Organization Chart as "unfunded," be eliminated.

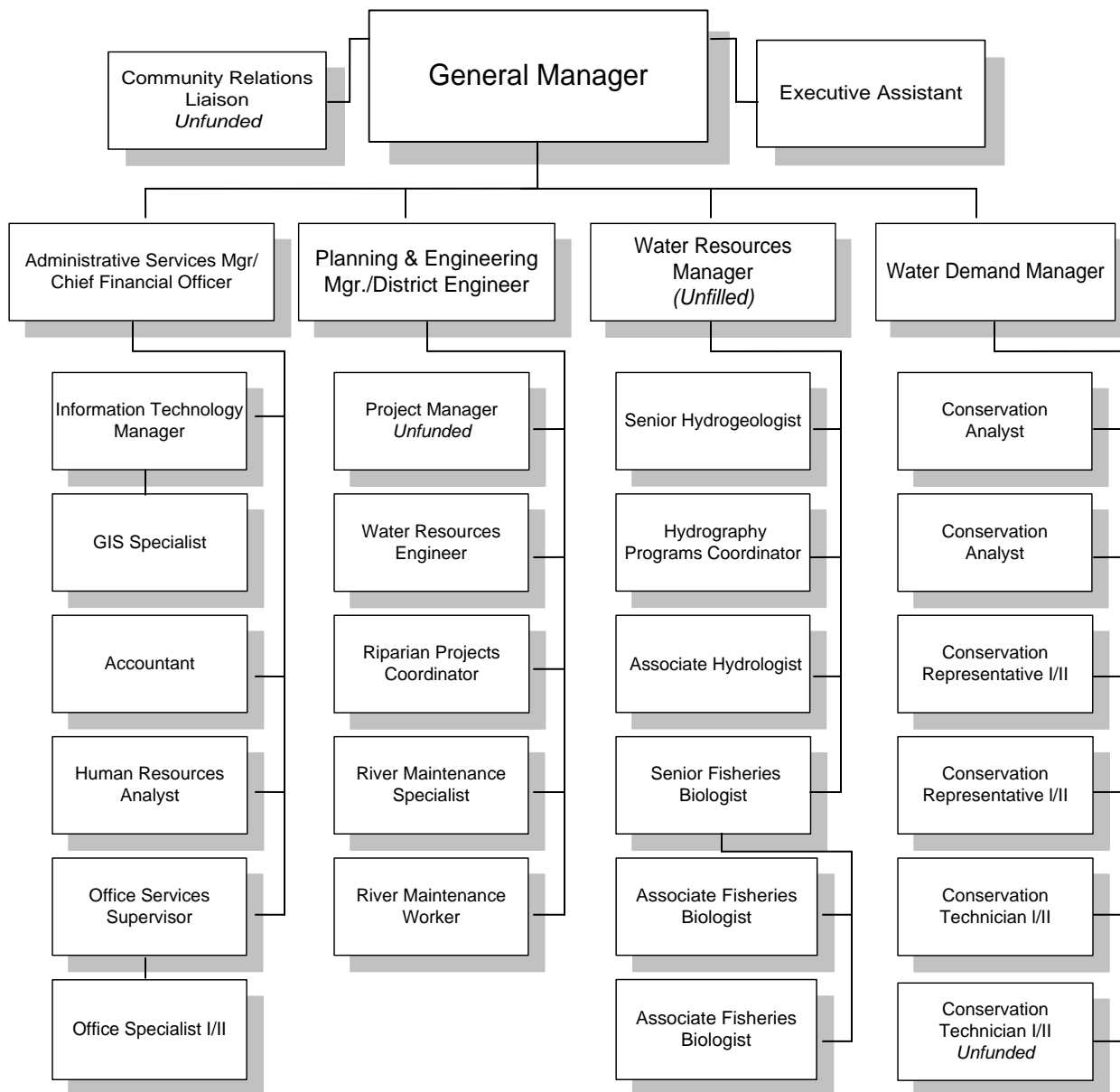
**RECOMMENDATION:** Authorize a change from the current District Organization Chart (**Exhibit 3-A**) to reflect the organization changes described above. (**Exhibit 3-B**).

**IMPACTS TO STAFF/RESOURCES:** None**EXHIBITS****3-A** Current Organization Chart**3-B** Proposed Organization Chart

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**EXHIBIT 3-A**

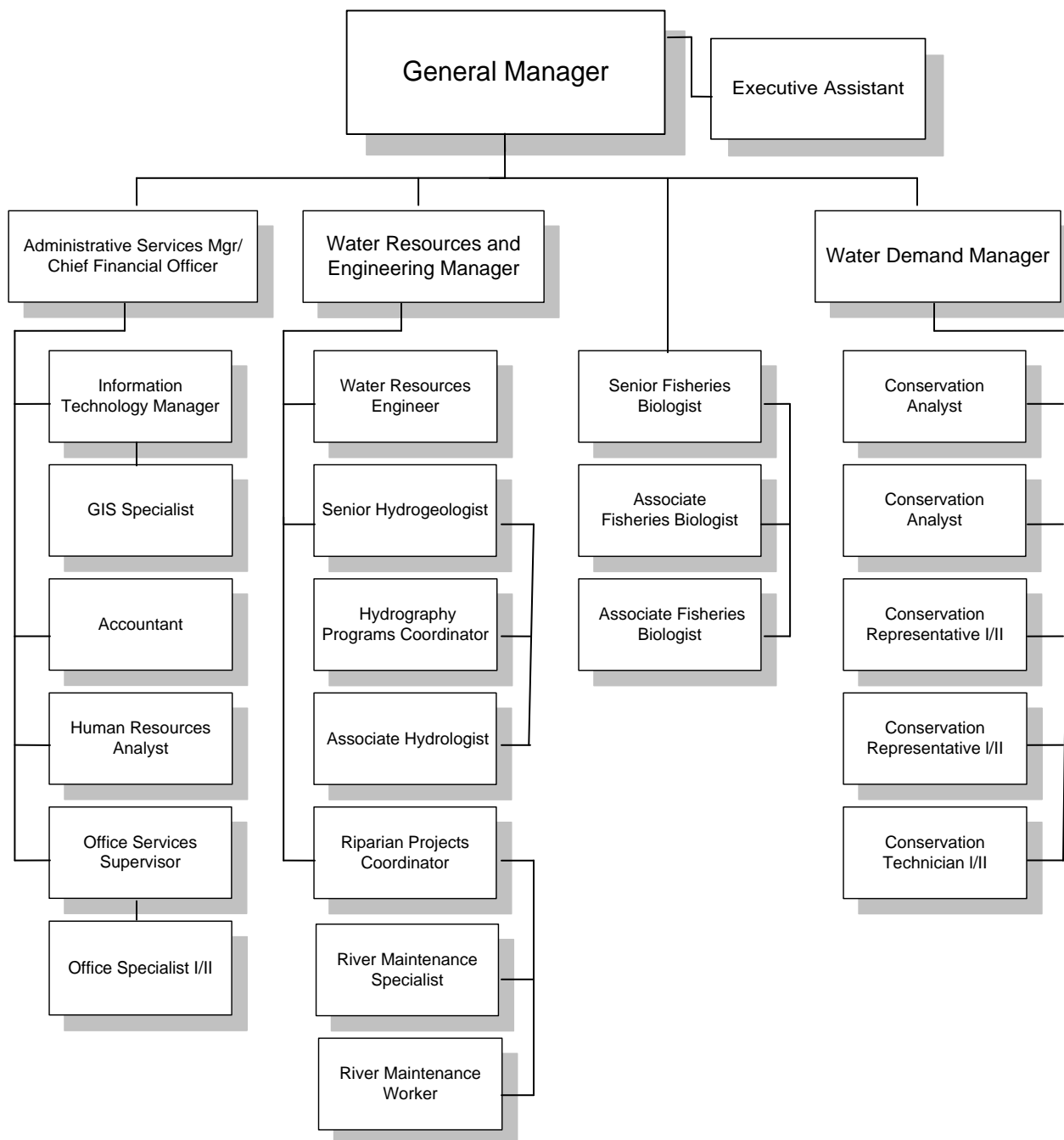
**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
CURRENT ORGANIZATION CHART  
August 15, 2016**



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**EXHIBIT 3-B**

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
PROPOSED ORGANIZATION CHART  
August 15, 2016**



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**ITEM: PUBLIC HEARING****9. CONSIDER APPEAL OF DECISION TO ISSUE WATER PERMIT #34741 FOR 150 SEA FOAM, MONTEREY, (APN 011-462-039)**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Stephanie Locke</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: N/A**

**SUMMARY:** On July 5, 2016, the District received an Application for Appeal of Water Permit 34741 (issued June 13, 2016 for 150 Sea Foam Avenue, Monterey) from Alan Cleaves, Marc Cusenza and Jayme Fields (**Exhibit 9-A**). The appellants allege that the District errantly issued Water Permit 34741 (**Exhibit 9-B**) for construction of a new house in error by applying Water Credits to offset the new Water Use Capacity from the removal of (allegedly) unpermitted water fixtures<sup>1</sup> (four Showerheads and one Utility Sink) from the adjacent house at 149 Spray Avenue, Monterey. The appellants are appealing to the Board to revoke the Water Permit pursuant to Rule 25-C (**Exhibit 9-C**) and find “the property owner or permit applicant has misrepresented intentionally or negligently any material fact in the Water Permit application or in any supporting documents.”

The appeal documents include written statements from Sandra Randazzo, Trustee for the Robert Bullock Trust (seller of both Parcels), and from Tom Loorz, the California State Certified General Real Estate Appraiser who appraised both properties for the Robert Bullock Trust. Floor plans and a review of the City’s building records at the City of Monterey (**Exhibit 9-D**) support the statements of these witnesses who claim the water fixtures in question (i.e., four additional Showerheads and a Utility Sink) were not installed at 149 Spray Avenue, Monterey, or installed with proper permits at the time of sale. Finally, the appraisals for both properties (**Exhibit 9-E** and **Exhibit 9-F**) were provided to the District by Ms. Randazzo to further support her statement<sup>2</sup>. **Exhibit 9-F** provides notes in the appraisal citing a lack of water for the site.

If the Board determines that the extra Showerheads and Utility Sink that were removed to establish a Water Credit at 149 Spray Avenue, Monterey, were installed without benefit of a Water Permit, the Water Credit used to offset the Water Use Capacity for the new home at 150 Sea Foam Avenue, Monterey, should be revoked. If revoked, the Water Permit is invalidated. At this time, the City of Monterey has been requested to cease action on processing the building

<sup>1</sup> District Rule 25.5-F-3 allows a Water Use Credit for permanent removal of water using fixtures provided that the fixture was properly and lawfully installed.

<sup>2</sup> Statement of Sandra Randazzo, Trustee of the Robert Bullock Trust, can be found as “Exhibit B” to the Appeal Application (Exhibit A).

permit pending a decision by the District's Board of Directors. The hearing was properly noticed by posting on and around the Site for a minimum of ten days, and the property owner was sent notice of the hearing.

District Rule 70, *Appeals*, **Exhibit 9-G**, provides a setting whereby a ministerial decision can be reconsidered. The Board may deny, approve or continue any appeal. In applying for an appeal, the appellant must reference the provision of the Rules and Regulations which has been violated. The Board must then determine whether the General Manager (or his designee) made the decision in error.

**PROCESS:** The consideration of an appeal of a decision of the General Manager, pursuant to District Rule 70, is a quasi-judicial action of the Board of Directors. At the outset, Legal Counsel will provide an overview of the process.

**RECOMMENDATION:** The Board should receive public comment before considering the information provided. In coming to a conclusion on this matter, the Board should provide direction to staff on the preparation of findings either denying or approving the appeal. Staff will prepare draft findings for adoption at the next meeting.

**BACKGROUND:** On February 27, 2014, following a February 4, 2014 transfer of ownership of 149 Spray Avenue, Monterey, (along with the vacant adjacent lot) staff performed an inspection to verify compliance with District Rule 144, *Retrofit Upon Change of Ownership or Use*, for water efficiency requirements. A count of the existing water fixtures was included on the inspection report as a standard practice of the District. The property was in compliance with the water efficiency requirements for a Change of Ownership.

On June 19, 2014, the District received a Water Release Form and Water Permit Application from the Dale Hogan Family Trust (buyer) to remove four Showerheads and a Utility Sink (**Exhibit 9-H**) from 149 Spray Avenue. District Rule 25.5-F-3-a limits Water Use Credits for multiple Showerheads to a maximum of one extra fixture per Separate Stall Shower or Bathtub. Therefore, although the application anticipated a Water Use Credit of eight fixture units for the Showerhead removals, the District granted only four fixture units. Water Permit 33370 documented these credits.

A subsequent Water Permit application was received on June 6, 2016, to retrofit water fixtures at 149 Spray Avenue with all ultra-high efficiency water fixtures to establish an additional Water Use Credit. This application resulting in Water Permit 34723 (**Exhibit 9-I**) included retrofitting two toilets to Ultra-High Efficiency Toilets, installing an High Efficiency Dishwasher and Clothes Washer, and an Instant-Access Hot Water System. This resulted in an additional four fixture units of credit. A Site inspection was conducted on June 9, 2016, to verify the installation of the high efficiency appliances and removal of fixtures.

An application for a Water Permit for a new Single Family Dwelling was received on June 8, 2016 (**Exhibit 9-B**). The application states that water for the new Water Use Capacity is based on "credit from 149 Spray." The application also included an application for sub-metering, as

Ordinance No. 170, prohibiting sub-metering of Single Family Dwellings, was not effective until June 14, 2016.

Prior to the issuance of Water Permit 34741, staff verified that Water Use Credits were available at the adjacent property, and confirmed that 149 Spray Avenue and 150 Sea Foam Avenue, Monterey met the criteria of a “Site.” A Site is defined in Rule 11 as “*any unit of land which qualifies as a Parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel, and (2) which have identical owners, and (3) which have an identical present use.*” “A valid Water Use Credit may provide the basis for a Water Permit for new, modified, or Intensified Water Use on that Site” (Rule 25.5). Staff determined that ten Water Use Credits were available.

The District issued Water Permit 34741 for a new Single Family Dwelling utilizing sub-metering at 150 Sea Foam Avenue, Monterey, on June 13, 2016. The appeal was submitted in a timely manner on July 5, 2016.

## **EXHIBITS**

- 9-A** Application for Appeal with Attachments
  - A-1** MPWMD Inspection Report for 149 Spray Avenue
  - A-2** Water Release Form to Document Removal of 3 Showerheads at 149 Spray Avenue
  - B** Statement from Sandra Randazzo, Trustee for Robert Bullock Trust
  - C** Statement from Tom Loorz, Property Appraiser
  - D** Photographs from the MLS Listing of 149 Spray
- 9-B** Water Permit 34741 Including Water Release Form/Application
- 9-C** District Rule 25, Cancellation, Expiration, Suspension, Abandonment and Revocation of Water Permits
- 9-D** Supplemental Email from Applicant with Building Department Records
- 9-E** Appraisal for 149 Spray Avenue, Monterey
- 9-F** Appraisal for 0 Spray Avenue, Monterey (AKA 150 Sea Foam Avenue)
- 9-G** District Rule 70, Appeals
- 9-H** Water Permit 33370 Including Water Release Form/Application
- 9-I** Water Permit 34723 Including Water Release Form/Application

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**EXHIBIT 9-A**



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**

Applicant's Full Name: Alan Cleaves, Marc Cusenza and Jayme Fields  
 Mailing Address: 147 and 148 Seafoam Avenue and 145 Spray Avenue  
 City: Monterey State: CA Zip: 93940  
 Phone Number(s): Work ( 631 ) 402-8277 Home ( 631 ) 375-7818  
 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: Dak Hogan  
 Mailing Address: 1512 Rockhaven Drive  
 City: Modesto State: CA Zip: 95356  
 Phone Number(s): Work ( 631 ) 621-9564 Home ( \_\_\_\_\_ ) \_\_\_\_\_  
 2. Property Address: 150 Seafoam Avenue  
 City: Monterey State: CA Zip: 93940  
 3. Assessor's Parcel Number: 011 - 462 - 039  
 4. Property Area: Acres: .10 Square Feet: \_\_\_\_\_ Other: \_\_\_\_\_  
 5. Past Land Use: vacant  
 6. Present Land Use: vacant  
 7. Proposed Land Use: residential  
 Existing buildings? Yes \_\_\_\_\_ No X  
 Types of uses and square footage: 1748 sq single family home

7-5-2012  
 PCC  
 \$250.00  
 [Signature]

email marccusenza@yahoo.com

## APPLICATION FOR APPEAL

## EXHIBIT 1

## 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?

*see attached*

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?

*see attached*

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

*see attached*

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

*see attached*

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

*see attached*

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

*see attached*

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.

*see attached*

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 1 Total No. Fixture Units (Residential Only) 9.1

Commercial/Industrial/Governmental: Type of Use: n/a Square Footage: \_\_\_\_\_

Other (Specify): n/a

- 3. Current Zoning Classification: R 1
- 4. Name of the water company which services the property: California American Water

- 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.  
no

- 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.)  
n/a

- 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?  
n/a

\*\*\*\*\*  
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.

[Signature]  
Signature of Applicant

7/1/16  
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.



**1. From which rule(s) or staff decisions(s) are you requesting an appeal?**

We are appealing staff's issuance of a water permit under Rule 21B. We believe that a water permit should not be granted, as there is not sufficient water for the project.

**2. Do you feel the rule or staff's decision is applicable in most cases..?**

This is a highly unusual and complex case.

**3. What are the circumstances surrounding your decision to appeal?**

The residential project at 150 Seafoam Avenue has been granted water via a submeter from 149 Spray Avenue and based on a fraudulently obtained water credit from the removal of fixtures from the home on 149 Spray. In fact and as documented by the prior owner and the appraiser who inspected the property, the applicant illegally added three additional showerheads to the upstairs bathroom, one additional showerhead to the downstairs bathroom, and a laundry sink after the applicant closed escrow on the property and before the MPWMD inspection. The applicant then submitted a water release form and water permit application 5 months later for a remodel that included the removal of these additional fixtures to obtain a water credit for a new house on 150 Seafoam. **Exhibit A.** Accordingly, the fixtures that the Hogans added after the transfer of ownership were improperly counted as historic water being utilized by the project.

The house is well known to the neighbors. It was an unimproved home, build in the mid-sixties. It's long-time resident, Robert Bullock, lived alone and donated the house and adjoining lot to create a scholarship fund at the local college upon his passing. In his final years, Mr. Bullock received professional assistance from Sandra Randazzo, CCF, NCG, CLPF, who had occasion to perform repairs to the home, including its bathrooms, and therefore knows their exact configuration and the numbers of fixtures that existed prior to selling the house to the Hogan Trust. She has confirmed that the extra shower fixtures and the laundry sink were not present. **Exhibit B.** Ms. Randazzo was the trustee for his estate and upon Mr. Bullock's passing and engaged Tom Loorz to establish the fair value of the property. Mr. Loorz performed extensive research, including meeting with representatives of the MPWMD and interviewing the caregivers who worked every day in the home, to determine the availability of water for the house and the adjoining lot. Through analysis of the property at that time, it was determined that sufficient water credits did not exist. Mr. Loorz has corroborated Ms. Randazzo's statement that the Hogan's added fixtures after the house was sold in order to secure a water credit for a house on the adjacent lot. **Exhibit C.**

In addition, photos from the MLS listing of the home confirm an unimproved shower. **Exhibit D.** Note that one side of the shower can be seen directly and the other is seen in the mirror. The picture may be fuzzy, but it clearly shows that there were not extra showerheads in the shower, as noted in the fixture count represented by Raini Hogan.



Based on all of these, as well as the neighbors who had occasion to examine the home at the time of sale, the fixtures being used to generate extra water credits in 149 Spray were not present when the Bullocks sold the property to the Hogan Trust and should not be counted in the determination of available water credits. Based on a correct count of the water credits present in the home at the time of sale, there are not sufficient credits available to be utilized in the new construction of a single family residence and the water permit issued to 150 Seafoam Avenue should be denied / revoked.

The appellants would have objected much sooner had they known of the Hogan's intentions to obtain a water permit based on water credits that were obtained from the illegal installation of water fixtures at 149 Spray. However, neither the appellant, nor any of the other neighbors to the property were provided notice of the Hogan's submittal of a water release form for the remodel or MPWMD's determination of a water credit for 149 Spray.

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

Clear evidence of critical mistakes in the water credit process has been obtained from knowledgeable professionals. The Water District Board itself has legislated the end of water credit usage in this way. Taken individually or together, the circumstances dictate immediate action from the Board to deny the water permit.

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

If the water permit were allowed to stand, a brand new home would be added to the already constrained water resources of the Peninsula, consuming a full new house worth of water. This happens at a time when other residents continue to sit on the water waiting list for years. Further, discussion has spread throughout the community about the manipulation which took place to achieve the credits and the apparent acceptance of it by the enforcing District. The District's reputation for water saving and enforcement would be greatly and negatively impacted for years to come should this project be allowed to proceed.

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

Rule 25(C) provides that the District Board may revoke any water permit issued pursuant to these Rules whenever it finds that "the property owner or permit applicant has misrepresented intentionally or negligently any material fact in the Water Permit application or in any supporting documents." This provision would undoubtedly allow the Board to deny a water permit based on the fraudulent procurement of a water credit.

As documented above and in the attached letters supporting this appeal, the Board should grant the appeal and deny issuance of the water permit, which was issued based on an intentional

misrepresentation of the fixture count that existed at 149 Seafoam at the time the property was transferred from the Bullocks to the Hogan Trust. The Hogans fraudulently added additional showerheads and a laundry sink after the close of escrow and before the MPWMD inspection to ensure that sufficient water credits would be available for a new house on the adjacent vacant lot. Surely, the Bullock's and or their agent would not have sold the property for \$712,500 if they had sufficient water credits to build on the adjacent vacant lot, which would have significantly increased the value of the property.

We further note that the Hogans scheme to add a new home on this vacant could only occur by installing a new submeter at 149 Spray because Cal-Am is prohibited from installing a new meter at 150 Seafoam due to the existing Cease and Desist Order. The Hogans secured their water permit several days before the District's changes to its submetering rules in Rule 23, which were never intended to allow a submeter in order to transfer water credits to adjacent legal lot for residential development, became effective. The District Board appropriately closed this "loophole" when it adopted Ordinance 170.

We request that the Board grant the appeal and deny the water permit to establish a clear precedent that the Board will not tolerate and issue water permits that are based on fraudulently procured water credits.

7. Please indicate if you intent to make a statement at the appeal hearing, and list the names of any others who may speak on your behalf.

Yes, the appellants will speak. Other neighbors, the above referenced professionals and members of the community may also wish to speak on this important issue.

*Exhibit A*

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**  
 5 HARRIS COURT, BLDG. G · P.O. BOX 85 · MONTEREY, CA 93942 · (831) 658-5601 · FAX (831) 644-9558 · www.mpwmd.net  
**INSPECTION REPORT**

Conservation:  Change of Title | Permits:  Pre-Inspection/Credits  New Construction  Remodel/Addition  Re-Inspection

PROPERTY ADDRESS: 149 SPRAY AVENUE  
 CITY: MONTEREY BATHROOMS: FULL 1 1/2 — Other —  
 ASSESSOR'S PARCEL NUMBER: 011 - 462 - 012 BUSINESS NAME: —  
 OWNER'S NAME: BULLOCK PERSON CONTACTED: JOHN CAMINATI  
 USFD  AUX.  MFD  NON-RES. (No. of Bldgs.)  MIXED USE

This form certifies that an inspection was conducted at the above address. At the time of the inspection, the property  WAS  WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit No. —. Additionally, fees in the amount of — are  PAID  DUE. Water Efficiency Standards are listed in Regulation XIV of the District Rules and Regulations; see summary on the back of this form. (*Specific Permit requirements are on file at the District office.*)

*Any discrepancies on fixture counts must be reported and cleared or appealed within 21 days of inspection date.*

No Water Credits are available for outdoor water fixtures, multiple utility sinks, and multiple showerhead installations (Pursuant to District Rules 14 & 15.5)

**WATER FIXTURE INVENTORY:**

Name of fixture	Fixture Count	Remarks/Location	High Efficiency
Washbasin.....	<u>1</u>		<input type="checkbox"/>
Toilet... <u>KOIL (6-1)</u>	<u>1</u>		<input type="checkbox"/>
Large Bathtub (over 55 gal.).....			
Standard Bathtub or Shower Stall (with one showerhead)..	<u>1.15</u>	<u>1.5/1.5 GPM</u>	
Additional Showerhead.....	<u>1</u>	<u>INDWN STAIRS - 3N</u>	<input type="checkbox"/>
Kitchen Sink/Dishwasher.....	<u>1</u>		<input type="checkbox"/>
Dishwasher, additional.....			<input type="checkbox"/>
Laundry Sink or Utility Sink* (1 per Residential Site)....	<u>1</u>		<input type="checkbox"/>
Clothes Washer... <u>FIXTURE</u>	<u>1</u>		<input type="checkbox"/>
Bidet.....			
Bar Sink/Vegetable Sink/Entertainment Sink.....			
Instant-Access Hot Water System.....	<u>NO</u>		<input type="checkbox"/>
Swimming Pool (square-feet of surface area).....			
Rain Sensor/Soil Sensor.....	<u>N/A</u>		
Rainwater Harvesting Capacity/Cistern Gallons.....	<u>—</u>		
Lawn Removal & Replacement: (square foot Area).....	<u>—</u>		
Graywater System (Roof Dimensions):.....	<u>—</u>		

\* Credit is available for one utility sink only per Residential Site.

Inspector's Notes: SAUNA - GROUND FLOOR

- ACTION REQUIRED**
- Items not in compliance must be corrected within thirty (30) days.
  - Re-inspection required. Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
  - Provide itemized receipts for Toilets, Showerheads or signed "Showerhead Certification of Installation" form; provide photos and receipts for Rain Sensor installation. Mail documents to P.O. Box 85, Monterey, CA 93942; or fax to 644-9558.
  - Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

Acknowledgment of Receipt 2/27/14 Date Michael Kalis MPWMD Representative 2-27-14 Date  
 See Important Terms and Conditions on back of form.  
 U:\demand\Work Forms\Inspection Reports\Inspection Report Revised 20130507.docx white copy applicant yellow copy - MPWMD

SUBMITTED BY APPLICANT

Exhibit A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

NOTE: When approved and signed by the jurisdiction, this form must be submitted with final and complete Construction Plans to:
Monterey Peninsula Water Management District Permit Office
5 Harris Court, Bldg. G • Monterey, CA 93940 • (831) 658-5601 • www.mpwmd.net • Fax (831) 644-9558
Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly)

1. OWNERSHIP INFORMATION: RYAN HOLLAN, ADM. IN TRUST 2. AGENT/REPRESENTATIVE INFORMATION:
Name: DALE RAY HOGAN, FARMER & TAVERN Name: Raini Hogan
Daytime telephone: Daytime telephone: 831-421-4564
Mailing Address: 1512 Rockwood Dr, Monterey, CA 93956 Mailing Address: P.O. Box 1430, Seaside, CA 93955

3. PROPERTY INFORMATION:
What year was the house constructed? 1985 Existing Square-footage 1981-1982 Proposed Square-footage 1958
Address: 149 SPRAY AVE Assessor Parcel Number 011-962-012
Is a water meter needed? (Circle one) YES NO If yes, how many meters are requested?
Water company serving parcel: CAL AM Account Number: 41-522,000-3658

NOTE: Separate water meters are required for each User. Residential uses require separate meters for all auxiliary housing that includes a kitchen.

4. PROJECT DESCRIPTION (Be thorough and detailed): REMODEL BOTTOM OF EXISTING HOUSE, ADD ELECTRICAL AND PLUMBING, REPAIR & REPLACE EXISTING DECKS, REPLACE EXISTING WINDOWS & SLIDERS, CONCRETE LOWER LEVEL, ADD PORCH TO EXISTING GARAGE.

5. INSTRUCTIONS: Table #1 should list the fixtures on the property as they exist before the project. Table #2 should reflect all fixtures on the property after the project is completed. Only one Master Bathroom can be designated per dwelling unit.

Table No. 1 Existing Property Fixture Count (All fixtures before project)
Table with columns: Type of Fixture, Fixture, Value, Count. Includes items like Washbasin, Toilets, Showers, Dishwashers, etc.

Table No. 2 Post Project Fixture Count (All fixtures after project)
Table with columns: Type of Fixture, Fixture, Value, Count. Includes items like Washbasin, Toilets, Showers, Dishwashers, etc.

\* Use this fixture count if a previous Permit was issued under Ordinance 80 to utilize the Master Bathroom Credit. (Tub may be large.) See District staff for more information.

EXISTING FIXTURE UNIT COUNT TOTAL = 23.6 / 19.6 PROPOSED FIXTURE UNIT COUNT TOTAL = 21.0 / 17

\*DEED RESTRICTION REQUIRED WHEN CREDIT IS APPLIED FOR "HE" APPLIANCES. EXPECT PERMIT PROCESS TO TAKE THREE WEEKS

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, Water Permits for the property may be canceled.

6. I certify, under penalty of perjury, that the information provided on this Water Release Form & Water Permit Application is to my knowledge correct, and the information accurately reflects water use presently planned for this property.

Signature of Owner/Agent: RAINI HOGAN Date: 7/14/14 Location Where Signed: Monterey
Print Name: RAINI HOGAN File or Plan Check Number: 014-0219

AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY
AF Paralta Allocation AF Public Credits AF Second Bathroom Protocol
AF Pre-Paralta Credits WDS (Private Well) Water Entitlement No water needed
Notes: Authorized by: [Signature] Date: 7/14/14

This form expires one year from date of authorization for this project by the jurisdiction.
White copy-MPWMD Yellow copy-applicant Pink copy-jurisdiction
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

SUBMITTED BY APPLICANT

Exhibit B

Sandra L. Randazzo trustee  
731 Junipero Avenue  
Pacific Grove, CA 93950  
831-373-3372 phone 831-641-0281 cell  
[sandydazzo@gmail.com](mailto:sandydazzo@gmail.com)

June 30, 2016

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

To whom it may concern:

RE: 149 Spray Avenue, Monterey, CA 93940

As trustee for the Robert Bullock Trust I am writing this letter to confirm existing water fixtures at 149 Spray Avenue, Monterey, CA prior to the sale of the property.

Mr. Bullock was under the care of Central Coast Senior Services and required help with most personal care needs 7 days a week. In addition to being his trustee I was also POA for finance and healthcare. I was very familiar with the house and the configuration of its fixtures as I was in the home several times a week.

Existing Fixtures at time of Sale:

Upstairs bathroom one showerhead no bathtub, one sink, one toilet.

Kitchen one sink one facet

Downstairs bathroom one showerhead and bathtub facet which did not work and I needed to have repaired before the sale of the property. Marks Plumbing and Sewer did the repair work. One sink, and one toilet.

Downstairs laundry closet one washer hook-up.

There was never a laundry sink anywhere on the property.

One outside facet exterior right side of property.

Two bathrooms only one upstairs and one downstairs

Any showerheads in excess of one per shower, and the laundry sink, that were counted for water credits were added after the purchase of the house and were not in the home before the sale of the property.

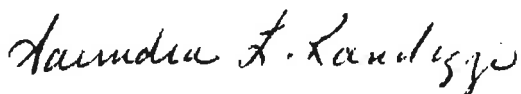
SUBMITTED BY APPLICANT

The property was appraised prior to the sale of the property which included a vacant lot. The appraisal was based on the fact there was **no water available to build on the vacant lot**. The home and lot were sold together based on this fact.

I would like to mention on behalf of Robert Bullock Trust and MPC Foundation that Mr. Bullocks entire estate was left to MPC Foundation for scholarships. It would be very sad to think students would be deprived of scholarship money because someone was not honest.

I am positive the Water Management District will make the correct decision regarding this matter.

Thank you,



Sandra L. Randazzo

Trustee for the Robert Bullock Trust.

SUBMITTED BY APPLICANT

Borrower N/A						
Property Address 149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code 93940
Lender/Client	Marc S Cusenza		Address	148 Seafoam Avenue, Monterey, CA 93940		

Loorz & Company, Inc.  
Real Estate Appraisals  
realmarketvalue@comcast.net

2075 Cross Street  
Seaside CA 93955  
831-695-8845

July 1, 2016

Monterey Peninsula Water Management District

cc: Mr. Marc Cusenza

Re: 149 Spray Avenue & 0 Seafoam Avenue  
Monterey, CA 93940

To whom it may concern,

Pursuant to the request from Mr. Marc Cusenza for some information from a previous appraisal performed on the property I refer back to my cursory viewing of both the interior and exterior of the subject dwelling as of 08/15/2013. Let this letter serve notice of some of my recollections of certain observations that although may have been beyond the scope of my original engagement, may provide assistance in this matter. This letter has been prepared with the full understanding and consent of my client and is not intended to satisfy or mollify any additional request from my initial engagement.

On 08/15/2013, I performed a cursory viewing of both the interior and exterior of the subject dwelling in the attendance of my client Saundra Randazzo CLPF. The general level of viewing of the subject property was typical and customary in the process of determining a "date of death" valuation for the real property the client's estate, however, no exact water credit fixture analysis was performed, or was to be expected, within our agreed upon scope of work. I have reviewed my work file which pictures only one of the bathrooms, however, it did not garner any exact number of the quantity of fixtures in the shower stall. Per my recollection of my casual interior viewing of the subject dwelling I do not recall any extraordinary fixtures that were above and beyond normal/typical for bathrooms in homes in the area which normally consists of 1 shower head per stall. I have subsequently reviewed my sentiments with my client with both of our recollections vacant of any additional fixtures as would otherwise suit a single elderly gentlemen. On a secondary recollection and confirmation with the then owner's care giver, it appears that her day to day bathing of the client put her direct contact with the actual fixture count with her recollection being consistent with mine and Ms. Randazzo's.

I certify that all statements contained herein are true and that I am a State Certified Appraiser and that I possess all the requisite licensing, education and experience to perform written appraisal reports in the subject area and that I have no present or prospective interest in the properties that are the subject of these reports. I also certify that I have no personal interest or bias with respect to the parties involved, and that my compensation was not contingent upon the reporting of a predetermined value or direction in favor of the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

By acceptance of this letter, the client acknowledges that the appraiser is not obliged to give testimony or appear in court because he has provided material observations of the property in question unless specific arrangements to do so have been made beforehand. Any post consultation with the Client or Third Parties will be at an additional fee. If testimony or deposition is required due to subpoena, the client shall be responsible for any additional time, fees and charges regardless of issuing party. The client also acknowledges that use of this report constitutes acceptance of all conditions and assumptions stated herein.

If you should have any further questions do hesitate to call the office.

Respectfully,

Tom Loorz  
California State Certified General  
Real Estate Appraiser #AG008051

Appraiser Name Thomas P. Loorz Supervisor Name \_\_\_\_\_



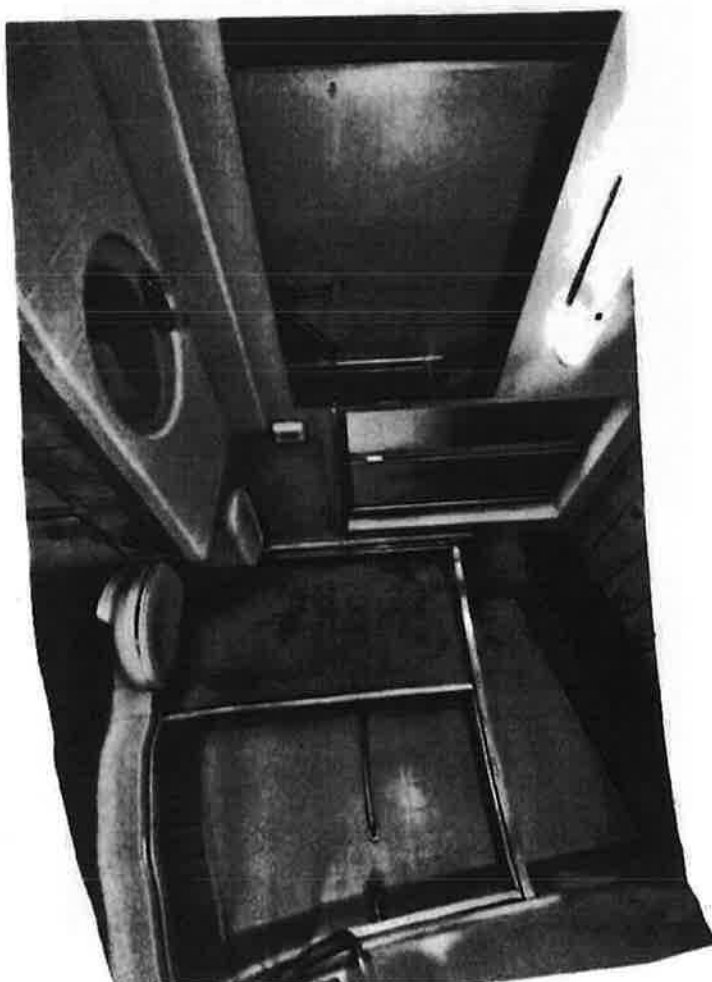
Exhibit D

SUBMITTED BY APPLICANT

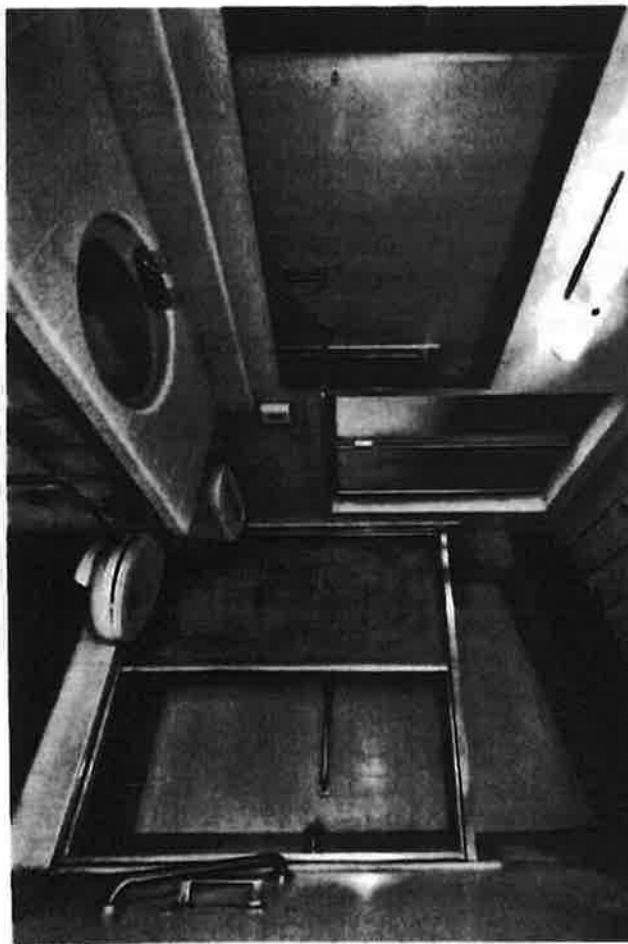




SUBMITTED BY APPLICANT



SUBMITTED BY APPLICANT



SUBMITTED BY APPLICANT



**DISCLOSURE STATEMENT  
(EX PARTE COMMUNICATIONS)**

Name or description of project, action, etc.: 150 Seaboard Ave. Monterey, CA <sup>93940</sup>

Names and addresses of all persons authorized to communicate with the Board of Directors on this matter:

Name	Address
<u>Marce Cusenza</u>	<u>148 Seaboard Ave. Monterey, CA</u> <u>93940</u>
<u>Alan Cleaves</u>	<u>145 Seaboard Ave. Monterey, CA</u> <u>93940</u>
<u>Jayne Fields</u>	<u>147 Spray Ave. Monterey, CA</u> <u>93940</u>

This Disclosure Statement is completed in my capacity as  the Applicant for matter referenced in the first line, or as  an authorized Agent of the Applicant. My signature evidences I am duly authorized to act on behalf of all individuals and/or entities that have an ownership interest in this matter (exceptions shall be noted by checking this box  and providing a complete explanation as an attachment to this Disclosure Statement).

I understand this Disclosure Statement is required to list the names and addresses of all persons authorized to communicate with the Directors of the Water Management District on this matter. I further understand and agree to revise and amend this Disclosure Statement whenever any other person is authorized to communicate regarding this matter. Oral disclosure of agents shall not satisfy this requirement.

I understand and agree that failure to disclose the name of individuals who shall communicate with the District Board Members on behalf of the applicant shall subject the matter referenced above to immediate review and denial. Further, I understand that if denial is based on failure of either the applicant or of an authorized agent of the applicant to comply with these disclosure requirements, no request for approval of an identical or similar matter shall be granted for a period of twenty-four (24) months from the date this matter is denied.

I declare the foregoing to be true and correct of my own personal knowledge. I have signed this form this 8 day of July, 2016. This form is signed in the City of Monterey, State of California.

Marce Cusenza  
Name (print)

[Signature]  
Signature

\\sams\work\Forms\Applications\2014\2220\_ExperteDisclosure.doc

SUBMITTED BY APPLICANT

**EXHIBIT 9-B**

5 Harris Court, Building G, Monterey, CA 93940 -- P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 -- Fax 831-644-9558 -- www.mpwmd.dst.ca.us -- www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34741 ASSESSOR PARCEL NUMBER: 011-462-039-000**

ISSUE DATE: 06/13/2016 EXPIRES: 06/13/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

APPLICANT: RYAN T. HOGAN FAMILY TRUST PHONE: (831)-624-9564

AGENT: DAVID PREW PHONE: (831)-620-2080

APPLICANT MAILING ADDRESS: 1512 ROCKHAVEN DR, MODESTO, CA 95356

PROPERTY ADDRESS: 150 SEA FOAM AVE, MONTEREY, CA 93940 JURISDICTION: MONTEREY

**DEED RESTRICTION REQUIRED**

APPLIED RULE: RESIDENTIAL WATER EFFICIENCY STANDARDS FOR NEW STRUCTURES;  
MANDATORY CONDITIONS OF APPROVAL; MASTER BATHROOM FIXTURE UNIT  
ACCOUNTING; HIGH EFFICIENCY APPLIANCE CREDITS;  
WATER USE CREDITS, ON-SITE CREDIT W/ APN: 011-462-012

**\*\*IMPORTANT NOTICE\*\***

Currently, the Monterey Peninsula Water Management District (District) has authority pursuant to its Rules and Regulations to issue Water Permits and Water Use Permits.

However, NOTICE is hereby provided that on October 20, 2009, the State Water Resources Control Board issued a Cease and Desist Order (CDO) on California American Water. This CDO prohibits California American Water from diverting water from the Carmel River for new service connections or for any increased use at existing service locations after October 20, 2009.

Water Permits issued after October 20, 2009 may be subject to the CDO.

For more information, please contact the State Water Resources Control Board or California American Water.

WATER DISTRIBUTION SYSTEM: CAL-AM ALLOCATION DEBITED: 0.000

PERMIT TYPE: New Connection (Residential)

NUMBER OF PROPOSED CONNECTIONS: 1

EXISTING LAND USE: VACANT PROPOSED LAND USE: NEW SFD

REMARKS:



5 Harris Court, Building G, Monterey, CA 93940 – P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 – Fax 831-644-9558 – www.mpwmd.dst.ca.us – www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34741 ASSESSOR PARCEL NUMBER: 011-462-039-000**

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**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

\*SITE MUST HAVE TWO (2) UHETS (0.8 GPF MAX), 2.0 GPM SHOWERHEADS, LAVATORY SINK FAUCETS MUST FLOW 1.2 GPM; ALL OTHER FAUCETS 1.8 GPM, INSTANT-ACCESS HOT WATER SYSTEMS. ALL HOT WATER PIPES SHALL BE INSULATED.

\* A HE DISHWASHER, A HE CLOTHES WASHER WITH A WATER FACTOR OF 5.0 OR LESS SHALL BE INSTALLED.

\*ALL LANDSCAPING MUST COMPLY WITH THE CAL. MODEL WATER EFFICIENT LANDSCAPE ORDINANCE/ LOCAL OR DISTRICT LANDSCAPE REQUIREMENTS IF MORE RESTRICTIVE.

\*WEATHER-BASED IRRIGATION SYSTEM CONTROLLERS SHALL BE INSTALLED INCLUDING SOIL MOISTURE SENSORS AND A RAIN SENSOR.

\*DRIP IRRIGATION SHALL BE UTILIZED FOR WATERING ALL NON-TURF IRRIGATED; IRRIGATION SYSTEMS SHALL OPERATE WITH AT LEAST 75 PERCENT EFFICIENCY.

\*

\*SEPARATE WATER SUPPLY LINES AFTER THE WATER METER TO SUPPLY FIRE SUPPRESSION SERVICE AND DOMESTIC SERVICE REQUIRED.

\*OWNER SHALL HAVE CAW WATER METER INSTALLED WITHIN NINETY (90) DAYS OF THE CONCLUSION OF A CONNECTION MORATORIUM\*

<b>Fixtures</b>	<b>No of Existing Fixtures</b>	<b>No of Post Project Fixtures</b>	<b>Fixture Unit Value</b>	<b>Existing Capacity</b>	<b>Post Project Capacity</b>
Washbasin (lavatory sink)	0.000	1.000 x	1.00000 =	0.000	1.000
Master Bathroom:1st Washbasin of Two	0.000	1.000 x	1.00000 =	0.000	1.000
Master Bathroom:2nd Washbasin of Two	0.000	1.000 x	0.00000 =	0.000	0.000
Toilet, Ultra High Efficiency (UHET) (0.8 gallon maximum)	0.000	2.000 x	0.80000 =	0.000	1.600
Standard Bathtub or Shower Stall (One Showerhead)	0.000	1.000 x	2.00000 =	0.000	2.000
Kitchen Sink with adjacent High Efficiency Dishwasher	0.000	1.000 x	1.50000 =	0.000	1.500
Clothes Washer, High Efficiency (Water Factor of 5.0 or less)	0.000	1.000 x	1.00000 =	0.000	1.000
Outdoor Water Uses (new Connection only)	0.000	1.000 x	1.00000 =	0.000	1.000



5 Harris Court, Building G, Monterey, CA 93940 – P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 -- Fax 831-644-9558 -- www.mpwmd.dst.ca.us -- www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34741 ASSESSOR PARCEL NUMBER: 011-462-039-000**

ISSUE DATE: 06/13/2016 EXPIRES: 06/13/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

Instant Access Hot Water System(Fixture Credit)

		<b>Total (AF)</b>	<b>0.000</b>	<b>0.091</b>
<i>Available Jurisdiction (AF):</i>	<i>0.000</i>	<b>Credited WUP (AF):</b>	0.000	
<i>Available WUC (AF):</i>	<i>0.100</i>	<b>Credited WUC (AF):</b>	0.000	
<i>Available WUP (AF):</i>	<i>0.000</i>	<b>Proposed Water Usage (AF):</b>	<b>0.091</b>	
<i>Available On-Site (AF):</i>	<i>0.000</i>			

<u>Fee Description</u>	<u>Fixture Rate</u>	<u>Quantity</u>	<u>Fees</u>
<b>Processing Fee (Residential per Dwelling)</b>			<b>210.00</b>
<b>Deed Restriction/Recording Fee(1st Page)</b>			<b>42.00</b>
<b>Deed Restriction/Recording (Addtnl Pages)</b>			<b>9.00</b>
<b>Courier Fees</b>			<b>14.00</b>
<b>Recording Copy Page</b>			<b>4.00</b>
<b>Deed Restriction Prep.</b>			<b>105.00</b>
<b>Document Image Fee</b>			<b>6.00</b>
<b>Deed Restriction Notary Page</b>			<b>6.00</b>
<b>Total</b>			<b>396.00</b>

The Monterey Peninsula Water Management District issues this permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the referenced application or if water fixtures are added or changes in water use occur on this site without amendment of the water permit.

\_\_\_\_\_  
Signature of Property Owner / Agent

6/13/16  
\_\_\_\_\_  
Date

Note:

MONTEREY PENINSULA  
**WATER**  
 MANAGEMENT DISTRICT

5 Harris Court, Building G, Monterey, CA 93940 - P.O. Box 85, Monterey, CA 93942-0085

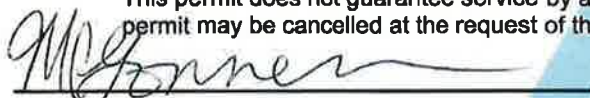
831-658-5601 - Fax 831-644-9558 - www.mpwmd.dst.ca.us - www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34741 ASSESSOR PARCEL NUMBER: 011-462-039-000**

ISSUE DATE: 06/13/2016 EXPIRES: 06/13/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

This permit does not guarantee service by any water company, public utility, or municipal water agency. This permit may be cancelled at the request of the jurisdiction following notice to the property owner.



MPWMD Delegated Agent

6/13/16

Date



## MONTEREY PENINSULA WATER MANAGEMENT DISTRICT RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

**NOTE: When approved and signed by the jurisdictions, this form must be submitted with final and complete Construction Plans to:**  
 Monterey Peninsula Water Management District Permit Office  
 5 Harris Court, Bldg. G ♦ Monterey, CA 93940 ♦ (831) 658-5601 ♦ [www.mpwmd.net](http://www.mpwmd.net) ♦ Fax (831) 644-9558  
 Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

**ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly)**

**1. OWNERSHIP INFORMATION:**

Name: DALE HOGAN FAMILY TRUST  
 Daytime telephone: 831 421-9564  
 Mailing Address: 1512 ROCKHOUND DR  
MOJESTO, CA 9395356

**2. AGENT/REPRESENTATIVE INFORMATION:**

Name: DAVID FREW  
 Daytime telephone: 620-2090  
 Mailing Address: 177 WEBSTER ST  
HEED, MONTEREY, CA 93940

**3. PROPERTY INFORMATION:**

What year was the house constructed? \_\_\_\_\_ Existing Square-footage \_\_\_\_\_ Proposed Square-footage 1798  
 Address: 150 SEAFOAM Assessor Parcel Number 011-402-039  
 Is a water meter needed? (Circle one) YES  NO  If yes, how many meters are requested? \_\_\_\_\_  
 Water company serving parcel: CALAM Account Number: \_\_\_\_\_

*NOTE: Separate water meters are required for each User. Residential uses require separate meters for all auxiliary housing that includes a kitchen.*

**4. PROJECT DESCRIPTION (Be thorough and detailed):** NEW SFD W 1.5 BATH

**5. INSTRUCTIONS:** Table #1 should list the fixtures on the property as they exist before the project. Table #2 should reflect all fixtures on the property after the project is completed. Only one Master Bathroom can be designated per dwelling unit.

**Table No. 1 Existing Property Fixture Count**  
(All fixtures before project)

Type of Fixture	Fixture	Value	Count
Washbasin	x 1.0	=	_____
Two Washbasins in the Master Bathroom*	x 1.0	=	_____
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)	x 1.8	=	_____
Toilet, High Efficiency (HET)	x 1.3	=	_____
Toilet, Ultra High Efficiency (UHET)	x 0.8	=	_____
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)	x 0.5	=	_____
Zero Water Consumption Urinal*	x 0.0	=	_____
Masterbath (one per Dwelling): Tub & Separate Shower*	x 3.0	=	_____
Large Bathtub (may have Showerhead above)	x 3.0	=	_____
Standard Bathtub or Shower Stall (one showerhead)	x 2.0	=	_____
Shower, each additional fixture (heads, body spray)	x 2.0	=	_____
Shower system, Rain Bars or Custom Shower (spec)	x 2.0	=	_____
Kitchen Sink (with optional Dishwasher)	x 2.0	=	_____
Kitchen Sink with High Efficiency Dishwasher	x 1.5	=	_____
Dishwasher, each additional (with optional sink)	x 2.0	=	_____
Dishwasher, High Efficiency (with opt. sink)	x 1.5	=	_____
Laundry Sink/Utility Sink (one per Site)	x 2.0	=	_____
Clothes Washer	x 2.0	=	_____
Clothes Washer, (HEW) 5.0 water factor or less	x 1.0	=	_____
Bidet	x 2.0	=	_____
Bar Sink	x 1.0	=	_____
Entertainment Sink	x 1.0	=	_____
Vegetable Sink	x 1.0	=	_____
Swimming Pool (each 100 sq-ft of pool surface)	x 1.0	=	_____
Other	x _____	=	_____
Other	x _____	=	_____
Other	x _____	=	_____
Other	x _____	=	_____

\* Use this fixture count if a previous Permit was issued under Ordinance 80 to utilize the Master Bathroom Credit. (Tub may be large.) See District staff for more information.

**Table No. 2 Post Project Fixture Count**  
(All fixtures after project)

Type of Fixture	Fixture	Value	Count
Washbasin	x 1.0	=	<u>1.0</u>
Two Washbasins in the Master Bathroom	x 1.0	=	<u>1.0</u>
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)	x 1.8	=	_____
Toilet, High Efficiency (HET)	x 1.3	=	_____
Toilet, Ultra High Efficiency (UHET)	x 0.8	=	<u>1.6</u>
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)	x 0.5	=	_____
Zero Water Consumption Urinal*	x 0.0	=	_____
Masterbath (one per Dwelling): Tub & Separate Shower*	x 3.0	=	_____
Large Bathtub (may have Showerhead above)	x 3.0	=	_____
Standard Bathtub or Shower Stall (one showerhead)	x 2.0	=	<u>2.0</u>
Shower, each additional fixture (heads, body spray)	x 2.0	=	_____
Shower system, Rain Bars or Custom Shower (spec)	x 2.0	=	_____
Kitchen Sink (optional dishwasher)	x 2.0	=	_____
Kitchen Sink with High Efficiency Dishwasher	x 1.5	=	<u>1.5</u>
Dishwasher, each additional (optional sink)	x 2.0	=	_____
Dishwasher, High Efficiency (with opt. sink)	x 1.5	=	_____
Laundry Sink/Utility Sink (one per Site)	x 2.0	=	_____
Clothes Washer	x 2.0	=	_____
Clothes Washer, (HEW) 5.0 water factor or less	x 1.0	=	<u>1.0</u>
Bidet	x 2.0	=	_____
Bar Sink	x 1.0	=	_____
Entertainment Sink	x 1.0	=	_____
Vegetable Sink	x 1.0	=	_____
Instant-Access-Hot-Water System (fixture credit)	x <0.5>	=	_____
New Connection - Refer to District Rule 24-AS "Exterior Residential Water Demand Calculations"	x _____	=	<u>1.0</u>
Subtotal proposed fixtures			_____
Swimming Pool (each 100 sq-ft of pool surface)	x 1.0	=	_____

EXISTING FIXTURE UNIT COUNT TOTAL = 10.0

PROPOSED FIXTURE UNIT COUNT TOTAL = 9.1

**DEED RESTRICTION REQUIRED FOR ALL WATER PERMITS - PERMIT PROCESS MAY TAKE UP TO THREE WEEKS**

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, Water Permits for the property may be canceled. In addition, water fixtures installed without a Water Permit may cause for interruption of the water service to the Site, additional fees and penalties, the imposition of a lien on the property, and deduction of water from the local Jurisdiction's Allocation. The property owner/Applicant is required to notify the District and provide Construction Plans as appropriate for each change in the Project made prior to use or occupancy that may affect the Project's Capacity to use water.

6. I certify, under penalty of perjury, that the information provided on this Water Release Form & Water Permit Application is to my knowledge correct, and the information accurately reflects water use presently planned for this property.

Signature of Owner/Agent: [Signature] Date: 6/7/16 Location Where Signed: \_\_\_\_\_  
 Print Name: DAVID FREW File or Plan Check Number: B16-0264

**AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY**

AF Paralta Allocation     AF Public Credits     AF Second Bathroom Protocol  
 AF Pre-Paralta Credits     WDS (Private Well)     Water Entitlement     No water needed

Notes: \_\_\_\_\_ Authorized by: [Signature] Date: 6-8-16



RECEIVED

JUN 08 2016

Sub-Metering Application (District Rule 23-A-1-i)

District Rule 23-A-1-i authorizes the use of sub-meters to record water consumption between an existing Connection and the water User in certain cases where installation of individual water meters by the water utility is not possible (e.g. during a moratorium or when there are Special Circumstances). Sub-metering are in-line meters between the main water meter and the end user when there is no Intensification of Use (i.e., the Site is utilizing On-Site Water Credit, Water Use Credits, or a Public Water Credit Allocation), or where the Board determines there are Special Circumstances that merit a variance to the requirement that a water meter maintained by the Water Distribution System Operator be installed for each User. This application must be submitted along with an approved and signed Water Release Form and Water Permit Application with final and complete Construction Plans to Monterey Peninsula Water Management District.

1. OWNERSHIP INFORMATION:

Name: DALE HOGAN TRUST
Daytime Telephone: (021)-9564
Mailing Address: 1512 ROCKHAUGEN DR
MORROESTO, CA 95356

2. AGENT/REPRESENTATIVE INFORMATION:

Name: DAVID PREW
Daytime Telephone: 620-2080
Mailing Address: 177 WEBSTER ST
#201 MONTEREY, CA 93940

3. PROPERTY INFORMATION:

Address: 150 SEAFOAM MONT.
149 SPRAY MONT.

Assessor's Parcel Number(s) 011-462-039-000
Assessor's Parcel Number(s) 011-462-012-000

Property Type: [X] Single-Family Dwelling [ ] Multi-Family Dwelling [ ] Non-Residential [ ] Mixed-Use

How many existing Connections on Site? 1

How many Sub-meters are requested? 1

Existing Connection Account Number(s):

NOTE: Separate Connections are required for each new User.

Sub-Metering Conditions of Approval - Applicant acknowledges and agrees to the following conditions.

- 1. Construction Plans shall demonstrate location of future Cal-Am meters. The location where lines will be installed and location of sub-meters must also be identified on Construction Plans.
2. Water lines shall be installed and sub-meters shall be near final Cal-Am meter location to prevent problems with crossing property lines, tearing up hardscapes, etc. in the future.
3. Owner(s) shall have Cal-Am water meters installed for each User within ninety (90) days of the conclusion of a Connection moratorium.
4. Conditions of Approval for sub-metering are recorded on the title of the property and the conditions are applicable to all future owner(s) of the Site by deed restriction.
5. The installation of a water meter managed by the water purveyor is required at the time a moratorium is removed unless a variance has been approved by the MPWMD Board.
6. Sub-metering conditions should be included in CCRs (covenants, conditions, and restrictions) on any multi-unit individually owned property (if applicable).
7. Owner(s) must notify MPWMD if new Assessor's Parcel Numbers are assigned to the sub-metered Site and a new deed restriction will be recorded.
8. Owner(s) is responsible for reporting sub-meter use and occupant information at each Water Year (September 30) or within thirty (30) days of a change in tenancy.
9. Owner(s) shall provide additional information and monthly reporting during water Rationing.

I certify, under penalty of perjury, that the information provided on this Sub-Metering Application is to my knowledge correct, and the information accurately reflects existing User(s) on the Site.

Signature of Owner/Agent

Date 6/7/16

Location Where Signed

Print Name DAVID PREW

U:\demand\Work\Forms\Applications\SubmeteringApplication\_20150602.docx



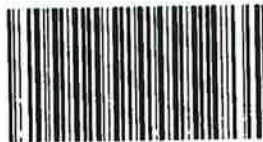
Stephen L. Vagnini  
 Monterey County Recorder  
 Recorded at the request of  
**Filer**

CRMEL:SSA  
 6/16/2016  
 11:54:11

**Recording Requested by:**  
 Monterey Peninsula Water Management District

**And When Recorded Mail To:**  
 Monterey Peninsula Water Management District  
 Post Office Box 85  
 Monterey, California 93942-0085

DOCUMENT: **2016033005**



Titles: 1/ Pages: 4

Fees . . . . . 30.00

Taxes . . . . .

Other . . . . . 2.00

AMT PAID \$32.00

**NOTICE AND DEED RESTRICTION  
 REGARDING LIMITATION ON USE  
 OF WATER ON A PROPERTY**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this document is situated in the **City of Monterey:**

**150 SEA FOAM AVE, MONTEREY, CA 93940  
 {DEL MONTE BEACH MAP 1 LOT 33 BLK K}  
 ASSESSOR'S PARCEL NUMBER 011-462-039-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **The Dale Ray Hogan Family Trust, Dated July 26, 2007**, (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree that the installation and maintenance of **one High Efficiency Dishwasher with no wash cycle capable of using greater than 5.8 gallons of water, one High Efficiency Clothes Washer manufactured with a Water Factor of 5.0 or less, two Ultra High Efficiency Toilets (0.8 gallon maximum flush), and an Instant-Access Hot Water System capable of supplying hot water at any access point throughout the structure within ten seconds** are permanent requirements of the Subject Property. Owner(s) and the Water Management District further agree that the maximum permitted water use at the Subject Property is limited to supply the Potable water requirements for a **Single-Family Dwelling** consisting of:

- **1 Washbasin (lavatory sink)**
- **2 Washbasins in the Master Bathroom**
- **2 Toilets, Ultra High Efficiency (UHET) (0.8 gallon maximum)**



- **1 Standard Bathtub or Shower Stall (One Showerhead)**
- **1 Kitchen Sink with adjacent High Efficiency Dishwasher**
- **1 Clothes Washer, High Efficiency (Water Factor of 5.0 or less)**
- **1 Outdoor Water Uses (new Connection only)**
- **Reasonable outdoor water use as needed and as allowed by District rules. Automated Irrigation Systems shall be retrofitted to include a Rain Sensor.**

No water use fixtures other than those listed above have been approved or authorized for use on the Subject Property.

Owner(s) acknowledges that the installation and maintenance of the Low Water Use Plumbing Fixtures and the limitation on the water use fixtures referenced above have been voluntarily accepted as a condition of Water Permit No. 34741, and acknowledges that this restriction is permanent and irrevocable, unless amended by the filing of a less restrictive deed restriction.

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been voluntarily entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

**NOTICE IS FURTHER GIVEN** that present and/or future use of water at the Subject Property Site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any Intensification of Use on the Subject Property, as defined by Water Management District Rule 11, or any change in the quantity or type of water fixtures listed above, will require prior written authorization and a Water Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to Intensify Water Use at this Site. If any request to Intensify Water Use on the Subject Property is approved, Connection Charges and other administrative fees may be required as a condition of approval.

**NOTICE IS FURTHER GIVEN** that modification or Intensification of Water Use on the Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.



The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. 34741. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.


If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

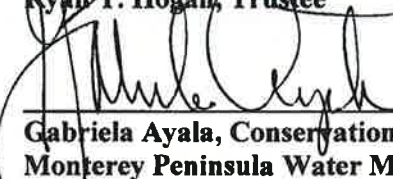
The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

**OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.**

*(Signatures must be notarized)*

**The Dale Ray Hogan Family Trust, Dated July 26, 2007**

By:  Dated: 6/13/2016  
 Ryan T. Hogan, Trustee

By:  Dated: 6/14/2016  
 Gabriela Ayala, Conservation Representative  
 Monterey Peninsula Water Management District

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

County of Monterey

On June 13, 2016, before me, D. S. Martin, Notary Public, personally appeared Ryan T. Hogan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
(Signature of Notary Public)

Place Notary Seal Here

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Notice and Deed Restriction Regarding Limitation of Use of Water on a Property

Document Date: 6/13/2016 Number of Pages: 3

Signer(s) Other Than Named Above: [Signature]

**END OF DOCUMENT**



Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of  
**Filer**

51  
CRMELISSA  
6/16/2016  
11:54:11

DOCUMENT: **2016033007**



Titles: 1/	Pages: 4
Fees.....	30.00
Taxes.....	
Other.....	2.00
AMT PAID	\$32.00

**Recording Requested by:**  
Monterey Peninsula Water Management District

**And When Recorded Mail To:**  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

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**NOTICE AND DEED RESTRICTION  
REGARDING LIMITATION ON USE  
OF WATER ON A PROPERTY  
WITH SUB-METERING**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this document is situated in the **City of Monterey:**

**150 SEA FOAM AVE, MONTEREY, CA 93940  
{DEL MONTE BEACH MAP 1 LOT 33 BLK K}  
ASSESSOR'S PARCEL NUMBER 011-462-039-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **The Dale Ray Hogan Family Trust, Dated July 26, 2007**, (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree that a **Single-Family Dwelling** on the Subject Property shall be supplied water by an existing California American Water Company Connection on the site and that each individual User shall have a separate Water Meter (sub-meter) installed in the supply line to that User. Owner(s) shall have California American Water Company Water Meters installed for each User within ninety (90) days of the conclusion of a Connection moratorium.

Once sub-meters are approved for use at the Subject Property, they must remain in place. The sub-metering is allowed pursuant to Water Management District Rule 23-A-1-i, and remains a requirement of the Subject Property as a condition of Water Permit No. **34741**.



Owner(s) shall provide the General Manager at the conclusion of each Water Year (September 30), or within thirty (30) days of a change in tenancy, the individual monthly consumption for each User. Owner(s) shall provide additional information and monthly reporting shall be provided during water Rationing.

Owner(s) acknowledges that the conditions allowing sub-metering for each User has been voluntarily accepted as a condition of Water Permit No. **34741** and is permanent and irrevocable, unless amended by the removal of this deed restriction.

**NOTICE IS FURTHER GIVEN** that the installation of sub-metering has been approved or authorized pursuant to Water Management District Rule 23-A-1-i and includes each and every condition contained therein. Conclusion of a Connection moratorium shall require installation of separate Water Meters maintained by the Water Distribution System Operator for each sub-metered User(s).

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been voluntarily entered into by Owner(s), and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

**NOTICE IS FURTHER GIVEN** that this deed restriction and the conditions herein apply to the Assessor's Parcel Number(s) where the Project supplied by the sub-meter is located and to the Assessor's Parcel Number served by the Connection. At such time as a new Assessor's Parcel Number is assigned to the sub-metered Site, the Owner shall notify the Water Management District and a new deed restriction shall be recorded.

**NOTICE IS FURTHER GIVEN** that present and/or future use of water at the Subject Property Site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any action requiring a Water Permit as described in Water Management District Rule 20, will require prior written authorization and a Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to Intensify Water Use at this site. If any request to Intensify Water Use on the Subject Property is approved, Connection Charges (Capacity Fees) and other administrative fees may be required as a condition of approval.

**NOTICE IS FURTHER GIVEN** that modification or Intensification of Water Use on the Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and the Water Management District each intend that this Notice and Deed





Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. 34741. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.


The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property with Submetering. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

**OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.**

*(Signatures must be notarized)*

**The Dale Ray Hogan Family Trust, Dated July 26, 2007**

By:

  
 Ryan T. Hogan, Trustee

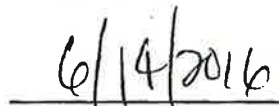
Dated:



By:

  
 Gabriela Ayala, Conservation Representative  
 Monterey Peninsula Water Management District

Dated:



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

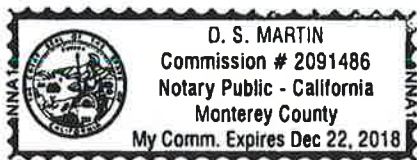
County of Monterey

On June 13, 2016, before me, D. S. Martin, Notary Public, personally appeared Ryan T. Hogan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
(Signature of Notary Public)

Place Notary Seal Here

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Sub Metering

Document Date: 6/13/2016 Number of Pages: \_\_\_\_\_

**END OF DOCUMENT**



Stephen L. Vagnini  
 Monterey County Recorder  
 Recorded at the request of  
**Filer**

CRMELISSA  
 6/16/2016  
 11:54:11

**Recording Requested by:**  
 Monterey Peninsula Water Management District

**And When Recorded Mail To:**  
 Monterey Peninsula Water Management District  
 Post Office Box 85  
 Monterey, California 93942-0085

**DOCUMENT: 2016033006**



Titles: 1/ Pages: 3

Fees	27.00
Taxes	
Other	2.00
AMT PAID	\$29.00

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**NOTICE AND DEED RESTRICTION  
 PROVIDE PUBLIC ACCESS TO  
 WATER USE DATA**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this agreement is situated in the **City of Monterey**:

**150 SEA FOAM AVE, MONTEREY, CA 93940  
 {DEL MONTE BEACH MAP 1 LOT 33 BLK K}  
 ASSESSOR'S PARCEL NUMBER 011-462-039-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **The Dale Ray Hogan Family Trust, Dated July 26, 2007**, (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

**NOTICE IS FURTHER GIVEN** that Owner(s), and each of them, irrevocably grant to the Water Management District, the right to access and disseminate to the public-at-large any and all information relating to delivery and/or use of water from any and all sources, including but not limited to private Wells, municipal systems and/or Public Utilities such as the California-American Water Company on the Subject Property.

**NOTICE IS FURTHER GIVEN** that all water use data relating to delivery and/or use of water on the Subject Property shall be publicly disclosed.

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s). The agreement to release water use data shall bind future property owners and/or tenants to the same extent it binds the



current Owner(s) and each is deemed to have waived any right to privacy to the release of this data for the duration of this restriction.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable during all times that water use data are disclosable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. 34741. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to its terms.


If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

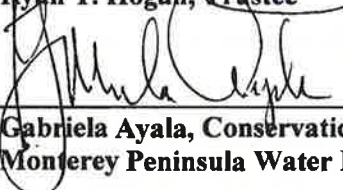
The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Provide Public Access to Water Use Data. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

**OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.**

*(Signatures must be notarized)*

**The Dale Ray Hogan Family Trust, Dated July 26, 2007**

By:  Dated: 6/13/16  
 Ryan T. Hogan, Trustee

By:  Dated: 6/14/2016  
 Gabriela Ayala, Conservation Representative  
 Monterey Peninsula Water Management District

### CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

County of Monterey

On June 13, 2016, before me, D. S. Martin, Notary Public, personally appeared Ryan T. Hogan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
(Signature of Notary Public)

Place Notary Seal Here

#### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

#### Description of Attached Document

Title or Type of Document: Notice and Deed Restriction Provide Public Access to Water Use Data.

Document Date: 6/13/2016 Number of Pages: 2

Signer(s) Other Than Named Above: [Signature]

**END OF DOCUMENT**

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EXHIBIT 9-C**RULE 25 - CANCELLATION, EXPIRATION, SUSPENSION, ABANDONMENT AND REVOCATION OF WATER PERMITS**

- A. All Permits issued pursuant to these regulations which are not completed shall expire two (2) years after the date of issuance or upon expiration of the building permit. Persons possessing a current and valid Water Release Form whose Water Permit has expired or has been canceled may re-apply for a new Water Permit. A new Water Release Form will be required for all requests for renewal of a Water Permit. The District shall not reissue a Water Permit for any Site on which a violation of District rules has not been corrected and verified.
- B. The General Manager may Suspend processing a Water Permit application whenever the General Manager finds any of the following:
1. That any requirement or condition of the Water Permit is not being met.
  2. That the property owner or permit Applicant has violated any provision of these Rules and Regulations.
  3. That the property owner or permit Applicant has misrepresented intentionally or negligently any material fact in the Water Permit application or in any supporting documents.
- C. **The District Board may Revoke any Water Permit issued pursuant to these Rules and Regulations whenever it finds any of the following:**
1. That any requirement or condition of the Water Permit is not being met.
  2. That the property owner or permit Applicant has violated any provision of these Rules and Regulations.
  3. **That the property owner or permit Applicant has misrepresented intentionally or negligently any material fact in the Water Permit application or in any supporting documents.**
- D. Adjustment of Allocation or Water Entitlement for Expired, Suspended, Canceled, Abandoned or Revoked Permits
1. Any permitted water Capacity which is not used because of an abandoned, expired, Revoked, Suspended, or canceled Permit shall be returned to the applicable Allocation or Water Entitlement.
  2. Any current Water Use Credit shall revert to the originating Site and shall remain available for use pursuant to Rule 25.5.

**E. Refunds shall be issued according to Rule 24-F, Capacity Fee Refunds.**

*Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 8 (1/14/81); Ordinance No. 71 (12/20/93); Ordinance No. 115 (05/17/2004); Ordinance No. 125 (9/18/2006); Ordinance No. 157 (12/9/2013)*



EXHIBIT 9-D**Stephanie Locke**

---

**From:** Jayme Fields <jayme.fields@bragafresh.com>  
**Sent:** Friday, August 05, 2016 6:07 PM  
**To:** Stephanie Locke  
**Cc:** Marc Cusenza; eacleaves@msn.com  
**Subject:** Addendum for inclusion in the package  
**Attachments:** Addendum to Appeal APN 011-462-039.pdf; SBraga Admi16070114120.pdf

Attached please find an addendum to be included in the package. It includes copies of building department plan documents. The city clerk felt very confident in their database and it was easy to find all the transactions for 149 Spray Avenue. As you can see from the attached there were no permits issued after the initial build of the house, so no permitted additions to water were made. This is consistent with our neighborhood's long-term knowledge of the house.

The package already submitted contains statements from the trustee of the house, who helped the home owner for a long time before he passed and fixed the house (and its bathrooms) both while he was alive and after he passed. The plumber she hired also confirms that no additional fixtures were installed in the house. The package also includes statements from the appraiser, who researched the water thoroughly. Both the trustee and the appraiser confirmed with Bob's health care workers (who helped him bath, etc.) that there were no extra fixtures. I believe that their letters reflect this additional confirmation. And finally, neighbors such as the emergency medical technician across the street, continue to confirm that there were no additional fixtures.

The pictures in the package show that the house was in original condition, and with the use of mirrors, that no extra fixtures were installed.

Lastly, based on the inspection for and subsequent revisions, there did not appear to be enough water in the first place. We don't see from the documentation how sufficient credits were derived. Attached is the documentation that we have. I may be able to come by the office next week; perhaps you can help us then to understand?

Overall, I think that the case is as comprehensive as can be made. It should not be impossible to set this to right.

The neighborhood is watching and talking about this, although Dale has some people scared to speak out. We are breaking our backs to save water (you should see what I spent on a grey water system), and then water goes running out the door on this fictitious and flawed request while other neighbors have been waiting for water for years. We feel that if mistakes were made by the District, they were honest ones. Setting procedures aside, this is not right. We only hope that our representatives on the Board are strong enough to take the risk, step out, and make the change that is needed.

If anything is needed or any clarification can help, please let me know and thank you for all of your help!

Jayme Fields  
 Chief Financial Officer  
**Braga Family of Companies**  
 Main (831) 675-2154  
 Direct (831) 751-5573  
 Fax (831) 678-3810  
 Cell (831) 821-1373  
[jayme.fields@bragafresh.com](mailto:jayme.fields@bragafresh.com)  
 bragafresh.com

**Additional Information Supporting Incorrect Water Credit Allocation (APN: 011-462-039):****Building Plans Show No Additional Fixtures**

Per review of building records in the City of Monterey Building Department, no modifications were made to the house between its initial construction and its sale to the current owner. Per the original house plans following, there was no laundry sink and there was only one shower head in each shower.

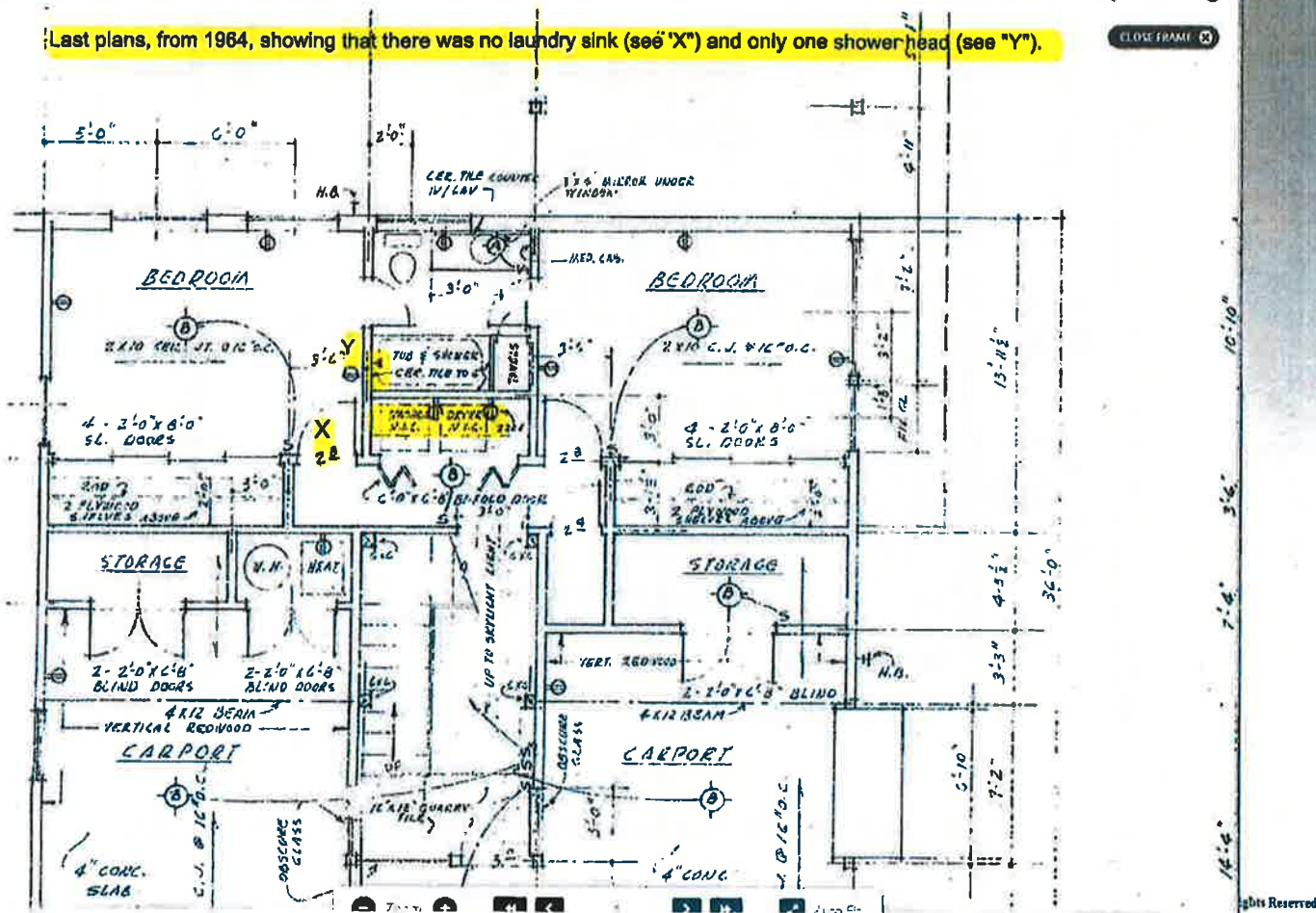
Attached is a copy of the downstairs floor plan showing only a washer and dryer in the laundry closet and no laundry sink, and showing only one shower head in the downstairs shower.

Also attached is a copy of the upstairs floor plan showing only one shower head in the upstairs shower.

Such construction is consistent with the other houses in the neighborhood.

SUBMITTED BY APPLICANT

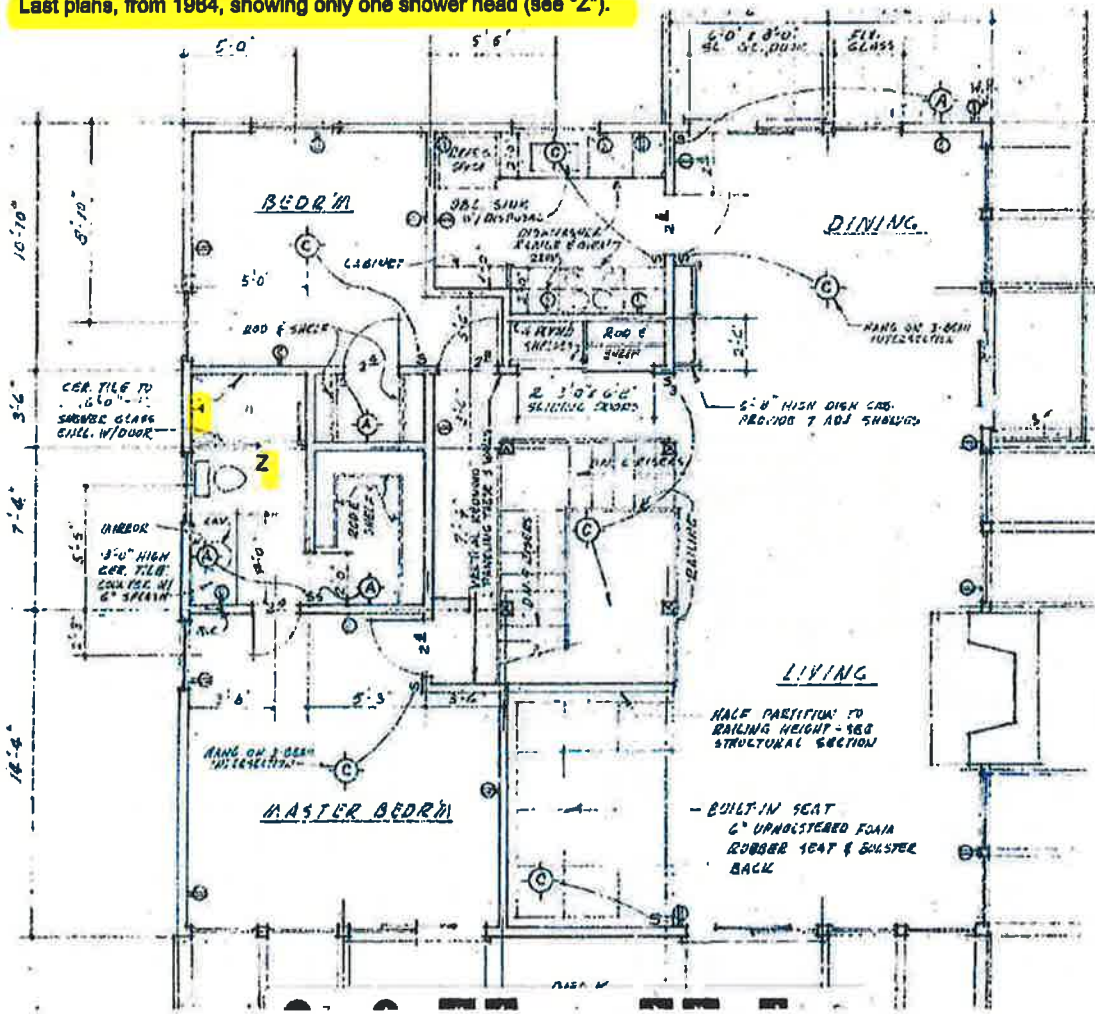
Last plans, from 1964, showing that there was no laundry sink (see "X") and only one shower head (see "Y").



Friday, July 22, 2016 11:20:04 AM - PERMITS Plus

SUBMITTED BY APPLICANT

Last plans, from 1984, showing only one shower head (see "Z").



SUBMITTED BY APPLICANT

Friday, July 22, 2016 11:21:36 AM - Digital Reel

01. PREU

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**  
 5 HARRIS COURT, BLDG. G • P.O. BOX 85 • MONTEREY, CA 93942 • (831) 658-5601 • FAX (831) 644-9558 • www.mpwmd.net  
**INSPECTION REPORT**

Conservation:  Change of Title | Permits:  Pre-Inspection/Credits  New Construction  Remodel/Addition  Re-Inspection

PROPERTY ADDRESS: 149 SPRAY AVENUE  
 CITY: MONTEREY BATHROOMS: FULL 1 1/2 — Other —  
 ASSESSOR'S PARCEL NUMBER: 011-462-012 BUSINESS NAME: —  
 OWNER'S NAME: BULLOCK PERSON CONTACTED: JOHN CARNATI  
 USFD  AUX.  MFD  NON-RES. (No. of Bldgs.)  MIXED USE

This form certifies that an inspection was conducted at the above address. At the time of the inspection, the property  
 WAS  WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD  
 Water Permit No. —. Additionally, fees in the amount of — are  PAID  DUE. Water  
 Efficiency Standards are listed in Regulation XIV of the District Rules and Regulations; see summary on the back of this  
 form. (Specific Permit requirements are on file at the District office.)

*Any discrepancies on fixture counts must be reported and cleared or appealed within 21 days of inspection date.*  
 No Water Credits are available for outdoor water fixtures, multiple utility sinks, and multiple showerhead installations (Pursuant to District Rules 24 & 25.5)

**WATER FIXTURE INVENTORY:**

Name of fixture	Fixture Count	Remarks/Location	High Efficiency
Washbasin.....	—	—	—
Toilet... <u>KOILG-11</u>	<u>11</u>	—	<input type="checkbox"/>
Large Bathtub (over 55 gal.).....	—	—	<input type="checkbox"/>
Standard Bathtub or Shower Stall (with one showerhead).....	<u>11.15</u>	<u>1.5/1.5 GPM</u>	<input type="checkbox"/>
Additional Showerhead.....	<u>(1) 1.11</u>	<u>1.0 DOWN STAIRS - 3ND UP STAIRS</u>	<input type="checkbox"/>
Kitchen Sink Dishwasher.....	—	—	<input type="checkbox"/>
Dishwasher, additional.....	—	—	<input type="checkbox"/>
Laundry Sink or Utility Sink* (1 per Residential Site).....	<u>1</u>	—	<input type="checkbox"/>
Clothes Washer... <u>FIX. WARE</u>	<u>1</u>	—	<input type="checkbox"/>
Bidet.....	—	—	<input type="checkbox"/>
Bar Sink/Vegetable Sink/Entertainment Sink.....	—	—	<input type="checkbox"/>
Instant-Access Hot Water System.....	<u>NO</u>	—	<input type="checkbox"/>
Swimming Pool (square-feet of surface area).....	—	—	<input type="checkbox"/>
Rain Sensor/Soil Sensor.....	<u>N/A</u>	—	<input type="checkbox"/>
Rainwater Harvesting Capacity/Cistern Gallons.....	—	—	<input type="checkbox"/>
Lawn Removal & Replacement: (square foot Area).....	—	—	<input type="checkbox"/>
Graywater System (Roof Dimensions):.....	—	—	<input type="checkbox"/>

\* Credit is available for one utility sink only per Residential Site.

Inspector's Notes: SAUNA - GROUND FLOOR

- ACTION REQUIRED**
- Items not in compliance must be corrected within thirty (30) days.
  - Re-inspection required. Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
  - Provide itemized receipts for Toilets, Showerheads or signed "Showerhead Certification of Installation" form; provide photos and receipts for Rain Sensor installation. Mail documents to P.O. Box 85, Monterey, CA 93942; or fax to 644-9558.
  - Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

Acknowledgment of Receipt 2/27/14 Date Michael K... 2-27-14 MPWMD Representative Date

See Important Terms and Conditions on back of form.  
 U:\demand\Work Forms\Inspection Reports\Inspection Report Revised 20130307.docx white copy applicant yellow copy - MPWMD

SUBMITTED BY APPLICANT

# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

NOTE: When approved and signed by the jurisdiction, this form must be submitted with final and complete Construction Plans to:  
Monterey Peninsula Water Management District Permit Office  
5 Harris Court, Bldg. G • Monterey, CA 93940 • (831) 658-5601 • www.mpwmd.net • Fax (831) 644-9558  
Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print clearly)

1. OWNERSHIP INFORMATION: RYAN HOGAN - ADMN TRST 2. AGENT/REPRESENTATIVE INFORMATION:  
Name: DALE RAY HOGAN FAMILY TRUST Name: RAULI HOGAN  
Daytime telephone: \_\_\_\_\_ Daytime telephone: 831 621-4564  
Mailing Address: Box 1430 Santa Lucia Ave Mailing Address: P.O. Box 1430 Santa Lucia CA 93955

3. PROPERTY INFORMATION:  
What year was the house constructed? 1965 Existing Square-footage 1921 Proposed Square-footage 1958  
Address: 149 SPADAY AVE Assessor Parcel Number 011-462-012  
Is a water meter needed? (Circle one) YES  NO  If yes, how many meters are requested? \_\_\_\_\_  
Water company serving parcel: CAL A.M. Account Number: 122.00 93658

NOTE: Separate water meters are required for each User. Residential users require separate meters for all auxiliary housing that includes a kitchen.

4. PROJECT DESCRIPTION (Be thorough and detailed): Remove Bathroom in Existing Home. Make Electrical and Plumbing Repair & Replace Existing Doors. Replace Existing Windows & Sillings. Construct Lower Level Hallway to Existing Garage.

5. INSTRUCTIONS: Table #1 should list the fixtures on the property on the date and before the project. Table #2 should reflect all fixtures on the property after the project is completed. Only one Master Bathroom can be designated per dwelling unit.

Table No. 1 Existing Property Fixture Count  
(All fixtures before project)

Type of Fixture	Fixture	Value	Count
Washbasin	2	x 1.0	2
Two Washbasins in the Master Bathroom		x 1.0	
Toilet, Ultra Low-Flush (1.6 gallon per flush)	2	x 1.3	2.6
Toilet, High Efficiency (HEF)		x 1.3	
Toilet, Ultra High Efficiency (UHET)		x 0.8	
Urinal, High Efficiency (HEU) (0.5 gallon per flush)		x 0.5	
Zero Water Consumption Urinal		x 0.0	
Masterbath (one per dwelling): Tub & Separate Shower		x 3.0	
Large Bathbath (any size) Showerbath (above)		x 3.0	
Standard Bathbath or Shower Stall (one showerhead)	2	x 2.0	4
Shower, each additional fixture (heads, body spray)	2	x 2.0	4
Shower system, Rain Head or Custom Shower (spec)		x 2.0	
Kitchen Sink (with optional Dishwasher)	1	x 2.0	2
Dishwasher, each additional (with optional sink)		x 2.0	
Dishwasher, High Efficiency (with optional sink)		x 1.5	
Laundry, High Efficiency Sink (one per site)	1	x 2.0	2
Clothes Washer		x 2.0	
Clothes Washer, (HEU) 5.0 water flow or less		x 2.0	
Bidet		x 2.0	
Bar Sink		x 1.0	
Refrigerator Sink		x 1.0	
Vegetable Sink		x 1.0	
Swimming Pool (each 100 sq-ft of pool surface)		x 1.0	
Other		x _____	
Other		x _____	
Other		x _____	

Table No. 2 Post Project Fixture Count  
(All fixtures after project)

Type of Fixture	Fixture	Value	Count
Washbasin	2	x 1.0	2
Two Washbasins in the Master Bathroom		x 1.0	
Toilet, Ultra Low-Flush (1.6 gallon per flush)	2	x 1.3	2.6
Toilet, High Efficiency (HEF)		x 1.3	
Toilet, Ultra High Efficiency (UHET)		x 0.8	
Urinal, High Efficiency (HEU) (0.5 gallon per flush)		x 0.5	
Zero Water Consumption Urinal		x 0.0	
Masterbath (one per dwelling): Tub & Separate Shower		x 3.0	
Large Bathbath (any size) Showerbath (above)		x 3.0	
Standard Bathbath or Shower Stall (one showerhead)	2	x 2.0	4
Shower, each additional fixture (heads, body spray)	2	x 2.0	4
Shower system, Rain Head or Custom Shower (spec)		x 2.0	
Kitchen Sink (with optional Dishwasher)	1	x 2.0	2
Dishwasher, each additional (with optional sink)		x 2.0	
Dishwasher, High Efficiency (with optional sink)		x 1.5	
Laundry, High Efficiency Sink (one per site)	1	x 2.0	2
Clothes Washer		x 2.0	
Clothes Washer, (HEU) 5.0 water flow or less		x 2.0	
Bidet		x 2.0	
Bar Sink		x 1.0	
Refrigerator Sink		x 1.0	
Vegetable Sink		x 1.0	
Swimming Pool (each 100 sq-ft of pool surface)		x 1.0	
Other		x _____	
Other		x _____	
Other		x _____	

Use this fixture count if a previous Permit was issued under Ordinance 89 in violation of the Master Bathroom Code. (Tub may be large.) See District staff for more information.

Swimming Pool (each 100 sq-ft of pool surface) x 1.0

EXISTING FIXTURE UNIT COUNT TOTAL = 29.6 PROPOSED FIXTURE UNIT COUNT TOTAL = 31.7

\*NEED RESTRICTION REQUIRED WHEN CREDIT IS APPLIED FOR "HE" APPLIANCES. **EXCEPT PERMIT PROCESS TO TAKE THREE WEEKS**

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, Water Permits for the property may be cancelled. In addition, water fixtures installed without a Water Permit may be cause for interruption of the water service to the site, additional fees and penalties, the imposition of a lien on the property, and deduction of water from the local jurisdiction's Allocation. The property owner/Applicant is required to notify the District and provide Construction Plans as appropriate for such change in the Project made prior to use or occupancy that may affect the Project's Capacity to use water.

6. I certify, under penalty of perjury, that the information provided on this Water Release Form & Water Permit Application is to my knowledge correct, and the information accurately reflects water use presently planned for this property.

Signature of Owner/Agent: RAULI HOGAN Date: 7/14/2014 Location Where Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_ File or Plan Check Number: 014-0219

### AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY

AP Permits Allocation \_\_\_\_\_ AP Public Credits \_\_\_\_\_ AP Second Bathroom Protocol \_\_\_\_\_  
AP Pre-Permits Credits \_\_\_\_\_ WDS (Private Well) \_\_\_\_\_ Water Entitlement  No water needed \_\_\_\_\_

Notes: \_\_\_\_\_ Authorized by: [Signature] Date: 7/14/14

This form expires one year from date of authorization for this project by the jurisdiction.

White copy-MPWMD

Yellow copy-applicant

Pink copy-jurisdiction



**APPRAISAL REPORT  
OF**



**149 Spray Avenue  
Monterey, CA 93940**

**PREPARED FOR**

**Sandra Randazzo CLPF  
731 Junipero Avenue  
Pacific Grove, CA 93950**

**AS OF**

**07/18/2013**

**PREPARED BY**

**Loorz & Company, Inc.  
2075 Cross Street  
Seaside, CA 93955**

Loorz & Company, Inc.  
LETTER OF TRANSMITTAL

File No. 149spray

Borrower	N/A				
Property Address	149 Spray Avenue				
City	Monterey	County	Monterey	State	CA
Zip Code	93940				
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950		

Loorz & Company, Inc.  
Real Estate Appraisals  
realmarketvalue@comcast.net

2075 Cross Street  
Seaside CA 93955  
831-655-8845

September 4, 2013

Ms. Saundra Randazzo CLPF

Re: Robert Keith Bullock Trust  
149 Spray Avenue &  
0 Sea Foam Avenue  
Monterey, CA 93940  
APN: 011-462-012 & 039

Dear Sandy,

Pursuant to your request for a "Retrospective" estimate of the market value of the aforementioned properties, let this letter serve notification of our estimates of the market values of the fee simple interests as of July 18, 2013. The function of these summary appraisal reports are to provide to you written valuation estimates to assist you in your specific "Estate Accounting" needs solely and are not intended for any other use. These reports were prepared in conformance with the Standards of Professional Appraisal Practice (USPAP) requirements and should be suitable for your specific needs.

These appraisal reports were based upon the review and analysis of the subject properties and incorporated the two traditional methods of valuation used for residential properties; the Cost and Market approaches. I have inspected the subject dwelling and the adjacent vacant lot, the subject site and the neighborhood, and have made an analysis of the prices of comparable properties in the general market area in order to establish the market value as of the effective date of the report. No preliminary title report was provided to this appraiser with this valuation estimate assuming that there were no unseen adverse conditions present that would adversely effect either the market value or the marketability of the subject property.

I certify that I am a State Certified Appraiser and that I possess all the requisite licensing, education and experience to perform written appraisal reports in the subject area and that I have no present or prospective interest in the properties that are the subject of these reports. I also certify that I have no personal interest or bias with respect to the parties involved, and that my compensation was not contingent upon the reporting of a predetermined value or direction in favor of the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

By acceptance of this report, the client acknowledges that the appraiser is not obliged to give testimony or appear in court because he made an appraisal of the property in question unless specific arrangements to do so have been made beforehand. Any post appraisal consultation with the Client or Third Parties will be at an additional fee. If testimony or deposition is required due to subpoena, the client shall be responsible for any additional time, fees and charges regardless of issuing party. The client also acknowledges that use of this report constitutes acceptance of all conditions and assumptions stated herein.

The subject properties consist of two contiguous parcels; one of which is improved with a single family dwelling, whereas, the second parcel is a vacant residential lot that is devoid of water entitlements. Pursuant to your specific request, I have estimated the market value of each parcel separately, but have also concluded a value consideration of the two properties combined, which may well serve "the highest and best use" of the two properties if considered inclusively.

Accompanying this letter you will find a NL-Residential Appraisal Report, associated addenda and the standard assumptions and limiting conditions utilized in this analysis.

Upon the review and analysis of all the pertinent market data indicators, it is my opinion that the estimated market values of the subject properties, given all terms, conditions and assumptions set forth, are:

149 Spray Avenue-----\$575,000

0 Sea foam Avenue-----\$130,000

with an overall combined estimate (given the uncertain specter of both the availability of water and/or the relatively unknown extend of the notable termite damage) of:

\$695,000

If you should have any further questions do hesitate to call the office.

Respectfully,

Tom Loorz  
California State Certified General  
Real Estate Appraiser #AG008051

Appraiser Name

Tom Loorz



Supervisor Name



Residential Appraisal Report

The purpose of this summary appraisal report is to provide the client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address **149 Spray Avenue** City **Monterey** State **CA** Zip Code **93940**  
 Owner **Robert K Bullock** Intended User **Robert Keith Bullock Trust** County **Monterey**  
 Legal Description **Del Monte beach Map 1 lot 34 blk K**  
 Assessor's Parcel # **011-462-012-000** Tax Year **2012** R.E. Taxes \$ **1,152.00**  
 Neighborhood Name **"Del Monte Beach"** Map Reference **81-D3** Census Tract **0133.00**  
 Occupant  Owner  Tenant  Vacant Special Assessments \$ **0** PUD HOA \$ **0** per year per month  
 Property Rights Appraised  Fee Simple  Leasehold  Other (describe)  
 Intended Use **Estate Accounting**  
 Client **Sandra Randazzo CLPF** Address **731 Junipero Avenue, Pacific Grove, CA 93950**  
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal?  Yes  No  
 Report data source(s) used, offerings price(s), and date(s). **The subject property has not been listed for sale within the past twelve months per MLS.**

I  did  did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.

Contract Price \$ \_\_\_\_\_ Date of Contract \_\_\_\_\_ Is the property seller the owner of public record?  Yes  No Data Source(s) \_\_\_\_\_  
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the purchaser?  Yes  No  
 If Yes, report the total dollar amount and describe the items to be paid.

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics				One-Unit Housing Trends			One-Unit Housing		Present Land Use %			
Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	<b>60 %</b>	
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input checked="" type="checkbox"/> Shortage	<input type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$ (000)	(yrs)	2-4 Unit	<b>5 %</b>	
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input checked="" type="checkbox"/> Under 3 mths	<input type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	<b>350</b>	Low	2	Multi-Family	<b>10 %</b>
Neighborhood Boundaries <b>Del Monte State Beach to the north, State Highway 1 to the east, Del Monte Blvd. to the south and open sand dunes to the west.</b>							<b>1,200</b>	High	<b>60</b>	Commercial	<b>5 %</b>	
Neighborhood Description <b>The subject is located in pocket residential neighborhood near Monterey Bay and is commonly referred to as "Del Monte Beach" in North Monterey comprised of SFR's, small apartments, condominium and light commercial uses with ocean beaches available within four blocks and regional services available within three miles .</b>							<b>500</b>	Pred.	<b>45</b>	Other	<b>Open</b>	<b>20 %</b>

Market Conditions (including support for the above conclusions) **Prices are generally stable with slightly increasing trends reported as inventory continues to decrease with exposure times low which historically indicates the start of an increasing market. Interest rates remain favorable which have assisted in maintaining good buyer demand. See attached 1004MC, graphs, and tables for supporting information.**

Dimensions **50 x 90** Area **4,500 SqFt** Shape **Rectangular** View **Rooftop/Peek**  
 Specific Zoning Classification **R-1-6 D1** Zoning Description **Residential 6000sf Minimum**  
 Zoning Compliance  Legal  Legal Nonconforming (Grandfathered Use)  No Zoning  Illegal (describe) **See additional comments below.**  
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use?  Yes  No If No, describe. **The subject is considered to be at its highest and best use as improved with a single family residence.**

Utilities Public Other (describe) \_\_\_\_\_ Public Other (describe) \_\_\_\_\_ Off-site Improvements--Type \_\_\_\_\_ Public Private \_\_\_\_\_  
 Electricity  \_\_\_\_\_ Water  \_\_\_\_\_ Street **Asphalt** \_\_\_\_\_  \_\_\_\_\_  
 Gas  \_\_\_\_\_ Sanitary Sewer  \_\_\_\_\_ Alley **None** \_\_\_\_\_  
 FEMA Special Flood Hazard Area  Yes  No FEMA Flood Zone  FEMA Map # **060200-0326 G** FEMA Map Date **04/02/2009**  
 Are the utilities and/or off-site improvements typical for the market area?  Yes  No If No, describe.  
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)?  Yes  No If Yes, describe.  
**The subject dwelling is situated on a level to slightly sloping corner lot with rooftop views with peak of Monterey Bay. The subject parcel is considered legal non-conforming in R-1-6 due to more recent restrictive lot sizes, but can be rebuilt or renovated as long as the footprint is not enlarged, per city code Article 28 Section 38-216, see additional comments, page 3.**

General Description		Foundation		Exterior Description		materials/condition		Interior		materials/condition	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	Concrete Slab	<input checked="" type="checkbox"/> Craw Space	Foundation Walls	<b>Concrete/Average</b>	Floors	<b>Carpet/Average</b>				
# of Stories	<b>2.00</b>	Full Basement	Partial Basement	Exterior Walls	<b>Wood/Average</b>	Walls	<b>Drywall/Average</b>				
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Area	sq. ft.	Roof Surface	<b>Comp. Shingle/Avg.</b>	Trim/Finish	<b>Wood/Average</b>				
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	<input type="checkbox"/> Under Const.	Basement Finish	%	Gutters & Downspouts	<b>Metal/Average</b>	Bath Floor	<b>Vinyl/Average</b>				
Design (Style)	<b>Contemporary</b>	Outside Entry/Exit	Sump Pump	Window Type	<b>Alum/Average</b>	Bath Wainscot	<b>Fiber glass/Avg.</b>				
Year Built	<b>1965</b>	Evidence of	Infestation	Storm Sash/Insulated	<b>N/A</b>	Car Storage	<b>None</b>				
Effective Age (Yrs)	<b>40</b>	Dampness	Settlement	Screens	<b>Partial/Average</b>	<input checked="" type="checkbox"/> Driveway	# of Cars <b>3</b>				
Attic	<input checked="" type="checkbox"/> None	Heating	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities		Woodstove(s) #					
Drop Stair	<input type="checkbox"/> Stairs	Other	Fuel <b>Gas</b>	Fireplace(s) #	<b>1</b>	Fence	<b># of Cars 0</b>				
Floor	Scuttle	Cooling	Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck	<input checked="" type="checkbox"/> Porch	<input checked="" type="checkbox"/> Carport	# of Cars <b>2</b>				
Finished	Heated	Individual	Other	Pool		Att.	Det.	<input checked="" type="checkbox"/> Built-in			
Appliances	Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input type="checkbox"/> Washer/Dryer <input checked="" type="checkbox"/> Other (describe) <b>Fan/Hood</b>										
Finished area above grade contains: <b>6</b> Rooms <b>4</b> Bedrooms <b>2.0</b> Bath(s) <b>1,996</b> Square Feet of Gross Living Area Above Grade Additional features (special energy efficient items, etc.) <b>Vaulted living room ceilings, decking.</b>											

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). **No functional or physical inadequacies were noted. The subject property is an adequately maintained average quality home in average overall condition reflecting only modest updating with no excessive wear items noted. There was clear evidence of termite infestation in the ceiling of the subject dwelling (considered under the overall condition adjustment) with this appraiser reserving the right to amend any opinion rendered herein upon the being prided with ma detailed termite inspection report.**

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property?  Yes  No If Yes, describe  
**There were not enough physical deficiencies noted that would affect the livability of the subject property per the appraiser's limited viewing of the subject property. Nor were any reports provided detailing any problems. The client/borrower may not rely on this report for structural conditions that may exist and is encouraged to obtain a home inspection by a professional home inspector to determine if problems exist.**

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)?  Yes  No If No, describe **The subject property conforms with homes in the subject neighborhood.**

Residential Appraisal Report

There are <b>4</b> comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ <b>849,000</b> to \$ <b>1,785,000</b>							
There are <b>42</b> comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ <b>500,000</b> to \$ <b>655,000</b>							
FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3			
Address	<b>149 Spray Avenue Monterey, CA 93940</b>	<b>143 Dunecrest Avenue Monterey, CA 93940</b>	<b>141 Spray Avenue Monterey, CA 93940</b>	<b>195 Surf Way Monterey, CA 93940</b>			
Proximity to Subject	<b>0.04 miles S</b>		<b>0.02 miles SW</b>				
Sale Price	\$	<b>655,000</b>	\$	<b>699,000</b>			
Sale Price/Gross Liv. Area	\$ <b>0.00</b> sq. ft.	\$ <b>306.50</b> sq. ft.	\$ <b>337.52</b> sq. ft.	\$ <b>409.61</b> sq. ft.			
Data Source(s)	<b>Inspection</b>	<b>MLS#81240116</b>	<b>MLS#81303020</b>	<b>MLS#81214661</b>			
Verification Source(s)	<b>Real Quest</b>		<b>Real Quest</b>				
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+-) \$ Adjustment	DESCRIPTION	+-) \$ Adjustment	DESCRIPTION	+-) \$ Adjustment
Sale or Financing		<b>Conv. 148 DOM</b>		<b>Conv. 10 DOM</b>		<b>Conv. 21 DOM</b>	
Concessions		<b>None</b>		<b>None</b>		<b>None</b>	
Date of Sale/Time		<b>05/22/2013coe</b>		<b>04/30/2013coe</b>		<b>06/08/2012coe</b>	
Location	<b>Average</b>	<b>Average</b>		<b>Average</b>		<b>Average</b>	
Leasehold/Fee Simple	<b>Fee Simple</b>	<b>Fee Simple</b>		<b>Fee Simple</b>		<b>Fee Simple</b>	
Site	<b>4,500 SqFt</b>	<b>3,600sf</b>	<b>0</b>	<b>3,600sf</b>		<b>6,749sf/Busy Rd</b>	<b>0</b>
View	<b>Rooftop/Peak</b>	<b>Rooftop/City</b>	<b>0</b>	<b>Rooftop/Peak</b>	<b>0</b>	<b>Local</b>	<b>0</b>
Design (Style)	<b>Contemporary</b>	<b>Contemporary</b>		<b>Contemporary</b>		<b>Contemporary</b>	
Quality of Construction	<b>Average</b>	<b>Average</b>		<b>Average</b>		<b>Average</b>	
Actual Age	<b>48 yrs</b>	<b>43 yrs</b>	<b>0</b>	<b>48 yrs</b>		<b>62 yrs</b>	<b>0</b>
Condition	<b>Average</b>	<b>Average+</b>	<b>-50,000</b>	<b>Good</b>	<b>-100,000</b>	<b>Average+</b>	<b>-35,000</b>
Above Grade	Total Bdrms Baths	Total Bdrms Baths	<b>0</b>	Total Bdrms Baths	<b>0</b>	Total Bdrms Baths	<b>+10,000</b>
Room Count	<b>6 4 2.0</b>	<b>6 4 2.5</b>	<b>-5,000</b>	<b>7 4 3.0</b>	<b>-10,000</b>	<b>5 3 3.0</b>	<b>-10,000</b>
Gross Living Area	<b>1,996</b> sq. ft.	<b>2,137</b> sq. ft.	<b>-11,000</b>	<b>2,071</b> sq. ft.	<b>-6,000</b>	<b>1,394</b> sq. ft.	<b>+45,000</b>
Basement & Finished Rooms Below Grade	<b>None</b>	<b>None</b>		<b>None</b>		<b>None</b>	
Functional Utility	<b>Average</b>	<b>Average</b>		<b>Average</b>		<b>Average</b>	
Heating/Cooling	<b>FWA/None</b>	<b>FWA/None</b>		<b>FWA/None</b>		<b>FWA/None</b>	
Energy Efficient Items	<b>None</b>	<b>None</b>		<b>Equal</b>		<b>None</b>	
Garage/Carport	<b>2-Carport</b>	<b>2-Garage</b>	<b>-10,000</b>	<b>2-Garage</b>	<b>-10,000</b>	<b>None</b>	<b>+10,000</b>
Porch/Patio/Deck	<b>Deck, FP</b>	<b>Cov. Patio, FP</b>	<b>0</b>	<b>Patio, Deck, FP</b>		<b>Cov. Patio, FP</b>	<b>0</b>
Net Adjustment (Total)		<b>+ X -</b>	<b>\$ -76,000</b>	<b>+ X -</b>	<b>\$ -126,000</b>	<b>X + -</b>	<b>\$ 20,000</b>
Adjusted Sale Price of Comparables		<b>Net Adj: -12%</b> <b>Gross Adj: 12%</b>	<b>\$ 579,000</b>	<b>Net Adj: -18%</b> <b>Gross Adj: 18%</b>	<b>\$ 573,000</b>	<b>Net Adj: 4%</b> <b>Gross Adj: 19%</b>	<b>\$ 591,000</b>
I <input checked="" type="checkbox"/> did not research the sale or transfer history of the subject property and comparable sales. If not, explain							
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.							
Data source(s) <b>RealQuest/MLS/ParcelQuest</b>							
My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.							
Data source(s) <b>RealQuest/MLS/ParcelQuest</b>							
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).							
ITEM	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3			
Date of Prior Sale/Transfer	<b>No Sales</b>	<b>No Sales</b>	<b>No Sales</b>	<b>No Sales</b>			
Price of Prior Sale/Transfer	<b>No Sales</b>	<b>No Sales</b>	<b>No Sales</b>	<b>No Sales</b>			
Data Source(s)	<b>RealQuest</b>	<b>RealQuest</b>	<b>RealQuest</b>	<b>RealQuest</b>			
Effective Date of Data Source(s)	<b>07/18/2013</b>	<b>07/18/2013</b>	<b>07/18/2013</b>	<b>07/18/2013</b>			
Analysis of prior sale or transfer history of the subject property and comparable sales <b>There have not been any market sales or transfers of the subject property within the previous 36 months of the effective date of this report per RealQuest. There have not been any market sales of the comparables within the past year per RealQuest with any trustee's deeds reported if found.</b>							
Summary of Sales Comparison Approach <b>The subject property is located in a small pocket neighborhood yielding only limited market data due to good stability with low turnover with no truly comparable competing coastal neighborhoods within the city of Monterey. Comps 1-3 represent the most similar sales found for the immediate neighborhood, but each sold in superior condition as of the respective date of valuation. This appraisal report assumes that the subject property was in similar base condition on the date of inspection (08/15/2013) as of the effective date of this analysis. See attached additional comparables and expanded comments. The sales used provide the most suitable indicators available for comparative purposes and are supportive.</b>							
Indicated Value by Sales Comparison Approach \$ <b>575,000</b>							
Indicated Value by: Sales Comparison Approach \$ <b>575,000</b> Cost Approach (if developed) \$ <b>598,334</b> Income Approach (if developed) \$							
<b>The quality of data available for the market analysis was deemed to be average-good with the lower end of the indicated range favored given the relative uncertain in any and all potential termite damage. The cost approach was deemed to be less reliable given the lack of recent land sales, but is supportive by means of abstraction. The Income Approach has proven not to be applicable for residential use in the area.</b>							
This appraisal is made <input checked="" type="checkbox"/> "as is," <input type="checkbox"/> subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or <input type="checkbox"/> subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair. <b>This report conforms with USPAP as a summary appraisal and is intended for use by the lender/client for "Estate Accounting" purposes only.</b>							
Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is							
\$ <b>575,000</b> as of <b>07/18/2013</b>							

SALES COMPARISON ANALYSIS

RECONCILIATION

**Residential Appraisal Report**

ADDITIONAL COMMENTS	<b>ADDITIONAL COMMENTS:</b>	
	<input type="checkbox"/> The intended user of this appraisal is the lender/client. The intended use is to evaluate the property that is the subject of this appraisal for "Estate Accounting" subject to the stated scope of work, purpose of the appraisal, reporting requirements of this appraisal report form, and the definition of market value. No additional intended users are identified by the appraiser.	
	<b>Additional Zoning Comments</b>	
	38-216 Restoration of a Damaged Structure A. All legal nonconforming uses and nonconforming structures that have been destroyed by fire or other calamity or by the public enemy to any extent may be reconstructed, restored, or rebuilt to their predamaged size and location; provided, that they are not extended beyond the original footprint and restoration is started within 18 months and diligently pursued to completion. Any such reconstruction, restoration, or rebuilding shall conform to adopted Uniform Codes in effect at that time unless otherwise excused from compliance as a historical structure.	
	<b>APPRAISER PRIOR SERVICE:</b>	
	I have "not" performed any other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three year period immediately preceding acceptance of this assignment.	
	<b>REPORTING EXPOSURE TIME:</b>	
	The final estimate of value for the subject property was based on an exposure time of from 2-3 months based on the weighted information from the local MLS and the consideration of data gathered from sales verification and interviews with market participants.	
	<b>APPRAISER'S SEARCH FOR MARKET DATA:</b>	
	The gross living area for each of the comparables is "typically" based on the data reported in the local MLS, which may be more up to date as opposed to the data reported in various reporting county abstracts, which invariably do not include subsequent additions. Any other exceptions will be noted. The size adjustments were calculated @ \$75/sf, with \$10,000 adjustments applied to bedroom count and bathroom differences combined. No individual adjustments for actual age differences were applied with any differences adjusted under condition.  See attached additional comparables and expanded comments.	
COST APPROACH	<b>COST APPROACH TO VALUE (if applicable)</b>	
	Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value) Recent sales of vacant residential land in the immediate neighborhood are very limited due to near complete build up. The estimated site value for the subject property was calculated by means of abstraction and by paired sales of sites in competing areas. The land to improvement ratio is typical for homes in the coastal areas of Monterey County.	
	ESTIMATED	REPRODUCTION OR REPLACEMENT COST NEW
	Source of cost data Inspection	OPINION OF SITE VALUE = \$ 400,000
	Quality rating from cost service Average Effective date of cost data 07/2013	Dwelling 1,996 Sq. Ft. @ \$ 150.00 = \$ 299,400
	Comments on Cost Approach (gross living area calculations, depreciation, etc.)	Sq. Ft. @ \$ = \$
	The cost estimates used are weighted averages of the appraiser's experience in the area, local contractors estimates and building cost.net. The estimated site value includes all utilities in place with the reproduction cost new inclusive of all permit fees, local multipliers and entrepreneurial benefits and is not intended for insurance purposes.	Garage/Carport 483 Sq. Ft. @ \$ 30.00 = \$ 14,490
		Total Estimate of Cost-new = \$ 313,890
		Less Physical 40 Functional 0 External 0
		Depreciation 125,556 0 0 = \$ ( 125,556 )
	Depreciated Cost of Improvements = \$ 188,334	
	"As-is" Value of Site Improvements = \$ 10,000	
Estimated Remaining Economic Life (HUD and VA only) 40 Years	Indicated Value By Cost Approach = \$ 598,334	
INCOME	<b>INCOME APPROACH TO VALUE (if applicable)</b>	
	Estimated Monthly Market Rent \$ X Gross Multiplier = \$	Indicated Value by Income Approach
Summary of Income Approach (including support for market rent and GRM)		
PUD INFORMATION	<b>PROJECT INFORMATION FOR PUDs (if applicable)</b>	
	Is the developer/builder in control of the Homeowner's Association (HOA)? Yes No Unit type(s) Detached Attached	
	Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.	
	Legal Name of Project	
	Total number of phases	Total number of units Total number of units sold
	Total number of units rented	Total number of units for sale Data source(s)
	Was the project created by the conversion of existing building(s) into a PUD? Yes No If Yes, date of conversion.	
	Does the project contain any multi-dwelling units? Yes No Data source.	
	Are the units, common elements, and recreation facilities complete? Yes No If No, describe the status of completion.	
	Are the common elements leased to or by the Homeowner's Association? Yes No If Yes, describe the rental terms and options.	
Describe common elements and recreational facilities.		

Loorz & Company, Inc.  
EXTRA COMPARABLES 4-5-6

File No. 149spray

Borrower N/A  
 Property Address 149 Spray Avenue  
 City Monterey County Monterey State CA Zip Code 93940  
 Lender/Client Sandra Randazzo CLPF Address 731 Junipero Avenue, Pacific Grove, CA 93950

FEATURE	SUBJECT	COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6		
Address	<b>149 Spray Avenue Monterey, CA 93940</b>	<b>117 Dunecrest Avenue Monterey, CA 93940</b>			<b>109 Spray Avenue Monterey, CA 93940</b>					
Proximity to Subject		0.09 miles SW			0.10 miles SW					
Sale Price	\$	\$ 500,000			\$ 895,000			\$		
Sale Price/Gross Liv. Area	\$ 0.00 sq. ft.	\$ 476.64 sq. ft.			\$ 546.40 sq. ft.			\$ sq. ft.		
Data Source(s)	Inspection	MLS#81243061			MLS#81319321					
Verification Source(s)		Real Quest			Real Quest					
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	
Sale or Financing		Conv 25 DOM		77 DOM						
Concessions		None		None						
Date of Sale/Time		02/14/2013coe		LISTING-6%	-55,000					
Location	Average	Average		Average						
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple						
Site	4,500 SqFt	3,484sf	0	3,485sf						
View	Rooftop/Peak	Rooftop/Peak	0	Neighborhood	0					
Design (Style)	Contemporary	Rambler	0	Contemporary						
Quality of Construction	Average	Average		Average+	-40,000					
Actual Age	48 yrs	62 yrs	0	39 yrs						
Condition	Average	Average+	-50,000	Good	-100,000					
Above Grade	Total Bdrms Baths	Total Bdrms Baths	+20,000	Total Bdrms Baths	+10,000	Total Bdrms Baths				
Room Count	6 4 2.0	4 2 1.0	+10,000	7 3 2.5	-5,000					
Gross Living Area	1,996 sq. ft.	1,049 sq. ft.	+71,000	1,638 sq. ft.	+27,000					
Basement & Finished Rooms Below Grade	None	None		None						
Functional Utility	Average	Average		Average						
Heating/Cooling	FWA/None	FWA/None		BB,FWA/None						
Energy Efficient Items	None	None		Equal						
Garage/Carport	2-Carport	1-Carport	+2,500	2-Garage	-10,000					
Porch/Patio/Deck	Deck, FP	Deck,FP	0	Patio, Deck, FP						
Net Adjustment (Total)		X + -	\$ 53,500	+ X -	\$ -173,000	+ -	\$ 0			
Adjusted Sale Price of Comparables		Net Adj: 11%		Net Adj: -19%		Net Adj: 0%				
		Gross Adj: 31%	\$ 553,500	Gross Adj: 28%	\$ 722,000	Gross Adj: 0%	\$ 0			
Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales										
ITEM	SUBJECT	COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6		
Date of Prior Sale/Transfer	No Sales	No Sales			No Sales					
Price of Prior Sale/Transfer	No Sales	No Sales			No Sales					
Data Source(s)	RealQuest	RealQuest			RealQuest					
Effective Date of Data Source(s)	07/18/2013	07/18/2013			07/18/2013					
Analysis of prior sale or transfer history of the subject property and comparable sales <b>There have been no market sales or past appraisals of the subject property within the last 36 months per RealQuest and the appraiser's files. There have been no market sales of the comparables within the past year per RealQuest with any trustee's deeds reported if found.</b>										
Summary of Sales Comparison Approach <b>Comp 4 is a nearby smaller home providing a reasonable lower indication for the area with Comp 5 representing the most comparable listing found within the area as of the effective date of this report providing a reasonable higher indication.</b>										

SALES COMPARISON ANALYSIS

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The Appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**DEFINITION OF MARKET VALUE:** As per Fannie Mae the definition of market value is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that **ordered and will receive this appraisal report.**

21. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

22. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**SUPERVISORY APPRAISER'S CERTIFICATION:** The Supervisory Appraiser certifies and agrees that:

- 1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
- 4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature   
 Name Tom Loorz  
 Company Name Loorz & Company, Inc.  
 Company Address 2075 Cross Street  
Seaside, CA 93955  
 Telephone Number 831-655-8845  
 Email Address realmarketvalue@comcast.net  
 Date of Signature and Report 09/04/2013  
 Effective Date of Appraisal 07/18/2013  
 State Certification # AG008051  
 or State License # \_\_\_\_\_  
 or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_  
 State CA  
 Expiration Date of Certification or License 11/21/2014

ADDRESS OF PROPERTY APPRAISED  
149 Spray Avenue  
Monterey, CA 93940

APPRAISED VALUE OF SUBJECT PROPERTY \$ 575,000  
 CLIENT  
 Name \_\_\_\_\_  
 Company Name Sandra Randazzo CLPF  
 Company Address 731 Junipero Avenue  
Pacific Grove, CA 93950  
 Email Address \_\_\_\_\_

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Company Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Date of Signature \_\_\_\_\_  
 State Certification # \_\_\_\_\_  
 or State License # \_\_\_\_\_  
 State \_\_\_\_\_  
 Expiration Date of Certification or License \_\_\_\_\_

SUBJECT PROPERTY

- Did not inspect subject property
- Did inspect exterior of subject property from street  
Date of Inspection \_\_\_\_\_
- Did inspect interior and exterior of subject property  
Date of Inspection \_\_\_\_\_

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
- Did inspect exterior of comparable sales from street  
Date of Inspection \_\_\_\_\_

Borrower	<b>N/A</b>						
Property Address	<b>149 Spray Avenue</b>						
City	<b>Monterey</b>	County	<b>Monterey</b>	State	<b>CA</b>	Zip Code	<b>93940</b>
Lender/Client	<b>Sandra Randazzo CLPF</b>		Address	<b>731 Junipero Avenue, Pacific Grove, CA 93950</b>			



**FRONT OF  
SUBJECT PROPERTY  
149 Spray Avenue  
Monterey, CA 93940**



**REAR OF  
SUBJECT PROPERTY**



**STREET SCENE**



Loorz & Company, Inc.  
**SUBJECT PHOTO ADDENDUM**

File No. 149spray

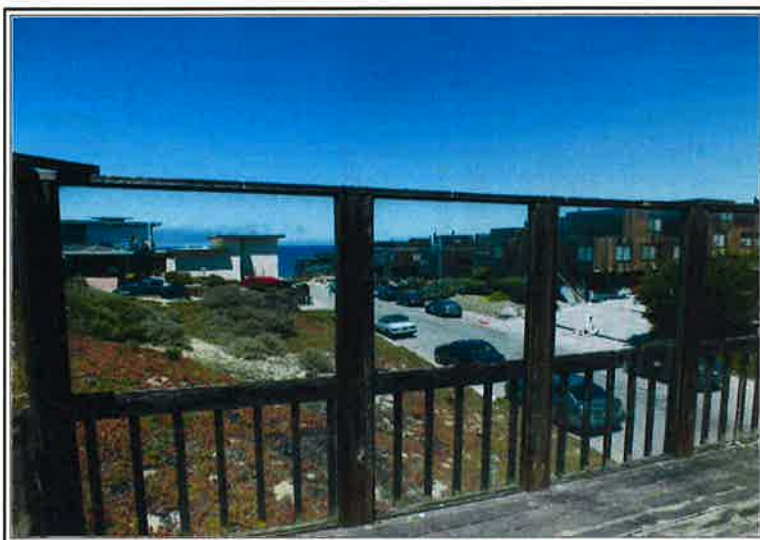
Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address	731 Junipero Avenue, Pacific Grove, CA 93950			



Additional Front View



Side View



View

Loorz & Company, Inc.  
**SUBJECT PHOTO ADDENDUM**

File No. 149spray

Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address	731 Junipero Avenue, Pacific Grove, CA 93950			



Living Room



Dining Area



Kitchen

Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950				



COMPARABLE SALE # 1  
143 Dunecrest Avenue  
Monterey, CA 93940



COMPARABLE SALE # 2  
141 Spray Avenue  
Monterey, CA 93940



COMPARABLE SALE # 3  
195 Surf Way  
Monterey, CA 93940

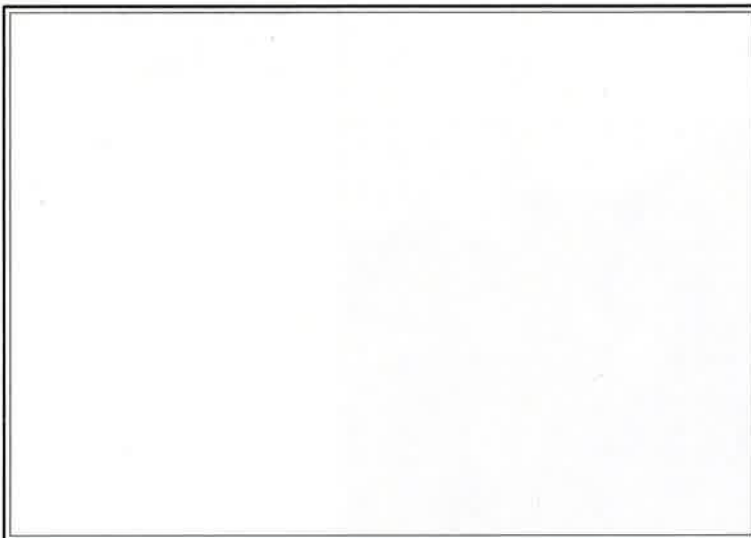
Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address			731 Junipero Avenue, Pacific Grove, CA 93950	



**COMPARABLE SALE # 4**  
117 Dunecrest Avenue  
Monterey, CA 93940

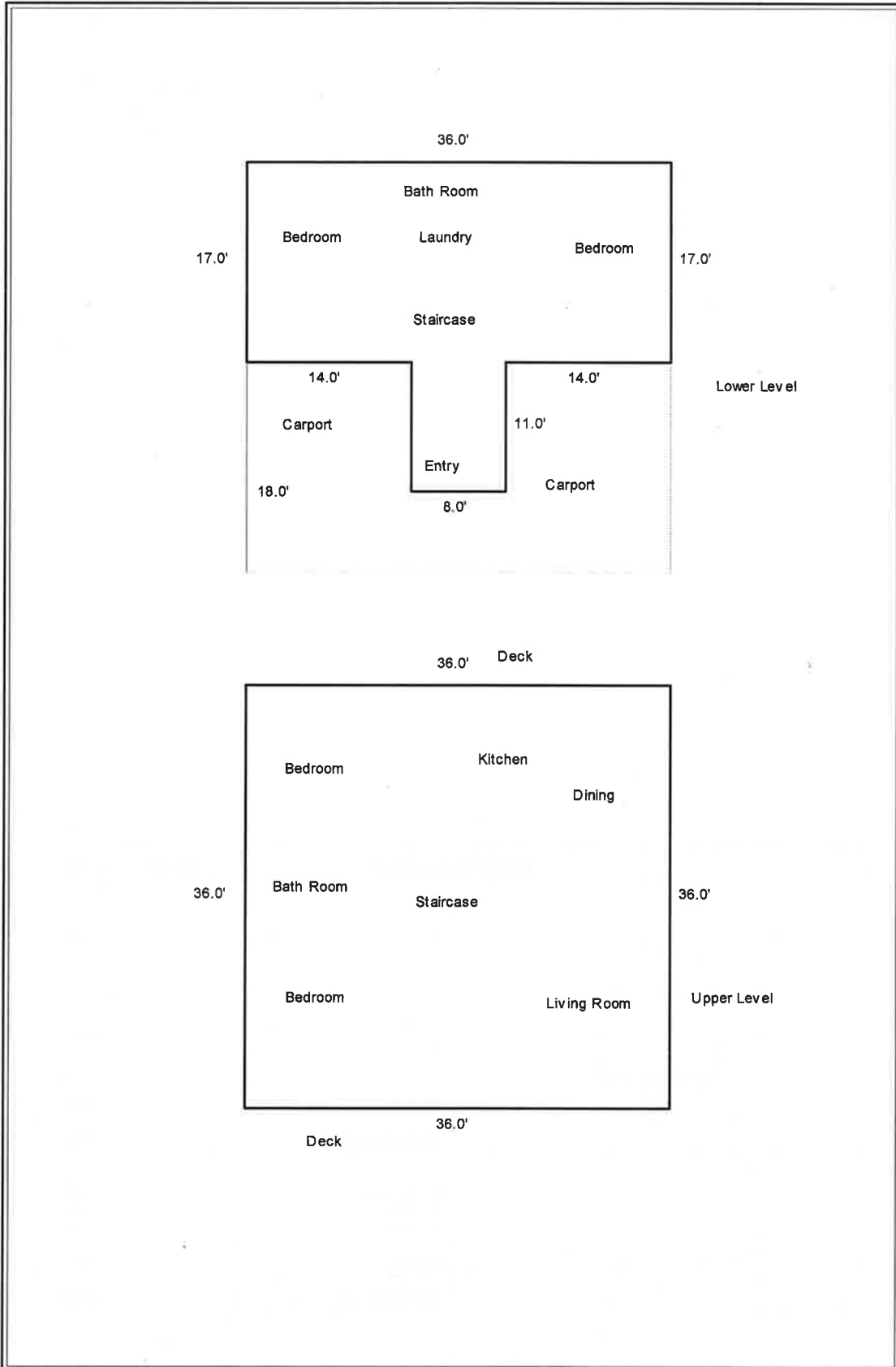


**COMPARABLE SALE # 5**  
109 Spray Avenue  
Monterey, CA 93940


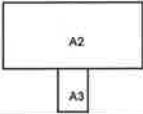



**COMPARABLE SALE # 6**

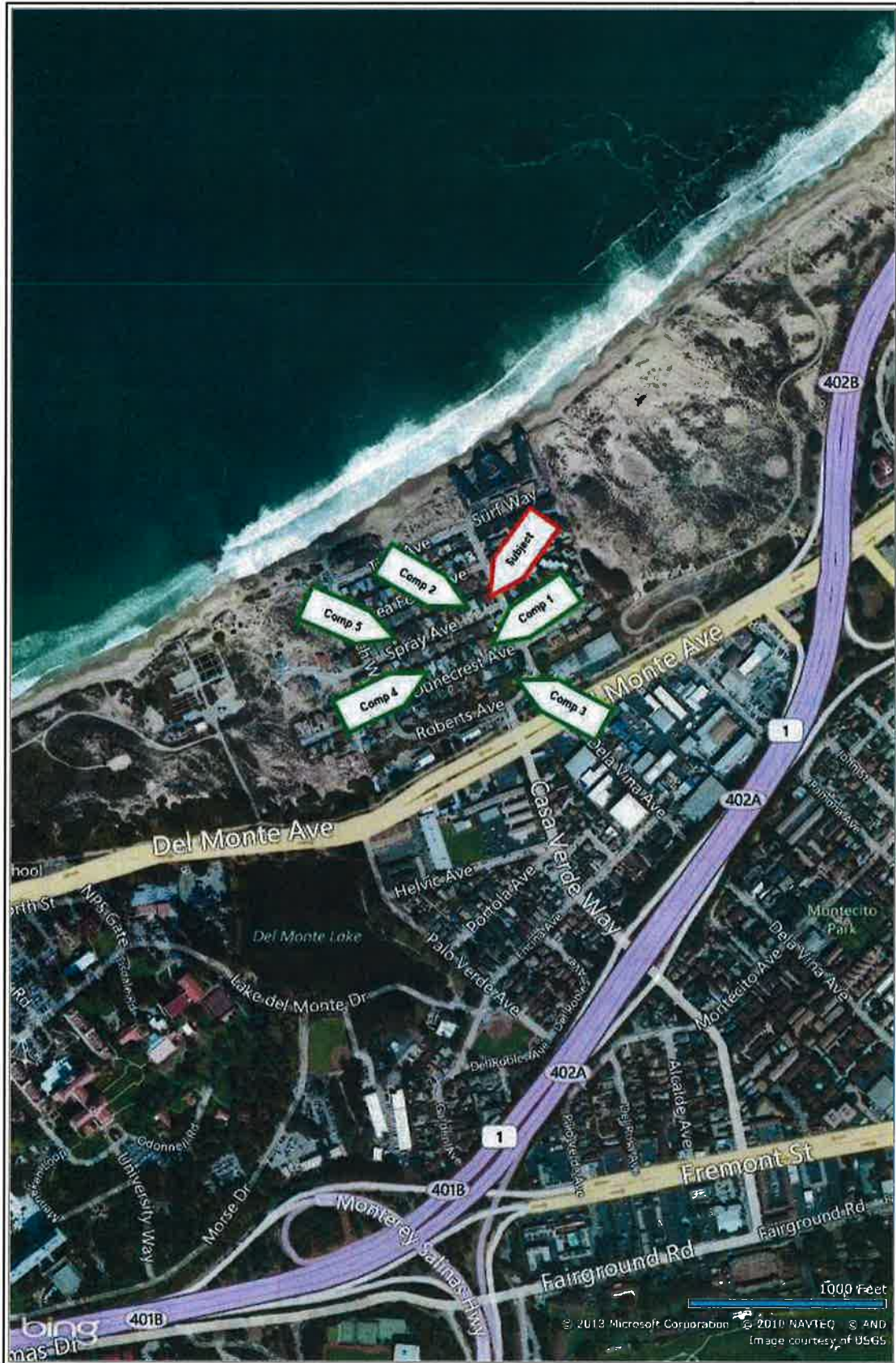
Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF			Address: 731 Junipero Avenue, Pacific Grove, CA 93950			



Borrower	N/A				
Property Address	149 Spray Avenue				
City	Monterey	County	Monterey	State	CA
				Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950		

SKETCH CALCULATIONS		Perimeter	Area
 A1	A1 : 36.0 x 36.0 =  Second Floor		1296.0  1296.0
 A2 A3	A2 : 36.0 x 17.0 = A3 : 8.0 x 11.0 =  First Floor		612.0 88.0  700.0
		<b>Total Living Area</b>	<b>1996.0</b>
 A5    A4 A6	A4 : 14.0 x 11.0 = A5 : 14.0 x 11.0 = A6 : 36.0 x 7.0 =  Carport		154.0 154.0 252.0  560.0
		<b>Total Garage Area</b>	<b>560.0</b>

Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950				



Borrower	N/A						
Property Address	149 Spray Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Sandra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950				



Subject Aerial View



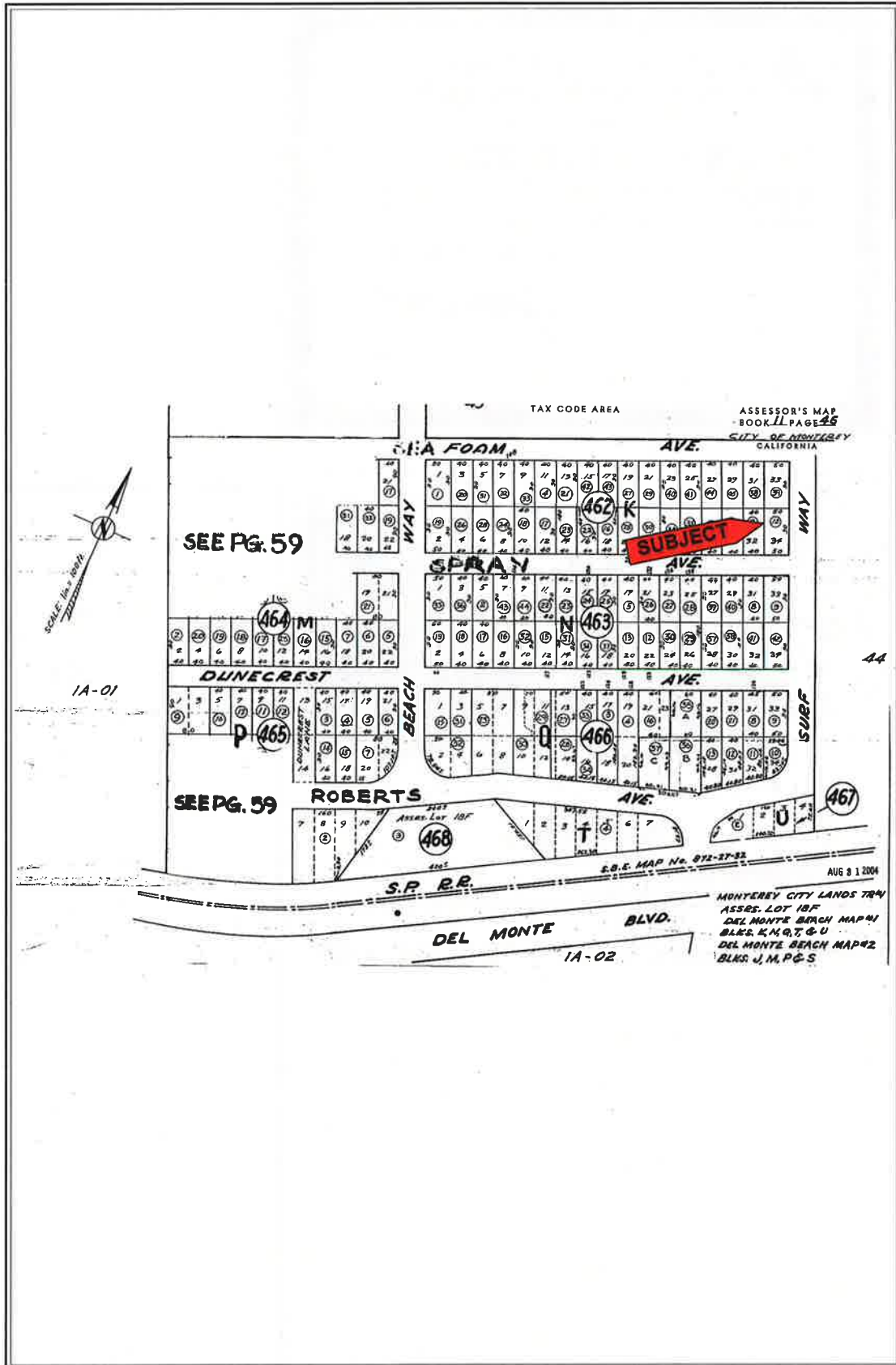
Subject Neighborhood Aerial



Area View



Borrower **N/A**  
 Property Address **149 Spray Avenue**  
 City **Monterey** County **Monterey** State **CA** Zip Code **93940**  
 Lender/Client **Sandra Randazzo CLPF** Address **731 Junipero Avenue, Pacific Grove, CA 93950**

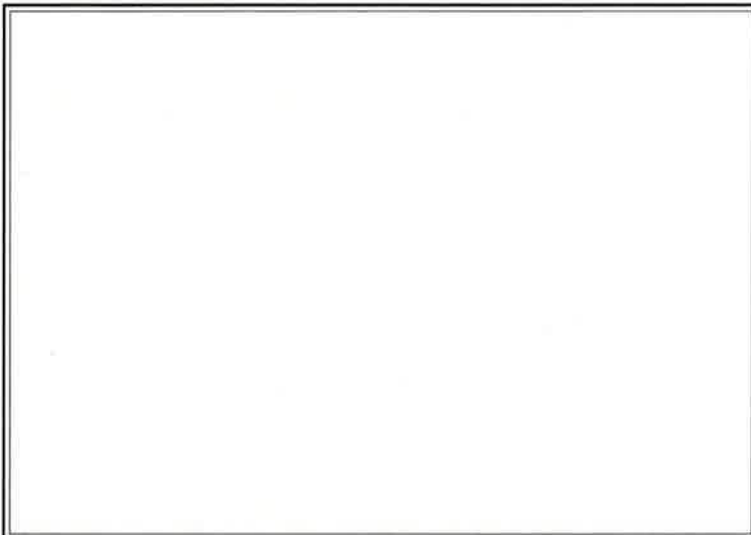
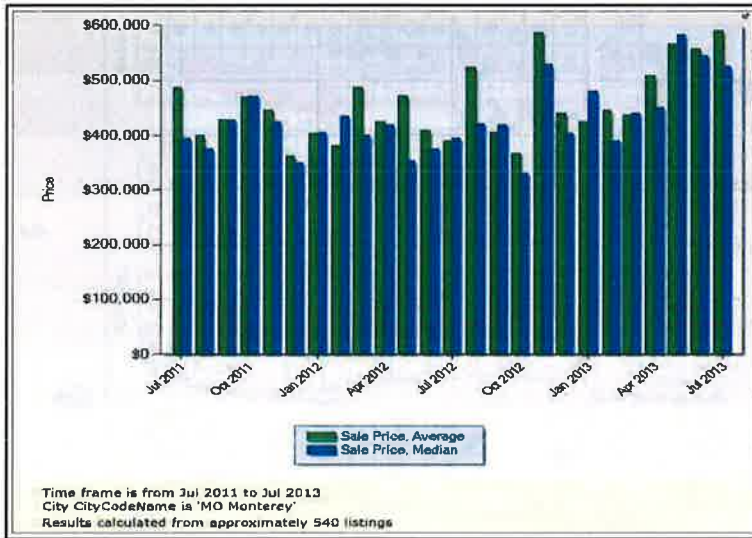


Borrower **N/A**  
Property Address **149 Spray Avenue**  
City **Monterey** County **Monterey** State **CA** Zip Code **93940**  
Lender/Client **Sandra Randazzo CLPF** Address **731 Junipero Avenue, Pacific Grove, CA 93950**

Appraiser's License



Median Price Trend per city-data.com



**APPRAISAL REPORT  
OF**



**0 Seafoam Avenue  
Monterey, CA 93940**

**PREPARED FOR**

**Sandra Randazzo CLPF  
731 Junipero Avenue  
Pacific Grove, CA 93950**

**AS OF**

**07/18/2013**

**PREPARED BY**

**Loorz & Company, I nc.  
2075 Cross Street  
Seaside CA 93955**

Loorz & Company, Inc.  
Letter of Transmittal

File No. 149sprayLot

Borrower <b>Robert Keith Bullock Trust</b>	
Property Address <b>0 Seafoam Avenue</b>	
City <b>Monterey</b>	County <b>Monterey</b> State <b>CA</b> Zip Code <b>93940</b>
Lender/Client <b>Sandra Randazzo CLPF</b>	Address <b>731 Junipero Avenue, Pacific Grove, CA 93950</b>

Loorz & Company, Inc.  
Real Estate Appraisals  
realmarketvalue@comcast.net

2075 Cross Street  
Seaside CA 93955  
831-655-8845

September 4, 2013

Ms. Sandra Randazzo CLPF

Re: Robert Keith Bullock Trust  
149 Spray Avenue &  
0 Sea Foam Avenue  
Monterey, CA 93940  
APN: 011-462-012 & 039

Dear Sandy,

Pursuant to your request for a "Retrospective" estimate of the market value of the aforementioned properties, let this letter serve notification of our estimates of the market values of the fee simple interests as of July 18, 2013. The function of these summary appraisal reports are to provide to you written valuation estimates to assist you in your specific "Estate Accounting" needs solely and are not intended for any other use. These reports were prepared in conformance with the Standards of Professional Appraisal Practice (USPAP) requirements and should be suitable for your specific needs.

These appraisal reports were based upon the review and analysis of the subject properties and incorporated the two traditional methods of valuation used for residential properties; the Cost and Market approaches. I have inspected the subject dwelling and the adjacent vacant lot, the subject site and the neighborhood, and have made an analysis of the prices of comparable properties in the general market area in order to establish the market value as of the effective date of the report. No preliminary title report was provided to this appraiser with this valuation estimate assuming that there were no unseen adverse conditions present that would adversely effect either the market value or the marketability of the subject property.

I certify that I am a State Certified Appraiser and that I possess all the requisite licensing, education and experience to perform written appraisal reports in the subject area and that I have no present or prospective interest in the properties that are the subject of these reports. I also certify that I have no personal interest or bias with respect to the parties involved, and that my compensation was not contingent upon the reporting of a predetermined value or direction in favor of the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

By acceptance of this report, the client acknowledges that the appraiser is not obliged to give testimony or appear in court because he made an appraisal of the property in question unless specific arrangements to do so have been made beforehand. Any post appraisal consultation with the Client or Third Parties will be at an additional fee. If testimony or deposition is required due to subpoena, the client shall be responsible for any additional time, fees and charges regardless of issuing party. The client also acknowledges that use of this report constitutes acceptance of all conditions and assumptions stated herein.

The subject properties consist of two contiguous parcels; one of which is improved with a single family dwelling, whereas, the second parcel is a vacant residential lot that is devoid of water entitlements. Pursuant to your specific request, I have estimated the market value of each parcel separately, but have also concluded a value consideration of the two properties combined, which may well serve "the highest and best use" of the two properties if considered inclusively.

Accompanying this letter you will find a NL-Residential Appraisal Report, associated addenda and the standard assumptions and limiting conditions utilized in this analysis.

Upon the review and analysis of all the pertinent market data indicators, it is my opinion that the estimated market values of the subject properties, given all terms, conditions and assumptions set forth, are:

149 Spray Avenue.....\$575,000

0 Sea foam Avenue.....\$130,000

with an overall combined estimate (given the uncertain specter of both the availability of water and/or the relatively unknown extend of the notable termite damage) of:

\$695,000

If you should have any further questions do hesitate to call the office.

Respectfully,

Tom Loorz  
California State Certified General  
Real Estate Appraiser #AG008051

Appraiser Name \_\_\_\_\_



Supervisor Name \_\_\_\_\_

Tom Loorz

# LAND APPRAISAL REPORT

IDENTIFICATION	Owner <b>Robert K Bullock</b> Census Tract <b>0125.00</b> Map Reference <b>81-D3</b>																																																																																																																																																																																																																																																						
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	Legal Description <b>Del Monte beach Map 1 lot 33 blk K : APN:011-462-039</b>																																																																																																																																																																																																																																																						
	Sale Price \$ <b>N/A</b> Date of Sale <b>N/A</b> Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD																																																																																																																																																																																																																																																						
	Actual Real Estate Taxes \$ <b>371</b> (yr) Loan Charges to be paid by seller \$ <b>N/A</b> Other Sales Concessions <b>N/A</b>																																																																																																																																																																																																																																																						
	Client <b>Sandra Randazzo CLPF</b> Address <b>731 Junipero Avenue, Pacific Grove, CA 93950</b>																																																																																																																																																																																																																																																						
	Occupant <b>Vacant</b> Appraiser <b>Tom Loorz</b> Instructions to Appraiser <b>Estimate Market Value</b>																																																																																																																																																																																																																																																						
	Intended User <b>Robert Keith Bullock Trust</b> Intended Use <b>Estate Accounting</b>																																																																																																																																																																																																																																																						
	NEIGHBORHOOD	<table border="0" style="width:100%;"> <tr> <td>Location</td> <td><input type="checkbox"/> Urban</td> <td><input checked="" type="checkbox"/> Suburban</td> <td><input type="checkbox"/> Rural</td> <td rowspan="10"> <table border="0" style="width:100%;"> <tr> <td>Employment Stability</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Employment</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Shopping</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Schools</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Recreational Facilities</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Adequacy of Utilities</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Property of Compatibility</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Protection from Detrimental Conditions</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Police and Fire Protection</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>General Appearance of Properties</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Appeal to Market</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> </td> </tr> <tr> <td>Built Up</td> <td><input type="checkbox"/> Over 75%</td> <td><input checked="" type="checkbox"/> 25% to 75%</td> <td><input type="checkbox"/> Under 25%</td> </tr> <tr> <td>Growth Rate <input type="checkbox"/> Fully Dev.</td> <td><input type="checkbox"/> Rapid</td> <td><input checked="" type="checkbox"/> Steady</td> <td><input type="checkbox"/> Slow</td> </tr> <tr> <td>Property Values</td> <td><input checked="" type="checkbox"/> Increasing</td> <td><input type="checkbox"/> Stable</td> <td><input type="checkbox"/> Declining</td> </tr> <tr> <td>Demand/Supply</td> <td><input checked="" type="checkbox"/> Shortage</td> <td><input type="checkbox"/> In Balance</td> <td><input type="checkbox"/> Oversupply</td> </tr> <tr> <td>Marketing Time</td> <td><input checked="" type="checkbox"/> Under 3 Mos.</td> <td><input type="checkbox"/> 4-6 Mos.</td> <td><input type="checkbox"/> Over 6 Mos.</td> </tr> <tr> <td>Present Land Use <b>60</b> %1 Family <b>50</b> %2-4 Family <b>5</b> % Apts % Condo <b>5</b> % Commercial</td> <td colspan="3"></td> </tr> <tr> <td>Change In Present Land Use <input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely(*) <input type="checkbox"/> Taking Place (*)</td> <td colspan="3"></td> </tr> <tr> <td>Predominate Occupancy <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant % Vacant</td> <td colspan="3"></td> </tr> <tr> <td>Single Family Price Range \$ <b>350,000</b> to \$ <b>1,200,000</b> Predominant Value \$ <b>650,000</b></td> <td colspan="3"></td> </tr> <tr> <td>Single Family Age <b>20</b> yrs to <b>60</b> yrs. Predominant Age <b>45</b> yrs</td> <td colspan="3"></td> </tr> <tr> <td colspan="4">Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): <b>The subject is located in pocket residential neighborhood near Monterey Bay and is commonly referred to as "Del Monte Beach" in North Monterey comprised of SFR's, small apartments, condominium and light commercial uses with ocean beaches available within four blocks and regional services available within three miles .</b></td> </tr> <tr> <td rowspan="10" style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold;">SITE</td> <td>Dimensions <b>50 x 90</b> = <b>4,500 SqFt</b> <input checked="" type="checkbox"/> Corner Lot</td> </tr> <tr> <td>Zoning Classification <b>R-1-6-D1</b> Present Improvements <input type="checkbox"/> do <input type="checkbox"/> do not conform to zoning regulations</td> </tr> <tr> <td>Highest and best use <input type="checkbox"/> Present use <input checked="" type="checkbox"/> Other (specify) <b>Multi-Residential</b></td> </tr> <tr> <td> <table border="0" style="width:100%;"> <tr> <td>Public <input checked="" type="checkbox"/></td> <td>Other (Describe) <b>To Site</b></td> <td>OFF SITE IMPROVEMENTS</td> <td>Topo <b>Mostly Level</b></td> </tr> <tr> <td>Elec. <input checked="" type="checkbox"/></td> <td><b>To Site</b></td> <td>Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</td> <td>Size <b>Typical</b></td> </tr> <tr> <td>Gas <input checked="" type="checkbox"/></td> <td><b>To Site</b></td> <td>Surface <b>Asphalt</b></td> <td>Shape <b>Rectangular</b></td> </tr> <tr> <td>Water <input type="checkbox"/></td> <td><b>None</b></td> <td>Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</td> <td>View <b>Possible Filtered Bay</b></td> </tr> <tr> <td>San. Sewer <input checked="" type="checkbox"/></td> <td><b>To Site</b></td> <td><input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/> Curb/Gutter</td> <td>Drainage <b>Appears Adequate</b></td> </tr> <tr> <td><input type="checkbox"/> Underground Elect. &amp; Tel.</td> <td><b>To Site</b></td> <td><input checked="" type="checkbox"/> Sidewalk <input checked="" type="checkbox"/> Street Lights</td> <td>Is the property located in a HUD identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</td> </tr> </table> </td> </tr> <tr> <td colspan="4">Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): <b>The subject parcel is a vacant corner residential lot with narrow peck of Monterey Bay and siding to a neighborhood entry roadway that is subject to periodic traffic. As of the effective date of this report the subject property did "not" have a dedicated source of water sufficient for residential use. See comments.</b></td> </tr> <tr> <td colspan="4">The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.</td> </tr> <tr> <td colspan="4">For the Market Data Analysis <input type="checkbox"/> See grid below <input checked="" type="checkbox"/> See narrative attachment</td> </tr> <tr> <td colspan="4"> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>SUBJECT PROPERTY</th> <th>COMPARABLE NO.1</th> <th>COMPARABLE NO.2</th> <th>COMPARABLE NO.3</th> </tr> </thead> <tbody> <tr> <td>Address</td> <td><b>0 Seafoam Avenue Monterey, CA 93940</b></td> <td><b>0 Ransford Avenue Pacific Grove, CA 93950</b></td> <td><b>1334 Miles Avenue Pacific Grove, CA 93950</b></td> <td><b>15 Wyndemere Vale Monterey, CA 93940</b></td> </tr> <tr> <td>Proximity to Subject</td> <td></td> <td><b>2.93 miles W</b></td> <td><b>3.75 miles W</b></td> <td><b>3.02 miles W</b></td> </tr> <tr> <td>Sales Price</td> <td>\$ <b>N/A</b></td> <td>\$ <b>61,250</b></td> <td>\$ <b>201,000</b></td> <td>\$ <b>140,000</b></td> </tr> <tr> <td>Price /</td> <td></td> <td>\$</td> <td>\$</td> <td>\$</td> </tr> <tr> <td>Data Source</td> <td></td> <td><b>MLS#81241299</b></td> <td><b>MLS#81208398</b></td> <td><b>MLS#81017894</b></td> </tr> <tr> <td>Date of Sale and Time Adjustment</td> <td>DESCRIPTION <b>N/A</b></td> <td>DESCRIPTION <b>04/11/2013coe</b></td> <td>DESCRIPTION <b>04/18/2012coe</b></td> <td>DESCRIPTION <b>PENDING</b></td> </tr> <tr> <td>Location</td> <td><b>Good</b></td> <td><b>Average</b></td> <td><b>Good</b></td> <td><b>Good</b></td> </tr> <tr> <td>Site/View</td> <td><b>4,500sf/Res.&amp;Peek</b></td> <td><b>6,200sf/Res.</b></td> <td><b>(2-Lots)9,000sf/Res.</b></td> <td><b>12,323sf/Wooded</b></td> </tr> <tr> <td>Water</td> <td><b>None</b></td> <td><b>None</b></td> <td><b>None</b></td> <td><b>None</b></td> </tr> <tr> <td>Electric</td> <td><b>Yes</b></td> <td><b>Yes</b></td> <td><b>Yes</b></td> <td><b>Yes</b></td> </tr> <tr> <td>Sewer</td> <td><b>Yes</b></td> <td><b>Yes</b></td> <td><b>Yes</b></td> <td><b>Yes</b></td> </tr> <tr> <td>Sales or Financing Concessions</td> <td></td> <td><b>Cash</b></td> <td><b>Cash</b></td> <td><b>Estate Sale</b></td> </tr> <tr> <td>Net Adj.(Total)</td> <td></td> <td><input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ <b>0</b></td> <td><input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <b>-20,000</b></td> <td><input type="checkbox"/> Plus <input checked="" type="checkbox"/> Minus \$ <b>-10,000</b></td> </tr> <tr> <td>Indicated Value of Subject</td> <td></td> <td>Net=0% Gross=0% \$ <b>61,250</b></td> <td>Net=-10% Gross=10% \$ <b>181,000</b></td> <td>Net=-7% Gross=7% \$ <b>130,000</b></td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="4">Comments on Market Data <b>There have not been any closed sales of vacant residential lots that lack a sufficient water supply to construct a single family residence from throughout the entire Monterey market over the previous two years. Recent sales of vacant residential land in competing areas are also very limited as the previous declining market conditions have negated any economic incentive for development. Comps 1-3 represent the most suitable indicators found with most weight given to Comp 3.</b></td> </tr> <tr> <td rowspan="10" style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold;">RECONCILIATION</td> <td colspan="4">Comments and Conditions of Appraisal: <b>There was no street number found; the subject property is appraised "as is". No formal survey of the subject parcel was made with the lot size and dimensions taken from county records. Per the appraiser's telephone conversations with both the City of Monterey and the Monterey Co. Water Management district there does "not" appear to be a water permit and/or hookup available to the subject site with applications for such rights relegated to a waiting list with no time frames either ensured or even if any rights may ever become available, such that the subject property's highest and best use to remain under similar ownership as the adjacent property.</b></td> </tr> <tr> <td colspan="4">Final Reconciliation: <b>The traditions sales market approach represents the most typical method in the appraising of vacant land, however, given the poor quality and quantity of data I have relied heavily on the opinions and inputs knowledgeable in the selling of land that lacks a viable source of water. Comp 3 would be favored with the list price adjusted per approximations indicated by the listing agent, however, no warranties are either express or implied regarding the exact eventual sales price. The income approach is not applicable in the appraising of vacant lands, while the cost approach is applicable only for a residual analysis which was not applied in this report.</b></td> </tr> <tr> <td colspan="4">ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF <b>07/18/2013</b> to be \$ <b>130,000</b></td> </tr> </table>	Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	<table border="0" style="width:100%;"> <tr> <td>Employment Stability</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Employment</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Convenience to Shopping</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> 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See comments.</b>				The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.				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Recent sales of vacant residential land in competing areas are also very limited as the previous declining market conditions have negated any economic incentive for development. Comps 1-3 represent the most suitable indicators found with most weight given to Comp 3.</b>				RECONCILIATION	Comments and Conditions of Appraisal: <b>There was no street number found; the subject property is appraised "as is". No formal survey of the subject parcel was made with the lot size and dimensions taken from county records. Per the appraiser's telephone conversations with both the City of Monterey and the Monterey Co. Water Management district there does "not" appear to be a water permit and/or hookup available to the subject site with applications for such rights relegated to a waiting list with no time frames either ensured or even if any rights may ever become available, such that the subject property's highest and best use to remain under similar ownership as the adjacent property.</b>				Final Reconciliation: <b>The traditions sales market approach represents the most typical method in the appraising of vacant land, however, given the poor quality and quantity of data I have relied heavily on the opinions and inputs knowledgeable in the selling of land that lacks a viable source of water. Comp 3 would be favored with the list price adjusted per approximations indicated by the listing agent, however, no warranties are either express or implied regarding the exact eventual sales price. 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The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.																																																																																																																																																																																																																																																							
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Comments on Market Data <b>There have not been any closed sales of vacant residential lots that lack a sufficient water supply to construct a single family residence from throughout the entire Monterey market over the previous two years. Recent sales of vacant residential land in competing areas are also very limited as the previous declining market conditions have negated any economic incentive for development. Comps 1-3 represent the most suitable indicators found with most weight given to Comp 3.</b>																																																																																																																																																																																																																																																							
RECONCILIATION	Comments and Conditions of Appraisal: <b>There was no street number found; the subject property is appraised "as is". No formal survey of the subject parcel was made with the lot size and dimensions taken from county records. Per the appraiser's telephone conversations with both the City of Monterey and the Monterey Co. Water Management district there does "not" appear to be a water permit and/or hookup available to the subject site with applications for such rights relegated to a waiting list with no time frames either ensured or even if any rights may ever become available, such that the subject property's highest and best use to remain under similar ownership as the adjacent property.</b>																																																																																																																																																																																																																																																						
	Final Reconciliation: <b>The traditions sales market approach represents the most typical method in the appraising of vacant land, however, given the poor quality and quantity of data I have relied heavily on the opinions and inputs knowledgeable in the selling of land that lacks a viable source of water. Comp 3 would be favored with the list price adjusted per approximations indicated by the listing agent, however, no warranties are either express or implied regarding the exact eventual sales price. The income approach is not applicable in the appraising of vacant lands, while the cost approach is applicable only for a residual analysis which was not applied in this report.</b>																																																																																																																																																																																																																																																						
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This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:


1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**SUPERVISORY APPRAISER'S CERTIFICATION:** The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**APPRAISER**

Signature   
 Name Tom Loorz  
 Company Name Loorz & Company, Inc.  
 Company Address 2075 Cross Street  
Seaside CA 93955  
 Telephone Number 831-655-8845  
 Email Address loorzappraisals@redshift.com  
 Date of Signature and Report 09/04/2013  
 Effective Date of Appraisal 07/18/2013  
 State Certification # AG008051  
 or State License # \_\_\_\_\_  
 or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_  
 State CA  
 Expiration Date of Certification or License 11/21/2014

**SUPERVISORY APPRAISER (ONLY IF REQUIRED)**

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Company Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Date of Signature \_\_\_\_\_  
 State Certification # \_\_\_\_\_  
 or State License # \_\_\_\_\_  
 State \_\_\_\_\_  
 Expiration Date of Certification or License \_\_\_\_\_

**ADDRESS OF PROPERTY APPRAISED**

0 Seafoam Avenue  
Monterey, CA 93940

APPRAISED VALUE OF SUBJECT PROPERTY \$ 130,000

CLIENT  
 Name \_\_\_\_\_  
 Company Name Sandra Randazzo CLPF  
 Company Address 731 Junipero Avenue  
Pacific Grove, CA 93950  
 Email Address \_\_\_\_\_

**SUBJECT PROPERTY**

- Did not inspect subject property  
 Did inspect exterior of subject property from street  
 Date of Inspection \_\_\_\_\_  
 Did inspect interior and exterior of subject property  
 Date of Inspection \_\_\_\_\_

**COMPARABLE SALES**

- Did not inspect exterior of comparable sales from street  
 Did inspect exterior of comparable sales from street  
 Date of Inspection \_\_\_\_\_



Loorz & Company, Inc.  
**SUBJECT PHOTO ADDENDUM**

File No. 149sprayLot

Borrower	<b>Robert Keith Bullock Trust</b>						
Property Address	<b>0 Seafoam Avenue</b>						
City	<b>Monterey</b>	County	<b>Monterey</b>	State	<b>CA</b>	Zip Code	<b>93940</b>
Lender/Client	<b>Sandra Randazzo CLPF</b>		Address	<b>731 Junipero Avenue, Pacific Grove, CA 93950</b>			



**FRONT OF  
SUBJECT PROPERTY**  
0 Seafoam Avenue  
Monterey, CA 93940



**REAR OF  
SUBJECT PROPERTY**



**STREET SCENE**  
Subject Lot on Left

Loorz & Company, Inc.  
**SUBJECT PHOTO ADDENDUM**

File No. 149sprayLot

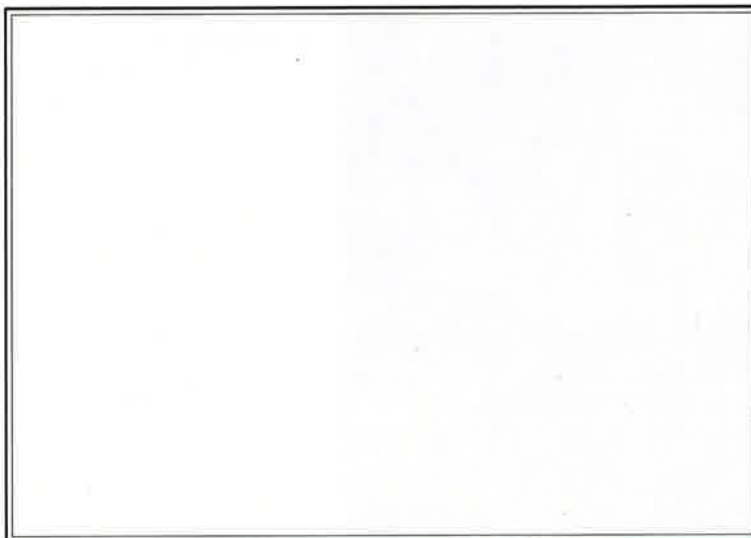
Borrower	<b>Robert Keith Bullock Trust</b>						
Property Address	<b>0 Seafoam Avenue</b>						
City	<b>Monterey</b>	County	<b>Monterey</b>	State	<b>CA</b>	Zip Code	<b>93940</b>
Lender/Client	<b>Sandra Randazzo CLPF</b>		Address	<b>731 Junipero Avenue, Pacific Grove, CA 93950</b>			



**Subject Site from Spray Avenue**



**Additional Street Scene**



Borrower	<b>Robert Keith Bullock Trust</b>						
Property Address	<b>0 Seafoam Avenue</b>						
City	<b>Monterey</b>	County	<b>Monterey</b>	State	<b>CA</b>	Zip Code	<b>93940</b>
Lender/Client	<b>Saundra Randazzo CLPF</b>		Address	<b>731 Junipero Avenue, Pacific Grove, CA 93950</b>			



**COMPARABLE SALE # 1**  
**0 Ransford Avenue**  
**Pacific Grove, CA 93950**

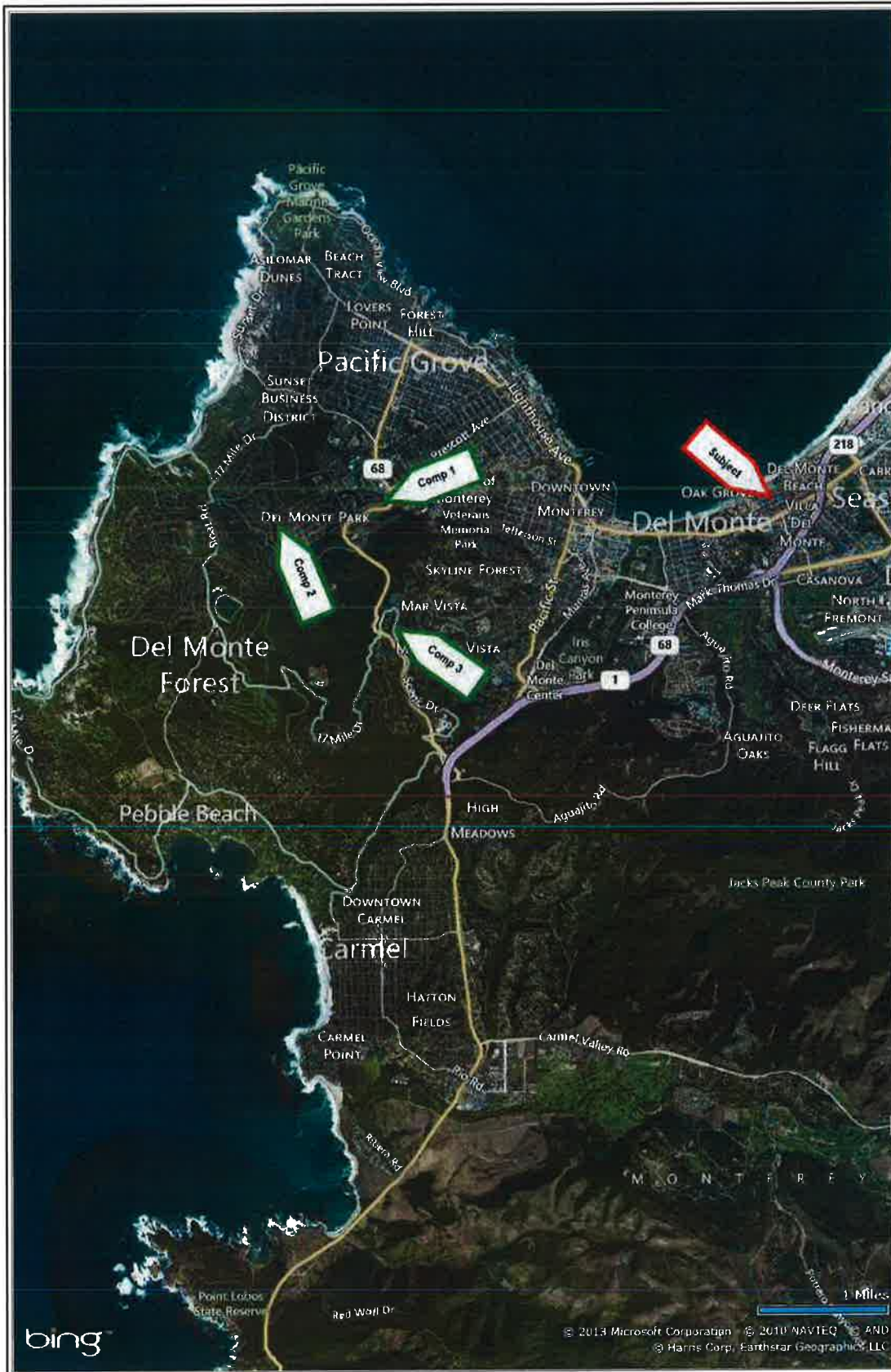


**COMPARABLE SALE # 2**  
**1334 Miles Avenue**  
**Pacific Grove, CA 93950**

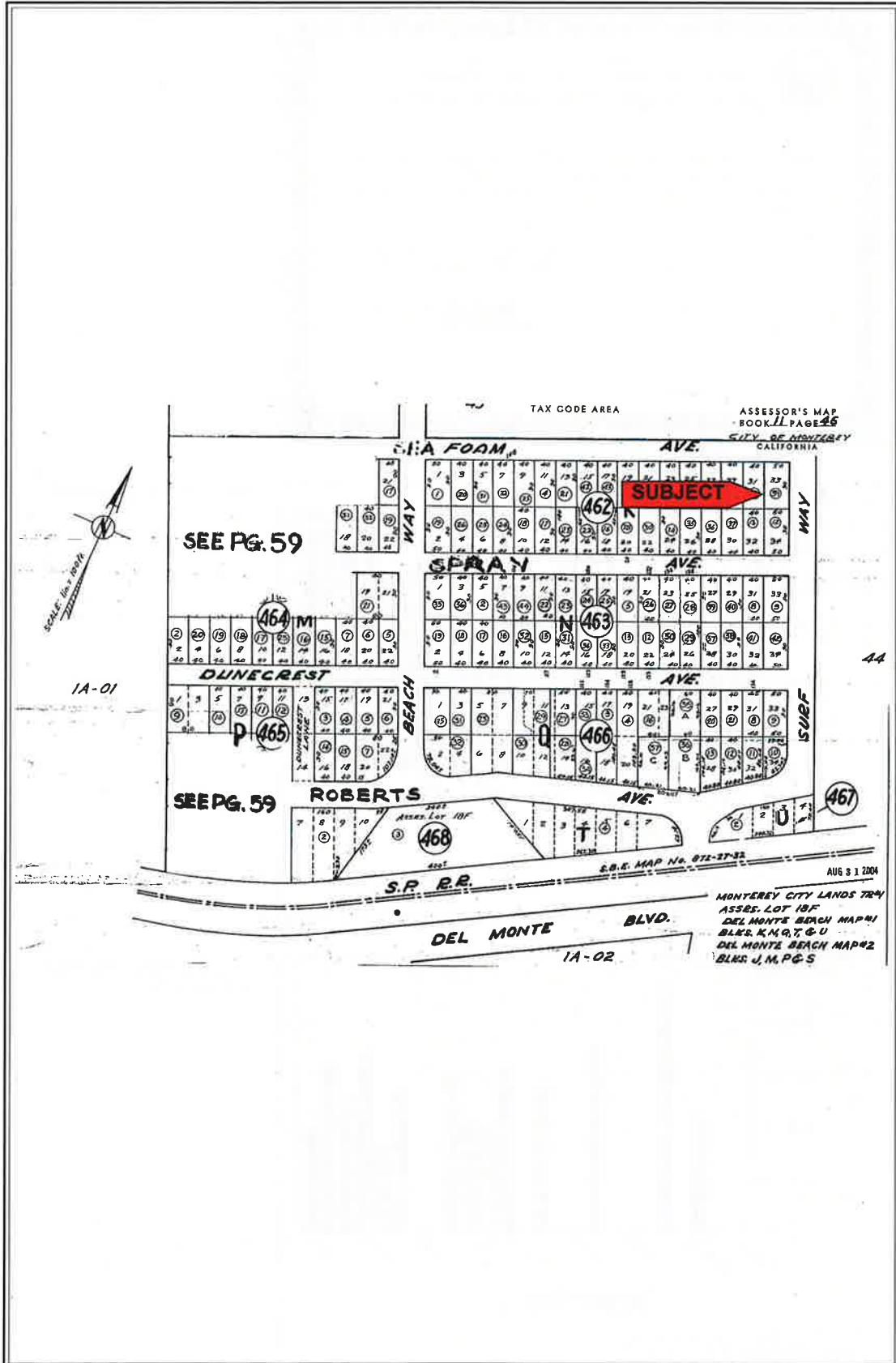


**COMPARABLE SALE # 3**  
**15 Wyndemere Vale**  
**Monterey, CA 93940**

Borrower	Robert Keith Bullock Trust						
Property Address	0 Seafoam Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950				



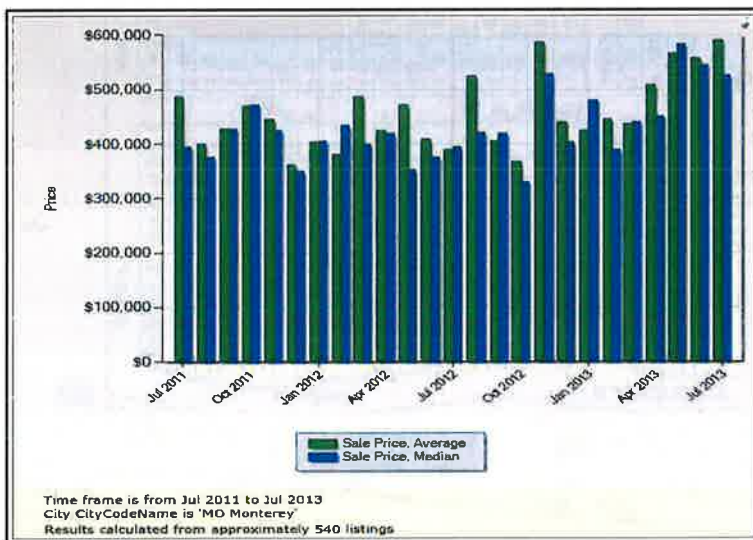
Borrower **Robert Keith Bullock Trust**  
 Property Address **0 Seafoam Avenue**  
 City **Monterey** County **Monterey** State **CA** Zip Code **93940**  
 Lender/Client **Sandra Randazzo CLPF** Address **731 Junipero Avenue, Pacific Grove, CA 93950**



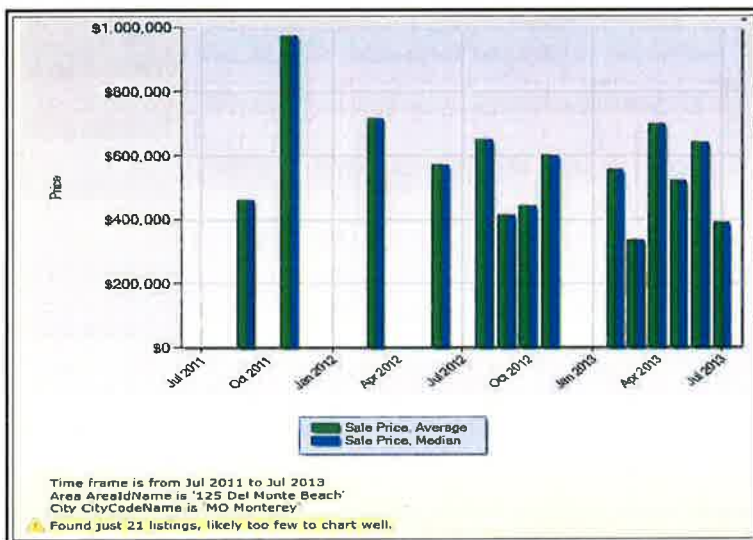
Borrower	Robert Keith Bullock Trust						
Property Address	0 Seafoam Avenue						
City	Monterey	County	Monterey	State	CA	Zip Code	93940
Lender/Client	Saundra Randazzo CLPF		Address 731 Junipero Avenue, Pacific Grove, CA 93950				



Appraisers License



Medium & Average Sale Prices  
Monterey



Medium & Average Sale Prices  
MLS area#125

**EXHIBIT 9-G****RULE 70 - APPEALS**

Determinations of the General Manager or the District Engineer may be appealed to the District Board, in writing, within twenty-one (21) days after any such determination. Such appeal shall specify in writing the grounds upon which it is taken, and shall reference the provision of these Rules and Regulations which have been violated, and shall be accompanied by the fee prescribed in Rule 60, except where the issues raised in the appeal concern issues of public interest or environmental protection. Applicability of fee exemptions shall be determined solely by the General Manager. Within thirty (30) days of receipt of such appeal, the General Manager shall set a hearing on the appeal before the District Board and notify the appellant and/or Applicant in writing of the time and place of the hearing at least ten (10) days prior to the hearing and give public notice of the hearing date. An appeal may be filed by the Applicant, the General Manager, or any other Person. At said hearing the appellant and/or Applicant and other Persons may present evidence concerning the appeal. The Board may deny, approve or continue any appeal. The General Manager shall notify the appellant and/or Applicant within ten (10) days in writing by mail of the Board action taken; namely continuance, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application. Unless the Board otherwise determines, any Permit held by an Applicant for which an appeal has been filed pursuant to these rules and regulations shall be deemed suspended until the appeal has been resolved. Upon hearing the appeal, the Board shall also have the discretion to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 60 if the Board finds that the appeal has provided a significant benefit to the public and/or the environment or in unusual matters.

*Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 2 (3/11/80); Ordinance No. 3 (7/11/80); Ordinance No. 6 (5/11/81); Ordinance No. 63 (6/15/92); Ordinance No. 104 (07/15/02); Ordinance No. 125 (9/18/2006)*

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5 Harris Court, Building G, Monterey, CA 93940 -- P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 -- Fax 831-644-9558 -- www.mpwmd.dst.ca.us -- www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 33370 ASSESSOR PARCEL NUMBER: 011-462-012-000**

ISSUE DATE: 07/23/2014 EXPIRES: 07/23/2016 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

APPLICANT: THE HOGAN DALE R FAMILY TRUST PHONE: ( )- -

AGENT: RAINI HOGAN PHONE: (831)-621-4564

APPLICANT MAILING ADDRESS: 1512 ROCKHAVEN DR, MODESTO, CA 95356

PROPERTY ADDRESS: 149 SPRAY AVE, MONTEREY, CA 93940 JURISDICTION: MONTEREY

APPLIED RULE: RESIDENTIAL CHANGE OF OWNERSHIP  
AND EXPANSION OF USE WATER  
EFFICIENCY STANDARDS; PERMITS  
REQUIRED, NO FEE COLLECTED

WATER DISTRIBUTION SYSTEM: CAL-AM ALLOCATION DEBITED: 0.000

PERMIT TYPE: Waiver (Residential)

NUMBER OF PROPOSED CONNECTIONS: -

EXISTING LAND USE: SFD PROPOSED LAND USE: REMODEL

REMARKS: PROJECT SITE MUST HAVE ALL ULF (1.6 GPF MAX) TOILETS, 2.0 GPM SHOWERHEADS, & 2.2 GPM FAUCETS.

AUTOMATIC IRRIGATION SYSTEMS SHALL BE RETROFIT TO INCLUDE A RAIN SENSOR, WITH THE EXCEPTION OF WEATHER-BASED IRRIGATION SYSTEMS.

CHANGE OF TITLE 2/4/2014.

<u>Fixtures</u>	<u>No of Existing Fixtures</u>	<u>No of Post Project Fixtures</u>	<u>Fixture Unit Value</u>	<u>Existing Capacity</u>	<u>Post Project Capacity</u>
Washbasin (lavatory sink)	2.000	2.000 x	1.00000 =	2.000	2.000
Toilet, Ultra Low Flush (1.6 gallons-per-flush)	2.000	2.000 x	1.80000 =	3.600	3.600
Standard Bathtub or Shower Stall (One Showerhead)	2.000	2.000 x	2.00000 =	4.000	4.000



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831-658-5601 -- Fax 831-644-9558 -- www.mpwmd.dst.ca.us -- www.montereywaterinfo.org

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ISSUE DATE: 07/23/2014 EXPIRES: 07/23/2016 OR UPON EXPIRATION OF THE BUILDING PERMIT.


**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

Shower, each additional fixture (Showerheads, Body Sprays Nozzles, etc.)	2.000	0.000 x	2.00000 =	4.000	0.000
Kitchen Sink (including optional adjacent Dishwasher)	1.000	1.000 x	2.00000 =	2.000	2.000
Laundry Sink/Utility Sink (one per site)	1.000	0.000 x	2.00000 =	2.000	0.000
Clothes Washer	1.000	1.000 x	2.00000 =	2.000	2.000
			<b>Total (AF)</b>	<b>0.196</b>	<b>0.136</b>

Available Jurisdiction (AF):	0.000	Credited WUP (AF):	0.000
Available WUC (AF):	0.000	Credited WUC (AF):	0.000
Available WUP (AF):	0.000	<b>Proposed Water Usage (AF):</b>	<b>0.000</b>
Available On-Site (AF):	0.000		

<u>Fee Description</u>	<u>Fixture Rate</u>	<u>Quantity</u>	<u>Fees</u>
	<b>Total</b>		

The Monterey Peninsula Water Management District issues this permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the referenced application or if water fixtures are added or changes in water use occur on this site without amendment of the water permit.

  
\_\_\_\_\_  
Signature of Property Owner / Agent

7-23-14  
\_\_\_\_\_  
Date

Note: This permit does not guarantee service by any water company, public utility, or municipal water agency. This permit may be cancelled at the request of the jurisdiction following notice to the property owner.



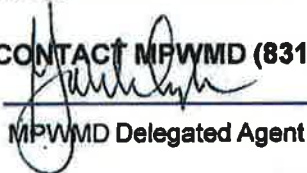
5 Harris Court, Building G, Monterey, CA 93940 — P.O. Box 85, Monterey, CA 93942-0085

831-858-5601 — Fax 831-644-9558 — www.mpwmd.dst.ca.us — www.montereywaterinfo.org

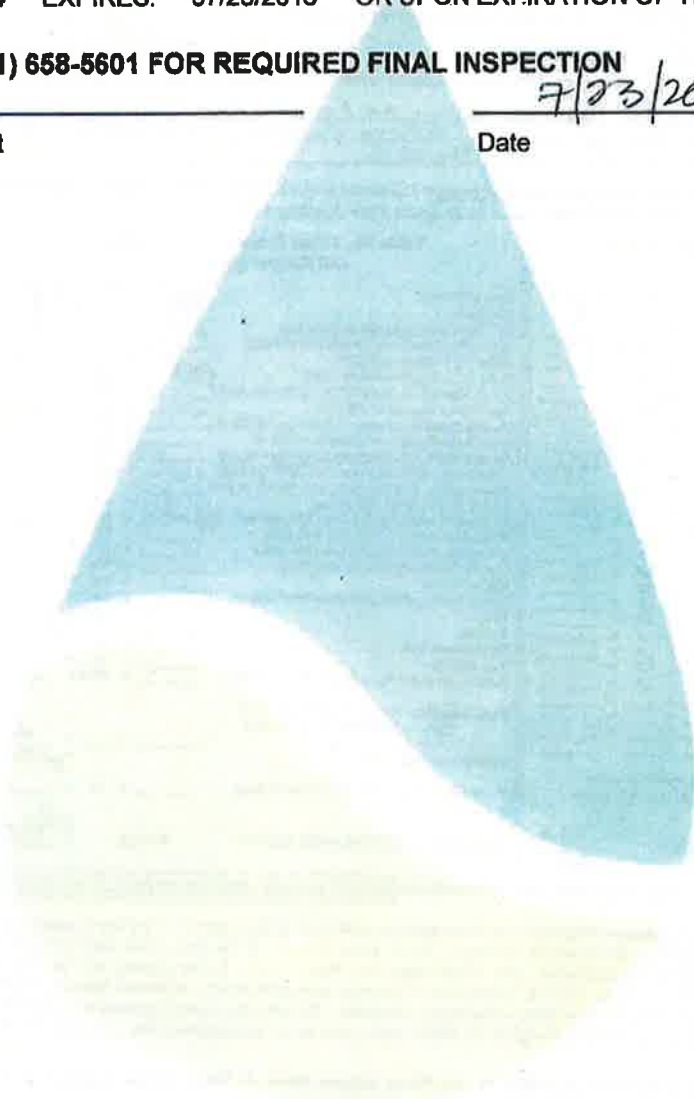
**MPWMD WATER PERMIT NO. 33370 ASSESSOR PARCEL NUMBER: 011-462-012-000**

**ISSUE DATE: 07/23/2014 EXPIRES: 07/23/2016 OR UPON EXPIRATION OF THE BUILDING PERMIT.**

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

  
MPWMD Delegated Agent

7/23/2014  
Date



# MONTEREY PENINSULA WATER MANAGEMENT DISTRICT RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

**NOTE: When approved and signed by the jurisdictions, this form must be submitted with final and complete Construction Plans to:**  
 Monterey Peninsula Water Management District Permit Office  
 5 Harris Court, Bldg. G ♦ Monterey, CA 93940 ♦ (831) 658-5601 ♦ www.mpwmd.net ♦ Fax (831) 644-9558  
 Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

**ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly)**

**1. OWNERSHIP INFORMATION:** RYAN HOGAN - ADMIN TTEE **2. AGENT/REPRESENTATIVE INFORMATION:**  
 Name: DALE RAY HOGAN FAMILY TRUST Name: RAINIE HOGAN  
 Daytime telephone: \_\_\_\_\_ Daytime telephone: 831 621-4564  
 Mailing Address: PO Box 1430 Seaside CA 93955 Mailing Address: PO Box 1430 Seaside CA 93955

**3. PROPERTY INFORMATION:**  
 What year was the house constructed? 1965 Existing Square-footage 1921 Proposed Square-footage 1858  
 Address: 149 SPRAY AVE Assessor Parcel Number 011-462-012  
 Is a water meter needed? (Circle one) YES  NO  If yes, how many meters are requested? \_\_\_\_\_  
 Water company serving parcel: CAL AM Account Number 101-22200 33658

*NOTE: Separate water meters are required for each User. Residential uses require separate meters for all auxiliary housing that includes a kitchen.*

**4. PROJECT DESCRIPTION (Be thorough and detailed):** REMODEL PART OF EXISTING HOUSE W/INDO ELECTRICAL AND PLUMBING. REPAIR & REPLACE EXISTING DOORS, REPLACE EXISTING WINDOWS & SLIDERS. CONVERT LOWER LEVEL HALLWAY TO EXISTING GARPORT.

**5. INSTRUCTIONS:** Table #1 should list the fixtures on the property as they exist before the project. Table #2 should reflect all fixtures on the property after the project is completed. Only one Master Bathroom can be designated per dwelling unit.

**Table No. 1 Existing Property Fixture Count**  
(All fixtures before project)

Type of Fixture	Fixture	Value	Count
Washbasin	2	x 1.0 =	2
Two Washbasins in the Master Bathroom*		x 1.0 =	
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)	2	x 1.8 =	3.6
Toilet, High Efficiency (HET)*		x 1.3 =	
Toilet, Ultra High Efficiency (UHET)*		x 0.8 =	
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)		x 0.5 =	
Zero Water Consumption Urinal*		x 0.0 =	
Masterbath (one per Dwelling): Tub & Separate Showers		x 3.0 =	
Large Bathtub (may have Showerhead above)		x 3.0 =	
Standard Bathtub or Shower Stall (one showerhead)	2	x 2.0 =	4
Shower, each additional fixture (heads, body spray)	2	x 2.0 =	4
Shower system, Rain Bars or Custom Shower (specs)		x 2.0 =	
Kitchen Sink (with optional Dishwasher)	1	x 2.0 =	2
Kitchen Sink with High Efficiency Dishwasher*		x 1.5 =	
Dishwasher, each additional (with optional sink)		x 2.0 =	
Dishwasher, High Efficiency (with opt. sink)*		x 1.5 =	
Laundry Sink/Utility Sink (one per Site)	1	x 2.0 =	2
Clothes Washer		x 2.0 =	
Clothes Washer, (HEW) 5.0 water factor or less*		x 1.0 =	
Bidet		x 2.0 =	
Bar Sink		x 1.0 =	
Entertainment Sink		x 1.0 =	
Vegetable Sink		x 1.0 =	
Swimming Pool (each 100 sq-ft of pool surface)		x 1.0 =	
Other		x =	
Other		x =	
Other		x =	
Other		x =	

\* Use this fixture count if a previous Permit was issued under Ordinance 80 to utilize the Master Bathroom Credit. (Tub may be large.) See District staff for more information.

**Table No. 2 Post Project Fixture Count**  
(All fixtures after project)

Type of Fixture	Fixture	Value	Count
Washbasin	1	x 1.0 =	1
Two Washbasins in the Master Bathroom		x 1.0 =	
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)		x 1.8 =	
Toilet, High Efficiency (HET)*		x 1.3 =	
Toilet, Ultra High Efficiency (UHET)*		x 0.8 =	
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)		x 0.5 =	
Zero Water Consumption Urinal*		x 0.0 =	
Masterbath (one per Dwelling): Tub & Separate Shower		x 3.0 =	
Large Bathtub (may have Showerhead above)		x 3.0 =	
Standard Bathtub or Shower Stall (one showerhead)	2	x 2.0 =	4
Shower, each additional fixture (heads, body spray)		x 2.0 =	
Shower system, Rain Bars or Custom Shower (specs)		x 2.0 =	
Kitchen Sink (optional dishwasher)	1	x 1.5 =	1.5
Kitchen Sink with High Efficiency Dishwasher*		x 2.0 =	
Dishwasher, each additional (optional sink)		x 1.5 =	
Dishwasher, High Efficiency (with opt. sink)*		x 2.0 =	
Laundry Sink/Utility Sink (one per Site)		x 2.0 =	
Clothes Washer		x 2.0 =	
Clothes Washer, (HEW) 5.0 water factor or less*		x 1.0 =	
Bidet		x 2.0 =	
Bar Sink		x 1.0 =	
Entertainment Sink		x 1.0 =	
Vegetable Sink		x 1.0 =	
Instant-Access-Hot-Water System (fixture credit)		x <0.5> =	
New Connection - Refer to District Rule 24-A5 "Exterior Residential Water Demand Calculations"		x =	
Subtotal proposed fixtures			2
Swimming Pool (each 100 sq-ft of pool surface)		x 1.0 =	

\* Use this fixture count if a previous Permit was issued under Ordinance 80 to utilize the Master Bathroom Credit. (Tub may be large.) See District staff for more information.

**EXISTING FIXTURE UNIT COUNT TOTAL = 23.6** **PROPOSED FIXTURE UNIT COUNT TOTAL = 19.6**

**\*DEED RESTRICTION REQUIRED WHEN CREDIT IS APPLIED FOR "HE" APPLIANCES- EXPECT PERMIT PROCESS TO TAKE THREE WEEKS**

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, Water Permits for the property may be canceled. In addition, water fixtures installed without a Water Permit may be cause for interruption of the water service to the Site, additional fees and penalties, the imposition of a lien on the property, and deduction of water from the local Jurisdiction's Allocation. The property owner/Applicant is required to notify the District and provide Construction Plans as appropriate for each change in the Project made prior to use or occupancy that may affect the Project's Capacity to use water.

**6. I certify, under penalty of perjury, that the information provided on this Water Release Form & Water Permit Application is to my knowledge correct, and the information accurately reflects water use presently planned for this property.**

Signature of Owner/Agent: RAINIE HOGAN Date: 7/14/2014 Location Where Signed: Monterey  
 Print Name: \_\_\_\_\_ File or Plan Check Number: 014-0219

**AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY**  
 \_\_\_\_\_ AF Paralta Allocation \_\_\_\_\_ AF Public Credits \_\_\_\_\_ AF Second Bathroom Protocol  
 \_\_\_\_\_ AF Pre-Paralta Credits \_\_\_\_\_ WDS (Private Well) \_\_\_\_\_ Water Entitlement  No water needed  
 Notes: \_\_\_\_\_ Authorized by: [Signature] Date: 7/14/14



COPY

5 Harris Court, Building G, Monterey, CA 93940 — P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 — Fax 831-644-9558 — www.mpwmd.dst.ca.us — www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34723 ASSESSOR PARCEL NUMBER: 011-462-012-000**

ISSUE DATE: 06/07/2016 EXPIRES: 06/07/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

APPLICANT: RYAN T HOGAN PHONE: (831)-621-4564

AGENT: DAVID PREW PHONE: (831)-620-2080

APPLICANT MAILING ADDRESS: 149 SPRAY AVE, MONTEREY, CA 93940-3411

PROPERTY ADDRESS: 149 SPRAY AVE, MONTEREY, CA 93940-3411 JURISDICTION: MONTEREY

**DEED RESTRICTION REQUIRED**

APPLIED RULE: RESIDENTIAL CHANGE OF OWNERSHIP AND EXPANSION OF USE WATER EFFICIENCY STANDARDS; MASTER BATHROOM FIXTURE UNIT ACCOUNTING; HIGH EFFICIENCY APPLIANCE CREDITS

**\*\*IMPORTANT NOTICE\*\***

Currently, the Monterey Peninsula Water Management District (District) has authority pursuant to its Rules and Regulations to issue Water Permits and Water Use Permits.

However, NOTICE is hereby provided that on October 20, 2009, the State Water Resources Control Board issued a Cease and Desist Order (CDO) on California American Water. This CDO prohibits California American Water from diverting water from the Carmel River for new service connections or for any increased use at existing service locations after October 20, 2009.

Water Permits issued after October 20, 2009 may be subject to the CDO.

For more information, please contact the State Water Resources Control Board or California American Water.

WATER DISTRIBUTION SYSTEM: CAL-AM ALLOCATION DEBITED: 0.000

PERMIT TYPE: Remodel (Residential)

NUMBER OF PROPOSED CONNECTIONS: 0

EXISTING LAND USE: SFD PROPOSED LAND USE: MODIFY WATER FIXTURES/REPLACE W/ HE



COPY

5 Harris Court, Building G, Monterey, CA 93940 – P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 – Fax 831-644-9558 – www.mpwmd.dst.ca.us – www.montereywaterinfo.org

MPWMD WATER PERMIT NO. 34723 ASSESSOR PARCEL NUMBER: 011-462-012-000

ISSUE DATE: 06/07/2016 EXPIRES: 06/07/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION

REMARKS: PROJECT SITE MUST HAVE TWO (2) ULTRA HIGH EFFICIENCY (0.8 GPF MAX) TOILETS, 2.0 GPM SHOWERHEADS, &amp; 2.2 GPM FAUCETS.

A HIGH EFFICIENCY DISHWASHER (5.8 GLS MAX), HIGH EFFICIENCY CLOTHES WASHER WITH A WATER FACTOR OF 5.0 OR LESS &amp; AN INSTANT ACCESS HOT WATER SYSTEM SHALL BE INSTALLED.

AUTOMATIC IRRIGATION SYSTEMS SHALL BE RETROFIT TO INCLUDE A RAIN SENSOR, WITH THE EXCEPTION OF WEATHER-BASED IRRIGATION SYSTEMS.

<u>Fixtures</u>	<u>No of Existing Fixtures</u>	<u>No of Post Project Fixtures</u>	<u>Fixture Unit Value</u>	<u>Existing Capacity</u>	<u>Post Project Capacity</u>
Washbasin (lavatory sink)	1.000	1.000 x	1.00000 =	1.000	1.000
Master Bathroom:1st Washbasin of Two	1.000	1.000 x	1.00000 =	1.000	1.000
Master Bathroom:2nd Washbasin of Two	1.000	1.000 x	0.00000 =	0.000	0.000
Toilet, Ultra Low Flush (1.6 gallons-per-flush)	2.000	0.000 x	1.80000 =	3.600	0.000
Toilet, Ultra High Efficiency (UHET) (0.8 gallon maximum)	0.000	2.000 x	0.80000 =	0.000	1.600
Standard Bathtub or Shower Stall (One Showerhead)	2.000	2.000 x	2.00000 =	4.000	4.000
Kitchen Sink (including optional adjacent Dishwasher)	1.000	0.000 x	2.00000 =	2.000	0.000
Kitchen Sink with adjacent High Efficiency Dishwasher	0.000	1.000 x	1.50000 =	0.000	1.500
Clothes Washer	1.000	0.000 x	2.00000 =	2.000	0.000
Clothes Washer, High Efficiency (Water Factor of 5.0 or less)	0.000	1.000 x	1.00000 =	0.000	1.000
Instant Access Hot Water System(Fixture Credit)					
			<b>Total (AF)</b>	<b>0.136</b>	<b>0.096</b>

MONTEREY PENINSULA  
**WATER**  
 MANAGEMENT DISTRICT

**COPY**

5 Harris Court, Building G, Monterey, CA 93940 - P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 - Fax 831-644-9558 - www.mpwmd.dst.ca.us - www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34723 ASSESSOR PARCEL NUMBER: 011-462-012-000**

ISSUE DATE: 06/07/2016 EXPIRES: 06/07/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

<i>Available Jurisdiction (AF):</i>	0.000	<i>Incentive Credit (AF):</i>	0.000	-0.005
<i>Available WUC (AF):</i>	0.010	<i>Used On-Site (AF):</i>	0.000	
<i>Available WUP (AF):</i>	0.000	<i>Remaining On-Site (AF):</i>	0.060	
<i>Available On-Site (AF):</i>	0.060	<i>Credited WUP (AF):</i>	0.000	
		<i>Credited WUC (AF):</i>	0.000	
		<b>Proposed Water Usage (AF):</b>	<b>0.000</b>	

<u>Fee Description</u>	<u>Fixture Rate</u>	<u>Quantity</u>	<u>Fees</u>
<b>Processing Fee (Residential per Dwelling)</b>			<b>210.00</b>
<b>Deed Restriction/Recording Fee(1st Page)</b>			<b>21.00</b>
<b>Deed Restriction/Recording (Addtnl Pages)</b>			<b>6.00</b>
<b>Courier Fees</b>			<b>14.00</b>
<b>Recording Copy Page</b>			<b>2.00</b>
<b>Deed Restriction Prep.</b>			<b>105.00</b>
<b>Document Image Fee</b>			<b>6.00</b>
<b>Deed Restriction Notary Page</b>			<b>3.00</b>
<b>Rebate Surcharge Fee</b>			<b>500.00</b>
	<b>Total</b>		<b>867.00</b>

The Monterey Peninsula Water Management District issues this permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the referenced application or if water fixtures are added or changes in water use occur on this site without amendment of the water permit.

✓

\_\_\_\_\_  
 Signature of Property Owner / Agent

\_\_\_\_\_  
 Date

Note:



**COPY**

5 Harris Court, Building G, Monterey, CA 93940 - P.O. Box 85, Monterey, CA 93942-0085

831-658-5601 - Fax 831-644-9558 - www.mpwmd.dst.ca.us - www.montereywaterinfo.org

**MPWMD WATER PERMIT NO. 34723 ASSESSOR PARCEL NUMBER: 011-462-012-000**

**ISSUE DATE: 06/07/2016 EXPIRES: 06/07/2018 OR UPON EXPIRATION OF THE BUILDING PERMIT.**

**CONTACT MPWMD (831) 658-5601 FOR REQUIRED FINAL INSPECTION**

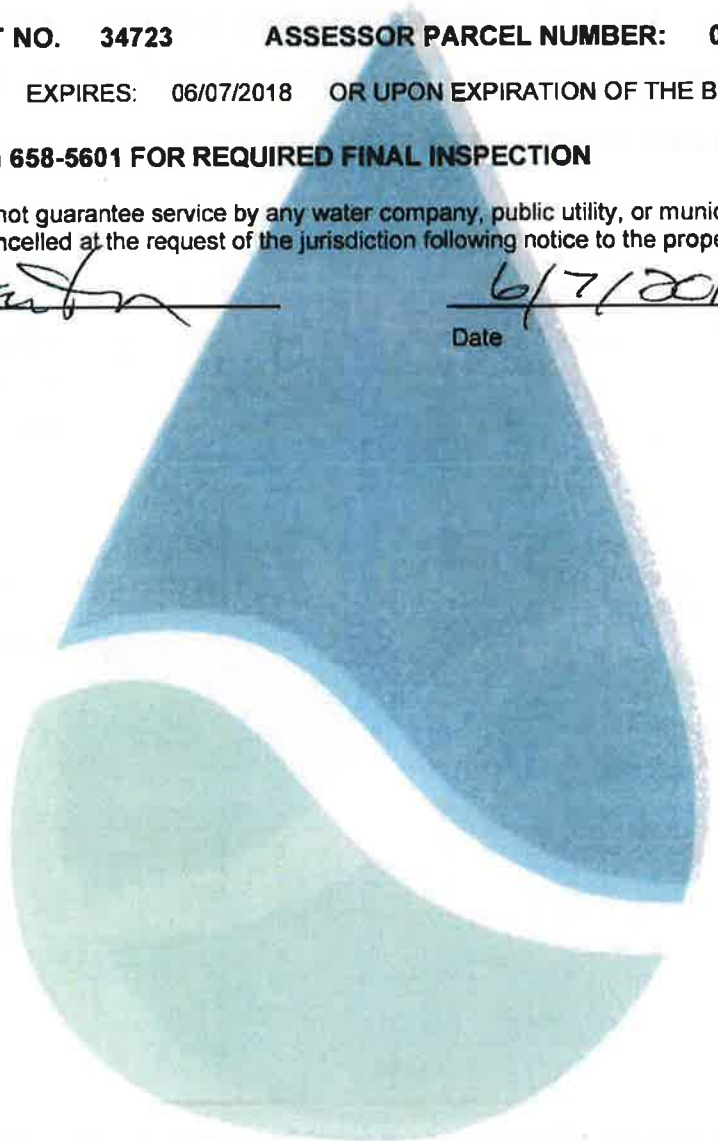
This permit does not guarantee service by any water company, public utility, or municipal water agency. This permit may be cancelled at the request of the jurisdiction following notice to the property owner.

A handwritten signature in black ink, appearing to read "S. Newton", written over a horizontal line.

MPWMD Delegated Agent

A handwritten date "6/7/2016" in black ink, written over a horizontal line.

Date





**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION**

**NOTE: When approved and signed by the jurisdictions, this form must be submitted with final and complete Construction Plans to:**

Monterey Peninsula Water Management District Permit Office  
5 Harris Court, Bldg. G ♦ Monterey, CA 93940 ♦ (831) 658-5601 ♦ [www.mpwmd.net](http://www.mpwmd.net) ♦ Fax (831) 644-9558  
Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly)

**1. OWNERSHIP INFORMATION:**

Name: DAVE HOGAN FAMILY TRUST  
Daytime telephone: 831 621-9504  
Mailing Address: 1512 ROCKHAWSEN DR.  
MODESTO, CA 95350

**2. AGENT/REPRESENTATIVE INFORMATION:**

Name: DAVID PREW  
Daytime telephone: 831 620-2000  
Mailing Address: 177 WEBSTER ST  
#201 MONTEREY, CA

**3. PROPERTY INFORMATION:**

What year was the house constructed? \_\_\_\_\_ Existing Square-footage \_\_\_\_\_ Proposed Square-footage \_\_\_\_\_  
Address: 149 Spray Ave, Monterey Assessor Parcel Number 011-462-012  
Is a water meter needed? (Circle one) YES  NO  If yes, how many meters are requested? \_\_\_\_\_  
Water company serving parcel: CAL AM Account Number: \_\_\_\_\_

*NOTE: Separate water meters are required for each User. Residential uses require separate meters for all auxiliary housing that includes a kitchen.*

**4. PROJECT DESCRIPTION (Be thorough and detailed):**

REPAIR 2 TOILETS TO UHET & RETROFIT 1 DISHWASHER & 1 WASHING MACHINE

**5. INSTRUCTIONS:** Table #1 should list the fixtures on the property as they exist before the project. Table #2 should reflect all fixtures on the property after the project is completed. Only one Master Bathroom can be designated per dwelling unit.

**Table No. 1 Existing Property Fixture Count**  
(All fixtures before project)

Type of Fixture	Fixture	Value	Count
Washbasin	1	x 1.0	1.0
Two Washbasins in the Master Bathroom*	1	x 1.0	1.0
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)	2	x 1.8	3.6
Toilet, High Efficiency (HET)	1	x 1.3	1.3
Toilet, Ultra High Efficiency (UHET)	1	x 0.8	0.8
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)	1	x 0.5	0.5
Zero Water Consumption Urinal*	1	x 0.0	0.0
Masterbath (one per Dwelling): Tub & Separate Shower	1	x 3.0	3.0
Large Bathtub (may have Showerhead above)	1	x 3.0	3.0
Standard Bathtub or Shower Stall (one showerhead)	2	x 2.0	4.0
Shower, each additional fixture (heads, body spray)	1	x 2.0	2.0
Shower system, Rain Bars or Custom Shower (specs)	1	x 2.0	2.0
Kitchen Sink (with optional Dishwasher)	1	x 2.0	2.0
Kitchen Sink with High Efficiency Dishwasher	1	x 1.5	1.5
Dishwasher, each additional (with optional sink)	1	x 2.0	2.0
Dishwasher, High Efficiency (with opt. sink)	1	x 1.5	1.5
Laundry Sink/Utility Sink (one per Site)	1	x 2.0	2.0
Clothes Washer	1	x 2.0	2.0
Clothes Washer, (HEW) 5.0 water factor or less	1	x 1.0	1.0
Bidet	1	x 2.0	2.0
Bar Sink	1	x 1.0	1.0
Entertainment Sink	1	x 1.0	1.0
Vegetable Sink	1	x 1.0	1.0
Swimming Pool (each 100 sq-ft of pool surface)	1	x 1.0	1.0
Other		x	
Other		x	
Other		x	
Other		x	

**Table No. 2 Post Project Fixture Count**  
(All fixtures after project)

Type of Fixture	Fixture	Value	Count
Washbasin	1	x 1.0	1.0
Two Washbasins in the Master Bathroom	1	x 1.0	1.0
Toilet, Ultra Low-Flush (1.6 gallons-per-flush)	1	x 1.8	1.8
Toilet, High Efficiency (HET)	1	x 1.3	1.3
Toilet, Ultra High Efficiency (UHET)	2	x 0.8	1.6
Urinal, High Efficiency (HEU) (0.5 gallon-per-flush)	1	x 0.5	0.5
Zero Water Consumption Urinal*	1	x 0.0	0.0
Masterbath (one per Dwelling): Tub & Separate Shower	1	x 3.0	3.0
Large Bathtub (may have Showerhead above)	1	x 3.0	3.0
Standard Bathtub or Shower Stall (one showerhead)	2	x 2.0	4.0
Shower, each additional fixture (heads, body spray)	1	x 2.0	2.0
Shower system, Rain Bars or Custom Shower (specs)	1	x 2.0	2.0
Kitchen Sink (optional dishwasher)	1	x 2.0	2.0
Kitchen Sink with High Efficiency Dishwasher	1	x 1.5	1.5
Dishwasher, each additional (optional sink)	1	x 2.0	2.0
Dishwasher, High Efficiency (with opt. sink)	1	x 1.5	1.5
Laundry Sink/Utility Sink (one per Site)	1	x 2.0	2.0
Clothes Washer	1	x 2.0	2.0
Clothes Washer, (HEW) 5.0 water factor or less	1	x 1.0	1.0
Bidet	1	x 2.0	2.0
Bar Sink	1	x 1.0	1.0
Entertainment Sink	1	x 1.0	1.0
Vegetable Sink	1	x 1.0	1.0
Instant-Access-Hot-Water System (fixture credit)	1	x <0.5	0.5
New Connection - Refer to District Rule 24-A5 "Exterior Residential Water Demand Calculations"		x	
Subtotal proposed fixtures			
Swimming Pool (each 100 sq-ft of pool surface)		x 1.0	

\* Use this fixture count if a previous Permit was issued under Ordinance 80 to utilize the Master Bathroom Credit. (Tub may be large.) See District staff for more information.

EXISTING FIXTURE UNIT COUNT

TOTAL = 13.6

PROPOSED FIXTURE UNIT COUNT

TOTAL = 9.6

**DEED RESTRICTION REQUIRED FOR ALL WATER PERMITS - PERMIT PROCESS MAY TAKE UP TO THREE WEEKS**

In completing the Water Release Form, the undersigned acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for all water fixtures. If the fixture unit count changes without notification to the District, or if a difference in fixtures is documented upon official inspection, Water Permits for the property may be canceled. In addition, water fixtures installed without a Water Permit may be cause for interruption of the water service to the Site, additional fees and penalties, the imposition of a lien on the property, and deduction of water from the local Jurisdiction's Allocation. The property owner/Applicant is required to notify the District and provide Construction Plans as appropriate for each change in the Project made prior to use or occupancy that may affect the Project's Capacity to use water.

6. I certify, under penalty of perjury, that the information provided on this Water Release Form & Water Permit Application is to my knowledge correct, and the information accurately reflects water use presently planned for this property.

Signature of Owner/Agent: David Prew Date: 6/6/16 Location Where Signed: Comerio, CA  
Print Name: DAVID PREW File or Plan Check Number: build No permit required

**AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY**

AF Paralta Allocation     AF Public Credits     AF Second Bathroom Protocol  
 AF Pre-Paralta Credits     WDS (Private Well)     Water Entitlement     No water needed  
 Notes: \_\_\_\_\_ Authorized by: Joh Jay Date: 6-6-16

This form expires one year from date of authorization for this project by the jurisdiction.

White copy-MPWMD

Yellow copy-applicant

Pink copy-jurisdiction





Stephen L. Vagnini  
 Monterey County Recorder  
 Recorded at the request of  
**Filer**

CRSUSY  
 6/10/2016  
 11:59:00

DOCUMENT: **2016031820**

Titles: 1/ Pages: 4



Fees . . . .	30.00
Taxes . . . .	
Other . . . .	<u>2.00</u>
AMT PAID	\$32.00

**Recording Requested by:**  
 Monterey Peninsula Water Management District

**And When Recorded Mail To:**  
 Monterey Peninsula Water Management District  
 Post Office Box 85  
 Monterey, California 93942-0085

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**NOTICE AND DEED RESTRICTION  
 REGARDING LIMITATION ON USE  
 OF WATER ON A PROPERTY**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this document is situated in the **City of Monterey**:

**149 SPRAY AVE, MONTEREY, CA 93940-3411  
 {DEL MONTE BEACH MAP 1 LOT 34 BLK K}  
 ASSESSOR'S PARCEL NUMBER 011-462-012-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **The Dale Ray Hogan Family Trust, Dated July 26, 2007**, (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

Owner(s) and the Water Management District each acknowledge and agree that the installation and maintenance of **one High Efficiency Dishwasher with no wash cycle capable of using greater than 5.8 gallons of water, one High Efficiency Clothes Washer manufactured with a Water Factor of 5.0 or less, two Ultra High Efficiency Toilets (0.8 gallon maximum flush), and an Instant-Access Hot Water System capable of supplying hot water at any access point throughout the structure within ten seconds** are permanent requirements of the Subject Property. Owner(s) and the Water Management District further agree that the maximum permitted water use at the Subject Property is limited to supply the Potable water requirements for a **Single-Family Dwelling** consisting of:

- **1 Washbasin (lavatory sink)**
- **2 Washbasins in the Master Bathroom**
- **2 Toilets, Ultra High Efficiency (UHET) (0.8 gallon maximum)**



- **2 Standard Bathtubs or Shower Stalls (One Showerhead)**
- **1 Kitchen Sink with adjacent High Efficiency Dishwasher**
- **1 Clothes Washer, High Efficiency (Water Factor of 5.0 or less)**
- **Reasonable outdoor water use as needed and as allowed by District rules. Automated Irrigation Systems shall be retrofitted to include a Rain Sensor.**

No water use fixtures other than those listed above have been approved or authorized for use on the Subject Property.

Owner(s) acknowledges that the installation and maintenance of the Low Water Use Plumbing Fixtures and the limitation on the water use fixtures referenced above have been voluntarily accepted as a condition of Water Permit No. **34723**, and acknowledges that this restriction is permanent and irrevocable, unless amended by the filing of a less restrictive deed restriction.

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been voluntarily entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s).

**NOTICE IS FURTHER GIVEN** that present and/or future use of water at the Subject Property Site is restricted by Water Management District Rules and Regulations to the water use requirements referenced above. Any Intensification of Use on the Subject Property, as defined by Water Management District Rule 11, or any change in the quantity or type of water fixtures listed above, will require prior written authorization and a Water Permit from the Water Management District. Approval may be withheld by the Water Management District, in accord with then applicable provisions of law. Present or future Allocations of water may not be available to grant any Permit to Intensify Water Use at this Site. If any request to Intensify Water Use on the Subject Property is approved, Connection Charges and other administrative fees may be required as a condition of approval.

**NOTICE IS FURTHER GIVEN** that modification or Intensification of Water Use on the Subject Property that occurs without the advance written approval of the Water Management District is a violation of Water Management District Rules and may result in a monetary penalty for each offense as allowed by Water Management District Rules. Each separate day, or portion thereof, during which any violation occurs or continues without a good faith effort by the Responsible Party to correct the violation shall be deemed to constitute a separate offense. All Water Users within the jurisdiction of the Water Management District are subject to the Water Management District Rules, including Rules 11, 20, 21, 23, 24, and 110.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide



by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. 34723. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to this deed restriction. This Notice and Deed Restriction shall have no termination date unless amended by the filing of a less restrictive deed restriction.

If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.


The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Regarding Limitation on Use of Water on a Property. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

**OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.**

*(Signatures must be notarized)*

**The Dale Ray Hogan Family Trust, Dated July 26, 2007**

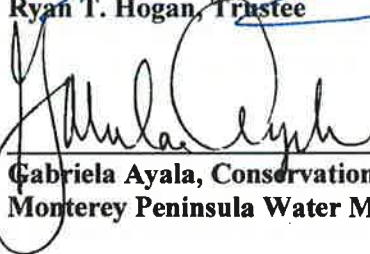
By:

  
 Ryan T. Hogan, Trustee

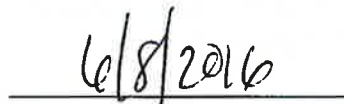
Dated:



By:

  
 Gabriela Ayala, Conservation Representative  
 Monterey Peninsula Water Management District

Dated:



### CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

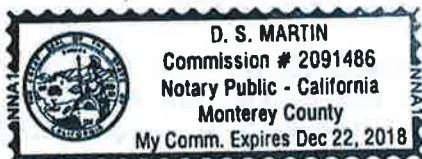
County of Monterey

On June 7, 2014, before me, D. S. Martin, Notary Public, personally appeared Ryan T. Hogan

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity~~(ies)~~, and that by his/~~her~~/~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

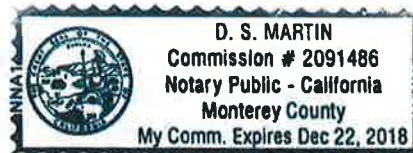
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
(Signature of Notary Public)

Place Notary Seal Here



#### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

#### Description of Attached Document

Title or Type of Document: Notice and Deed Restriction Regarding Limitation of Use of Water on a Property

Document Date: 6/7/2014 Number of Pages: 3

Signer(s) Other Than Named Above: [Signature]

**END OF DOCUMENT**

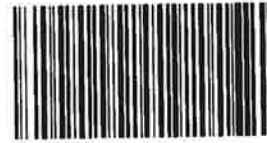


Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of  
**Filer**

114  
CRSUSY  
6/10/2016  
11:59:00

DOCUMENT: **2016031821**

Titles: 1/ Pages: 3



Fees.....	27.00
Taxes....	
Other....	2.00
AMT PAID	\$29.00

**Recording Requested by:**  
Monterey Peninsula Water Management District

**And When Recorded Mail To:**  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085

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**NOTICE AND DEED RESTRICTION  
PROVIDE PUBLIC ACCESS TO  
WATER USE DATA**

**NOTICE IS GIVEN** that the Monterey Peninsula Water Management District (hereinafter referred to as the Water Management District), duly formed as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901), has approved water service to the real property referenced below as "Subject Property."

**NOTICE IS FURTHER GIVEN** that the real property affected by this agreement is situated in the **City of Monterey:**

**149 SPRAY AVE, MONTEREY, CA 93940-3411  
{DEL MONTE BEACH MAP 1 LOT 34 BLK K}  
ASSESSOR'S PARCEL NUMBER 011-462-012-000**

This real property is hereinafter referred to as the "Subject Property." The Subject Property is located within the jurisdiction of the Water Management District. **The Dale Ray Hogan Family Trust, Dated July 26, 2007**, (hereinafter referred to as "Owner(s)"), is record Owner(s) of the Subject Property.

**NOTICE IS FURTHER GIVEN** that Owner(s), and each of them, irrevocably grant to the Water Management District, the right to access and disseminate to the public-at-large any and all information relating to delivery and/or use of water from any and all sources, including but not limited to private Wells, municipal systems and/or Public Utilities such as the California-American Water Company on the Subject Property.

**NOTICE IS FURTHER GIVEN** that all water use data relating to delivery and/or use of water on the Subject Property shall be publicly disclosed.

**NOTICE IS FURTHER GIVEN** that this agreement is binding and has been entered into by Owner(s), and each of them, and constitutes a mandatory condition precedent to receipt of regulatory approval from the Water Management District relating to the Subject Property. This agreement attaches to the land and shall bind any tenant, successor or assignee of Owner(s). The agreement to release water use data shall bind future property owners and/or tenants to the same extent it binds the



current Owner(s) and each is deemed to have waived any right to privacy to the release of this data for the duration of this restriction.

The Owner(s) and the Water Management District each intend that this Notice and Deed Restriction act as a deed restriction upon the Subject Property, and that it shall be irrevocable during all times that water use data are disclosable under its terms. This document shall be enforceable by the Water Management District or any public entity that is a successor to the Water Management District.

The Owner(s) elects and irrevocably covenants with the Water Management District to abide by the conditions of this Notice and Deed Restriction to enable issuance of Water Permit No. 34723. But for the limitations and notices set forth herein, approval of this Water Permit would otherwise be withheld and found to be inconsistent with the Water Management District Rules and Regulations.

This Notice and Deed Restriction is placed upon the Subject Property. Any transfer of this property, or an interest therein, is subject to its terms.


If any provision of this Notice and Deed Restriction is held to be invalid, or for any reason becomes unenforceable, no other provision shall thereby be affected or impaired.

The undersigned Owner(s) agrees with and accepts all terms of this document stated above, and requests and consents to recordation of this Notice and Deed Restriction Provide Public Access to Water Use Data. The Owner(s) further agrees to notify any present and future tenant of the Subject Property of the terms and conditions of this document.

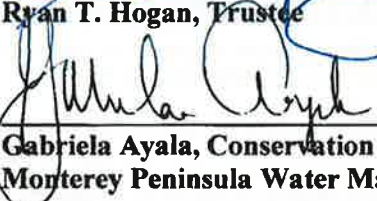
**OWNER(S) agrees to recordation of this Notice and Deed Restriction in the Recorder's Office for the County of Monterey. Owner(s) further unconditionally accepts the terms and conditions stated above.**

*(Signatures must be notarized)*

**The Dale Ray Hogan Family Trust, Dated July 26, 2007**

By:  \_\_\_\_\_ Dated: 6/7/2016

**Ryan T. Hogan, Trustee**

By:  \_\_\_\_\_ Dated: 6/8/2016

**Gabriela Ayala, Conservation Representative  
Monterey Peninsula Water Management District**

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of California

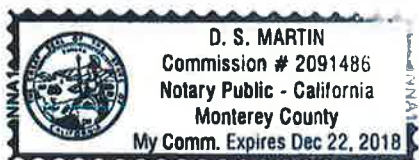
County of Monterey

On June 7, 2016, before me, D. S. Martin, Notary Public, personally appeared Ryan T. Hogan

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

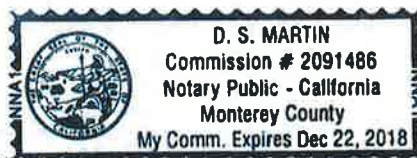
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
(Signature of Notary Public)

Place Notary Seal Here



**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Notice and Deed Restriction Provide Public Access to Water Use Data.

Document Date: 6/7/2016 Number of Pages: 2

Signer(s) Other Than Named Above: [Signature]

**END OF DOCUMENT**



**ITEM: PUBLIC HEARING****10. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE NO. 172, AN ORDINANCE OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING REGIONAL WATER EFFICIENT LANDSCAPE REQUIREMENTS IN COMPLIANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 23, DIVISION 2, CHAPTER 2.7, CALIFORNIA MODEL WATER EFFICIENT LANDSCAPE ORDINANCE**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Stephanie Locke</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**General Counsel Review: Yes.****Committee Recommendation: N/A****CEQA Compliance: Exempt. California Public Resources Code Section 21000 et seq.**

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**SUMMARY:** Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed the Department of Water Resources (DWR) to update the State's Model Water Efficient Landscape Ordinance (MWELo) through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015. Agencies were directed to amend their local WELO or comply with the MWELo. MWELo requires that local regulations must be at least as effective as MWELo. Draft Ordinance No. 172 (**Exhibit 10-A**) adds the provisions of the State Model Water Efficient Landscape Ordinance, as amended by Monterey County, to the District's Rules and Regulations as a stand-alone Rule 142.1. It also amends District Rules that pertain to landscaping.

During the first reading of the Ordinance on July 18, 2016, staff was given direction to make minor edits to the ordinance. Edits were completed and reviewed with Chair Byrne, and the ordinance was reviewed by legal counsel. A list of edits is available upon request.

The "Monterey Peninsula Water Management District Landscape Manual – Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation" ("Landscape Manual") will be provided to the Board for review and comment separate from the action on the ordinance. The Landscape Manual incorporates the requirements of new Rule 142.1 (contained in the ordinance) in a "user friendly" document that includes frequently asked questions, definitions, and forms to be used in the Landscape Package. The Landscape Manual is the primary method to educate the public about the District's Water Efficient Landscape Requirements and will be available on the District's website. Links will be provided to the Jurisdictions for their use. Staff continues to work closely with the Jurisdictions on this project.

**RECOMMENDATION:** Staff recommends the Board approve the second reading of Ordinance No. 172 and adopt the ordinance. Although MWELo compliance is currently in the

Rules and Regulations, the full body of the regulation will be codified by this action as required by the State Law.

**BACKGROUND:** Assembly Bill 1881 (2006 - Laird) adopted the first MWELO on September 10, 2009. AB 1881 required agencies to implement MWELO or create their own ordinance that was at least as stringent by January 1, 2010. MPWMD adopted a regional WELO November 16, 2009 (Ordinance 141) that is found in Rule 142, Water Efficiency Standards.

On April 1, 2015, Governor Brown ordered DWR (Executive Order B-29-15) to update the MWELO. A revised MWELO was adopted after considerable stakeholder input by the State on September 15, 2015. All agencies were directed to implement the changes by December 1, 2015, and to report on local adoption by March 1, 2016 if a regional approach was taken. At the September 21, 2015 TAC meeting, the TAC voted that the MWELO should be implemented by the District as a regional measure. MPWMD reported to DWR that it would be reporting for the region (MPWMD) and reported as required on March 1, 2016.

MPWMD Rule 142 has required compliance with the State's Model Water Efficient Landscape Ordinance (MWELO) since 2009. As part of the District's Water Permit process, staff routinely evaluates the Water Use Capacity of the landscape. Beginning in 2016, the District began reporting region-wide compliance with MWELO to the DWR. As the regional water manager, MPWMD is the appropriate agency to implement the water efficient landscape requirements.

MWELO applies to new landscapes (including landscapes associated with a building demolition/rebuild) with an aggregate landscape area greater than 500 square-feet that are associated with any grading permit, building permit, or design approval (including such projects as lighting, decks, retaining walls, fences, etc.). It also applies to refurbished landscapes (i.e., replacement of existing landscaping) greater than 2,500 square-feet that require a building or landscape permit, plan check, or design review. MWELO focuses on water efficiency in plant selection, landscape design, and the irrigation system.

The Legislative Committee discussed the MWELO on March 29, 2015. The Committee recommendation was to convene the Technical Advisory Committee (TAC), list the current landscaping requirements and then show them the burden they would incur if they were to take responsibility for implementation of the state regulations. The Committee also directed that staff should advise the TAC members that if they decide it is appropriate for regional implementation of the landscape regulations, each Jurisdiction should submit a letter to the District requesting that MPWMD be the regional agency to report to the Department of Water Resources.

The Jurisdictions responded with requests for MPWMD to implement a regional approach to comply with MWELO.

Proposed Ordinance No. 172 essentially mirrors the ordinance that will be considered by the County. This is being done for consistency throughout Monterey County. District staff has been collaborating with the County and other Jurisdictions to ensure that the process is well coordinated. District staff has also been working with the Jurisdictions' planning and building

departments to help them understand the regulations so they know when to refer applicants to the Water Management District.

After the ordinance is adopted, the regulations will be posted to the District's website along with links to any additional rules established by the Jurisdictions. The Water Management District will also provide printed materials to the Jurisdictions for distribution to the public that will explain the WELO requirements. District staff has contacted the Department of Water Resources and discussed scheduling a local workshop on the State's WELO for landscape industry representatives, planners, and residents.

## **EXHIBITS**

### **10-A** Draft Ordinance No. 172

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**DRAFT  
ORDINANCE NO. 172**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE MONTEREY PENINSULA WATER MANAGEMENT  
AMENDING REGIONAL WATER EFFICIENT LANDSCAPE REQUIREMENTS  
IN COMPLIANCE WITH THE CALIFORNIA CODE OF REGULATIONS, TITLE 23,  
DIVISION 2, CHAPTER 2.7, CALIFORNIA MODEL WATER EFFICIENT  
LANDSCAPE ORDINANCE**

**FINDINGS**

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, set standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. Water conservation in landscaping serves the public health, safety, and welfare by minimizing water use, eliminating Water Waste, and maximizing energy efficiency.
4. Assembly Bill 325- The Water Conservation in Landscape Act of 1990 ("AB 325") was signed into law on September 29, 1990, requiring the California Department of Water Resources ("DWR") to develop and adopt a State Model Water Efficient Landscape Ordinance with provisions for water efficient landscape design, installation, and maintenance by January 1, 1992.
5. Assembly Bill 1881-The Water Conservation in Landscaping Act of 2006 ("AB 1881") required DWR to develop and adopt an updated State Model Water Efficient Landscape

Ordinance ("MWELO"). Government Code Section 65595 as enacted by AB 1881 mandates that local governments either adopt the MWELO or a local ordinance that is at least as effective in water conservation by January 1, 2010. If neither has occurred by that date, the local agency is required to enforce the MWELO.

6. On January 29, 2010, MPWMD notified the DWR that the MPWMD intends to follow the MWELO.
7. On April 1, 2015, the Governor of the State of California issued Executive Order B-29-15 due to the continued severe drought conditions. This order required DWR to revise the MWELO through expedited regulation to increase water efficiency standards for new and retrofitted landscapes through more efficient Irrigation Systems, Graywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in ~~the~~ *Furf*.
8. On July 15, 2015, the California Water Commission approved the revised MWELO. Local governments are required to enforce the revised MWELO as of December 15, 2015, unless the local agency has adopted a local ordinance. The purpose of this ordinance is to adopt a local ordinance that is at least as effective in water conservation as the revised MWELO and accordingly enable the District to apply this ordinance in lieu of the revised MWELO.
9. In accordance with Section 490 of the California Code of Regulations Title 23 (Waters), Division 2, Chapter 2.7, the purpose of the MWELO is to establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in New Construction (including new buildings with landscape or other new landscape, such as a park, playground, or Greenbelt without an associated building) and rehabilitated projects by encouraging the use of a watershed approach. Subsection "c" further states that such landscapes will make the urban environment resilient in the face of climatic extremes and result in an improved urban setting. Consistent with the State's purpose, this ordinance is intended to govern those types of landscapes that are ornamental in nature and typically found in urban settings.
10. In accordance with Sections 65595(c)(1) and 65597 of the Government Code, the Board of MPWMD hereby finds that this ordinance is at least as effective in conserving water as the revised MWELO. Pursuant to Section 65596 of the Government Code, specific elements were identified to be included within the revised MWELO. These elements have been incorporated into this ordinance; therefore, it meets the minimum requirements of State law.

11. Rule 11, Definitions, is amended to reflect new terms specific to the Water Efficient Landscape Rule and to amend existing definitions for consistency with Monterey County's landscape ordinances. This action is necessary to ensure consistency throughout Monterey County.
12. Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System, is amended to update the existing Rule and add language from the Model Water Efficient Landscape Ordinance.
13. Rule 23-B-2-(b), Mandatory Conditions, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System, is amended to reflect the permit requirements for Residential and Non-Residential landscaping.
14. Rule 24-E, Calculation of Water Capacity and Capacity Fees, is amended to add language from the Model Water Efficient Landscape Ordinance regarding submitting a Landscape Package with the Water Permit application.
15. Rule 142, Water Efficiency Standards, is amended to reflect amendments to the Model Water Efficient Landscape Ordinance.
16. This ordinance authorizes the Board of the Monterey Peninsula Water Management District to adopt, by separate resolution, a Landscape Manual entitled the "Monterey Peninsula Water Management District Landscape Manual – Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation" ("Landscape Manual"). The Landscape Manual has been developed to work in conjunction with the ordinance, to explain the regulations and provide technical information, and it could be updated periodically by resolution without requiring amendment to Rule 142.1.
17. This ordinance is applicable to Sites within the Monterey Peninsula Water Management District that install new or Refurbished Landscapes (as defined in this ordinance) after December 1, 2015.
18. This ordinance is consistent with and supportive of other water conservation policies and regulations set forth in the Monterey County Code ("MCC") that apply in the coastal and inland zones.
19. This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs. §15307), this Ordinance is covered

by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment.

**NOW THEREFORE** be it ordained as follows:



## ORDINANCE

### Section One:            Short Title

This ordinance shall be known as the **2016 Water Efficient Landscape Requirements Ordinance** of the Monterey Peninsula Water Management District.

### Section Two:            Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to add the State's and Monterey County's water efficient landscape requirements to the District's Rules and Regulations in keeping with the District's role as the Monterey Peninsula's regional water manager.

### Section Three:        Amendment of Rule 11, Definitions

Rule 11 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~). The following terms shall be capitalized throughout the Rules and Regulations of the District. Numbering is provided for reference only and shall not be included in Rule 11.

1.     ***APPLIED WATER*** – “*Applied Water*” shall mean the portion of water supplied by the Irrigation System to the landscape.
  
2.     ***AS-BUILT DRAWINGS*** – “*As-Built Drawings*” shall mean landscape drawings prepared by the contractor that show, in red ink, on-Site changes to the original landscape construction documents.
  
3.     ***AUTOMATIC IRRIGATION CONTROLLER*** – “*Automatic Irrigation Controller*” shall mean a timing device used to remotely control valves that operate an Irrigation System. *Automatic Irrigation Controllers are able to self-adjust and schedule irrigation events using either Evapotranspiration (weather-based) or soil moisture data.*
  
4.     ***BACKFLOW PREVENTION DEVICE*** – “*Backflow Prevention Device*” shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.

5. ***CALIFORNIA INVASIVE PLANT INVENTORY*** – “*California Invasive Plant Inventory*” shall mean the California Invasive Plant Inventory maintained by the California Invasive Plant Council.
6. ***CERTIFIED IRRIGATION DESIGNER*** – “*Certified Irrigation Designer*” shall mean a person certified to design Irrigation Systems by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
7. ***CERTIFIED LANDSCAPE IRRIGATION AUDITOR*** – “*Certified Landscape Irrigation Auditor*” shall mean a Person certified by ~~the Irrigation Association or the California Landscape Contractors Association~~ to perform ~~Landscape Irrigation Water Audits~~ *by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.* ~~and prepare Landscape Water Budgets.~~
8. ***CHECK VALVE*** – “*Check Valve*” shall mean a valve located under a sprinkler head, or other location in the Irrigation System, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off. Check Valve is also known as an anti-drain valve.
9. ***COMMON INTEREST DEVELOPMENTS*** – “*Common Interest Developments*” shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
10. ***COMPOST*** – “*Compost*” shall mean the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
11. ***CONTROLLER*** – “*Controller*” shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to irrigation schedules. A self-adjusting irrigation Controller is a Controller that uses onsite sensor data (e.g., soil moisture) to adjust irrigation schedules.

12. ***DISTRIBUTION UNIFORMITY*** – “*Distribution Uniformity*” shall mean the measure of the uniformity of irrigation water over a defined area.
13. **DRIP IRRIGATION** – “Drip Irrigation” shall mean a ~~low pressure, low volume watering system that applies water slowly to plants, near or at ground level, to minimize runoff and loss to evaporation.~~ ***any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.*** The term “Drip Irrigation” shall have the same meaning as “Micro Irrigation” and “Trickle Irrigation.”
14. ***ECOLOGICAL RESTORATION PROJECT*** – “*Ecological Restoration Project*” shall mean a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
15. ***EFFECTIVE PRECIPITATION (Eppt)*** – “*Effective Precipitation*” (“*Eppt*”) shall mean the portion of total precipitation which becomes available for plant growth. *Effective Precipitation is also known as “useable rainfall.”*
16. ***EMITTER*** – “*Emitter*” shall mean a Drip Irrigation emission device that delivers water slowly from the system to the soil.
17. ***ESTABLISHED LANDSCAPE*** – “*Established Landscape*” shall mean the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
18. ***ESTABLISHMENT PERIOD OF THE PLANTS*** – “*Establishment Period of the Plants*” shall mean the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.
19. **ESTIMATED TOTAL WATER USE (“ETWU”)** – “Estimated Total Water Use” (“*ETWU*”) shall mean the total water used for the landscape based on the plants used in the landscape design. ~~is determined based upon the area of~~

~~Landscaping and the types of plant material used in the Landscaping (as determined by Water Use Classification of Landscape Species (WUCOLS) classifications). The sum of the ETWU calculated for all hydrozones shall not exceed MAWA.~~

20. ~~EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR – “Evapotranspiration Adjustment Factor” or “ET Adjustment Factor” (“ETAF”) shall mean, *except for Special Landscape Areas*, a factor of *0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency*. ~~0.7, that, when applied to reference Evapotranspiration, adjusts for 11-16 Monterey Peninsula Water Management District plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the Landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is  $(0.7) = (0.5/0.71)$ . ETAF for a special Landscape Area as defined in the Model Water Efficient Landscape Ordinance shall not exceed 1.0. ETAF for existing non-rehabilitated Landscapes is 0.8.~~~~
21. ***EVAPOTRANSPIRATION RATE – “Evapotranspiration Rate” shall mean the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.***
22. ***FLOW RATE – “Flow Rate” shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.***
23. ***FLOW SENSOR – “Flow Sensor” shall mean an inline device installed at the supply point of the Irrigation System that produces a repeatable signal proportional to Flow Rate. Flow Sensors must be connected to an Automatic Irrigation Controller, or flow monitor capable of receiving flow signals and operating Master Shut-Off Valves. The combination Flow Sensor/Controller may also function as a landscape Water Meter or sub-meter.***
24. ***FRIABLE – “Friable” shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.***

25. **FUEL MODIFICATION PLAN GUIDELINE** – *“Fuel Modification Plan Guideline” shall mean guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.*
26. **GRAYWATER** -- *“Graywater” shall mean untreated waste-water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. ~~come into contact with toilet waste.~~ “Graywater” includes, **but is not limited to; waste water** ~~used water~~ from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste-water from Kitchen Sinks and Dishwashers, ~~photo lab sinks, or laundry water from soiled diapers.~~ **Health and Safety Code Section 17922.12.** “Graywater” shall have the same meaning as “Greywater.”*
27. **HIGH WATER USE PLANT** – *“High Water Use Plant” shall mean any plant categorized as high water need by the Water Use Classification of Landscape Species guide (“WUCOLS”).*
28. **HYDROZONE** – *“Hydrozone” shall mean a portion of the Landscape Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.*
29. **INFILTRATION RATE** – *“Infiltration Rate” shall mean the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).*
30. **INVASIVE PLANT SPECIES** – *“Invasive Plant Species” shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.*
31. **IRRIGATION AUDIT** – *“Irrigation Audit” shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to:*

*inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency “WaterSense” labeled auditing program.*

32. ***IRRIGATION DESIGN PLAN*** – *“Irrigation Design Plan” (IE) shall mean an irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other person authorized to design an Irrigation System (see Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).*
33. ***IRRIGATION EFFICIENCY*** – *“Irrigation Efficiency” shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.*
34. ***IRRIGATION METER*** – *“Irrigation Meter” shall mean a separate meter that measures the amount of water used irrigation.*
35. ***IRRIGATION SURVEY*** – *“Irrigation Survey” shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.*
36. ***IRRIGATION WATER USE ANALYSIS*** – *“Irrigation Water Use Analysis” shall mean an analysis of water use data based on meter readings and billing data.*
37. ~~***LANDSCAPING***~~ – ~~*“Landscaping” shall mean the arrangement of plants and other materials that may result in outdoor water use.*~~
38. ***LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE*** – *“Landscape and Irrigation Maintenance Schedule” shall mean a document provided to the property owner and submitted with the Certificate of Completion for landscape installation that provides information about routine inspection;*

*auditing, adjustment and repair of the Irrigation System and its components; aerating and dethatching Turf areas; topdressing with Compost, replenishing Mulch; fertilizing; pruning; weeding in all Landscape Areas, and removing obstructions to emission devices.*

39. **LANDSCAPE ARCHITECT** – *“Landscape Architect” shall mean a person who holds a license to practice landscape architecture in the State of California (California Business and Professions Code Section 5615).*
40. **LANDSCAPE AREA** -- *“Landscape Area” shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g. Open Spaces and existing Native Vegetation).*
41. **LANDSCAPE CONTRACTOR** – *“Landscape Contractor” shall mean a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.*
42. **LANDSCAPE DESIGN PLAN** – *“Landscape Design Plan” shall mean a plan (and drawings) that (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7) identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other person authorized to design an Irrigation System (see Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California*

*Code of Regulations, and Section 6721 of the Food and Agricultural Code).  
“Landscape Design Plan” shall also be known as a “Planting Plan.”*

43. *LANDSCAPE MANUAL – “Landscape Manual” shall mean the “Monterey Peninsula Water Management District Landscape Manual – Standards and Specified Performance Requirements for Water Efficient Landscape Water Use and Irrigation.”*
44. *LANDSCAPE PACKAGE– “Landscape Package” shall mean the landscape Water Permit application and materials required to be submitted for review and approval by the MPWMD.*
45. ~~LANDSCAPE WATER AUDIT – “Landscape Water Audit” shall mean an action taken by a Landscape Irrigation Auditor to determine reasonable outdoor water use.~~
46. *LANDSCAPE WATER METER – “Landscape Water Meter” shall mean an inline device installed at the irrigation supply point that measures the flow of water into the Irrigation System and is connected to a totalizer to record water use.*
47. *LATERAL LINE – “Lateral Line” shall mean the water delivery pipeline that supplies water to the Emitters or sprinklers from the valve.*
48. *LOCAL WATER PURVEYOR – “Local Water Purveyor” shall mean any entity, including a public agency, city, county or private water company that provides retail water service.*
49. *LOW VOLUME IRRIGATION SYSTEM – “Low Volume Irrigation System” shall mean the application of irrigation water at low pressure through a system of tubing or Lateral Lines and low-volume Emitters such as drip, drip lines, and bubblers. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.*
50. *LOW WATER USE PLANT – “Low Water Use Plant” shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.*



51. **MAJOR LANDSCAPE PROJECT** – *“Major Landscape Project” shall mean Landscape projects with an aggregate Landscape Area greater than two thousand five hundred (2,500) square feet.*
52. **MASTER SHUT-OFF VALVE** – *“Master Shut-Off Valve” shall mean an automatic valve installed at the irrigation supply point which controls water flow into the Irrigation System. When this valve is closed, water will not be supplied to the Irrigation System. A Master Shut-Off Valve will greatly reduce any water loss due to a leaky station valve.*
53. **MAXIMUM APPLIED WATER ALLOWANCE** – ~~“Maximum Applied Water Allowance” shall mean the upper limit of annual applied water for the established Landscape Area. It is based upon the area’s Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area. The Maximum Applied Water Allowance shall be calculated using the equation: MAWA = (ET<sub>o</sub>) (0.62) [(0.7 x LA) + (0.3 x SLA)]. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with Recycled Water are subject to the MAWA with an ET Adjustment Factor not to exceed 1.0.~~
54. **MICRO IRRIGATION** – ~~“Micro Irrigation” shall mean a low pressure, low volume watering system that applies water slowly to plants, near or at ground level, to minimize runoff and loss to evaporation. any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “Drip Irrigation” shall have the same meaning as “Micro Irrigation” and “Trickle Irrigation.”~~
55. **MICROCLIMATE** – *“Microclimate” shall mean the climate of a small, specific area that may contrast with the climate of the overall Landscape Area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.*
56. **MINOR LANDSCAPE PROJECT** – *“Minor Landscape Project” shall mean landscape projects with an aggregate Landscape Area less than or equal to two thousand five hundred (2,500) square feet.*

57. **MODERATE WATER USE PLANT** – *“Moderate Water Use Plant” shall mean any plant categorized as moderate water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.*
58. **MULCH** – *“Mulch” shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.*
59. **NON-RESIDENTIAL LANDSCAPE** – *“Non-Residential Landscape” shall mean landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated Recreational Areas.*
60. **OPERATING PRESSURE** – *“Operating Pressure” shall mean the pressure at which the parts of an Irrigation System are designed by the manufacturer to operate.*
61. **OVERHEAD SPRINKLER IRRIGATION SYSTEM** – *“Overhead Sprinkler Irrigation System” or “Overhead Irrigation System” shall mean systems that deliver water through the air (for example pop-ups, impulse sprinklers, spray heads, rotors, and micro-sprays).*
62. **OVERSPRAY** – *“Overspray” shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-landscaped areas.*
63. **PARKWAY** – *“Parkway” shall mean the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.*
64. **PERVIOUS** – *“Pervious” shall mean any surface or material that allows the passage of water through the material and into the underlying soil.*
65. **PLANT WATER USE FACTOR** – *“Plant Water Use Factor” shall mean a value, when multiplied by “Reference Evapotranspiration,” that estimates the*

*amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived from the publication “Water Use Classification of Landscape Species.” Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.*

66. **PLANTING PLAN** – *“Planting Plan” shall have the same meaning as Landscape Design Plan.*
67. **RAIN SENSING SHUTOFF DEVICE** – *“Rain Sensing Shutoff Device” shall mean a component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensing Shutoff Device” shall have the same meaning as the term “Rain Sensor.”*
68. **RAIN SENSOR** – *“Rain Sensor” or “Rain Sensing Shutoff Device” shall mean a ~~device that measures rainfall and overrides the irrigation cycle of an Irrigation System, thus turning the Irrigation System off, when a predetermined amount of rain has fallen.~~ component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensor” shall have the same meaning as the term “Rain Sensing Shutoff Device.”*
69. **RECYCLED WATER** – *“Recycled Water” shall mean ~~treated or recycled waste water of a quality suitable for Sub-potable uses such as landscape irrigation and Water Features. This water is not intended for human consumption.~~ water that originates from a Sub-potable Source of Supply such as wastewater treated to the tertiary level.*
70. **RECORD DRAWINGS** – *“Record Drawings” shall mean landscape documents prepared by the Landscape Architect that reflect on-Site changes the contractor noted in the As-Built Drawings. They are often compiled as a set of on-Site changes made for the owner per the owner-architect contract.*
71. **RECREATIONAL AREA** – *“Recreational Area” shall mean areas, excluding private single family Residential areas, designated for active play, recreation or*

*public assembly in as parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.*

72. **REFERENCE EVAPOTRANSPIRATION** – *“Reference Evapotranspiration” shall mean a standard measurement of environmental parameters which affect the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.*
73. **REHABILITATED LANDSCAPE** – *“Rehabilitated Landscape” shall mean any re-landscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.*
74. **RESIDENTIAL LANDSCAPE** – *“Residential Landscape” shall mean landscape surrounding single or multifamily homes.*
75. **RUNOFF** – *“Runoff” shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.*
76. ~~**SENSOR-BASED IRRIGATION CONTROLLER** – “Sensor Based Irrigation Controller” shall mean a Smart Controller designed to use real-time measurements of one or more locally measured factors to adjust irrigation timing. The factors typically considered include: temperature, rainfall, humidity, solar radiation, and soil moisture. A Sensor Based Irrigation Controller often has historic weather information (i.e. an ET curve) for the site location programmed into memory and then uses the sensor information to modify the expected irrigation requirement for the day.~~
77. ~~**SIGNAL-BASED IRRIGATION CONTROLLER** – “Signal Based Irrigation Controller” shall mean a signal-based Smart Controller that receives a regular signal of prevailing weather conditions via radio, telephone, cable, cellular, web, or pager technology. The signal typically comes from a local weather station (or series of weather stations) and usually updates the current Evapotranspiration rate to the controller.~~

78. ~~SMART CONTROLLER~~ — “~~Smart Controller~~” shall mean a weather based device (typically a “timer”) that automatically controls an outdoor Irrigation System. ~~Smart Controllers use weather, site or soil moisture data as a basis for determining an appropriate watering schedule. Smart Controllers (commonly referred to as ET controllers, weather based irrigation controllers, smart sprinkler controllers, and water smart controllers) are a new generation of irrigation controllers that utilize prevailing weather conditions, current and historic Evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the actual needs of the plants.~~
79. ***SOIL TEXTURE*** – “***Soil Texture***” shall mean the classification of soil based on its percentage of sand, silt, and clay.
80. ***SOILS MANAGEMENT REPORT*** – “***Soils Management Report***” shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.
81. ***SOIL MOISTURE SENSING DEVICE*** – “***Soil Moisture Sensing Device***” shall mean a device ~~used to~~ *that* measures soil moisture content ~~the amount of water in the soil. The device may also suspend or initiate an irrigation event, triggering a Smart Controller to water only when moisture levels recede to a level below that required to sustain Landscaping.~~
82. ***SPECIAL LANDSCAPE AREA (SLA)*** – “***Special Landscape Area***” or “***SLA***” shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled Water, and areas dedicated to active play such as parks, sports fields, golf courses, and where Turf provides a playing surface.
83. ***SPRINKLER HEAD*** – “***Sprinkler Head***” shall mean a device which delivers water through a nozzle.
84. ***STATIC WATER PRESSURE*** – “***Static Water Pressure***” shall mean the pipeline water supply pressure when water is not flowing.
85. ***STREET MEDIAN*** – “***Street Median***” shall mean an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

86. **STORM WATER CONTROL FACILITY** – “*Storm Water Control Facility*” shall mean a structural feature intended to control or reduce storm water Runoff and associated pollutants, to induce or control the infiltration or Groundwater recharge of storm water, or to eliminate illicit or illegal non-storm water discharges into storm water conveyances.
87. **STORM WATER CONTROL MEASURE** – “*Storm Water Control Measure*” shall mean any structural or non-structural strategy, practice, technology, process, program or other method intended to control or reduce storm water Runoff and associated pollutants, or to induce or control the infiltration or Groundwater recharge of storm water, or to eliminate illicit or illegal non-storm water discharges into storm water conveyances. Storm Water Control Measures include Storm Water Control Facilities.
88. **SWING JOINT** – “*Swing Joint*” shall mean an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
89. **TRICKLE IRRIGATION** - “*Trickle Irrigation*” shall mean shall mean a ~~low~~ pressure, low volume watering system that applies water slowly to plants, near or at ground level, to minimize runoff and loss to evaporation. *any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.* The term “Trickle Irrigation” shall have the same meaning as “Drip Irrigation” and “Micro Irrigation.”
90. **TURF** – “*Turf*” shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses and Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
91. **VALVE** – “*Valve*” shall mean a device used to control the flow of water in the Irrigation System.
92. **LANDSCAPE WATER BUDGET** – “*Landscape Water Budget*” shall mean a maximum annual water allowance in gallons per year, ~~determined upon completion of a Landscape Water Audit by a Landscape Irrigation Auditor.~~ The

~~Landscape Water Budget shall~~ *that* takes into consideration the types of plants, soil condition, Evapotranspiration Rates and Irrigation System.

93. **WATER CONSERVING PLANT SPECIES** – *“Water Conserving Plant Species” shall mean a plant species identified as having a low Plant Water Use Factor.*
94. **WATER EFFICIENT LANDSCAPE WORKSHEET** – *“Water Efficient Landscape Worksheet” shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.*
95. **WATER FEATURE** – *“Water Feature” shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for onsite waste water treatment or Storm Water Control Measures that are not irrigated and used solely for water treatment or storm water retention are not considered Water Features.*
96. **WATERING STATION** – *“Watering Station” shall mean an area served by one valve or by a set of valves that operate simultaneously.*
97. **WATERING WINDOW** – *“Watering Window” shall mean the time of day irrigation is allowed.*
98. **WEATHER BASED IRRIGATION CONTROLLER** -- *“Weather Based Irrigation Controller” shall mean an Irrigation System ~~controller~~ component that evaluates uses local weather conditions and landscape conditions Evapotranspiration (ET) rates to create a site-specific irrigation schedule adjust irrigation schedules automatically to actual conditions on the Site or historical weather data.*
99. **WUCOLS** – *“WUCOLS” shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.*

**Section Four: Amendment of Rule 20, Permits Required**

Rule 20-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to add the Model Water Efficient Landscape Ordinance requirement for Rehabilitated Landscape Areas.

**B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM**

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with two exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; (2) removal of a lawful water fixture, and (3) replacement of a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.
4. Any Landscaping changes (*added Landscape Area or changes in Hydrozones to higher water use plants than submitted on landscape plans reviewed and approved by the District*) that will result~~ing~~ in an Intensification of Use when a ~~L~~andscape plan has been reviewed and approved as a component of a Water Permit.



5. Rehabilitation of existing Landscape Area over 2,500 square-feet that is associated with a Jurisdiction's building or ~~Landscape~~ permit, plan check, or design review.
6. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
7. Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
8. Use of water from a Mobile Water Distribution System.

**Section Five: Amendment of Rule 23-B-2(b), Mandatory Conditions, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

Rule 23-B-(2)-(b), shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to incorporate requirements of the California Model Water Efficient Landscape Ordinance.

2. Construction of a New Structure.
  - a. All new water use permitted by the District shall install a separate Water Meter to each User.
  - b. All Non-Residential New Structures ~~receiving a Water Permit after January 1, 2009,~~ that include irrigated areas ~~beyond ten (10) feet of any building~~ *landscapes of 1,000 square-feet or greater* shall utilize a separate Water Meter *supplied by the Water Distribution System* to measure all exterior water uses.
 

*All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.*
  - c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines that tee off after the Water Meter to supply fire suppression service and domestic service. This configuration shall facilitate installation of a Flow Restrictor in the

domestic service without interfering with the fire suppression service.

- d. All Water Permits requiring deed restrictions shall also include a Notice and Deed Restriction titled “Provide Public Access to Water Use Data.”

**Section Six:**                    **Amendment of Rule 21-B-3, Application for Permit to Connect to or Modify a Connection to a Water Distribution System**

Rule 21-B-3, shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to incorporate requirements of the California Model Water Efficient Landscape Ordinance.

3. New development projects that include Landscape Areas of 500 sq. ft. or more and existing Rehabilitated Landscape Areas over 2,500 square-feet that are associated with a Jurisdiction’s building or landscape permit, plan check, or design review shall comply with *Rule 142.1. The Jurisdiction shall be responsible for CEQA review, if applicable.* ~~the Model Water Efficient Landscape Ordinance. The Applicant shall submit a complete Landscape Documentation Package which shall include:~~
- a. ~~Project information including the date, project Applicant, total Landscape Area, water supply, water purveyor;~~
  - b. ~~A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU) calculations with three copies of the Landscape plan;~~
  - c. ~~Soil analysis and recommendations (from a soil laboratory);~~
  - d. ~~Landscape design/project notes; plant legend; plant count;~~
  - e. ~~Landscape design hydrozone water use;~~
  - f. ~~Irrigation design/irrigation project notes;~~
  - g. ~~Grading design plan from an Engineer;~~

**Section Seven:**                    **Addition of Rule 142.1, Water Efficient Landscape Requirements**

Rule 142.1 (shown in *bold and italic type*) shall be added to the Rules and Regulations.

- A. **Purpose.** *The purpose of this Rule is to provide landscape standards that minimize water use, eliminate Water Waste, and reduce storm water Runoff by requiring low water landscape plantings, design, and irrigation methods. Pursuant to Government Code Section 65595, this Rule is intended to be at least as effective in water conservation as the State's Model Water Efficient Landscape Ordinance and is intended to apply in lieu of the State Model Water Efficient Landscape Ordinance.*
- B. **Applicability.** *The provisions of this Rule shall apply to all of the following categories of landscaping:*
1. *New Construction projects requiring a grading permit, building permit or design approval with an associated new aggregate Landscape Area equal to or greater than five hundred (500) square feet;*
  2. *New landscapes requiring a grading permit, building permit or design approval with an aggregate Landscape Area equal to or greater than five hundred (500) square feet. ;*
  3. *Rehabilitated Landscapes having an aggregate Landscape Area equal to or greater than two thousand five hundred (2,500) square feet that are associated with a grading permit, building permit or design approval.*
- C. **Exceptions.** *This Rule does not apply to:*
1. *Local, state or federal historical sites listed in either the County's Local Official Register of Historic Resources, the California Register of Historic Places, or the National Register of Historic Places;*
  2. *Ecological Restoration Projects that do not require a permanent Irrigation System;*
  3. *Plant collections, as part of botanical gardens and arboretums open to the public;*
  4. *Agricultural cultivation activities including, but not limited to, the preparation and planting of vegetation on agricultural lands for the*

- production of food, products, or feed for either human or animal consumption;*
5. *Construction of structures that do not include changes in existing landscape;*
  6. *Changes in use of an existing structure that do not include changes to existing landscape;*
  7. *Private edible plant gardens and/or orchards for personal and individual consumption;*
  8. *Constructed wetlands or other Landscaped Areas that are not irrigated and used solely for onsite waste water treatment;*
  9. *New, existing or rehabilitated storm water quality projects that are not irrigated and used solely for the purpose of improving Runoff quality and/or retaining Runoff for onsite infiltration;*
  10. *Natural areas including, but not limited to: open space, native vegetative areas, and Pervious or impervious hardscapes that do not require a permanent Irrigation System;*
  11. *Erosion control activities (e.g., hydroseeding) that do not require permanent Irrigation Systems;*
  12. *Existing landscapes installed prior to December 1, 2015 are strongly encouraged to reduce water consumption pursuant to this Rule.*
  13. *New cemeteries are exempt from the specific requirements of this Rule but are required to engage in landscape maintenance practices that foster long-term water conservation, such as performing routine repair and adjustment of Irrigation Systems, conducting audits of water use, and prescribing the amount of water applied per landscaped acre.*
- D. **Landscape Manual.** *The Board may by resolution adopt, and may from time to time amend, the “Monterey Peninsula Water Efficient Landscape Manual – Standards, Guidelines and Specified Performance Requirements for Landscape Water Use and Irrigation” (“Landscape Manual”) to establish guidelines to explain and implement this Rule. The Landscape Manual shall explain the*

*specific procedures and technical requirements of this Rule. The Landscape Manual shall include the elements of the Landscape Package for Minor and Major Landscape projects, Water Efficient Landscape Worksheet, Soils Management Report, Planting Design Plan, Irrigation Design Plan, grading information, Minor Certificate of Completion, and Certificate of Completion. If any provisions of the Landscape Manual conflict with any provisions of this Rule, the provisions of this Rule shall prevail.*

**E. Minor Landscapes – Minor Landscape Package Submittal Requirements**

- 1. Minor Landscape Projects have an aggregate Landscape Area less than or equal to two thousand five hundred (2,500) square feet.*
- 2. Any Minor Landscape Project may conform to this Rule either by complying with the full performance standards of the Major Landscape Package or by complying with reduced requirements of the Minor Landscape Package (Appendix D of the Landscape Manual). If the project is complying with the Minor Landscape Package requirements, the requirements must be documented on the Landscape Design Plan.*
- 3. Minor Landscape Projects using treated or untreated Graywater or rainwater captured on Site to meet the entire landscape water requirement (Estimated Total Water Use) are subject only to Appendix D Section (5) of the Landscape Manual.*
- 4. Prior to issuance of a grading permit, building permit, or design approval associated with Minor Landscape Projects subject to this Rule, the Applicant shall submit a Minor Landscape Package to the District for review and approval. The District shall approve the package once it has been verified that the proposed Minor Landscape Project complies with the provisions of this Rule. The approved Landscape Package Submittal Form as provided in the Landscape Manual must be used.*
- 5. If the District denies the Minor Landscape Package application, the District shall provide information to the project Applicant regarding resubmittal with the appropriate information or right of appeal.*
- 6. The Minor Landscape Package shall include:*
  - a. Date prepared;*

- b. The project Applicant and contact information, name of and contact information for property owner if different than project Applicant;*
  - c. Project location (and Assessor's Parcel Number);*
  - d. Project type (i.e., Residential, Non-Residential, Rehabilitated Landscape);*
  - e. Total square footage of Landscape Area including a breakdown of Turf, and other plant material;*
  - f. Water supply type (e.g., Potable, Recycled Water, Well) and identify the local retail water purveyor if not served by a private Well.*
  - g. The Minor Landscape Package shall contain the following statement that shall be signed and dated by the project Applicant:*
  - h. "I agree to comply with the Monterey Peninsula Water Management District Minor Landscape requirements including, but not limited to, the use of climate appropriate, non-invasive species, and limited Turf."*
- 7. Landscape Design Plans and Irrigation Design Plans submitted as part of the Minor Landscape Package are not required to be drawn by licensed architect or contractor.*
- 8. Minor Landscape Project Landscape Design. Landscape Design Plans shall include and demonstrate how the landscaping is consistent with the following information:*
- a. The landscape design shall incorporate Compost at a rate of at least four (4) cubic yards per one thousand (1,000) square feet to a depth of six (6) inches into the Landscape Area, unless contradicted by a Soils Management Report.*

- b. A Soils Management Report is not required if Compost is incorporated into the soil per this section of Rule 142-E.*
  - c. Residential projects shall include installation of climate adapted plants that require occasional, little or no summer water (average WUCOLS Plant Water Use Factor 0.3) for seventy-five percent (75%) of the plant area, excluding areas solely dedicated to edible plants and areas using Recycled Water.*
  - d. Non-Residential projects shall include installation of climate adapted plants that require occasional, little or no summer water (average WUCOLS Plant Water Use Factor 0.3) for one hundred percent (100%) of the plant area, excluding areas solely dedicated to edible plants and areas using Recycled Water.*
  - e. Turf shall be limited to twenty percent (20%) of the Landscape Area or up to one thousand five hundred (1,500) square feet, whichever is less, for Residential projects. Planting of Turf shall be prohibited in the following conditions:*
    - (1) Non-Residential Minor Landscape Projects;*
    - (2) Slopes exceeding ten percent (10%);*
    - (3) Planting areas eight (8) feet wide or less; and*
    - (4) Street Medians, traffic islands, planter strips, or bulb-outs of any size.*
  - f. A minimum three inch (3”) layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turf areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated.*
- 9. Minor Landscape Irrigation System Design. Inefficient landscape irrigation resulting in Water Waste is prohibited. Therefore, Irrigation Systems shall comply with the following requirements:**

- a. *Automatic irrigation Controllers are required and must use Evapotranspiration or Soil Moisture Sensing Device data and a Rain Sensor.*
  - b. *Irrigation Controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.*
  - c. *Pressure regulators shall be installed on the Irrigation System to ensure the dynamic pressure of the system is within the manufacturer's recommended pressure range.*
  - d. *Manual shut-off valves shall be installed as close as possible to the point of connection of the water supply.*
  - e. *All irrigation emission devices must meet that requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All Sprinkler Heads installed in the landscape must document a Distribution Uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.*
  - f. *Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produce no Runoff or Overspray.*
  - g. *Non-Residential Minor Landscape Projects with Landscape Areas of one thousand (1,000) square-feet or greater shall require installation of a Water Meter supplied by the Water Distribution System to measure all exterior water uses.*
10. **Certificate of Completion.** *Upon completion of installation of the Minor Landscape Project, but prior to occupancy or final of associated grading or building permits, the project Applicant shall provide the property owner and the District with a Minor Landscape Certificate of Completion.*



- a. *The Minor Landscape Certificate of Completion shall include all of the following: Project information, a Certificate of Installation, an irrigation schedule, and a landscape and irrigation maintenance schedule.*
- b. *The approved form for the Minor Landscape Certificate of Completion as provided in the Landscape Manual must be used.*
- c. *A Minor Landscape Certificate of Completion shall not be accepted by the District unless it is complete and meets all the requirements of this section.*
- d. *The District shall approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the District shall provide the project Applicant with the opportunity to make correction(s). Decisions to deny a Certificate of Completion are appealable decisions.*
- e. *Prior to the final of grading or building permits associated with a Minor Landscape Project subject to this Rule, the Minor Landscape Project shall pass a final inspection by the District.*

**11. Obligations of Property Owner, Successors and Assignees and.**

- a. *All required landscaping and the Irrigation System shall be reasonably maintained for the life of the project to ensure water use efficiency. . Information about how to maintain the project shall be provided in the Landscape and Irrigation Maintenance Schedule.*
- b. *Plants lost due to disease, destruction, or lifecycle shall be replaced and shall comply with all adopted standards for size, species, and irrigation. Replacement with different species is acceptable without amendment to the approved Minor Landscape Package provided that the water use is lower or remains the same as that which was previously approved. Modifications to landscaping that would result in higher water use than approved in the Minor Landscape Package shall require an amendment or new Water Permit as required by the District's Rules.*

**F. Major Landscapes – Major Landscape Package Submittal Requirements**

- 1. Prior to issuance of a grading permit, building permit, or design approval associated with Major Landscape Projects subject to this Rule, the Applicant shall submit a Major Landscape Package to the District for review and approval. The Major Landscape Package shall contain all information and documentation, in sufficient detail, as specified in this section of Rule 142.1 and the Landscape Manual. The General Manager shall approve the package after verifying that the proposed landscape project complies with the provisions of this Rule and the provisions of the Landscape Manual. The approved Landscape Package Application and Submittal Form provided in the Landscape Manual shall be used.***
- 2. The Major Landscape Package shall include general project information such as the date prepared, project Applicant and contact information, name of the property owner if different than project Applicant, project location and Assessor's Parcel Number, project type (i.e. Residential, Non-Residential, Rehabilitated Landscape), total square footage of Landscape Area including a breakdown of Turf and other plant material, and water supply or water purveyor.***
- 3. A Landscape Design Plan shall be submitted by the Applicant as part of the Major Landscape Package meeting the requirements set forth in Rule 142.1-H.***
- 4. An Irrigation Design Plan shall be submitted by the Applicant as part of the Major Landscape Package meeting the requirements set forth in Rule 142.1-I.***
- 5. Major Landscape Projects shall meet the Water Efficient Landscape Requirements set forth in this Rule.***
- 6. A Soils Management Report containing information set forth in Rule 142.1-H-5-b shall be submitted as part of the Major Landscape Package.***
- 7. Upon completion of the Major Landscape Project, a Certificate of Completion shall be submitted to the District consistent with Rule 142.1-N.***

8. *Prior to Jurisdiction final of a grading permit or building permit for a Major Landscape Project subject to this Rule, the Major Landscape Project shall pass a final inspection by the District.*

9. *The Major Landscape Package shall contain the following statement:*

*“I agree to submit a complete Landscape Package that complies with the Monterey Peninsula Water Management District Major Landscape Requirements including, but not limited to, the use of climate appropriate, non-invasive species, and limited Turf.”*

*This verification shall be signed and dated by the project Applicant.*

10. *The following statement shall be recorded on the title of the property via a “Notice and Deed Restriction Regarding Limitation on Use of Water on a Property”:*

*“Subject Property shall comply with MPWMD Rule 142.1, Water Efficient Landscape Requirements. Any increase in the size of the Landscape Area or any change in the plant species to a higher water use species shall require a new or amended Water Permit.”*

G. *Obligations of Property Owner, Successors and Assignees.*

1. *All required landscaping and the Irrigation System shall be reasonably maintained for the life of the project to ensure water use efficiency. Information about how to maintain the project shall be provided in the Landscape and Irrigation Maintenance Schedule.*

2. *Plants lost due to disease, destruction, or lifecycle shall be replaced and shall comply with all adopted standards for size, species, and irrigation. Replacement with different species is acceptable without amendment to the approved Major Landscape Package provided that the Plant Water Use Factor is lower or remains the same as that which was previously approved. Modifications to landscaping that would result in higher water use than approved in the Major Landscape Package shall require a new or amended Water Permit.*

**H. Landscape Design Plans for Major Landscapes. For the efficient use of water, Landscape Design Plans for Major Landscape Projects shall meet all the requirements listed in this section and in the Landscape Manual. The Landscape Design Plan shall be signed by a licensed Landscape Architect, a licensed Landscape Contractor, or any other person authorized to design a landscape.**

**1. The Landscape Design Plan shall include grading design that minimizes soil erosion, Runoff, and Water Waste.**

**2. Landscape Design Plan Minimum Requirements.**

**a. Hydrozone areas shall be designated on the Landscape Design Plan by number, letter, or other designation;**

**b. Identify each Hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use Hydrozone for the Water Budget calculation;**

**c. Identify Recreational Areas;**

**d. Identify areas permanently and solely dedicated to edible plants;**

**e. Identify areas irrigated with Recycled Water;**

**f. Identify type of Mulch and application depth;**

**g. Identify soil amendments, type and quantity;**

**h. Identify type and surface area of Water Features;**

**i. Identify hardscapes (Pervious and non-pervious);**

**j. Identify location, installation details, and 24-hour retention or infiltration capacity of any applicable storm water Best Management Practices that encourage on-Site retention and infiltration of storm water. Project Applicant shall refer to the Jurisdiction, waste water processor and/or Regional Water Quality Control Board for information on any applicable storm**

*water technical requirements. Storm water Best Management Practices are encouraged in the Landscape Design Plan;*

- k. Identify any applicable rain harvesting or catchment technologies;*
- l. Identify any applicable Graywater discharge piping, system components and area(s) of distribution;*
- m. Landscape Design Plans shall contain the following statement signed by a licensed Landscape Architect, a licensed Landscape Contractor, or any other person authorized to design a landscape:*

*“I have complied with the Monterey Peninsula Water Management District Water Efficient Landscape Requirements including, but not limited to, the use of climate appropriate, non-invasive species, and limited Turf.”*

**3. Plant Material.**

- a. Any plant may be selected for the landscape, providing the Estimated Total Water Use in the Landscape Area does not exceed the Maximum Applied Water Allowance.*
- b. Turf shall be limited to twenty percent (20%) of the Landscape Area or up to one thousand five hundred (1,500) square feet, whichever is less, unless the Turf area is designated as a Special Landscape Area and is dedicated as a Recreational Area. Planting of Turf is prohibited in the following conditions:*
  - (1) Slopes exceeding ten percent (10%);*
  - (2) Planting areas eight (8) feet wide or less; and*
  - (3) Street Medians, traffic islands, planter strips, or bulb-outs of any size.*

- c. *All non-Turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.*
- d. *Invasive Plant Species are strictly prohibited and eradication of Invasive Plant Species in the Landscape Area is highly encouraged.*
- e. *Selected plants shall include the use of native and/or climate appropriate species.*
- f. *Landscape planting shall include the use of drought resistant species.*
- g. *Where appropriate, landscape planting shall include the use of fire resistant plant species and shall be consistent with fire safe landscaping required by the designated fire district and Chapter 18.56 (Wildfire Protection Standards in State Responsibility Areas) of the Monterey County Code.*
- h. *Plants with similar water use needs shall be grouped together in distinct Hydrozones. Where irrigation is required, the distinct Hydrozones shall be irrigated with separate valves.*
- i. *Plants with low and high water use shall not be included in the same Hydrozone.*
- j. *Plants with high water use shall be prohibited in Street Medians.*

4. **Water Features.**

- a. *Recirculating water systems shall be used for Water Features.*
- b. *Where available, Recycled Water shall be used as a source for decorative Water Features.*
- c. *Surface area of a Water Feature shall be included in the High Water Use (Plant Water Use Factor) Hydrozone area of the Water Budget calculation.*

d. *Pool and spa covers are highly recommended.*

5. *Soil Preparation, Mulch and Amendments.*

a. *Landscape Design Plans shall include soil preparation methods, Mulch, and amendments recommended in the Soils Management Report.*

b. *Soils Management Report Requirements for Major Landscapes.*  
*A Soils Management Report shall be obtained by the Applicant and submitted with the Major Landscape Package. In order to promote healthy plant growth and prevent excessive erosion and Runoff, the Soils Management Report shall be consistent with the required information outlined in this section and the applicable sections of the Landscape Manual.*

(1) *The Soils Management Report shall be prepared by a certified laboratory and evaluate soils relative to horticulture.*

(2) *The soil analysis shall include: soil texture, Infiltration Rate, pH, total soluble salts, sodium, and percentage of organic matter.*

(3) *Soil samples shall be from the Site and analyzed to identify quality top soil, soil limitations, and soil composition information necessary for planting.*

(4) *Projects with multiple landscape installation (i.e. subdivisions) shall either conduct a soil sampling rate of one (1) in seven (7) lots, or approximately fifteen percent (15%) will satisfy this requirement.*

(5) *Projects with large Landscape Areas shall have a soil sample at a rate of fifteen percent (15%).*

(6) *The Soils Management Report shall include recommendations for soil amendments based on the conditions of the Site and the intended planting.*

- (7) *The Soils Management Report shall be completed in a timely manner and made available to the professionals preparing the Landscape Design Plan and the Irrigation Design Plan.*
- (8) *If significant mass grading is not planned, the Soil Management Report shall be submitted to the District as part of the Landscape Package.*
- (9) *If significant mass grading is planned, the Soil Management Report shall be submitted to the District as part of the Certificate of Completion.*
- (10) *The project Applicant shall submit documentation verifying implementation of Soil Management Report recommendations to the District with the Certificate of Completion.*

**c. Mulch and Amendments.**

- (1) *Prior to the planting of any materials, compacted soils shall be transformed to a Friable condition. On engineered slopes, only amended planting holes need to meet this requirement.*
- (2) *Soil amendments shall be incorporated according to recommendations of the Soils Management Report and what is appropriate for the plants selected.*
- (3) *For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square-feet of permeable area shall be incorporated to a depth of six inches (6") into the soil. Soils with greater than six percent (6%) organic matter in the top six inches (6") of soil are exempt from adding Compost and tilling.*
- (4) *A minimum three inch (3") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in Turf areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is*



*contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent (5%) of the Landscape Area may be left without Mulch. Designated insect habitat shall be included in the Landscape Design Plan.*

- (5) *Stabilizing Mulching products shall be used on slopes that meet current engineering standards.*
- (6) *The Mulching portion of the seed/Mulch slurry in hydro-seeded applications shall meet the Mulching requirement.*
- (7) *Organic Mulch materials made from recycled or post-consumer products shall take precedence over inorganic materials or virgin forest products unless the recycled, post-consumer products are not locally available. Organic Mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.*

6. **Grading Design Plan.**

- a. *For the efficient use of water, grading of a project Site shall be designed to minimize soil erosion, Runoff, and Water Waste. A grading plan shall be submitted to the Jurisdiction for review. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.*
- b. *The project Applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the Landscape Area including:*
  - (1) *Height of graded slopes;*
  - (2) *Drainage patterns;*
  - (3) *Pad elevations;*
  - (4) *Finish grade; and*

- (5) *Storm water retention improvements, if applicable.*
- c. *To prevent excessive erosion and Runoff, it is highly recommended that project Applicants:*
- (1) *Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;*
- (2) *Avoid disruption of natural drainage patterns and undisturbed soil; and*
- (3) *Avoid soil compaction in Landscape Areas.*
- d. *The grading design plan shall contain the following statement that shall bear the signature of a licensed professional as authorized by law:*

*“I have complied with the criteria of the Monterey Peninsula Water Management District Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the grading design plan.”*

**I. Irrigation Design Plans for Major Landscapes.**

1. *This section applies to Landscaped Areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period.*
2. *The Irrigation Design Plan shall be drawn by a licensed Landscape Architect, a licensed Landscape Contractor, a Certified Irrigation Designer, or any other person authorized to design a landscape.*
3. *Irrigation Design Plan Minimum Requirements.*
- (a) *Location and size of separate Water Meters for landscape;*
- (b) *Location, type and size of all components of the Irrigation System, including Controllers, main and lateral lines, valves, Sprinkler Heads, Soil Moisture Sensing Devices, Rain Sensors,*

*quick couplers, pressure regulators, and Backflow Prevention Devices;*

(c) *Static water pressure at the point of Connection to the water supply;*

(d) *Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;*

(e) *Recycled Water Irrigation Systems.*

(1) *All Recycled Water Irrigation Systems shall be designated and operated in accordance with all applicable local and State laws.*

(2) *Landscapes using Recycled Water are considered Special Landscape Areas. The Evapotranspiration Adjustment Factor for new and existing (not Rehabilitated Landscape) Special Landscape Areas shall not exceed 1.0.*

(f) *Irrigation Design Plans shall contain the following statement signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other person authorized to design an Irrigation System:*

*“I have complied with the criteria of the Monterey Peninsula Water Management District Water Efficient Landscape Requirements and applied them accordingly for the efficient use of water in the Irrigation Design Plan.”*

4. *Irrigation System Design. For the efficient use of water, an Irrigation System an Irrigation System shall meet all the following design requirements and the manufacturers’ recommendations and shall be submitted as part of the Landscape Package:*

(a) *All Non-Residential landscapes receiving a Water Permit that include irrigated landscapes of 1,000 square-feet or greater shall*

*utilize a separate Water Meter supplied by the local water purveyor to measure all exterior water uses.*

- (b) *All Residential irrigated landscapes of 5,000 square-feet or greater shall install a separate privately owned Water Meter to measure outdoor water use.*
- (c) *Automatic Irrigation Controllers utilizing either Evapotranspiration or Soil Moisture Sensing Device data utilizing non-volatile memory shall be required for irrigation scheduling in all Irrigation Systems.*
- (d) *If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.*
- (e) *A Rain Sensor (either integral or auxiliary) that suspends irrigation operation during and for 48 hours after Measurable Precipitation shall be required on all Irrigation Systems.*
- (f) *Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection to the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.*
- (g) *Backflow Prevention Devices shall be required to protect the water supply from contamination by the Irrigation System. A project Applicant shall refer to the applicable local agency code (i.e., public health) for additional Backflow Prevention Device requirements.*
- (h) *Flow Sensors that detect high flow conditions created by system damage or malfunction are required for all Non-Residential landscapes and Residential landscapes of 5,000 square-feet or greater.*
- (i) *Master Shut-Off Valves are required on all projects except landscapes that make use of technologies that allow for the*

*individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.*

- (j) The Irrigation System shall be designed to prevent Runoff, low head drainage, Overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.*
- (k) Relevant information from the Soils Management Report, such as soil type and Infiltration Rate, shall be utilized when designing Irrigation Systems.*
- (l) The design of the Irrigation System shall conform to the Hydrozones of the Landscape Design Plan.*
- (m) The Irrigation System must be designed and installed to meet the Irrigation Efficiency criteria calculated in the Water Efficient Landscape Worksheet.*
- (n) All irrigation emission devices must meet that requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All Sprinkler Heads installed in the landscape must document a Distribution Uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.*
- (o) In Mulched planting areas, the use of a Low Volume Irrigation System is required to maximize water infiltration into the root zone.*
- (p) Sprinkler Heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.*
- (q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible*

*Distribution Uniformity using the manufacturer's recommendations.*

- (r) *Swing Joints or other rise-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of Turf grass.*
- (s) *Check Valves or anti-drain valves are required on all Sprinkler Heads where low point drainage could occur.*
- (t) *Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no Runoff or Overspray.*
- (u) *Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be Mulch, gravel, or other porous material. These restrictions may be modified if:*
  - (1) *The Landscape Area is adjacent to permeable surfacing and no Runoff occurs; or*
  - (2) *The adjacent non-permeable surfaces are designed and constructed to drain entirely to the landscaping; or*
- (v) *Slopes greater than 25 percent shall not be irrigated with an Irrigation System with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Package, and clearly demonstrates no Runoff or erosion will occur. Prevention of Runoff and erosion shall be confirmed during the Irrigation Audit.*
- (w) *Hydrozones.*

- (1) *Each valve shall irrigate a Hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.*
- (2) *Sprinkler Heads and other emission devices shall be selected based on what is appropriate for the plant type within that Hydrozone.*
- (3) *Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and Turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.*
- (4) *Individual Hydrozones that mix moderate and Low Water Use Plants, or Moderate and High Water Use Plants, may be allowed if the Plant Water Use Factor of the higher water using plant is used for the Water Budget calculations.*
- (5) *Individual Hydrozones that mix Low and High Water Use Plants are prohibited.*
- (6) *On the Irrigation Design Plan, Hydrozone areas shall be designated by number, letter, or other designation. On the Irrigation Design Plan, designate areas irrigated by each valve.*

**J. Water Efficient Landscape Worksheet for Major Landscapes.**

1. *To ensure Major Landscape Projects conserve water to the maximum extent possible, information included within the Water Efficient Landscape Worksheet shall be consistent with the requirements listed in this Rule.*
2. **Water Budget.** *Water Budget calculations shall meet the following requirements:*

- (a) *The surface area of all Water Features shall be calculated as high water use and incorporated within a high water use Hydrozone.*
- (b) *Temporarily irrigated areas shall be calculated as low water use and incorporated within a low water use Hydrozone.*
- (c) *Water Budget calculations for the Maximum Applied Water Allowance shall be calculated using the formula found in the Landscape Manual. Special Landscape Areas, as defined in this Rule, and areas irrigated with Recycled Water, are subject to Maximum Applied Water Allowance with an Evapotranspiration Adjustment Factor not to exceed 1.0.*
- (d) *The calculation of a project's Estimated Total Water Use shall be performed using the formula found in the Landscape Manual.*
- (e) *For calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, the project Applicant shall use the annual Evapotranspiration values contained in Appendix A of the Landscape Manual.*
- (f) *Landscape projects subject to this Rule shall not apply water to the landscape in excess of the maximum amount of water allowed. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance.*

**K. Alternative Water Sources in the Landscape.**

- 1. *Rain gardens, Cisterns and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended. Rainwater catchment systems shall meet the requirements of the Monterey County Environmental Health Bureau.*
- 2. *To promote the efficient use of water, the use of Graywater systems for irrigation is recommended. Graywater systems shall meet the requirements of the California Plumbing Code, including any modifications adopted by Monterey County, and are subject to approval by the Monterey County Environmental Health Bureau.*



3. *Landscape projects in the Unincorporated County Jurisdiction using treated or untreated Graywater or rainwater captured onsite to irrigate the entire Landscape Area shall be subject to the approval of the Monterey County Environmental Health Bureau.*
4. *All Recycled Water Irrigation Systems shall be designed and operated in accordance with all State and County laws and regulations related to Recycled Water use.*
5. *Landscape projects subject to this Rule shall incorporate the use of Recycled Water for irrigation when, in the determination of the District, Recycled Water is available and connection to Recycled Water is feasible.*

**L. Irrigation Schedules.**

1. *For the efficient use of water, all irrigation schedules shall be developed, managed and evaluated to utilize the minimum amount of water required to maintain plant health. The irrigation schedule shall be developed by a Landscape Architect, Landscape Contractor, or any other person authorized to install irrigation equipment.*
2. *Irrigation scheduling shall be regulated by Automatic Irrigation Controllers using current Reference Evapotranspiration data or Soil Moisture Sensing Device data.*
3. *Overhead irrigation shall be scheduled between 8:00 p.m. and 9:00 a.m.*
4. *Operation of the Irrigation System outside the normal watering window is allowed for auditing and system maintenance.*
5. *For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, Flow Rate, and current Reference Evapotranspiration, so that Applied Water meets the Estimated Applied Water Use. Total annual Applied Water shall be less than or equal to Maximum Applied Water Allowance.*
6. *Parameters used to set the automatic Controller shall be developed and submitted for each of the following:*

- (a) *The plant establishment period;*
  - (b) *The established landscape; and*
  - (c) *Temporarily irrigated areas.*
7. *The irrigation schedule shall be consistent with the requirements of this Rule and shall consider for each station all of the following that apply:*
- (a) *Irrigation interval (days between irrigation);*
  - (b) *Irrigation run times (hours or minutes per irrigation event to avoid Runoff);*
  - (c) *Number of cycle starts required for each irrigation event to avoid Runoff;*
  - (d) *Amount of Applied Water scheduled to be applied on a monthly basis;*
  - (e) *Application rate setting;*
  - (f) *Root depth setting;*
  - (g) *Plant type setting;*
  - (h) *Soil type;*
  - (i) *Slope factor setting;*
  - (j) *Shade factor setting; and*
  - (k) *Irrigation uniformity or efficiency setting.*
8. *The irrigation schedule shall be submitted with the landscape Certificate of Completion pursuant to this Rule.*

**M. Landscape Planting and Maintenance Schedule.**

- 1. *In order to maintain plant health and functioning irrigation equipment, a landscape planting and irrigation maintenance schedule shall be developed incorporating the requirements of this section, the applicable sections of the Landscape Manual, and include the following:***
  - (a) *A regular maintenance schedule shall be developed by a Landscape Architect, Landscape Contractor, or any other person authorized to design and maintain landscape planting and irrigation.***
  - (b) *A regular maintenance schedule shall include, but is not limited to, routine inspection, adjustment, and repair of the Irrigation System and its components.***
  - (c) *A note shall be included stating that any replacement plants shall not exceed the water use for the Hydrozone.***
  - (d) *A regular maintenance schedule shall make provisions for irrigation inspections, systems tune-up, and system tests with Distribution Uniformity preventing Overspray or Runoff that causes overland flow.***
  - (e) *The regular maintenance schedule shall be submitted with the landscape Certificate of Completion consistent with this Rule.***

**N. Certificate of Completion Requirements for Major Landscapes.**

- 1. *Upon completion of installation of a Major Landscape Project, but prior to occupancy or final of the associated grading or building permits, the project Applicant shall provide the property owner and the District with a Certificate of Completion. The Certificate of Completion shall comply with the requirements of this Rule.***
- 2. *The Certificate of Completion shall include all of the following:***
  - (a) *Project information;***

- (b) Certification for installation of the landscape planting and irrigation;*
  - (c) The proposed irrigation schedule;*
  - (d) An Irrigation Audit conducted by a Certified Landscape Irrigation Auditor. The audit shall not be conducted by the person who designed and/or installed the landscape.*
  - (e) The proposed Landscape and Irrigation Maintenance Schedule; and*
  - (f) Verification of implementing recommendations of the Soils Management Report.*
- 3. The Certificate of Completion shall be signed by either the person or entity who signed the Landscape Design Plan, the person or entity who signed the Irrigation Design Plan, or the licensed Landscape Contractor who installed the landscape.*
  - 4. If minor changes were made during installation, Record Drawing or As-Built Plans shall be included with the certification. Record Drawing or As-Built Plans must be in conformance with this Rule.*
  - 5. If significant changes such as an increase in the size of the Landscape Area or any change in the plant species to a higher water use species were made during installation, the project shall require an amendment to the approved Major Landscape Package as required by this Rule.*
  - 6. A copy of the approved form for the Certificate of Completion can be found in the Landscape Manual.*
  - 7. A Certificate of Completion shall not be accepted by the District unless it is complete and meets all the requirements of this Rule.*
  - 8. The District shall approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the District shall provide the project Applicant with the opportunity to make correction(s). Decisions to deny a Certificate of Completion are appealable decisions.*

- O. Inspection Requirements. *Prior to the final of grading or building permits associated with Major and Minor Landscape Projects subject to the provisions of this Rule, inspection by the District or its designated agent to verify compliance with the approved Landscape Package shall be required.*
- P. Amendments.
1. *Proposed amendments to an approved Minor Landscape Package shall be submitted to the District for review and approval prior to submittal of the Certificate of Completion. The amendment shall be in writing, in sufficient detail to adequately address the nature of the amendment and demonstrate consistency with the requirements of this Rule. Amendments shall be processed in the same manner as the Landscape Package application.*
  2. *Proposed amendments to an approved Major Landscape Package shall be submitted to the District for review and approval prior to submittal of the Certificate of Completion. The amendment shall be in writing, in sufficient detail to adequately address the nature of the amendment and demonstrate consistency with the requirements of this Rule. Amendments shall be processed in the same manner as the Landscape Package application.*
- Q. Appeals. *Any denial by the General Manager or his/her designee of a Minor or Major Landscape Package, Minor Landscape Certificate of Completion, or Certificate of Completion pursuant to this Rule may be appealed by the Applicant to the Board of Directors pursuant to Rule 70.*
- R. Existing Landscapes. *The purpose of this section is to encourage reduction of excessive water use in landscapes through public education.*
1. *Existing landscapes installed prior to December 1, 2015 are strongly encouraged to reduce water consumption through participation in water conservation programs, including but not limited to those listed in this section.*
  2. *Existing landscapes located within the Monterey Peninsula Water Management District are strongly encouraged to participate in applicable landscape Rebate programs, landscape water audit/budget*

*analysis and/or any other available water conservation programs to the greatest extent feasible.*

3. *All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Rule.*

(a) *Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as Hydrozones, irrigation equipment, use of native plants, graywater systems and rainwater catchment systems to demonstrate low water use approaches and techniques in landscaping.*

S. *The following definitions are used in this Rule and in the Landscape Manual:*

*APPLIED WATER – “Applied Water” shall mean the portion of water supplied by the Irrigation System to the landscape.*

*AS-BUILT DRAWINGS – “As-Built Drawings” shall mean landscape drawings prepared by the contractor that show, in red ink, on-Site changes to the original landscape construction documents.*

*AUTOMATIC IRRIGATION CONTROLLER – “Automatic Irrigation Controller” shall mean a timing device used to remotely control valves that operate an Irrigation System. Automatic Irrigation Controllers are able to self-adjust and schedule irrigation events using either Evapotranspiration (weather-based) or soil moisture data.*

*BACKFLOW PREVENTION DEVICE – “Backflow Prevention Device” shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water.*

*CALIFORNIA INVASIVE PLANT INVENTORY – “California Invasive Plant Inventory” shall mean the California Invasive Plant Inventory maintained by the California Invasive Plant Council.*

*CERTIFICATE OF COMPLETION – “Certificate of Completion” shall mean a document certifying completion of a landscape in compliance with the Monterey Peninsula Water Management District Water Efficient Landscape Requirements.*

***CERTIFIED IRRIGATION DESIGNER*** – “*Certified Irrigation Designer*” shall mean a person certified to design Irrigation Systems by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.

***CERTIFIED LANDSCAPE IRRIGATION AUDITOR*** – “*Certified Landscape Irrigation Auditor*” shall mean a Person certified to perform landscape Irrigation Audits by an accredited academic institution, a professional trade organization or other program such as the United States Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

***CHECK VALVE*** – “*Check Valve*” shall mean a valve located under a sprinkler head, or other location in the Irrigation System, to hold water in the system to prevent drainage form sprinkler heads when the sprinkler is off.

***COMMON INTEREST DEVELOPMENTS*** – “*Common Interest Developments*” shall mean community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

***COMPOST*** – “*Compost*” shall mean the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

***CONTROLLER*** – “*Controller*” shall mean an automatic timing device used to remotely control valves or heads to operate an Irrigation System. A weather-based Controller is a Controller that utilizes Evapotranspiration or weather data to make adjustments to irrigation schedules. A self-adjusting irrigation Controller is a Controller that uses onsite sensor data (e.g., soil moisture) to adjust irrigation schedules.

***CONVERSION FACTOR (0.62)*** – “*Conversion Factor (0.62)*” shall mean the number that converts acre-inches per acre per year to gallons per square foot per year.

***DISTRIBUTION UNIFORMITY*** – “*Distribution Uniformity*” shall mean the measure of the uniformity of irrigation water over a defined area.

***DRIP IRRIGATION*** – “*Drip Irrigation*” shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “*Drip Irrigation*” shall have the same meaning as “*Micro Irrigation*” and “*Trickle Irrigation*.”

***ECOLOGICAL RESTORATION PROJECT*** – “*Ecological Restoration Project*” shall mean a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

***EFFECTIVE PRECIPITATION*** – “*Effective Precipitation*” (“*Eppt*”) shall mean the portion of total precipitation which becomes available for plant growth. Effective Precipitation is also known as “*useable rainfall*.”

***EMITTER*** – “*Emitter*” shall mean a Drip Irrigation emission device that delivers water slowly from the system to the soil.

***ESTABLISHED LANDSCAPE*** – “*Established Landscape*” shall mean the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

***ESTABLISHMENT PERIOD OF THE PLANTS*** – “*Establishment Period of the Plants*” shall mean the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

***ESTIMATED TOTAL WATER USE (“ETWU”)*** – “*Estimated Total Water Use*” shall mean the total water used for the landscape based on the plants used in the landscape design.

***EVAPOTRANSPIRATION ADJUSTMENT FACTOR or ET ADJUSTMENT FACTOR*** – “*Evapotranspiration Adjustment Factor*” or “*ET Adjustment*”



*Factor*” (“ETAF”) shall mean, except for Special Landscape Areas, a factor of 0.55 for Residential projects and 0.45 for Non-Residential projects that, when applied to Reference Evapotranspiration, adjusts for Plant Water Use Factors and Irrigation Efficiency.

**EVAPOTRANSPIRATION RATE** – “Evapotranspiration Rate” shall mean the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

**FRIABLE** – “Friable” shall mean a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

**FLOW RATE** – “Flow Rate” shall mean the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

**FLOW SENSOR** – “Flow Sensor” shall mean an inline device installed at the supply point of the Irrigation System that produces a repeatable signal proportional to Flow Rate. Flow Sensors must be connected to an Automatic Irrigation Controller, or flow monitor capable of receiving flow signals and operating Master Shut-Off Valves. The combination Flow Sensor/Controller may also function as a landscape Water Meter or sub-meter.

**GRAYWATER** -- “Graywater” shall mean untreated waste water which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to; waste water from bathtubs, showers, Bathroom Washbasins, clothes washing machines and laundry tubs. It does not include waste water from Kitchen Sinks and Dishwashers. Health and Safety Code Section 17922.12. “Graywater” shall have the same meaning as “Greywater.”

**HIGH WATER USE PLANT** – “High Water Use Plant” shall mean any plant categorized as high water need by the Water Use Classification of Landscape Species guide (“WUCOLS”).

**HYDROZONE** – “Hydrozone” shall mean a portion of the Landscap Area having plants with similar water needs and rooting depths served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated.

**INFILTRATION RATE** – “Infiltration rate” shall mean the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

**INVASIVE PLANT SPECIES** – “Invasive Plant Species” shall mean a species of plants not historically found in California that spreads outside cultivated areas and can damage environmental or economic resources and is listed as an Invasive Plant Species in either the California Invasive Plant Inventory; USDA invasive, noxious weeds database, or the Landscape Manual.

**IRRIGATION AUDIT** – “Irrigation Audit” shall mean an in-depth evaluation of the performance of an Irrigation System conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit shall include, but is not limited to: inspection, system tune-up, system test with Distribution Uniformity or emission uniformity, reporting Overspray or Runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor certification program or other U.S. Environmental Protection Agency “WaterSense” labeled auditing program.

**IRRIGATION DESIGN PLAN** – “Irrigation Design Plan” (IE) shall mean an irrigation plan and drawings designed and signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other person authorized to design an Irrigation System (see Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code).

**IRRIGATION EFFICIENCY** – “Irrigation Efficiency” shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of Irrigation System characteristics and management practices. The Irrigation Efficiency is 0.75 for overhead spray devices and 0.81 for drip systems.

***IRRIGATION METER*** – “*Irrigation Meter*” shall mean a separate meter that measures the amount of water used for irrigation.

***IRRIGATION SURVEY*** – “*Irrigation Survey*” shall mean an evaluation of an Irrigation System that is less detailed than an Irrigation Audit.

***IRRIGATION WATER USE ANALYSIS*** – “*Irrigation Water Use Analysis*” shall mean an analysis of water use data based on meter readings and billing data.

***LANDSCAPE ARCHITECT*** – “*Landscape Architect*” shall mean a person who holds a license to practice landscape architecture in the State of California (California Business and Professions Code Section 5615).

***LANDSCAPE AREA*** -- “*Landscape Area*” shall mean all the planting areas, Turf areas, and Water Features in a Landscape Design Plan subject to the Maximum Applied Water Allowance and the Estimated Applied Water Use calculations. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g. Open Spaces and existing Native Vegetation).

***LANDSCAPE CONTRACTOR*** – “*Landscape Contractor*” shall mean a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

***LANDSCAPE DESIGN PLAN*** – “*Landscape Design Plan*” shall mean a plan (and drawings) that (1) delineates and labels each Hydrozone; (2) identifies each Hydrozone as low, moderate, high water, or mixed water use; (3) identifies any Recreational Areas; (4) identifies areas permanently and solely dedicated to edible plants; (5) identifies areas irrigated with Recycled Water; (6) identifies type of Mulch and application depth; (7) identifies soil amendments, type, and quantity; (8) identifies type and surface area of any Water Features; (9) identifies hardscapes (Pervious and non-pervious); (10) identifies applicable storm water Best Management Practices; (11) identifies any applicable rain harvesting or catchment technologies; and (12) identifies any applicable Graywater discharge piping, system components and area(s) of distribution. A

*Landscape Design Plan must be signed by a licensed Landscape Architect, Certified Irrigation Designer, licensed Landscape Contractor, or any other person authorized to design an Irrigation System (see Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5431.4, 5441.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code). “Landscape Design Plan” shall also be known as a “Planting Plan.”*

*LANDSCAPE MANUAL – “Landscape Manual” shall mean the “Monterey Peninsula Water Management District Landscape Manual – Standards and Specified Performance Requirements for Water Efficient Landscape Water Use and Irrigation.”*

*LANDSCAPE PACKAGE– “Landscape Package” shall mean the landscape Water Permit application and materials required to be submitted for review and approval by the MPWMD.*

*LANDSCAPE WATER METER – “Landscape Water Meter” shall mean an inline device installed at the irrigation supply point that measures the flow of water into the Irrigation System and is connected to a totalizer to record water use.*

*LATERAL LINE – “Lateral Line” shall mean the water delivery pipeline that supplies water to the Emitters or sprinklers from the valve.*

*LOCAL WATER PURVEYOR – “Local Water Purveyor” shall mean any entity, including a public agency, city, county or private water company that provides retail water service.*

*LOW VOLUME IRRIGATION SYSTEM – “Low Volume Irrigation System” shall mean the application of irrigation water at low pressure through a system of tubing or Lateral Lines and low-volume Emitters such as drip, drip lines, and bubblers. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.*

*LOW WATER USE PLANT – “Low Water Use Plant” shall mean any plant categorized as low water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.*

**MAJOR LANDSCAPE PROJECT** – *“Major Landscape Project” shall mean Landscape projects with an aggregate Landscape Area greater than two thousand five hundred (2,500) square feet.*

**MASTER SHUT-OFF VALVE** – *“Master Shut-Off Valve” shall mean an automatic valve installed at the irrigation supply point which controls water flow into the Irrigation System. When this valve is closed, water will not be supplied to the Irrigation System. A Master Shut-Off Valve will greatly reduce any water loss due to a leaky station valve.*

**MAXIMUM APPLIED WATER ALLOWANCE** – *“Maximum Applied Water Allowance” shall mean the upper limit of annual Applied Water for the established Landscape Area. It is based upon the area’s Reference Evapotranspiration, the ET Adjustment Factor, and the size of the Landscape Area.*

**STREET MEDIAN** – *“Street Median” shall mean an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.*

**MICRO IRRIGATION** – *“Micro Irrigation” shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “Drip Irrigation” shall have the same meaning as “Micro Irrigation” and “Trickle Irrigation.”*

**MICROCLIMATE** – *“Microclimate” shall mean the climate of a small, specific area that may contrast with the climate of the overall Landscape Area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.*

**MINOR LANDSCAPE PROJECT** – *“Minor Landscape Project” shall mean landscape projects with an aggregate Landscape Area less than or equal to two thousand five hundred (2,500) square feet.*

**MODERATE WATER USE PLANT** – *“Moderate Water Use Plant” shall mean any plant categorized as moderate water need by the Water Use Classification of Landscape Species (“WUCOLS”) guide.*

**MULCH** – “Mulch” shall mean any organic material such as leaves, bark, straw, Compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**NON-RESIDENTIAL LANDSCAPE** – “Non-Residential Landscape” shall mean landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated Recreational Areas.

**OPERATING PRESSURE** – “Operating Pressure” shall mean the pressure at which the parts of an Irrigation System are designed by the manufacturer to operate.

**OVERHEAD SPRINKLER IRRIGATION SYSTEM** – “Overhead Sprinkler Irrigation System” or “Overhead Irrigation System” shall mean systems that deliver water through the air (for example pop-ups, impulse sprinklers, spray heads, rotors, and micro-sprays).

**OVERSPRAY** – “Overspray” shall mean the irrigation water that is delivered beyond the Landscape Area, wetting pavements, walks, structures, or other non-landscaped areas.

**PARKWAY** – “Parkway” shall mean the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

**PERVIOUS** – “Pervious” shall mean any surface or material that allows the passage of water through the material and into the underlying soil.

**PLANT WATER USE FACTOR** – “Plant Water Use Factor” shall mean a value, when multiplied by “Reference Evapotranspiration,” that estimates the amount of water needed by plants. The Plant Water Use Factor range for very Low Water Use Plants is less than 0.1, the Plant Water Use Factor range for Low Water Use Plants is 0.1 to 0.3, the Plant Water Use Factor range for Moderate Water Use Plants is 0.4 to 0.6, and the Plant Water Use Factor range for High Water Use Plants is 0.7 to 1.0. Plant Water Use Factors are derived

*from the publication “Water Use Classification of Landscape Species.” Plant Water Use Factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources.*

**PLANTING PLAN** – *“Planting Plan” shall have the same meaning as “Landscape Design Plan.”*

**RAIN SENSING SHUTOFF DEVICE** – *“Rain Sensing Shutoff Device” shall mean a component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensing Shutoff Device” shall have the same meaning as the term “Rain Sensor.”*

**RAIN SENSOR** – *“Rain Sensor” shall mean a component of an Irrigation System which automatically suspends irrigation when it rains. The term “Rain Sensor” shall have the same meaning as the term “Rain Sensor.”*

**RECORD DRAWINGS** – *“Record Drawings” shall mean landscape documents prepared by the Landscape Architect that reflect on-Site changes the contractor noted in the As-Built Drawings. They are often compiled as a set of on-Site changes made for the owner per the owner-architect contract*

**RECREATIONAL AREA** – *“Recreational Area” shall mean areas, excluding private Single Family Residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, roughs, surrounds and greens.*

**RECYCLED WATER** – *“Recycled Water” shall mean treated or recycled waste water of a quality suitable for Sub-potable uses such as landscape irrigation and Water Features. This water is not intended for human consumption.*

**REFERENCE EVAPOTRANSPIRATION** – *“Reference Evapotranspiration” shall mean a standard measurement of environmental parameters which affect the water use of plants. Reference Evapotranspiration is expressed in inches per day, month, or year, and is an estimate of the Evapotranspiration of a large field of four to seven inches tall, cool-season grass that is well watered. Reference Evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.*

**REHABILITATED LANDSCAPE** – *“Rehabilitated Landscape” shall mean any re-landscaping of existing landscapes where the modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet.*

**RESIDENTIAL LANDSCAPE** – *“Residential Landscape” shall mean landscape surrounding single or multifamily homes.*

**RUNOFF** – *“Runoff” shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the Landscape Area. For example, Runoff may result from water that is applied at too great a rate (application rate exceeds Infiltration Rate) or when there is a slope.*

**SOILS MANAGEMENT REPORT** – *“Soils Management Report” shall mean an analysis of the existing soil conditions relative to horticulture (versus agriculture or structural integrity) resulting in recommendations of appropriate soil amendments.*

**SOIL MOISTURE SENSING DEVICE** – *“Soil Moisture Sensing Device” shall mean a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.*

**SOIL TEXTURE** – *“Soil Texture” shall mean the classification of soil based on its percentage of sand, silt, and clay.*

**SPECIAL LANDSCAPE AREA** – *“Special Landscape Area” or “SLA” shall mean an area of the landscape irrigated with Recycled Water, Water Features using Recycled Water, and areas dedicated to active play such as parks, sports fields, golf courses, and where Turf provides a playing surface.*

**SPRINKLER HEAD** – *“Sprinkler Head” shall mean a device which delivers water through a nozzle.*

**STATIC WATER PRESSURE** – *“Static Water Pressure” shall mean the pipeline water supply pressure when water is not flowing.*

**STORM WATER CONTROL FACILITY** – *“Storm Water Control Facility” shall mean a structural feature intended to control or reduce storm water Runoff and associated pollutants, to induce or control the infiltration or*



*Groundwater recharge of storm water, or to eliminate illicit or illegal non-storm water discharges into storm water conveyances.*

***STORM WATER CONTROL MEASURE*** – *“Storm Water Control Measure” shall mean any structural or non-structural strategy, practice, technology, process, program or other method intended to control or reduce storm water Runoff and associated pollutants, or to induce or control the infiltration or Groundwater recharge of storm water, or to eliminate illicit or illegal non-storm water discharges into storm water conveyances. Storm Water Control Measures include Storm Water Control Facilities.*

***SWING JOINT*** – *“Swing Joint” shall mean an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.*

***TRICKLE IRRIGATION*** - *“Trickle Irrigation” shall mean shall mean any non-spray Low Volume Irrigation System utilizing emission devices with a Flow Rate measured in gallons per hour. Low Volume Irrigation Systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants. The term “Trickle Irrigation” shall have the same meaning as “Drip Irrigation” and “Micro Irrigation.”*

***TURF*** – *“Turf” shall mean a ground cover surface of mowed grass and does not include artificial Turf surfaces. For example, Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses and Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.*

***VALVE*** – *“Valve” shall mean a device used to control the flow of water in the Irrigation System.*

***WATER BUDGET*** – *“Water Budget” shall mean a maximum annual water allowance in gallons per year that takes into consideration the types of plants, Evapotranspiration Rates and Irrigation System.*

***WATER CONSERVING PLANT SPECIES***– *“Water conserving plant species” shall mean a plant species identified as having a low Plant Water Use Factor.*

***WATER EFFICIENT LANDSCAPE WORKSHEET*** – “*Water Efficient Landscape Worksheet*” shall mean the form used in the Landscape Package to calculate the Water Budget for a landscape. The form is found in Appendix B of the Landscape Package.

***WATER FEATURE*** – “*Water Feature*” shall mean a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and Swimming Pools where water is artificially supplied. The surface area of Water Features is included in the high water use Hydrozone of the Landscape Area. Constructed facilities used for onsite waste water treatment or Storm Water Control Measures that are not irrigated and used solely for water treatment or storm water retention are not considered Water Features.

***WATERING STATION*** – “*Watering Station*” shall mean an area served by one valve or by a set of valves that operate simultaneously.

***WATERING WINDOW*** – “*Watering Window*” shall mean the time of day irrigation is allowed.

***WEATHER BASED IRRIGATION CONTROLLER*** -- “*Weather Based Irrigation Controller*” shall mean an Irrigation System component that uses local weather conditions and landscape conditions to adjust irrigation schedules automatically to actual conditions on the Site or historical weather data.

***WUCOLS*** – “*WUCOLS*” shall mean the Water Use Classification of Landscape Species guide published by the University of California Cooperative Extension and the California Department of Water Resources 2014, as may be periodically updated.

**Section Eight:**            **Amendment to Rule 142-C, Water Efficiency Standards**

Rule 142-C shall be amended as shown below, with added language as shown in ***bold italic*** type face, and deleted language shown in ~~strikeout~~ type face.

C.    **Residential Water Efficiency Standards for New Structures.**

All Residential New Structures receiving a Water Permit shall meet or exceed the following standards:

1. High Efficiency or Ultra-High Efficiency Toilets shall be installed;
2. Urinals, when installed in a Residential use, shall be designed to flush with one (1) gallon of water. After January 1, 2016, newly installed Urinals shall flush with no more than 0.125 gallon per flush;
3. Showerheads, Rain Bars, or Body Spray Nozzles must be designed and manufactured to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Lavatory Sink faucets shall emit a maximum of 1.2 gallons of water per minute at 60 psi;
7. Kitchen Sink, Utility Sink, and Bar Sink faucets shall emit a maximum of 1.8 gallons of water per minute at 60 psi. Faucets may have the capability to temporarily increase flow to 2.2 gallons per minute for filling pots and pans, but must default back to a maximum ~~Flow Rate~~ of 1.8 gallons per minute measured at 60 psi.;
8. Instant-Access Hot Water Systems shall be installed;
9. All hot water pipes shall be insulated;
10. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings.
11. Landscaping. *All New Construction (including new buildings with landscape or other new landscape, such as a park, playground, or*

*greenbelt without an associated building) shall install and maintain landscapes that comply with Rule 142.1.*

12. *Rainwater collection/Irrigation Systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.*
13. *Graywater collection/Irrigation Systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.*
14. *All Sites utilizing a Graywater reuse system shall install and maintain a Backflow Prevention Device as required by any Water Distribution System Operator that supplies water to the Site.*
  - a. ~~All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.~~
  - b. ~~Plants shall be grouped in hydrozones.~~
12. ~~Irrigation System Efficiency.~~
  - a. ~~Weather Based Irrigation System Controllers (e.g. Smart Controllers) shall be installed, used and maintained on Sites where there is an Irrigation System.~~
  - b. ~~Weather Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.~~
  - c. ~~Drip Irrigation shall be utilized for watering all non turf irrigated plantings.~~

- ~~d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.~~
- ~~e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.~~
- ~~f. Irrigation Systems shall operate with at least 75 percent efficiency for overhead spray devices and at least 81 percent efficiency for drip systems.~~
- ~~g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.~~
- ~~h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.~~
- ~~i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.~~

D. Non-Residential Water Efficiency Standards for New Structures.

All Non-Residential New Structures receiving a Water Permit shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be Pint Urinals or Zero Water Consumption Urinals and shall be clearly specified on the final Construction Drawings. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;

3. Showerheads, Rain Bars, or Body Spray Nozzles must be designed and manufactured to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. Public Washbasins shall emit a maximum of 0.5 gallon of water per minute at 60 psi. Private Washbasins (e.g. hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of 1.2 gallons of water per minute at 60 psi. All other sinks shall emit a maximum of 2.2 gallons of water per minute at 60 psi unless higher flow is required by Health and Safety Code;
6. Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;
7. High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed in a New Structure permitted under this Regulation;
8. High Efficiency Dishwashers or High Efficiency Commercial Dishwashers shall be installed and maintained on the Site when a Dishwasher is installed in a New Structure permitted by a Water Permit;
9. Instant-Access Hot Water System(s) shall be installed for hot water access points to ensure that hot water is available within ten (10) seconds;
10. All hot water pipes shall be insulated;
11. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and

calculates usage. This requirement shall be specified on the Construction Drawings;

12. Water Efficient Pre-Rinse Spray Valves shall be utilized when a pre-rinse spray valve is installed;
13. There shall be no single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
14. Water cooled refrigeration equipment shall be prohibited when there is alternative cooling technology available at the time the Water Permit is issued;
15. Cooling Towers shall be equipped with conductivity controllers that are used to increase the number of cycles that can be achieved;
16. Boilerless steamers or connectionless steamers shall be installed in place of boiler-based steamers when a steamer is installed in New Construction;
17. Landscaping. *All New Construction (including new buildings with landscape or other new landscape, such as a park, playground, or greenbelt without an associated building) shall install and maintain landscapes that comply with Rule 142.1.*
18. *Rainwater collection/Irrigation Systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.*
19. *Graywater collection/Irrigation Systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.*

20. *All Sites utilizing a Graywater reuse system shall install and maintain a Backflow Prevention Device as required by any Water Distribution System Operator that supplies water to the Site.*

~~a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.~~

~~b. Plants shall be grouped in hydrozones.~~

~~18. Irrigation System Efficiency.~~

~~a. Weather Based Irrigation System Controllers shall be installed, used and maintained on Sites where there is an Irrigation System.~~

~~b. Weather Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.~~

~~c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.~~

~~d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.~~

~~e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.~~

~~f. Irrigation Systems shall operate with at least 75 percent efficiency for overhead spray devices and at least 81 percent for drip systems.~~

~~g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New~~



~~Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.~~

~~h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.~~

~~i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.~~

1921. The implementation of water conservation Best Management Practices shall be integrated into construction and operation of the project to the extent possible.

2022. The use of Alternative Water Sources for indoor toilet flushing and other uses allowed by the Jurisdiction shall be encouraged.

E. Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards

Sites that have a Change of Ownership, or receive a Water Permit for a Change of Use or Expansion of Use shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be at a minimum High Efficiency Urinals (when installed prior to January 1, 2016). Newly installed Urinals shall be Pint Urinals or Zero Water Consumption Urinals. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;

3. Showerhead ~~F~~low ~~R~~ates shall meet or exceed water efficiency standards for New Structures;
4. Bathroom faucet ~~F~~low ~~R~~ates shall meet or exceed water efficiency standards for New Structures;
5. Kitchen faucet ~~F~~low ~~R~~ates shall meet or exceed water efficiency standards for New Structures;
6. Remodels or relocations of water fixtures or appliances that involve hot water shall be encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes;
7. Pre-rinse spray valves shall meet or exceed the District's definition for Water Efficient Pre-Rinse Spray Valves;
8. Changes of Use and Expansions of Use that require a Water Permit shall not install any single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
9. Changes of Use and Expansions of Use that require a Water Permit shall not install any water cooled refrigeration equipment when there is alternative water efficient cooling technology available at the time the Water Permit is issued;
10. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, shall be retrofit to include a Rain Sensor;
11. The implementation of Non-Residential Best Management Practices shall be integrated into construction and operation of Non-Residential uses to the extent possible;
12. ***Projects that include Rehabilitated Landscapes (modified Landscape Area is equal to or greater than two thousand five hundred (2,500) square feet) shall comply with Rule 20-B and Rule 142.1.***

**Section Nine:**            **General Replacement of Terms**

New definitions adopted by this ordinance shall be capitalized throughout the Rules and Regulations.

**Section Ten:**            **Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 20, 21, 22, 24, 25.5, and 142 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Eleven:**        **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. thirty (30) days after adoption.

This Ordinance shall not have a sunset date.

**Section Twelve:**       **Severability**

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District’s express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true, and correct copy of an

ordinance duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Witness my hand and seal of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

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David J. Stoldt, Secretary to the Board

**ITEM: PUBLIC HEARING****11. CONSIDER ADOPTION OF URGENCY ORDINANCE NO. 173, SUSPENDING AUTHORITY TO ACCEPT WATER PERMIT APPLICATIONS FOR NEW CONNECTIONS BASED UPON THE PARALTA OR PRE-PARALTA ALLOCATIONS****Meeting Date: August 15, 2016**                      **Budgeted: N/A****From: David Stoldt,**                      **Program/ N/A**  
**General Manager**                      **Line Item No.:****Prepared By: Stephanie Locke**                      **Cost Estimate: N/A****General Counsel Review: Yes****Committee Recommendation: The Water Demand Committee recommended approval of the Urgency Ordinance at its August 1, 2016 meeting.****CEQA Compliance: Exempt. This is not a "project" under CEQA.**

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**SUMMARY:** Urgency Ordinance No. 173 suspends authority to accept Water Permit applications for new Connections to the Main California American Water System (Cal-Am) when the application is based on water from a Jurisdiction's Paralta or pre-Paralta Allocations. This ordinance supports the California Public Utility Commission (CPUC) ordered moratorium on new Connections to the Cal-Am system. New Connections resulting from use of an Entitlement (e.g. Malpasos, Pebble Beach, Sand City) would not be subject to this action.

At this time, the District continues to receive applications for Water Permits that require installation of new Connections. Despite the Cease and Desist Order (CDO) and the CPUC-ordered moratorium, each of which apply directly and only to Cal-Am, District staff has no option other than to accept and process permit applications. Staff has taken the added step to provide written notice to the applicant, and to add a warning on the Water Permit, that even with an MPWMD permit the project may nonetheless be restricted by reason of SWRCB and CPUC regulations. In practice, even when the applicant presents the MPWMD Water Permit to Cal-Am, seeking to set a new water meter, Cal-Am then refuses to install the new meter.

This scenario is problematic. Applicants may incur planning and design expenses, or even begin construction activity to only find, later, that Cal-Am is required to reject the request to install a new water meter. To avoid these unfortunate consequences, staff recommends enactment of this ordinance to suspend staff authority to accept or process applications for Water Permits for new Connections based Paralta or pre-Paralta water allocations. The Water Demand Committee reviewed this matter on August 1, 2016 and recommended the Board adopt this ordinance as an urgency measure.

An urgency ordinance takes effect immediately upon a single reading if it is approved by at least five (5) members of the Board. The ordinance will sunset one year after enactment. Staff recommends the Board consider a follow-up, non-urgency ordinance during this year to extend these restrictions until the SWRCB CDO and CPUC moratorium issues are resolved.

The Water Demand Committee reviewed this action at its August 1, 2016 meeting and recommended that the Board adopt this ordinance as an urgency measure at the August Board meeting.

**RECOMMENDATION:** The Board should adopt the urgency ordinance to immediately suspend staff's authority to accept Water Permit applications for new Connections based on water from either the Paralta or pre-Paralta Allocations. This is an urgency ordinance. To be adopted as an urgency measure, the ordinance must be approved by at least five members of the Board.

**EXHIBIT**

**11-A** Draft Urgency Ordinance No. 173

**EXHIBIT 11-A****DRAFT  
ORDINANCE NO. 173****AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
SUSPENDING AUTHORITY TO ACCEPT WATER PERMIT APPLICATIONS  
FOR NEW CONNECTIONS BASED UPON THE PARALTA OR PRE-PARALTA  
ALLOCATIONS****FINDINGS**

1. The Monterey Peninsula Water Management District (“District” or “MPWMD”) was authorized in 1977 by the California Legislature (Chapter 527 of the Statutes of 1977, as amended, found at West’s Water Law Appendix Section 118-1, et seq.). Voters of the Monterey Peninsula ratified its creation in June 1978. The District holds comprehensive authority to integrate management of the ground and surface water resources in the Monterey Peninsula area. MPMWD governs the Allocation of limited water supplies distributed by California American Water (“Cal-Am”).
2. The Monterey District of Cal-Am has a continuing water supply deficit. It relies on scarce water resources. A sizeable portion of water demand within the District is based upon water diverted from the Carmel River without any basis in right. Water rights orders limit supply, and physically adequate supplies are available only due to deferred enforcement.
3. MPWMD conceived the Paralta Well in 1989, which was thereafter constructed by Cal-Am based on permits cooperatively acquired by the District and Cal-Am. This well provides water from the Seaside Coastal Ground Water Basin to create a new water supply in accord with District Resolutions 93-11 and 93-12.
4. MPWMD accounted for Water Use Capacity for construction projects and Changes of Use that received but did not complete Water Permits issued prior to the District’s Water Allocation Program Environmental Impact Report in 1990. Water Use Capacity from abandoned or reduced Capacity projects was returned to the Jurisdiction for future use when the Paralta Well Allocations were released.
5. In 1993, the District accounted for water from the Paralta Well by enacting Ordinance No. 70

to modify Jurisdictional Water Allocations and to allow this supply to be used for new and expanded water uses. District Ordinance No. 70 ended the water Connection moratorium previously enacted by District Ordinance No. 52.

6. District Ordinance No. 70 effectively eliminated the previously recognized water use deficit of 230 Acre-Feet (calculated against water available under Supply Option V in the Water Allocation EIR) recognized by District Ordinance No. 52, and allocated 385 Acre Feet of additional Paralta Well production among the District Jurisdictions.
7. In 1995, the State Water Resources Control Board (SWRCB) issued Order WR 95-10 to affirm Cal-Am held rights to divert only 3,376 Acre-Feet annually (“AFA”) from the Carmel River. This order required Cal-Am to reduce former river diversions of 14,106 AFA in 1995 to 11,285 AFA in 1997.
8. District Resolution No. 2004-11 noted Order WR 95-10 directed water production from the Seaside Basin be maximized to serve existing Connections, honor existing Allocation commitments, and to reduce diversions from the Carmel River. Resolution No. 2004-11 also recognized the use of pre-Paralta credits and public credits.
9. In 2007, the Monterey County Superior Court in *California American Water Company v. City of Seaside*, et al. (Case No. M66343) issued a comprehensive order to adjudicate the Seaside Groundwater Basin and impose a declining pumping schedule from the Seaside Groundwater Basin for Cal-Am and others.
10. In 2009, SWRCB Order WR 2009-060 issued a Cease and Desist Order (CDO) on Cal-Am that required Cal-Am to (a) reduce Carmel River diversions from 11,285 AFA to 10,429 AFA until 2017, (b) set 3,376 AFA as the Carmel River diversion limit beginning in 2017, and (c) required Cal-Am to impose a moratorium on new Connections.
11. In 2011, the California Public Utilities Commission (CPUC) issued Decision 11-03-048, entitled “Decision Directing Tariff Modifications to Recognize Moratorium Mandated by State Water Resources Control Board.” D.11-03-048 prohibits new Cal-Am Connections and certain increased uses of water be served by diversions from the Carmel River to the extent such service would violate the terms of Condition 2 of SWRCB Order WR 2009-060.
12. Since adoption of Order WR 2009-0060, Cal-Am’s diversions complied with limits set in that Order, but remained thousands of Acre-Feet per year above the amount available under Cal-Am’s lawful water rights.



13. SWRCB Order WR 2016-0016 superseded requirements of Orders WR 95-10, WR 2009-0060 and other SWRCB orders, and extended to December 31, 2021, the date by which Cal-Am must terminate unlawful diversions from the Carmel River. Order WR 2016-0016 also set an Effective Diversion Limit from the Carmel River of 8,310 AFA starting Water Year 2015-2016.
14. This ordinance is adopted to enhance the District's ability to prevent diminution of waters within the District, to protect environmental values, and is consistent with the District's authority to reasonably regulate all water resources within District boundaries. The Board of Directors Council finds it necessary to adopt this ordinance to protect the public health, welfare and safety of the District by ensuring the continuing water supply is physically adequate to meet demand. This measure is necessary to support moratorium requirements set by the CPUC in Decision 11-03-048, and moratorium requirements set by the SWRCB in its Orders WR 2009-060 and WR 2016-0016.
15. Enactment of this ordinance to suspend acceptance of applications for Water Permits for new Connections based upon the Paralta or pre-Paralta water Allocation does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in section 15378). Furthermore, the Board finds that there is no possibility that the adoption of this measure could have a significant effect on the environment; therefore, no further environmental review is necessary in accordance with Section 15061(b)(3) of the CEQA Guidelines.
16. This ordinance shall not amend the Rules and Regulations of the Water Management District.
17. This ordinance has been proposed for urgency enactment and shall take effect immediately upon a single reading provided it is approved by at least five (5) members of the Board. This ordinance shall preserve the health and safety of Cal-Am water users and current Well owners. This ordinance shall sunset one year following its enactment.

NOW THEREFORE be it ordained as follows:

## **ORDINANCE**

### **Section One:            Short Title**

This ordinance shall be known as the 2016 Water Permit Application Suspension Ordinance of the Monterey Peninsula Water Management District.

### **Section Two:            Purpose**

This ordinance suspends authority of the District to accept any Water Permit application for a new Connection to the California-American Water Company Water Distribution System based upon either the Paralta or pre-Paralta Allocation.

### **Section Three:            Publication and Application**

The provisions of this ordinance shall not cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District. During the period it has force and effect, however, the full text of this ordinance shall be bound together with those permanent Rules and Regulations, and a reference to this ordinance shall be annotated in each copy of the official set of those Rules and Regulations at Rule 20-B and Rule 21-B.

### **Section Four:            Effective Date and Sunset**

This ordinance shall take effect immediately upon a single reading provided it is approved by at least five (5) members of the Board.

This ordinance shall become null and void, and cease to have any continuing effect any of the following events, whichever may first occur: (a) the day following a CPUC decision to allow new Connections throughout the Main California American Water System, or (b) one year following enactment of this Urgency Ordinance, or (c) the effective date of any District ordinance that explicitly rescinds or repeals this measure.

### **Section Five:            Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other

provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of August 2016, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the \_\_\_\_ day of August 2016.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of \_\_\_\_\_, 2016.

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David J. Stoldt, Secretary to the Board

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**ITEM: ACTION ITEM****12. CONSIDER APPROVAL OF POLICY THAT WILL ADDRESS MONTEREY COUNTY GENERAL PLAN REQUIREMENTS FOR CARMEL VALLEY ALLUVIAL AQUIFER****Meeting Date: July 18, 2016** **Budgeted: N/A****From: David J. Stoldt** **Program/**  
**General Manager** **Line Item No.: N/A****Prepared By: David J. Stoldt** **Cost Estimate: N/A****General Counsel Approval: N/A****Committee Recommendation: Water Supply Planning approved 3-0****CEQA Compliance: N/A**

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**SUMMARY:** At its July 12, 2016 meeting, the Water Supply Planning Committee considered the Monterey County General Plan policy for approving discretionary permits to use water produced from the Carmel Valley Alluvial Aquifer (CVAA) for new commercial and residential development projects. The Committee asked staff to develop a recommendation about modifying the District's current policy for Water Distribution System permits and permit amendments in light of the General Plan Policy. The key question that must be addressed is whether the Carmel River (and associated CVAA) can be described as a long-term sustainable water supply using the factors set out in the General Plan policy. Two of the key factors involved in determining whether the CVAA can be considered a long-term sustainable water supply include the following from Policy PS-3.2:

- e. Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and
- f. Effects of additional extraction or diversion of water on the environment including on instream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.

District staff met with County representatives on July 27, 2016 at which time the policy was discussed. County staff stopped short of affirming that the policy is consistent with their General Plan, but encouraged the District to go ahead and adopt the policy.

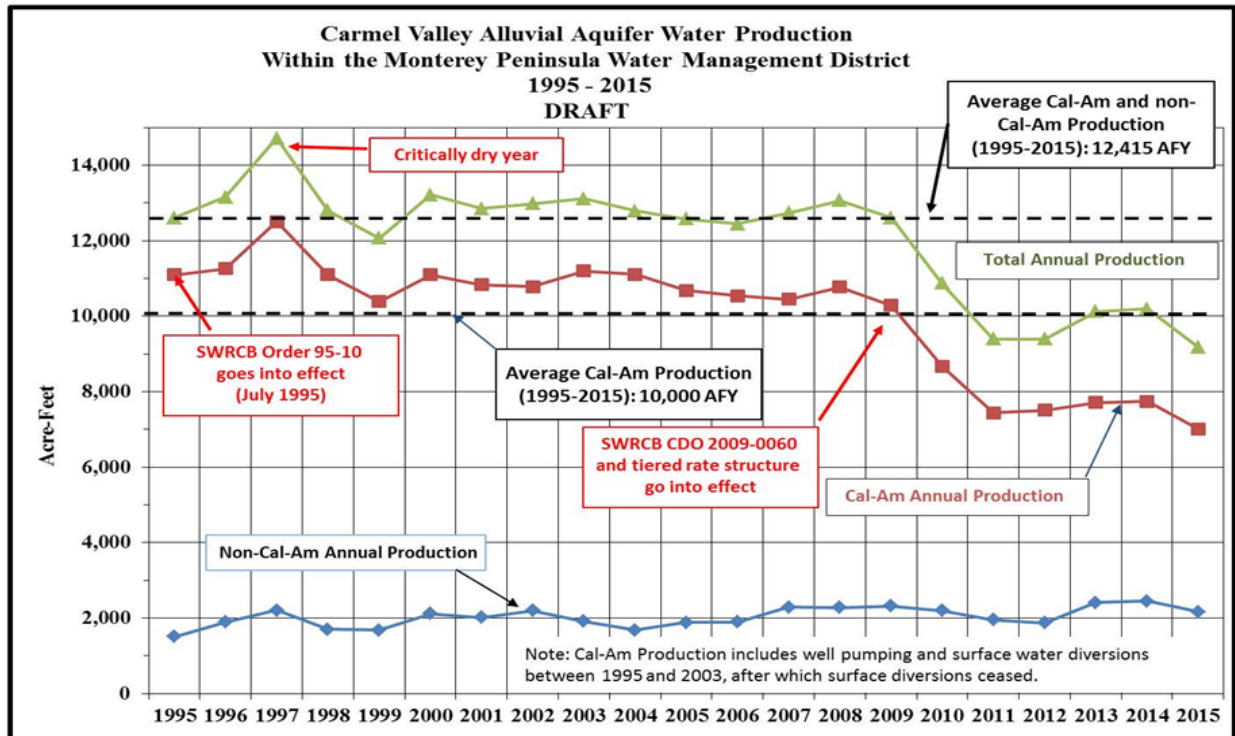
**STAFF RECOMMENDATION:** The District's Water Supply Planning Committee met July 12, 2016 and recommends a new production limit for a site in the CVAA be established as follows:

- Upon conversion from vacant or agricultural to single connection residential: Determine existing consumptive use on site (evaporation & transpiration) and set as new production limit (adjusted for new project's consumptive use.)
- Upon conversion from vacant or agricultural, or single connection residential, to 2 or 3 residential connections: Establish new limit at 85% of existing consumptive use and “retire” 15% to the benefit of the river.
- Upon conversion from vacant or agricultural, or from less than 4 residential connections, to 4 or more connections or to non-residential: Establish new limit at 75% of existing consumptive use and “retire” 25% to the benefit of the river.

Staff shall be directed to bring back to the Board an ordinance reflecting changes in the District Rules and Regulations as a result of the adopted policy.

**DISCUSSION:** Combined production from Cal-Am and non-Cal-Am wells in the CVAA likely peaked in the late 1980s as a result of the 1987-91 drought. Although Cal-Am has been required to report daily production data to MPWMD, accurate methods to determine non-Cal-Am production were not put in place until the early 1990s (e.g., see Ordinances 48 and 56).

The chart below shows CVAA diversions for all diverters for the period from 1995 to 2015. Total production from the aquifer did not drop off significantly until the issuance of Cease-and-Desist Order 2009-0060 by the State Water Resources Control Board and the adoption of a steeply tiered water rate structure for Cal-Am deliveries, also in 2009. Non-Cal-Am producers are not affected by either the CDO or Cal-Am rates and remained at nearly the same level (about 2,000 AFY) for the 1995-2015 period, showing that non-Cal-Am pumpers have not significantly contributed to a reversal of trends contributing to an overdraft condition or otherwise affecting supply, nor toward minimizing impacts on the environment and species.



Currently, most non-Cal-Am pumpers in the CVAA have riparian rights to divert flow. The SWRCB declined to evaluate riparian rights in Order 95-10, stating that there was not enough information provided by non-Cal-Am pumpers; however, MPWMD requires an evaluation and demonstration of riparian rights in order to process a WDS permit or amendment for wells in the CVAA. This is not a determination of a right, but is a basis for MPWMD to confirm that the permittee has a long-term right to divert flow.

Riparian pumpers generally return a variable portion of the applied water and a portion of indoor water use back into the aquifer (the latter amount through septic system return flow in areas not served by the Carmel Area Wastewater District). The amount of applied water returned depends on land use. For example, agricultural production may require a different volume of water per acre than either turf irrigation or domestic landscape irrigation. To reverse the trend in seasonal dewatering, a baseline amount of water use should be established and a reduction factor applied to the baseline. Staff recommends that project proponents be required to provide an analysis of the consumptive use of water on the property under existing conditions for a period of 10 years (note that the consumptive use amount will be less than the historical pumped amount). The consumptive use amount would become the baseline.

Staff recommends that the Committee consider applying a minimum of a 15% reduction to the baseline for any conversion greater than a single residential connection in order to continue reversing the trend of dewatering of the aquifer and reducing flows when steelhead are migrating through the river. This is consistent with District's 1984 goal of a 15% reduction in demand by the year 2020<sup>1</sup> as shown in its 1984 Water Conservation Plan, as supported by the Board in

<sup>1</sup> The District has achieved the 15% goal and has, in fact, reduced demand by 43% since Order 95-10

Resolution 84-4. The 15% goal was also indicated on page VI-9 in the Water Allocation Program Final Environmental Report (SCH87030309) certified by the Board in 1990. The same 15% goal is highlighted in Rule 25.5 B and was applied to the City of Monterey's public water credit for the El Estero irrigation conversion project and to the City of Pacific Grove's local water project. A higher permanent retirement was undertaken in the Pebble Beach (52.5%) and Malpaso LLC (35%) water entitlements. The Sand City water entitlement applied approximately 31% to offset Cal-Am Carmel River pumping.

For larger developments, a 25% set-aside would be required, up to a 10% portion of which may be temporarily placed in the District Reserve for re-allocation to Public Benefit Projects until the Cease and Desist Order is lifted, provided continued progress in a reduction below the State's Effective Diversion Limit has been made. After that time, the District would have no legal right to the water and such Public Benefit Project will be served with the new replacement water supply, thus ensuring the full 25% is rededicated to the river.

Here, District Reserve refers to the reserve referenced by District Rules 30A and 33B and Public Benefit Projects refers to projects determined by a jurisdiction to be in the public interest, and includes publicly-owned facilities, non-profits, and/or projects with benefits to the public as determined by the jurisdiction. Both definitions will likely need to be better described in an enacting ordinance.

#### **EXHIBIT**

None



**ITEM: INFORMATIONAL ITEMS/STAFF REPORTS****13. LETTERS RECEIVED****Meeting Date:** August 15, 2016 **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager **Program/** N/A  
**Line Item No.:****Prepared By:** Arlene Tavani **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

A list of letters that were submitted to the Board of Directors or General Manager and received between July 9, 2016 and August 8, 2016 is shown below. The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's web site at [www.mpwmd.net](http://www.mpwmd.net).

<b>Author</b>	<b>Addressee</b>	<b>Date</b>	<b>Topic</b>
Julie A. Vance	David J. Stoldt	8/1/2016	Draft Settlement Agreement for Water Right Applications 32263A, 32263B and 32263C
Charles Cech	MPWMD Board	7/19/2016	Monterey Pipeline Project Issues and Alternatives
Hugh H. Hardin	David J. Stoldt	7/15/2016	Regional Water Solutions
David Pendergrass	Copy – David Stoldt	7/8/2016	Preliminary Draft Recommendation re Cease and Desist Order

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**ITEM: INFORMATIONAL ITEMS/STAFF REPORTS****14. COMMITTEE REPORTS**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Arlene Tavani</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**General Counsel Review: N/A**  
**Committee Recommendation: N/A**  
**CEQA Compliance: N/A**

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Attached for your review as **Exhibits 14-A and 14-E** are final minutes of the committee meetings listed below.

**EXHIBIT**

- 14-A** Final Minutes of July 11, 2016 Administrative Committee Meeting
- 14-B** Final Minutes of April 7, 2016 Water Demand Committee Meeting
- 14-C** Final Minutes of March 2, 2016 Water Demand Committee Meeting
- 14-D** Final Minutes of January 25, 2016 Water Demand Committee Meeting
- 14-E** Final Minutes of November 4, 2015 Water Demand Committee Meeting

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**EXHIBIT 14-A**

FINAL MINUTES  
**Monterey Peninsula Water Management District**  
**Administrative Committee**  
*July 11, 2016*

**Call to Order**

The meeting was called to order at 3:30 PM in the District Conference Room.

Committee members present:           Andrew Clarke  
   Brenda Lewis (arrived at 3:40 PM)  
   David Pendergrass

Staff present:                           David Stoldt, General Manager  
   Suresh Prasad, Administrative Services Manager/Chief Financial Officer  
   Cynthia Schmidlin, Human Resources Analyst  
   Joe Oliver, Water Resources Manager  
   Eric Sandoval, GIS Specialist  
   Sara Reyes, Office Services Supervisor

**Oral Communications**

None

1.    **Approve Minutes of June 13, 2016 Committee Meeting**  
       On a motion by Clarke and second by Pendergrass, the minutes of the June 13, 2016 meeting were approved on a vote of 2 to 0.

**Items on Board Agenda for July 18, 2016**

2.    **Consider Adoption of Resolution 2016-13 Update to Rule 24, Table 3, Capacity Fee History**  
       On a motion by Clarke and second by Pendergrass, the committee voted 2 to 0 to recommend the Board adopt Resolution 2016-13 – Update to Rule 24, Table 3, Capacity Fee History.
3.    **Authorize Expenditure for Software Maintenance Agreements**  
       On a motion by Clarke and second by Pendergrass, the committee voted 2 to 0 to recommend the Board authorize the expenditures not-to-exceed \$61,075 to purchase the following items:

Product	Price
ESRI ArcGIS Standard concurrent	\$4400
ESRI ArcGIS Standard stand-alone	\$1650
ESRI Extensions	\$2500
Latitude Geographics GeoCortex	\$6000

ESRI EDN	\$1650
ArcGIS Server Two Core	\$1375
Server networking	\$3500
Backup, antivirus and MS office	\$11000
Docuware (Financial)	\$8000
Tyler Technologies (Financial)	\$21000
<b>TOTAL</b>	<b>\$61075</b>

**4. Consider Expenditure for FY 2016-2017 Aquifer Storage and Recovery Planning and Operations**

On a motion by Clarke and second by Lewis, the committee voted 3 to 0 to recommend the Board authorize an amendment to the existing contract with Pueblo Water Resources for technical services for: (A) Operations Support for a not-to-exceed amount of \$184,748, and (B) Engineering Support for a not-to-exceed amount of \$300,729.

**5. Consider Expenditure to Amend Contract with Pueblo Water Resources to Provide Hydrogeologic Review for Water Distribution System Permits**

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board authorize the General Manager to amend the current District professional services contract with Pueblo Water Resources for a not-to-exceed amount of \$2,000 for FY 2016-2017.

**6. Consider Approval of Change from Senior Water Resources Engineer to Water Resources Engineer on the District's Organization Chart**

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board authorize a change from the current District Organization Chart with a Senior Water Resources Engineer position to the proposed Organization Chart with a Water Resources Engineer position.

**7. Consider Reclassification of Two Conservation Representative I/II Positions and Related Change to the District's Organization Chart**

On a motion by Clarke and second by Lewis, the committee voted 3 to 0 to recommend the Board authorize reclassification of two Conservation Representative I/II positions, Range 20/24 of the District's Salary Chart, to Conservation Analyst positions, placed at Range 30 of the District's Salary Chart and authorize a change to the District's current Organization Chart.

**8. Consider Contract for District Public Outreach and Communications Services with Thomas Brand Consulting for Fiscal Year 2016-2017**

On a motion by Clarke and second by Pendergrass, the committee voted 2 to 1 to recommend the Board approve a contract with Thomas Brand Consulting for outreach services for the current fiscal year. Lewis was opposed.

**9. Consider Contract for Pure Water Monterey Project Management, Public Outreach and Communication Services with Thomas Brand Consulting for Fiscal Year 2016-2017**

On a motion by Clarke and second by Pendergrass, the committee voted 2 to 1 to recommend the Board approve a contract with Thomas Brand Consulting for project management, outreach and communication services for the current fiscal year. Lewis was opposed.

**10. Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project**

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board accept the Semi-Annual Financial Report on the CAWD/PBCSD Wastewater Reclamation Project.

**11. Consider Adoption of Treasurer’s Report for May 2016**

On a motion by Lewis and second by Clarke, the committee voted 3 to 0 to recommend the Board adopt the May 2016 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month.

**Other Business**

**12. Review Draft July 18, 2016 Board Meeting Agenda**

A revised agenda was submitted to the committee for review. No changes were made by the committee.

**Adjournment**

The meeting was adjourned at 4:25 PM.

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**EXHIBIT 14-B**

**FINAL MINUTES**  
**Water Demand Committee of the**  
**Monterey Peninsula Water Management District**  
*April 7, 2016*

**Call to Order**

The meeting was called to order at 3:10 am in the MPWMD conference room.

**Committee members present:** Molly Evans, Chair  
 Jeanne Byrne  
 Andy Clarke

**Committee members absent:** None

**Staff members present:** David Stoldt, General Manager  
 Stephanie Locke, Water Demand Division Manager  
 Arlene Tavani, Executive Assistant

**District Counsel present:** David Laredo

**Comments from the Public:** No comments.

**Action Items**

**1. Consider Development of a Recommendation to the Board on First Reading of Ordinance No. 170 – Amending Rules 11, 20, 21, 22, 23, 24, 25.5 and 142**

On a motion by Byrne and second of Clarke, the committee recommended that the Board of Directors adopt the first reading of Ordinance No. 170. The motion was approved on a vote of 3 – 0 by Byrne, Clarke and Evans. No comments were directed to the committee during the public comment period.

**2. Provide Direction on Permitting of Group II Uses**

Locke recommended that when funding is available, the District should contract with a consultant to develop a statistical analysis of restaurant water use to determine appropriate factors for different types of food service vendors. The committee discussed that suggestion and agreed to table the issue. Staff will estimate the cost to contract with a consultant and bring the information back to the committee at a future meeting.

**3. Consider Authorization of Expenditure to Complete Rainwater Harvesting Demonstration Project at District Office**

On a motion by Byrne and second of Clarke, the committee recommended that the Board of Directors approve an expenditure of \$2,500 to install two redwood planter boxes. The motion was approved on a vote of 3 – 0 by Byrne, Clarke and Evans. No comments were

directed to the committee during the public comment period.

#### **Discussion Items**

#### **4. Discuss Development of Ordinance to Incorporate Model Water Efficient Landscape Ordinance (MWELO) into District Rules**

Locke's presentation can be viewed on the Water Management District website and at the agency office. The committee discussed the MWELO and requested that a new ordinance should clarify the triggers – the actions that prompt compliance with the new regulations. Staff stated that the clarifications would be based on the Water Management District's interpretation of the MWELO. Staff would also develop a simple Frequently Asked questions list for members of the public that would help them understand the MWELO.

**Other Items:** Stoldt advised the committee that neighbors of a property have complained because they believe that a house in the neighborhood contained water fixtures that were added fraudulently to increase water credits at the site. District Counsel advised that if there is no data that corroborates the allegations, no action can be taken.

**Set Next Meeting Date:** The next meeting is scheduled for May 23, 2016 at 3:30 pm.

#### **Adjournment**

The meeting was adjourned at 4:05 pm.

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**EXHIBIT 14-C**

**FINAL MINUTES**  
**Water Demand Committee of the**  
**Monterey Peninsula Water Management District**  
*March 2, 2016*

**Call to Order**

The meeting was called to order at 3:05 pm in the MPWMD conference room.

**Committee members present:** Molly Evans, Chair  
 Jeanne Byrne  
 Andy Clarke

**Committee members absent:** None

**Staff members present:** David Stoldt, General Manager  
 Stephanie Locke, Water Demand Division Manager  
 Arlene Tavani, Executive Assistant

**District Counsel present:** David Laredo

**Comments from the Public:** No comments.

**Action Items**

**1. Develop Recommendation to the Board on First Reading of Ordinance No. 170 – Amending Rules 11, 20, 21, 22, 23, 24, 25.5 and 142**

On a motion by Byrne and second of Clarke, the committee recommended that the Board consider the first reading of Ordinance No. 170 with the following amendments. (a) The title of Section 8 must be replaced. (b) Section 8 (4), remove proposed new language. (c) Section 10, 25.5-A, clarify language to state that credit from one parcel that is subdivided can be assigned to the specific sub-parcels when parcel numbers are assigned to them. (d) The Rules and Regulations should state that a recirculating pump is required when some types of instant access hot water systems are installed. The motion was approved on a vote of 3 – 0 by Evans, Byrne and Clarke. No comments were directed to the committee during the public comment period on this item.

David Laredo exited from the meeting at 4:04 pm.

**Discussion Items**

**2. Discuss Table 2: Non-Residential Water Use Factors – Group II Uses**

Stoldt described the water use factors that are assigned for different types of food service establishments. District staff have observed that there are situations where Group I and II low-water use businesses such as wine tasting rooms, delis and bakeries have expanded to

full service restaurants in violation of the original water permit. The committee discussed how to address this issue, and decided that more research should be done before a final determination could be reached.

**Other Items:** No discussion.

**Set Next Meeting Date:** The next meeting is scheduled for April 7, 2016 at 9 am.

**Adjournment**

The meeting was adjourned at 4:40 pm.

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**EXHIBIT 14-D**

**FINAL MINUTES**  
**Water Demand Committee of the**  
**Monterey Peninsula Water Management District**  
*January 25, 2016*

**Call to Order**

The meeting was called to order at 4:07 pm in the MPWMD conference room.

**Committee members present:** Jeanne Byrne  
 Andy Clarke

**Committee members absent:** Brenda Lewis

**Staff members present:** David Stoldt, General Manager  
 Stephanie Locke, Water Demand Division Manager  
 Arlene Tavani, Executive Assistant

**Comments from the Public:** No comments.

**Action Items**

- 1. Develop Recommendation to the Board on First Reading of Ordinance No. 169 An Ordinance of the Board of Directors of the Monterey Peninsula Water Management District Repealing Regulation XV, the Expanded Water Conservation and Standby Rationing Plan, and Replacing it with Regulation XV, the Monterey Peninsula Water Conservation and Rationing Plan**

On a motion by Clarke and second of Byrne, the committee recommended that the First Reading of Ordinance No. 169 be referred to the Board with the corrections discussed. The motion was approved on a vote of 2 – 0 by Clarke and Byrne. Lewis was absent. No comments were directed to the committee during the public comment period on this item.

The committee members reviewed the ordinance, and staff responded to questions. Minor corrections to the ordinance were suggested. Stoldt advised the committee that the District conducted community workshops regarding this ordinance for residential and non-residential water users. In addition the Board of Directors' public hearing on the first reading of the ordinance has been noticed through the District's Facebook page. The Water Management District also participated in California American Water's hearings on the proposed regulation related to rate setting.

**Discussion Items** – A question was raised about the need to continue requiring deed restrictions for installation of ultra-low-flow toilets, considering that the State of California has new standards. Staff planned to review the issue and report back to the committee.

**Other Items:** No discussion.

**Set Next Meeting Date:** The next meeting is scheduled for March 2, 2016 at 3 pm.

**Adjournment**

The meeting was adjourned at 4:45 pm.

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**EXHIBIT 14-E**

**FINAL MINUTES**  
**Water Demand Committee of the**  
**Monterey Peninsula Water Management District**  
*November 4, 2015*

**Call to Order**

The meeting was called to order at 1:35 pm in the MPWMD conference room.

**Committee members present:** Kristi Markey, Chair  
 Jeanne Byrne

**Committee members absent:** Brenda Lewis

**Staff members present:** David Stoldt, General Manager  
 Stephanie Locke, Water Demand Division Manager  
 Arlene Tavani, Executive Assistant

**Comments from the Public:** No comments.

**Action Items**

1. **Consider Adoption of September 23, 2015 Committee Meeting Minutes**  
On a motion by Byrne and second of Markey, the minutes were adopted unanimously on a vote of 2 – 0 by Byrne and Markey.
  
2. **Consider Lawn Removal Rebate Request from Monterey Peninsula Unified School District for Four School Sites**  
On a motion by Byrne and second of Markey, the committee recommended that the Board of Directors authorize a rebate of \$56,642 from funds set aside for projects in the California American Water service area. The motion was adopted unanimously on a vote of 2 – 0 by Byrne and Markey.

During the public comment period on this item, David Chandler, Coordinator of Renewable Energy and Conservation for Monterey Peninsula Unified School District, addressed the committee. He stated that funds received from the Water Management District in 2014 resulted in the implementation of conservation measures that have reduced water use district-wide by 52%. The budgetary savings will be placed into a water conservation fund to pay for additional conservation projects. He requested that the Board authorize the requested rebate.

**Discussion Items**

3. **Update on State and County Regulations re Use of Residential Greywater**  
 Locke presented handouts: (a) List of Monterey County regulations re residential

greywater use; (b) press release on the Nexus eWater system a home system for greywater treatment; and (c) information on American National Standards for residential and commercial wastewater and greywater treatment systems. The committee reviewed the documents presented. Locke noted that Monterey County adopted the California State regulations.

**4. Update on Draft Water Conservation and Rationing Plan**

Locke advised the committee that public meetings to discuss the draft plan have been scheduled for December 1, 2015. The first session is tentatively scheduled from 8:30 am to 10 am at Casa Munras in Monterey and will be focused on commercial water users. The second session is set from 3 pm to 5 pm at the Monterey Public Library and is intended for residential water users. The draft plan will be sent out to commercial representatives two weeks prior to the meeting. The meetings will be publicized. Locke noted that the first reading of an ordinance to establish the plan is scheduled for December 14, 2015. The ordinance must be adopted before the end of February 2016 in order to be included in the California-American Water rate setting process. There are issues that need to be resolved: (a) Cal-Am places separately-metered apartments and condos in the same category as a single-family dwelling; therefore, Cal-Am's estimate of multi-family customers may not be accurate. (b) Should commercial water users that have implemented Best Management Practices be exempt from additional water reductions. For example, should reductions be required from an office building that is fully retrofitted and the only water use is for restrooms.

**Other Items:** No discussion.

**Set Next Meeting Date:** The next meeting will be scheduled as needed.

**Adjournment**

The meeting was adjourned at 2 pm.

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**ITEM: INFORMATIONAL ITEM/STAFF REPORTS****15. MONTHLY ALLOCATION REPORT**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program:</b>	<b>N/A</b>
		<b>Line Item No.:</b>	
<b>Prepared By:</b>	<b>Gabriela Ayala</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**General Counsel Review:** N/A  
**Committee Recommendation:** N/A  
**CEQA Compliance:** N/A

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**SUMMARY:** As of July 31, 2016, a total of **25.830** acre-feet (**7.5%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **35.561** acre-feet is available to the Jurisdictions, and **30.384** acre-feet is available as public water credits.

**Exhibit 15-A** shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in July 2016 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in July 2016.

**Exhibit 15-A** also shows additional water available to each of the Jurisdictions and the information regarding the Community Hospital of the Monterey Peninsula (Holman Highway Facility). Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 15-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement.

**BACKGROUND:** The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 15-C**.

**EXHIBITS**

- 15-A** Monthly Allocation Report
- 15-B** Monthly Entitlement Report
- 15-C** District’s Water Allocation Program Ordinances

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**EXHIBIT 15-A**

**MONTHLY ALLOCATION REPORT  
Reported in Acre-Feet  
For the month of July 2016**

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Credits	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
<b>Airport District</b>	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
<b>Carmel-by-the-Sea</b>	19.410	0.000	1.397	1.081	0.000	1.081	0.910	0.000	0.182	2.660
<b>Del Rey Oaks</b>	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
<b>Monterey</b>	76.320	0.000	0.203	50.659	0.000	0.030	38.121	0.000	3.661	3.894
<b>Monterey County</b>	87.710	0.000	10.284	13.080	0.000	0.000	7.827	0.000	1.891	12.175
<b>Pacific Grove</b>	25.770	0.000	0.000	1.410	0.000	0.012	15.874	0.000	0.133	0.145
<b>Sand City</b>	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
<b>Seaside</b>	65.450	0.000	8.749	34.438	0.000	34.438	2.693	0.000	1.144	44.331
<b>TOTALS</b>	<b>342.720</b>	<b>0.000</b>	<b>25.830</b>	<b>101.946</b>	<b>0.000</b>	<b>35.561</b>	<b>90.142</b>	<b>0.000</b>	<b>30.384</b>	<b>91.775</b>

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
<b>Quail Meadows</b>	33.000	0.000	32.237	0.763
<b>Water West</b>	12.760	0.053	9.039	3.721

\* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

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**EXHIBIT 15-B**

**MONTHLY ALLOCATION REPORT  
ENTITLEMENTS  
Reported in Acre-Feet  
For the month of July 2016**

**Recycled Water Project Entitlements**

<b>Entitlement Holder</b>	<b>Entitlement</b>	<b>Changes this Month</b>	<b>Total Demand from Water Permits Issued</b>	<b>Remaining Entitlement/and Water Use Permits Available</b>
<b>Pebble Beach Co. <sup>1</sup></b>	237.560	0.100	25.994	211.566
<b>Del Monte Forest Benefited Properties <sup>2</sup> (Pursuant to Ord No. 109)</b>	127.440	0.137	43.710	83.730
<b>Macomber Estates</b>	10.000	0.000	9.595	0.405
<b>Griffin Trust</b>	5.000	0.000	4.809	0.191
<b>CAWD/PBCSD Project Totals</b>	<b>380.000</b>	<b>0.237</b>	<b>84.108</b>	<b>295.892</b>

<b>Entitlement Holder</b>	<b>Entitlement</b>	<b>Changes this Month</b>	<b>Total Demand from Water Permits Issued</b>	<b>Remaining Entitlement/and Water Use Permits Available</b>
<b>City of Sand City</b>	165.000	0.378	2.999	162.001
<b>Malpas Water Company</b>	80.000	0.096	0.416	79.584
<b>D.B.O. Development No. 30</b>	13.95	0.000	0.000	13.95
<b>City of Pacific Grove</b>	66.000	0.000	0.000	66.000

Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

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**EXHIBIT 15-C**

**District's Water Allocation Program Ordinances**

**Ordinance No. 1** was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

**Ordinance No. 52** was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

**Ordinance No. 70** was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

**Ordinance No. 73** was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

**Ordinance No. 74** was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

**Ordinance No. 75** was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

**Ordinance No. 83** was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

**Ordinance No. 87** was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

**Ordinance No. 90** was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

**Ordinance No. 91** was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

**Ordinance No. 90 and No. 91** were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

**Ordinance No. 109** was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

**Ordinance No. 132** was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

**Ordinance No. 165** was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

**Ordinance No. 166** was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

**Ordinance No. 168** was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.



**ITEM: INFORMATIONAL ITEM/STAFF REPORTS****16. WATER CONSERVATION PROGRAM REPORT**

<b>Meeting Date:</b>	<b>August 15, 2016</b>	<b>Budgeted:</b>	<b>N/A</b>
<b>From:</b>	<b>David J. Stoldt, General Manager</b>	<b>Program/ Line Item No.:</b>	<b>N/A</b>
<b>Prepared By:</b>	<b>Kyle Smith</b>	<b>Cost Estimate:</b>	<b>N/A</b>

**Committee Recommendation: N/A****CEQA Compliance: N/A**

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**I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM**

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 2.2 gpm faucet aerators, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is often conducted to verify compliance.

**A. Changes of Ownership**

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is entered into the database and compared against the properties that have submitted WCCs. Details on **135** property transfers that occurred in July 2016 were entered into the database.

**B. Certification**

The District received **31** WCCs between July 1, 2016, and July 31, 2016. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

**C. Verification**

In July, **66** properties were verified to be in compliance with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **83** inspections, **39** properties verified compliance by submitting certification forms and/or receipts. District staff completed **44** site inspections. Of the **44** properties inspected **27 (61%)** were in compliance. **One** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards.

District inspectors are tracking toilet replacement with High Efficiency Toilets (HET) in place of ULF toilets. These retrofits are occurring in remodels and new construction, and are the toilet of choice for Rule 144 compliance. State law mandated the sale and installation of HET by January 1, 2014, with a phase-in period that began in 2010. The majority of toilets sold in California are HET.

Savings Estimate Water savings from HET retrofits triggered by Rule 144 verified in July 2016 are estimated at **0.150** acre-feet annually (AFA). Water savings from retrofits that exceeded requirements (i.e., HETs to Ultra High Efficiency Toilets) is estimated at **0.150**

AFA (15 toilets). Year-to-date estimated savings occurring as a result of toilet retrofits is **7.690** AFA.

D. CII Compliance with Water Efficiency Standards

Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are being sent notification of the requirements and a date that inspectors will be on site to check the property. This month, District inspectors performed **38** inspections. Of the **38** inspections certified, **19 (50%)** were in compliance. **Four** of the properties that passed inspection involved more than one visit to verify compliance with all water efficiency standards; the remainder complied without a reinspection.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate non-residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses, however, properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During July 2016, MPWMD referred **14** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

In response to the State's drought emergency conservation regulation effective June 1, 2016, the District has increased its Water Waste enforcement. The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waster occurrences at [www.mpwmd.net](http://www.mpwmd.net) or [www.montereywaterinfo.org](http://www.montereywaterinfo.org). There were **six** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

## II. WATER DEMAND MANAGEMENT

A. Permit Processing

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **85** Water Permits in July 2016. **Six** Water Permits were issued using Water Entitlements (Macomber, Pebble Beach Company, Griffin Estates, etc). No Water Permit involved a debit to a Public Water Credit Account.

All Water Permits have a disclaimer informing applicants of the Cease and Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water. All Water Permit recipients with property supplied by a California American Water Distribution System will continue to be provided with the disclaimer.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Single-Family Dwelling on a Single-Family Residential Site. Of the **85** Water Permits issued in July, **four** were issued under this provision.

B. Permit Compliance

District staff completed **54** Water Permit final inspections during July 2016. **Eight** of the final inspections failed due to unpermitted fixtures. Of the **34** properties that were in compliance, **18**

passed on the first visit. In addition, **five** pre-inspection were conducted in response to Water Permit applications received by the District.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a policy regarding the processing of deed restrictions. In the month of July, the District prepared **83** deed restrictions. Of the **85** Water Permits issued in July, **53 (62%)** required deed restrictions. District staff provided Notary services for **73** Water Permits with deed restrictions.

**III. JOINT MPWMD/CAW REBATE PROGRAM**

Participation in the rebate program is detailed in the following chart. The table below indicates the program summary for Rebates for California American Water Company customers.

<b>REBATE PROGRAM SUMMARY</b>		July-2016				2016 YTD	1997 - Present	
I.	<u>Application Summary</u>							
A.	Applications Received	122				1231	22,066	
B.	Applications Approved	91				978	17,333	
C.	Single Family Applications	108				1140	19,877	
D.	Multi-Family Applications	11				58	1,105	
E.	Non-Residential Applications	3				33	285	
		Number of devices	Rebate Paid	Estimated AF	Gallons Saved	YTD Quantity	YTD Paid	YTD Est AF
II.	<u>Type of Devices Rebated</u>							
A.	High Efficiency Toilet (HET)	18	1765.00	0.751464	244,865	123	12,189.00	5.135004
B.	Ultra Low Flush to HET	33	3267.00	0.330000	107,531	240	23,624.57	2.4
C.	Ultra HET	15	2239.00	0.150000	48,878	163	24,006.80	1.63
D.	Toilet Flapper	2	17.25	0.000000	0	2	17.25	0
E.	High Efficiency Dishwasher	2	250.00	0.006000	1,955	112	14,000.00	0.336
F.	High Efficiency Clothes Washer	36	19999.99	0.981672	319,879	350	176,444.64	6.037072
G.	Instant-Access Hot Water System	0	0.00	0.000000	0	20	3,701.00	0
H.	On Demand Systems	0	0.00	0.000000	0	5	500.00	0
I.	Zero Use Urinals	0	0.00	0.000000	0	0	0.00	0
J.	High Efficiency Urinals	0	0.00	0.000000	0	0	0.00	0
K.	Pint Urinals	0	0.00	0.000000	0	0	0.00	0
L.	Cisterns	4	8437.50	0.000000	0	45	55,913.50	0
M.	Smart Controllers	2	194.12	0.000000	0	5	664.12	0
N.	Rotating Sprinkler Nozzles	0	0.00	0.000000	0	0	0.00	0
O.	Moisture Sensors	0	0.00	0.000000	0	0	0.00	0
P.	Lawn Removal & Replacement	1	710.00	0.058220	18,971	20	24,547.00	2.198174
Q.	Graywater	0	0.00	0.000000	0	0	0.00	0
R.	Ice Machines	0	0.00	0.000000	0	0	0.00	0
III.	<u>Totals: Month; AF; Gallons; YTD</u>	113	36879.86	2.277356	742,079	1085	335,607.88	17.73625
						2016 YTD	1997 - Present	
IV.	<u>Total Rebated: YTD; Program</u>					335,607.88	5,229,900.94	
V.	<u>Estimated Water Savings in Acre-Feet Annually*</u>					17.736250	502.473215	

\* Retrofit savings are estimated at 0.041748 AF/HET; 0.01 AF/UHET; 0.01 AF/ULF to HET; 0.003 AF/dishwasher; 0.0161 AF/residential washer; 0.0082 AF/100 square feet of lawn removal.

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**ITEM: INFORMATIONAL ITEMS/STAFF REPORTS****17. CARMEL RIVER FISHERY REPORT FOR JULY 2016****Meeting Date:** August 15, 2016 **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager **Program/** N/A  
**Line Item No.:****Prepared By:** Beverly Chaney **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

**AQUATIC HABITAT AND FLOW CONDITIONS:** July's flow conditions in the lower Carmel River were poor for migration and generally poor for rearing for all steelhead life stages. Rearing conditions in the upper watershed were fair.

Mean daily streamflow at the Sleepy Hollow Weir dropped from 9.5 to 6.2 cubic feet-per-second (cfs) (monthly mean 7.3 cfs) resulting in 221 acre-feet (AF) of runoff, while flows at the Highway 1 gage dropped from 1.1 to 0.0 cfs (dry on July 14) (monthly mean 0.3 cfs), resulting in 17 acre-feet (AF) of runoff.

No July rainfall was recorded at Cal-Am's San Clemente gauge. The rainfall total to date for WY 2016 (which started on October 1, 2015) is 22.25 inches, or 106% of the long-term year-to-date average of 20.94 inches.

**CARMEL RIVER LAGOON:** July water surface elevations (WSE) dropped from approximately 7.6 to 6.3 feet above mean-sea-level (see graph below).

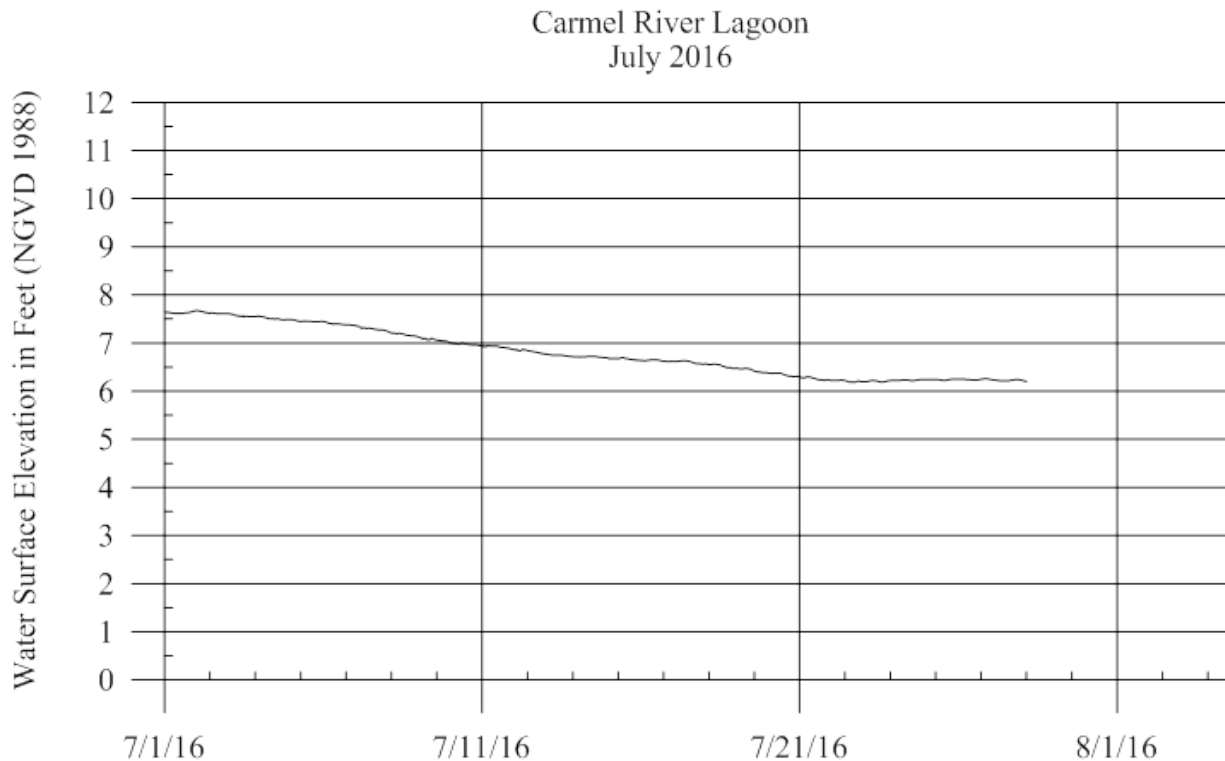
Water-quality profiles were conducted in mid-July at five lagoon sites. Water conditions in the main body, north, and lower south arms were generally "fair" for steelhead rearing, down to two meters depth, with water temperatures between 66 and 69 degrees Fahrenheit, dissolved oxygen (DO) ranging from 1 - 14 mg/L, and low salinity levels between 1 - 2 parts per thousand (ppt). Water quality below 2.0 m was generally "poor" at all locations with lower DO and higher temperatures.

**STEELHEAD RESCUES:** Summer steelhead rescues started on June 13, 2016 in the main-stem. By the end of July, 628 fish had been rescued, including 408 young-of-the-year (YOY), 107 age 1+ year juveniles (1+), 107 age 2+ year residents (2+). There were six mortalities (0.95%). Of the 628 rescued fish, 239 were from the drying and isolated plunge pool below Los Padres Dam. They were released back into the river ~100m downstream.

Rescues were conducted on the lower sections of three tributaries in late May/early June. A total of 245 fish were captured and released into the Carmel River near the confluences. Hitchcock

Creek – 175 fish (mostly YOY); Robinson Canyon Cr. – 0 fish; Garzas Cr. – 70 fish (mix of YOY and 1+ fish). There were also two mortalities (0.82%)

**SLEEPY HOLLOW STEELHEAD REARING FACILITY:** The first rescued fish were brought to the Facility on June 13, 2016. Through the end of July there were 380 steelhead at the Facility including 6 small YOY, 258 medium YOY/1+, and 116 large 2+ fish in the Facility. There were also three mortalities (0.78%).



**ITEM: INFORMATIONAL ITEMS/STAFF REPORTS****18. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT**

**Meeting Date:** August 15, 2016                      **Budgeted:** N/A

**From:** Dave Stoldt,  
General Manager                      **Program/  
Line Item No.:** N/A

**Prepared By:** Thomas Christensen and  
Larry Hampson                      **Cost Estimate:** N/A

**General Counsel Review:** N/A

**Committee Recommendation:** N/A

**CEQA Compliance:** N/A

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**IRRIGATION OF RIPARIAN VEGETATION:** The supplemental watering of riparian restoration plantings has resumed for the summer season in 2016 at six Monterey Peninsula Water Management District (District) riparian habitat restoration sites. The following irrigation systems were in use April through June: deDampierre, Trail and Saddle Club, Begonia, Schulte, Valley Hills, and Schulte Bridge.

**Water Use in Acre-Feet (AF)**  
(preliminary values subject to revision)

January - March 2016	0.0 AF
April - June 2016	<u>1.64</u>
Year-to-date	1.64 AF

**MONITORING OF RIPARIAN VEGETATION:** During June 2016, staff recorded bi-monthly observations of canopy vigor on target willow and cottonwood trees to provide an indication of plant water stress and corresponding soil moisture levels. Four locations (Rancho Cañada, San Carlos, Valley Hills, and Schulte) are monitored bi-monthly for canopy ratings based on a scale from one to ten. This scale evaluates characteristics such as yellowing leaves and percentages of defoliation (see scale on **Exhibit 18-A**). A total of 12 willows and 12 cottonwoods at these locations provide a data set of established and planted sample trees that are representative of trees in the Carmel River riparian corridor. Combined with monthly readings from the District's array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the California American Water service area, the District's monitoring provides insight into the status of soil moisture through the riparian corridor.

Current monitoring results for the 2016 monitoring season to date show that riparian vegetation is below threshold stress levels. At present, the river is drying back. However, there has been adequate soil moisture for the first part of summer to sustain the riparian corridor. The graph in **Exhibit 18-A** shows average canopy ratings for willows and cottonwoods in selected restoration

sites in lower Carmel Valley. The graph in **Exhibit 18-B** shows impacts to water table elevations.

The types of monitoring measurements made during May and June 2016 are as follows:

**Monitoring Measurement**

Canopy ratings	(See <b>Exhibit 18-A</b> for trends.)
Groundwater levels (monitoring wells)	(See <b>Exhibit 18-B</b> for trends.)
Groundwater pumping (production wells)	

**OTHER TASKS PERFORMED SINCE THE APRIL 2015 QUARTERLY REPORT:**

- 1. Carmel River Vegetation Management Project Notification:** On April 15, 2016, District staff notified the U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board of thirteen sites that are scheduled for vegetation management activities this fall. A total of approximately 2000 square feet of stream encompassing approximately 0.05 acres in the channel bottom will be affected by this year's project. The goal of the vegetation management activities is to reduce the risk of streambank erosion along riverfront properties where vegetation encroachment could potentially divert river flows into streambanks during high flow periods.
- 2. Riparian Irrigation Tune-up:** District staff (Mark Bekker and Matt Lyons) have been tuning up multiple irrigation systems along the Carmel River that are designed to offset impacts associated with groundwater extraction. Tune-ups include replacement of clogged emitters, leak repair, and trouble shooting well pumps and pressure tanks.
- 3. Public Outreach and Education:** On April 8, 2016, District staff (Christensen) gave a presentation to students of Chartwell High School in Seaside on the current state of water supply planning for the Monterey Peninsula. Highlights included discussion on the Monterey Peninsula Water Resource System, Aquifer Storage and Recovery, and elements of the District's Mitigation Program.
- 4. Los Padres Dam Fish Passage Study:** The District entered into a contract with HDR, Inc. to carry out a feasibility study of installing upstream passage facilities for steelhead at Los Padres Dam. Regular teleconference meetings have been held between CDFW, NMFS, Cal-Am and MPWMD to start the study, which is due to be completed in late 2017. The study is anticipated to cost about \$280,000 and should result in at least one volitional passage alternative being presented in the final report. Efforts to develop the study will be coordinated with other tasks approved under an extension of the SWRCB CDO, including an evaluation of potential improvements to the existing trap and a study of steelhead behavior within Los Padres Reservoir.
- 5. Stormwater Resource Plan (SRP):** The Monterey Regional Water Pollution Control Agency recently announced that the SWRCB had approved a grant of more than \$300,000 to develop a plan to utilize storm water and dry weather runoff and create benefits such as increased



water supply, improved water quality and reduced flood risk. Part of the local match will be funded by the District with a local project grant to the City of Monterey to identify opportunities to recycle stormwater for potable and other uses. The geographical extent of the SRP encompasses the 347 square mile Monterey Peninsula, Carmel Bay, and South Monterey Bay (Monterey Peninsula) Integrated Regional Water Management (IRWM) planning region. It is anticipated that the SRP will be coordinated with similar efforts in other parts of northern Monterey County focused on the reuse of stormwater.

**6. Drought Contingency Plan and Salinas and Carmel Rivers Basin Study:** The U.S. Bureau of Reclamation issued a draft outline of a Plan of Study (POS) for the Basin Study and expects to have a final POS to the Basin Study partners by September. MPWMD, MCWRA, MRWPCA and the San Luis Obispo County Public Works Department (the Study partners) were awarded a \$950,000 grant to study the effects of global climate change on future water supplies. Reclamation is carefully coordinating the Plan of Study so as to avoid duplication of effort with the Drought Contingency Plan, also funded by Reclamation.

**7. Sleepy Hollow Steelhead Rearing Facility Upgrade:** The Consultant for the project (TetraTech, Inc.) completed a final draft Initial Study/Mitigated Negative Declaration for the project. The IS/MND will be reviewed by the State Coastal Conservancy for compliance with CEQA before being released for public review.

## **EXHIBITS**

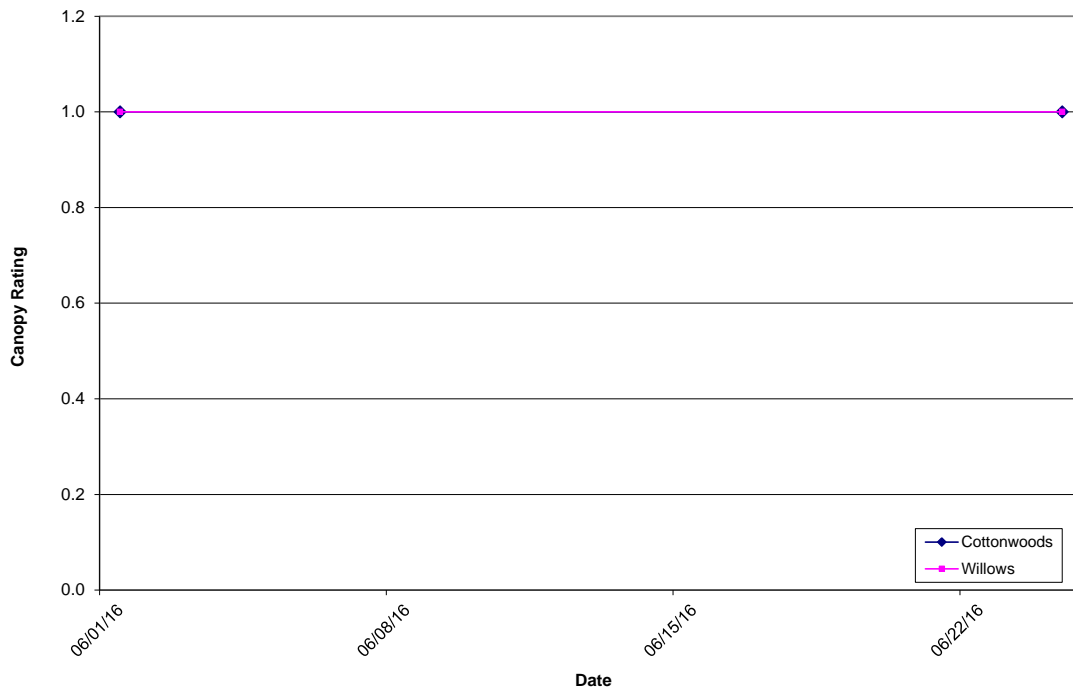
**18-A** Average Willow and Cottonwood Canopy Rating

**18-B** Depth to Groundwater

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**EXHIBIT 18-A**

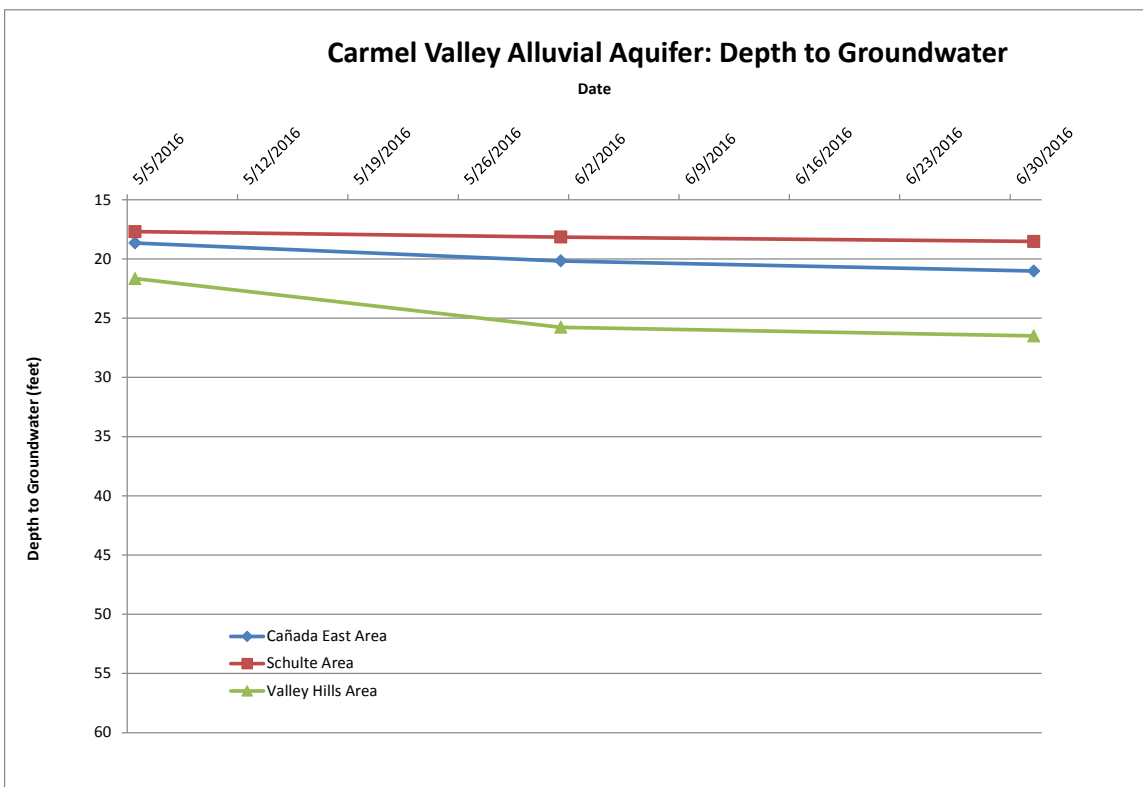
**Carmel River Riparian Vegetation:  
Average Canopy Rating for Cottonwoods and Willows**



Canopy Rating Scale		Stress Level
1=	Green, obviously vigorous	none, no irrigation required
2=	Some visible yellowing	low, occasional irrigation required
3=	Leaves mostly yellowing	moderate, regular irrigation required
4=	< 10% Defoliated	moderate, regular irrigation required
5=	Defoliated 10% to 30%	moderate, regular irrigation required
6=	Defoliated 30% to 50%	moderate to high, additional measures required
7=	Defoliated 50% to 70%	high stress, risk of mortality or canopy dieback
8=	Defoliated 70% to 90%	high stress, risk of mortality or canopy dieback
9=	> 90% Defoliated	high stress, risk of mortality or canopy dieback
10=	Dead	consider replanting

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**EXHIBIT 18-B**



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**ITEM: INFORMATIONAL ITEMS/STAFF REPORT****19. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT****Meeting Date:** August 15, 2016      **Budgeted:** N/A**From:** David J. Stoldt,  
General Manager      **Program/  
Line Item No.:** N/A**Prepared By:** Jonathan Lear      **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** N/A

**Exhibit 19-A** shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **August 1, 2016**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 19-A** is for Water Year (WY) 2016 and focuses on four factors: rainfall, runoff, storage, and steelhead. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at San Clemente Dam.

**Water Supply Status:** As shown, rainfall through **July** 2016 totaled **0.00 inches** and brings the cumulative rainfall total for WY 2016 to **22.25 inches**, which is **106%** of the long-term average through **July**. Estimated unimpaired runoff during **July** 2016 totaled **221 acre-feet (AF)** and brings the cumulative runoff total for WY 2016 to **44,637 AF**, which is **67%** of the long-term average through **July**. Usable storage, which includes surface and groundwater, was **30,020** or **103%** of the long-term average at the end of **July**. This storage equates to **80%** of system capacity.




**Production Compliance:** Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2009-0060, California American Water (Cal-Am) is allowed to produce no more than 9,703 AF of water from the Carmel River in WY 2016. In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 2,251AF of water from the Coastal Subareas and 48 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2016. Altogether, Cal-Am is currently allowed to produce 11,954 AF from Carmel River and Seaside Coastal sources for customers in its main Monterey system and 48 AF from the Laguna Seca Subarea for customers in Ryan Ranch, Hidden Hills, and Bishop Systems (not adjusted for Sand City Desalination). For WY 2016 through **July**, Cal-Am has produced **8,009 AF** from the Carmel River (including ASR and Table 13), and Seaside Basin. This water production is **1,603 AF** or **16.7 % less** than the target specified for Cal-Am's production from the MPWRS for WY 2016 to date. Cal-Am has produced **7,727 AF** for customer use through **July**. A breakdown of Cal-Am's production for WY 2016 is included as **Exhibit 19-B**. For WY 2016 through **July**, **699 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **304 AF** have been recovered for customer use and **137 AF** have been diverted under Table 13. **Exhibit 19-C** shows production breakdown from all sources for all uses. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

**EXHIBITS****19-A** Water Supply Status: **August 1, 2016****19-B** Monthly Cal-Am Diversions from Carmel River and Seaside Groundwater Basins: Water Year 2016**19-C** Monthly Cal-Am production by source: WY 2016

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**EXHIBIT 19-A**

Monterey Peninsula Water Management District Water Supply Status August 1, 2016					
Factor	Water Year 2016 Oct - Jul	Average To Date	Percent of Average	Water Year 2015 Oct - Jul	
	<b>Rainfall</b> (Inches)	22.25	20.94	106%	15.99
	<b>Runoff</b> (Acre-Feet)	44,637	67,061	67%	22,209
	<b>Storage</b> (Acre-Feet)	30,020	29,020	103%	27,340

**Notes:**

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.1 inches and 67,442 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the San Clemente Dam site are based on records for the 1922-2015 and 1902-2015 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2015 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum usable storage capacity for the MPWRS at this time, with the flashboard in at Los Padres Dam and no capacity at San Clemente Dam, is 37,639 acre-feet.

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## Production vs. CDO and Adjudication to Date: WY 2016

(All values in Acre-Feet)

Year-to-Date Values	Carmel River Basin <sup>2</sup>	Seaside Groundwater Basin		Water Rights and Projects <sup>7</sup>			MPWRS Total	Percent Below Target
		Coastal	Laguna Seca	ASR Recovery	Table 13	Sand City <sup>3</sup>		
Target	7,396	1,401	38	300	227	250	9,612	<b>16.7%</b>
Actual <sup>4</sup>	6,689	1,069	251	304	137	113	8,009	
Difference	707	332	-213	-4	91	137	1,603	

1. This table is current through the last populated month of the table below.
2. For CDO compliance, ASR and Table 13 diversions are included in River production per State Board.
3. Sand City Desal is not part of the MPWRS production and is tracked as a new source.
4. To date, 699 AF and 137 AF have been produced from the River for ASR and Table 13 respectively.

## Monthly Production from all Sources for Customer Service: WY 2016

(All values in Acre-Feet)

	Carmel River	Seaside Basin	ASR Recovery	Table 13	Sand City	Total
Oct-15	568	288	0	0	11	867
Nov-15	479	187	0	0	0	666
Dec-15	527	117	0	0	0	644
Jan-16	495	87	0	42	2	627
Feb-16	606	44	0	10	5	664
Mar-16	427	139	0	81	15	662
Apr-16	698	54	0	3	28	783
May-16	761	98	0	0	22	881
Jun-16	614	165	149	0	20	948
Jul-16	680	141	155	0	9	986
Aug-16						
Sep-16						
<b>Total</b>	<b>5,854</b>	<b>1,319</b>	<b>304</b>	<b>137</b>	<b>113</b>	<b>7,727</b>

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

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**EXHIBIT 19-C**

**California American Water Production by Source: Water Year 2016**

	Carmel Valley Wells <sup>1</sup>						Seaside Wells <sup>2</sup>						Total Wells			Sand City Desal		
	Actual		Anticipated <sup>3</sup>		Under Target		Actual		Anticipated		Under Target		Actual	Anticipated	Acre-Foot Under Target	Actual	Anticipated	Under Target
	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Upper acre-feet	Lower acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	Coastal acre-feet	LagunaSeca acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet	acre-feet
Oct-15	0	568	0	568	0	0	258	31	400	5	142	-26	856	973	117	11	25	14
Nov-15	0	479	0	479	0	0	166	21	300	3	134	-18	665	782	116	0	25	25
Dec-15	0	527	35	637	35	110	97	20	100	3	3	-17	644	775	131	0	25	25
Jan-16	85	662	0	725	-85	63	69	19	100	3	31	-16	835	828	-7	2	25	23
Feb-16	53	622	0	926	-53	304	25	19	100	2	75	-17	719	1,028	309	5	25	20
Mar-16	154	731	0	1,011	-154	280	119	19	100	3	-19	-16	1024	1,114	90	15	25	10
Apr-16	24	729	0	994	-24	265	29	25	0	3	-29	-22	807	997	190	28	25	-3
May-16	24	736	0	1,191	-24	455	68	30	0	5	-68	-25	859	1,196	337	22	25	3
Jun-16	0	614	0	959	0	345	282	33	150	5	-132	-28	928	1,114	186	20	25	5
Jul-16	0	680	0	1,027	0	347	261	35	300	6	39	-29	976	1,333	357	9	25	16
Aug-16																		
Sep-16																		
<b>To Date</b>	<b>342</b>	<b>6,348</b>	<b>35</b>	<b>8,516</b>	<b>-307</b>	<b>2,168</b>	<b>1,373</b>	<b>251</b>	<b>1,550</b>	<b>38</b>	<b>177</b>	<b>-213</b>	<b>8,313</b>	<b>10,139</b>	<b>1,826</b>	<b>113</b>	<b>250</b>	<b>137</b>

**Total Production: Water Year 2016**

	Actual	Anticipated	Acre-Foot Under Target
Oct-15	867	998	131
Nov-15	666	807	141
Dec-15	644	800	156
Jan-16	837	853	16
Feb-16	723	1,053	329
Mar-16	1,039	1,139	100
Apr-16	835	1,022	187
May-16	881	1,221	340
Jun-16	948	1,139	191
Jul-16	986	1,358	372
Aug-16			
Sep-16			
<b>To Date</b>	<b>8,426</b>	<b>10,389</b>	<b>1,963</b>

1. Carmel Valley Wells include upper and lower valley wells. Anticipate production from this source includes monthly production volumes associated with SBO 2009-60, 20808A, and 20808C water rights. Under these water rights, water produced from the Carmel Valley wells is delivered to customers or injected into the Seaside Groundwater Basin for storage.

2. Seaside wells anticipated production is associated with pumping native Seaside Groundwater (which is regulated by the Seaside Groundwater Basin Ajudication Decision) and recovery of stored ASR water (which is prescribed in a MOA between MPWMD, Cal-Am, California Department of Fish and Game, National Marine Fisheries Service, and as regulated by 20808C water right).

3. Current "anticipated" water budget reflects "Normal" Carmel River inflow conditions and monthly distribution of production based on long-term averages for the Cal-Am system.



# Supplement to 8/15/16 MPWMD Board Packet

Attached are copies of letters received between July 9, 2016 and August 8, 2016. These letters are listed in the August 15, 2016 Board packet under Letters Received.

Author	Addressee	Date	Topic
Julie A. Vance	David J. Stoldt	8/1/2016	Draft Settlement Agreement for Water Right Applications 32263A, 32263B and 32263C
Charles Cech	MPWMD Board	7/19/2016	Monterey Pipeline Project Issues and Alternatives
Hugh H. Hardin	David J. Stoldt	7/15/2016	Regional Water Solutions
David Pendergrass	Copy – David Stoldt	7/8/2016	Preliminary Draft Recommendation re Cease and Desist Order

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



August 1, 2016

Paul Sciuto  
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David Stoldt  
General Manager  
Monterey Peninsula Water Management District  
Post Office Box 85  
Monterey, California 93942-0085  
dstoldt@mpwmd.net

**Subject: Draft Settlement Agreement for Water Right Applications 32263A, 32263B, and 32263C**

Dear Messrs. Sciuto, Chardavoyne, and Stoldt:

The California Department of Fish and Wildlife (Department) has completed a draft of the Settlement Agreement (enclosed) for the above referenced Water Right Applications. The Department is awaiting feedback from the National Marine Fisheries Service regarding the definition of "dry or drought conditions" as related to the proposed Blanco Drain diversion, per the suggestion of the State Water Resources Control Board. Proposed additions or changes to the draft Settlement Agreement resulting from this consultation will be shared when available.

Please read the agreement carefully and contact Annette Tenneboe, Senior Environmental Scientist (Specialist), with any questions or concerns. She may be reached at (559) 243-4014, extension 231, or [annette.tenneboe@wildlife.ca.gov](mailto:annette.tenneboe@wildlife.ca.gov).

Sincerely,

  
for Julie A. Vance  
Regional Manager

Enclosure (1)

ec: See Page Two

RECEIVED  
AUG - 5 2016  
MPWMD



Paul Sciuto, Monterey Regional Water Pollution Control Agency  
David Chardavoyne, Monterey County Water Resources Agency  
David Stoldt, Monterey Peninsula Water Management District  
August 1, 2016  
Page 2

ec: Bill Kocher  
Monterey Regional Water Pollution Control Agency  
billk@mrwpca.com

Linda Connolly  
Annee Ferranti  
Mary Loum  
Dean Marston  
Annette Tenneboe  
California Department of Fish and Wildlife

INFO FOR ATTORNEYS FOR MCWRA, MPWMD, and MRWCA

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Attorney for Protestant California Department of Fish and Wildlife

BEFORE THE STATE WATER RESOURCES CONTROL BOARD  
OF THE STATE OF CALIFORNIA

In the Matter of Applications 32263A,	)	SETTLEMENT
32263B, and 32263C	)	AGREEMENT
	)	
MONTEREY COUNTY WATER RESOURCES AGENCY (Applicant),	)	
MONTEREY PENNINSULA WATER MANAGEMENT DISTRICT	)	
MONTEREY REGIONAL WATER POLLUTION CONTROL AGENCY	)	
	)	
	)	
	)	
CALIFORNIA DEPARTMENT OF FISH	)	
AND WILDLIFE (Protestant),	)	
	)	
	)	
	)	
_____	)	

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

The Monterey County Water Resources Agency (“MCWRA”), the Monterey Peninsula Water Management District (“MPWMD”), and the Monterey Regional Water Pollution Control Agency (“MRWPCA”) and the California Department of Fish and Wildlife (“CDFW”) agree as follows:

**RECITALS**

A. On May 19, 2014, the MCWRA filed Water Right Applications (“Applications”) 32263A, B, and C with the State Water Resources Control Board (SWRCB) to appropriate water from the Blanco Drain, Reclamation Ditch, and Tembladero Slough (respectively) for use in Monterey County as part of the Pure Water Monterey Project.

B. MCWRA, MPWMD, and MRWPCA together form the Pure Water Monterey Project Team.

C. On April 22, 2015, the MRWPCA issued its Draft Environmental Impact Report (DEIR) (State Clearinghouse Number 2013051094) under the California Environmental Quality Act (“CEQA”) for the Pure Water Monterey Groundwater Replenishment Project (Pure Water Monterey Project) which included in the project description the diversions described in Applications 32263A, B, and C.

D. On June 5, 2015, CDFW submitted comments on this DEIR.

E. The Final Environmental Impact Report (FEIR) was certified in January 2016.

F. On December 18, 2015, the SWRCB issued its public notice of Applications 32263A, B, and C. At the same time, the SWRCB posted these applications on its public website.

G. On January 28, 2016, MCWRA, MPWMD, MRWPCA, and CDFW conducted a site visit of the proposed diversions for Applications 32263A, B, and C.

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

H. On February 16, 2016, CDFW filed a protest with SWRCB for Applications 32263A, B, and C.

I. On February 19, 2016, the SWRCB advised the MCWRA that it had received protests filed by CDFW for Applications 32263A, B, and C.

J. On June 9, 2016, the MCWRA, MPWMD, and MRWPCA participated in a meeting with representatives of CDFW and the National Marine Fisheries Service (NMFS) to discuss actions needed for withdraw of CDFW's and NMFS' protests of Applications 32263A, B, and C.

K. The CDFW received the Revised Memorandum dated June 20, 2016, from MCWRA, MPWMD, and MRWPCA containing the proposed protest dismissal terms and conditions as discussed and agreed to by MCWRA, MPWMD, MRWPCA, CDFW, and NMFS at the meeting on June 9, 2016.

L. The Board of Supervisors of the County of Monterey approved the proposed protest dismissal terms and conditions from the June 20, 2016, revised memorandum on June 28, 2016. The Board of Directors of MCWRA approved the proposed protest dismissal terms and conditions on June 27, 2016.

M. MPWMD approved the proposed protest dismissal terms and conditions from the June 20, 2016, revised memorandum on June 29, 2016.

N. The Board of Directors for MRWPCA approved the proposed protest dismissal terms and conditions from the June 20, 2016, revised memorandum on June 27, 2016.

O. MCWRA and CDFW now wish to resolve CDFW's protest to Applications 32263A and 32263B according to the terms of this agreement.

**NOW, THEREFORE**, in consideration of these recitals and the mutual promises stated herein, by MCWRA, MPWMD, MRWPCA, and CDFW agree as follows:

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

1. The preceding recitals are true and correct and are incorporated herein by reference.
2. MCWRA will cease efforts to pursue the Tembladero Slough diversion (Water Right Application 32263C) for the Pure Water Monterey Project. MCWRA reserves the right to pursue Water Right A32263C, independently, only if all of the following circumstances occur:
  - (a) a future, new project (i.e., not the Pure Water Monterey Project) is proposed by MCWRA that would divert and use the diversion,
  - (b) the new project or projects are subject to a new California Environmental Quality Act process,
  - (c) the water rights application is amended, for example, through filing a petition to change the water right application, to be consistent with that future proposed project.

The water right application will remain active with the SWRCB, and both NMFS' and the CDFW's protest of Application 32663C would also remain active and be addressed when and if MCWRA proceeds with a new project.

3. MCWRA, MRWPCA, and MPWMD will abide by the following terms and commitments in regards to the Blanco Slough Diversion (Water Rights Application 32263A):
  - (a) Between April 1 and October 31 of years when the Salinas River Diversion Facility has not operated due to dry or drought conditions, and when the Salinas River Lagoon is closed to the ocean, MCWRA shall:
    - i. Monitor and provide the SWRCB Division of Water Rights, CDFW, and NMFS monthly reports on the average daily water levels in the Salinas River Lagoon and the operational characteristics of the slide gate between the lagoon and the Old Salinas River channel.

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

Monthly reports shall include the following:

- Water elevation in the lagoon (daily mean, NGVD 29).
  - Dates of when the slide gate to the Old Salinas River (OSR) was closed versus opened.
  - Size of slide opening (inches) and estimated flows released to OSR (daily mean, cfs).
- ii. Maintain lagoon water surface elevation and provide flows to the Old Salinas River channel by adhering to the following two conditions:
- a. If the water level in the Salinas Lagoon drops below 3.0 feet National Geodetic Vertical Datum of 1929 (NGVD 29) (or the then-current lagoon water surface elevation management requirement) for seven (7) consecutive days, then cause MRWPCA to limit Blanco Drain diversions to flows above 2.0 cubic feet per second (cfs) (or to provide an alternative source of 2 cfs to the lagoon that does not currently exist, if not prohibited by other regulations) until the lagoon water surface elevation increases to a minimum of 3.2 feet NGVD 29 or until October 31 whichever occurs first.
  - b. If the slide gate between the Salinas Lagoon and the Old Salinas River channel has been closed for more than seven (7) consecutive days, adjust the slide gate to allow 0.5 to 1.0 cfs of Salinas Lagoon water to flow into the Old Salinas River Channel and cause MRWPCA to limit Blanco Drain diversions to flows above 2.0 cfs (or to provide an alternative source of 2 cfs that does not currently exist, if not prohibited by other

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

regulations) until the lagoon water surface elevation reaches 3.2 feet NGVD 29 or until October 31 whichever occurs first.

(b) MCWRA will cause MRWPCA to commit to monitoring water quality of diverted water as required by the SWRCB and Regional Water Quality Control Board for construction activities and during operations.

(c) MCWRA will cause MRWPCA to commit to including a flow meter and totalizer on the Blanco Drain diversion.

4. MCWRA, MRWPCA, and MPWMD will abide by the following terms and commitments in regards to the Reclamation Ditch Diversion (Water Rights Application 32263B):

(a) MCWRA will cause MRWPCA to commit to divert no more than 6 cfs under the Reclamation Ditch diversion water right and those diversions would be subject to the following minimum bypass flows (as measured at the USGS San Jon Road Gage and as available):

- i. Bypass a minimum of 2.0 cfs, as available, from December 1 through May 31 (in-and out-migration period) except as allowed by item c, below.
- ii. Bypass a minimum of 1.0 cfs, as available, from June 1 through June 30 (transitional period).
- iii. Bypass a minimum of 0.7 cfs, as available, from July 1 through November 30 (non-migration period). Note: This bypass minimum applies through the end of February of the following year, if no storm event has occurred that results in a flow of 30 cfs or more at the San Jon Road gage.

Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

- (b) To ensure adequate flows for both adult upstream and smolt/kelt downstream migration in the Reclamation Ditch below Davis Road, the MCWRA will cause MRWPCA to commit to cease diverting when flows measured at San Jon Road gage are above 30 cfs (the most conservatively low passage threshold for the San Jon Road USGS gage weir). Diversion may resume when streamflow recedes below 20 cfs at the San Jon Road gage.
  - (c) Operational decisions will be based on provisional mean daily and real-time USGS stream flow data. Such provisional USGS data used to make flow-related diversion decisions may not always coincide with final published USGS data.
  - (d) The Right Holder shall provide, on a quarterly basis, graphs comparing the daily mean diversion from Reclamation Ditch and the daily mean flow recorded at the San Jon gage downstream of the diversion.
  - (e) MCWRA and MRWPCA would request technical assistance from NMFS' engineer staff and CDFW staff on the design for the new diversion facility on the Reclamation Ditch.
5. All of the permit terms stated in the attached Appendix A will be included in any permit issued on Application 32263A or Application 32263B.
6. By executing this agreement, CDFW asks the SWRCB to include all of the permit terms that are stated in the attached Appendix A in any permit issued on Application 32263A or Application 32263B and to dismiss CDFW's protest to Application 32263A and B.



Settlement Agreement – CDFW Protest WRA 32263A, 32263B, and 32263C

Dated: July \_\_\_\_, 2016

MONTEREY COUNTY WATER RESOURCES  
AGENCY

By: \_\_\_\_\_  
David Chardavoyne, General Manager

Dated: July \_\_\_\_, 2016

MONTEREY PENINSULA WATER  
MANAGEMENT DISTRICT

By: \_\_\_\_\_  
David Stoldt, General Manager

Dated: July \_\_\_\_, 2016

MONTEREY REGIONAL WATER POLLUTION  
CONTROL AGENCY

By: \_\_\_\_\_  
Paul Sciuto, General Manager

Dated: July \_\_\_\_, 2016

CALIFORNIA DEPARTMENT OF FISH AND  
WILDLIFE

By: \_\_\_\_\_  
Julie Vance, Regional Manager  
Central Region

Dated: July \_\_\_\_, 2016

CALIFORNIA DEPARTMENT OF FISH AND  
WILDLIFE

By: \_\_\_\_\_  
Mary Loum,  
Staff Counsel

## APPENDIX A

### Proposed Permit Terms

#### WRA 32263A – Blanco Slough Diversion

#### SWRCB Standard Permit Term 5G, modified for Blanco Slough Diversion:

- (a) Except as provided in (b) below, the water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (a) by direct diversion: 6 cubic feet per second from January 1 to December 31 of each year for irrigation and municipal uses; and, (b) by storage: 3,000 acre-feet per year to be collected from January 1 to December 31 of each year for irrigation and municipal uses. The total amount of water to be taken from the source (direct diversion plus collection to storage) for all uses shall not exceed 3,000 acre-feet per year.
- (b) Between April 1 and October 31 of years when the Salinas River Diversion Facility has not operated due to dry or drought conditions, and when the Salinas River Lagoon is closed to the ocean, the following special provisions related to quantity of appropriated water apply:
- (1) If the water level in the Salinas Lagoon drops below 3.0 feet NGVD 29 (or the then-current lagoon water surface elevation management requirement) for seven (7) consecutive days, the water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.0 cubic feet per second until the lagoon water surface elevation increases to a minimum of 3.2 feet NGVD 29 or until October 31 of that calendar year, whichever occurs first. In the alternative, right holder can provide an alternative source of 2.0 cubic feet per second to the lagoon that does not currently exist, if not prohibited by other regulations.
  - (2) If the slide gate between the Salinas Lagoon and the Old Salinas River channel has been closed for more than seven (7) consecutive days, the water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.0 cubic feet per second until the lagoon water surface elevation reaches 3.2 feet NGVD 29 or until October 31 of that calendar year, whichever occurs first. In the alternative, right holder can provide an alternative source of 2.0 cubic feet per second that does not currently exist, if not prohibited by other regulation.

#### SWRCB Standard Permit Term 24, modified for Blanco Slough Diversion:

Right holder shall comply with the following provisions which are derived from the agreement between right holder and CDFW dated XXXX and filed with the SWRCB:

1. Between April 1 and October 31 of years when (1) the Salinas River Diversion Facility has not operated due to dry or drought conditions; (2) the Salinas River Lagoon is closed to the ocean; and (3) the slide gate between the Salinas Lagoon and the Old Salinas River channel has been closed for more than seven (7) consecutive days: right holder shall adjust the slide gate to allow 0.5 to 1.0 cubic feet per second of Salinas Lagoon water to flow into the Old Salinas River Channel.

Inclusion in this water right of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this water right.

SWRCB Standard Permit Term R, modified for Blanco Slough Diversion:

No water shall be directly diverted under this right unless right holder is monitoring and reporting said diversion of water. This monitoring shall be conducted using a flow meter and totalizer on the Blanco Drain diversion point. All devices shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the device(s) has/have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the device(s) is/are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all diversions under this right that includes the date, time, rate of diversion at time intervals of one hour or less, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

Between April 1 and October 31 of years when the Salinas River Diversion Facility has not operated due to dry or drought conditions, and when the Salinas River Lagoon is closed to the ocean, Right holder shall monitor and provide the SWRCB Division of Water Rights, CDFW, and NMFS monthly reports on the average daily water levels in the Salinas River Lagoon and the operational characteristics of the slide gate between the lagoon and the Old Salinas River channel.

Monthly reports shall include the following:

- Water elevation in the lagoon (daily mean, NGVD 29).
- Dates of when the slide gate to the Old Salinas River (OSR) was closed versus opened.

- Size of slide opening (inches) and estimated flows released to OSR (daily mean, cfs).
- Inflow to the river/lagoon from the Blanco Drain (those flows that are not diverted to treatment plant, daily mean, cfs).

**SWRCB Standard Permit Term 103, modified for Blanco Slough Diversion:**

No water shall be diverted under this right, and no construction related to such diversion shall commence, unless right holder complies with the requirements of the Clean Water Act. In order to demonstrate such compliance, right holder shall obtain a Clean Water Act section 404 permit from the U.S. Army Corps of Engineers, or evidence that such a permit is not required, and provide such permit or evidence to the Division of Water Rights. If it is determined that a Clean Water Act section 404 permit is required, right holder shall further demonstrate compliance by obtaining a Clean Water Act section 401 certification from the SWRCB. Additionally, Right Holder will monitor water quality of diverted waters as required by the SWRCB and the Regional Water Quality Control Board for construction activities and during operations.

**WRA 32263B – Reclamation Ditch**

**SWRCB Standard Term 60, modified for Reclamation Ditch:**

No water shall be diverted under this right unless the flow in the Reclamation Ditch meets the following conditions (as determined at the USGS San Jon Road Gage):

(a) Minimum Bypass Flow Requirements:

- (1) December 1 through May 31 (in- and out-migration period) – bypass minimum of 2.0 cubic feet per second as available, except as allowed by item 3 below.
- (2) June 1 through June 30 (transitional period) – bypass minimum of 1.0 cubic feet per second as available.
- (3) July 1 through November 30 (non-migration period) – bypass minimum of 0.7 cubic feet per second, as available. This bypass minimum applies through the end of February of the following year if no storm event has occurred that results in a flow of 30 cfs or more at the San Jon Road gage.

(b) When flows measured at San Jon Road gage are above 30 cubic feet per second, right holder will cease diverting flows from Reclamation Ditch. Diversion may resume when streamflow recedes below 20 cubic feet per second.

(c) Operational decisions will be based on provisional mean daily and real-time USGS stream flow data. Such provisional USGS data used to make flow-related diversion decisions may not always coincide with final published USGS data.

- (d) The Right Holder shall provide, on a quarterly basis, graphs comparing the daily mean diversion from Reclamation Ditch and the daily mean flow recorded at the San Jon gage downstream of the diversion.

SWRCB Standard Permit Term 24, modified for Reclamation Ditch Diversion:

Right holder shall comply with the following provisions which are derived from the agreement between right holder and CDFW dated XXXX and filed with the SWRCB:

1. Right holder will request technical assistance from NMFS' engineer staff and consult with CDFW staff on the design for the new diversion facility on the Reclamation Ditch.

Inclusion in this water right of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this water right.

SWRCB Standard Permit Term 213, Special permit term regarding fish screen:

No water shall be diverted under this permit except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the California Department of Fish and Wildlife, United States Fish and Wildlife Service, and National Marine Fisheries Service to protect species of fish listed as endangered or threatened species under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) or the federal Endangered Species Act (16 U.S.C. sections 1531 to 1544) that are in effect on [insert date of Agreement]. Construction, operation, and maintenance costs of the required facility are the responsibility of the Permittee.

Submitted by Charles Cech  
at 7/19/16 Board Meeting 15

MONTEREY PIPELING PROJECT ISSUES AND ALTERNATIVES Item: Oral Communications

Cal Am has proposed a new water delivery pipeline. This Monterey Pipeline runs from the injection well site near General Jim Moore Blvd, on Fort Ord, to the Cal Am system connection point at the intersection of Sinex and Hillcrest Avenues in Pacific Grove. This 36 inch pipe runs through the cities of Seaside, Monterey, and Pacific Grove. This seven mile long route is estimated to require digging a 3.5 foot wide by 4.5 foot deep trench, disrupting Monterey Peninsula streets for months. This pipeline installation will require removing and hauling away 9,000 cubic yards of dirt and asphalt from local neighborhoods during the installation process causing traffic flow nightmares. When the digging is completed all of the street damage must be repaired and resurfaced. Many of these streets may have already been resurfaced by the city of Monterey.

Note: The Monterey Pipeline was included in the Pure Water Monterey/GWR EIR (See EIR attachment) and was the subject of a total of four paragraphs, with no CEQA analysis referenced.

According to the Cal Am route illustration, the pipeline appears to have 14 right angle (90 degree) bends and 7 shallow angle bends. Each of these bends will require the two connections to the pipeline for a total of 42 compression fit 113 inch circumference connection seams. Each bend creates a restriction to water flow and becomes a weak point for potential seam leaks.

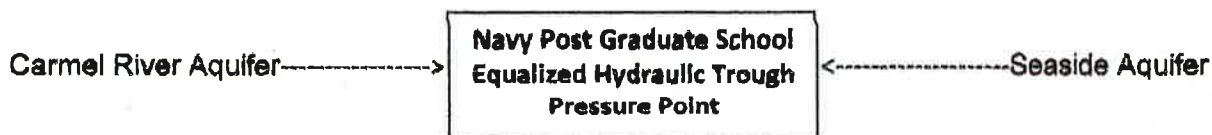
It is believed that this Monterey Pipeline will also require a new pump house that is proposed to be installed on the Monterey Fairgrounds property that will run 24 hours per day 7 days per week. The fairgrounds Board of Directors has tentatively approved the pump house location because they were told that this pump house was to be used exclusively for ASR and will only operate two months a year. If this is not the truth the Fairgrounds board should be informed of the intended uninterrupted use of the pump house.

Another concern is that there does not appear to be a backup system for the Monterey Pipeline. Should the pump fail or if the 36 inch pipe be accidentally breached, water to Pacific Grove distribution point could stop and city streets could be flooded.

A major potential issue with the Monterey Pipeline route is that segments are located in or near known Native American sacred grounds. Should a midden be uncovered during construction it will drastically slow progress, lengthen the disruption to normal community life, and increase project cost. Any good systems manager evaluating this project would probably say that the risk to reward ration on this project is very poor.

One of the key factors behind the Monterey Pipeline is the fact that there is a hydraulic trough in the area of the Navy post graduate school. Cal Am has stated this trough is due to the school being in the low elevation point in the water delivery system. Cal am has also stated that the new \$50 million Monterey Pipeline proposed by Cal Am will solve the trough problem.

A quick analysis of the Cal Am water supply system in its simplest form it appears that there are two major water sources. The Carmel River and the Seaside Aquifer seem to be pumping water in opposite direction into this semi-closed hydraulic system. It is theorized that the trough is actually the result of the two water sources reaching a pressure equilibrium near the Navy school.



It would appear that as long as there are two water sources pushing water in opposite directions there will be a trough somewhere in the system. Spending \$50 million installing a new pipeline may simply move the trough to a new location.

There may be many unknown factors in this simple analysis, but it is worth much more investigation by hydrology professionals before committing to a \$50,000,000 project that just moves the problem to a new location.

One potential answer to hydraulic troughs is to have all of the water originate at the one point, the Carmel River, and use booster pumps to circulate it throughout the entire system.

Cal Am had originally estimated that the Monterey Pipeline will cost the company \$41 million to install assuming no major problems during the installation. The latest Monterey Herald published cost is now \$50 million. Cal Am ratepayers will pay for this project over 30 years. Based on 8.5 % cost-of-capital rate and state and federal taxes, the total cost to ratepayers will be around \$150 million. That's an average of approximately \$11 per month water price increase to Cal Am's every ratepayer. Note, Monterey Peninsula ratepayers are already paying the 9<sup>th</sup> highest water prices in the United States, not including surcharges. Additionally, Cal Am has requested that the CPUC allow the company to recover an alleged \$50 million in what Cal Am claims is under collected revenue over the past five years, due to ratepayer conservation.

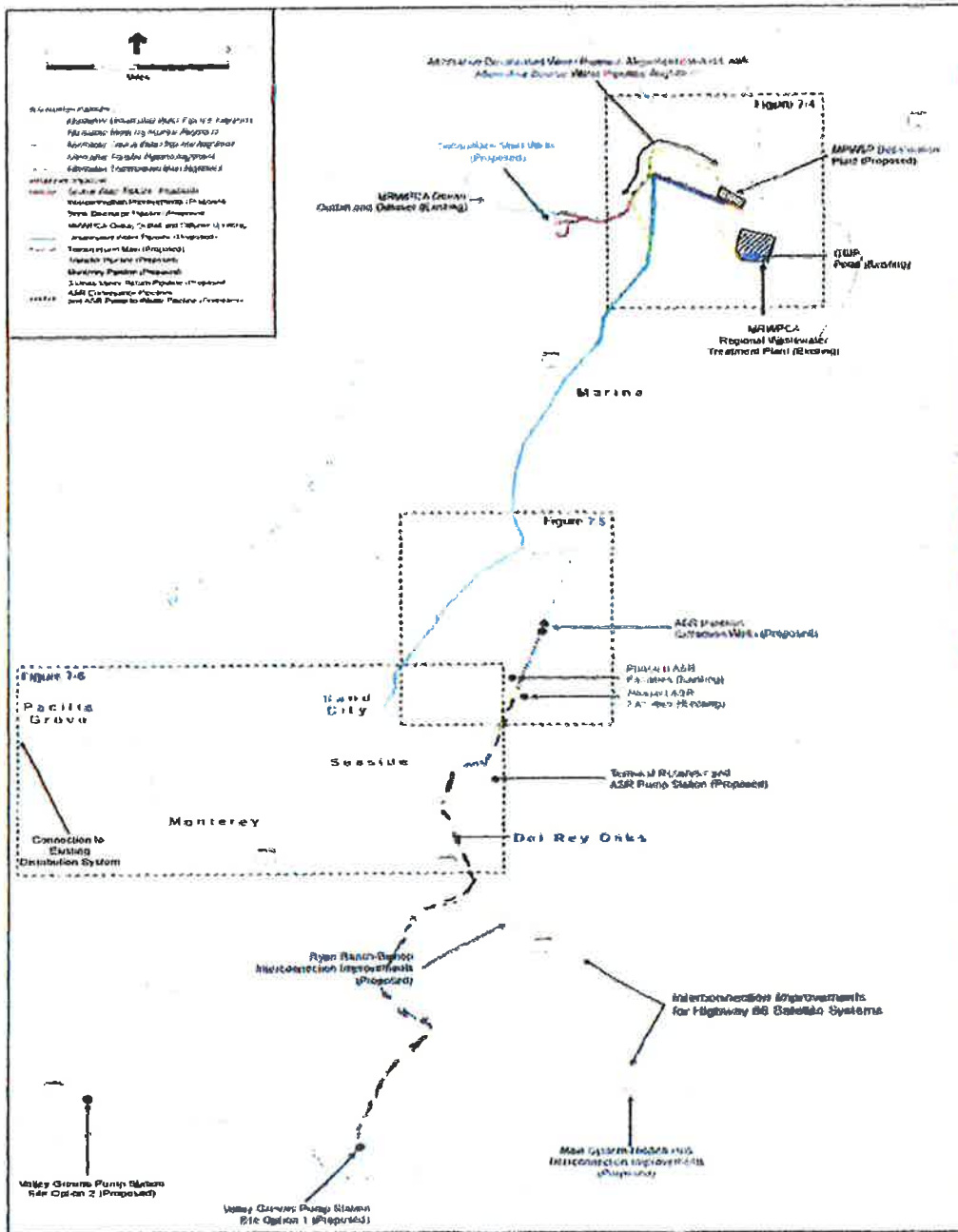
There is a much less expensive and much less disruptive route that is already being planned by the Monterey Peninsula Water Management District (MPWMD) and Cal Am. What it is being planned is a new 36 inch pipe to support the Aquifer Storage Recovery (ASR) which runs in an existing, mostly unpopulated, right-of-way from the Carmel River to the Seaside Aquifer insertion well on General Jim Moore Boulevard. This pipe will be used to take water from the Carmel River when it is running and insert it into the Seaside Aquifer. Consequently this pipe will be used for approximately 2 months per year, but will sit unused for 10 months.

It is proposed here, that this same pipeline be used to deliver Ground Water Recovery (GWR) and future desalinated water in the opposite direction 10 months a year by teeing into the Cal Am Valley Greens Pump Station, Carmel River water distribution system connection. When ASR is running or customer water requirements are lower than this new water delivery system capacity, the new water can be injected into the Seaside Aquifer for storage along with ASR water. (Note that this proposed pipe route is included as part of the desalination DEIR under the name Segunda Pipeline) See the last page for an illustration.

By combining the water delivery of the ASR and Segunda pipeline the cost effectiveness of the ASR pipeline is improved by at least 75% but the overall cost of the combined project is increased by an insignificant amount. The rough estimate of the Segunda portion is less than \$10 million. Note that California regulatory and permitting costs are not known, however if the projects are combined, one EIR could cover both projects. If this pipeline is built and owned by the MRWPCA or MPWMD (not Cal Am) it could be financed with low interest State money or a municipal bond and there would be no profit collected or taxes paid. The final 30-year cost of the combined project could be as low as \$15 million or \$1.04 per month. That's 90% less than the Cal Am proposed Monterey Pipeline \$150,000,000 estimated 30 year cost to ratepayers!

One question that has been asked repeatedly about this route! How much will it cost to pump water over the hill to the Cal Am Carmel River connection? The answer is that for every \$250,000 increase in pumping cost per year the ratepayers' water bills will increase about 52 cents per month. That's \$250,000 divided by 12 months and divided again by 40,000 customers.

Charles S. Cech  
7 Wright Place  
Monterey CA 93940  
[chuck\\_cech@hotmail.com](mailto:chuck_cech@hotmail.com)  
Cell Phone (831) 594-6117



04 706 07 01 4

WSSAS-11 Monterey Peninsula Water Supply Project  
 Figure 7.3  
 Index Map Alternative Pipeline Alignments

Note, the orange and pink lines are the Cal Am proposed route, the dashed black and yellow line is the Segunda route







REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND**  
**HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY**  
**1769 LEWIS ROAD, SUITE 210**  
**MONTEREY, CA 93944-3223**

JUL 15 2016

Office of the Deputy to the Garrison Commander

California American Water  
 Attn: Ian Crooks, P.E., Engineering Manager  
 511 Forest Lodge Road, Suite 100  
 Pacific Grove, CA 93950

Monterey Regional Water Pollution Control Agency  
 Attn: Paul Sciuto, General Manager  
 5 Harris Court, Building D  
 Monterey, CA 93940

Monterey Peninsula Water Management District  
 Attn: David Stoldt, General Manager  
 5 Harris Court, Building G  
 Monterey, CA 93940

Marina Coast Water District  
 Attn: Michael Wegley, P.E., District Engineer  
 11 Reservation Road  
 Marina, CA 93933

Dear Sirs,

I am aware that your organizations are involved in proposed actions associated with the regional water solution for the Monterey Peninsula. I applaud your efforts. The U.S. Army (Army) is committed to responsible environmental stewardship, and water in particular is a critical resource for all of us who live, work, or visit the Peninsula. I understand that representatives from your organizations and supporting consulting firms have discussed the "Pure Water Monterey (PWM) Project," the "Monterey Peninsula Water Supply Project (MPWSP)," and the "Regional Urban Water Augmentation Project (RUWAP)" with Presidio of Monterey (POM) staff members. These projects propose access across Army owned property at both the POM and the Ord Military Community (OMC) (Enclosure 1, PWM; Enclosure 2, MPWSP; Enclosure 3, RUWAP).

The Army recently received a letter from the Marina Coast Water District (MCWD), dated June 10, 2016 (Enclosure 3). The letter included a request from the MCWD for a construction license renewal to cross Army property along General Jim Moore Blvd on the OMC. The letter also served to update the proposed project associated with the

-2-

license to include a larger, combined PWM-RUWAP pipeline for conveyance of near-potable water.

The documents which the State Water Resources Control Board has stated it will consider in its July 19, 2016 Board Meeting Session demonstrates the significance of the water augmentation projects which will, in part, use Army property. My concern is that the Army has not received a coordinated, collective project description and explanation of the interrelationships among the various water project proponents.

The Army is responsible for implementation of the National Environmental Policy Act (NEPA), and Army regulations require assurance that the direct, indirect, and cumulative impacts are analyzed for all reasonably foreseeable actions prior to approving an action. While past proposed and implemented water projects have utilized some existing easements on OMC and/or POM, those easements and the supporting environmental documentation may no longer be adequate to comply with the NEPA requirements. A revised water project could result in different environmental impacts, which raise different or new concerns. For these reasons, it would be premature for the Presidio of Monterey (POM) to support any new or renewed construction licenses until POM has been able to consider all reasonably foreseeable water augmentation projects using Army lands and determine if additional NEPA is required, and the possible applicability of present easements.

To facilitate an Army decision on any proposed use of Army lands, I suggest that your organizations provide a coordinated and comprehensive request detailing the proposed uses of Army real property on both the POM and OMC. This request needs to include desired access across Army land, the timing or phasing of proposed actions, and the interrelationships among the various water augmentation projects. This detailed information is essential to facilitate the Army's decision making process. After POM has received the coordinated and comprehensive request, then it will be useful for the key organizations involved in the water augmentation projects to meet with POM leaders and supporting staff.

The point of contact for this correspondence is Mr. John Elliott at 831-242-7777.



HUGH H. HARDIN  
Deputy to the Garrison Commander

Enclosures

Enclosure 1

**Figures 2-18 and 2-39 from the Pure Water Monterey Groundwater Replenishment  
Project Consolidated Final Environmental Impact Report**

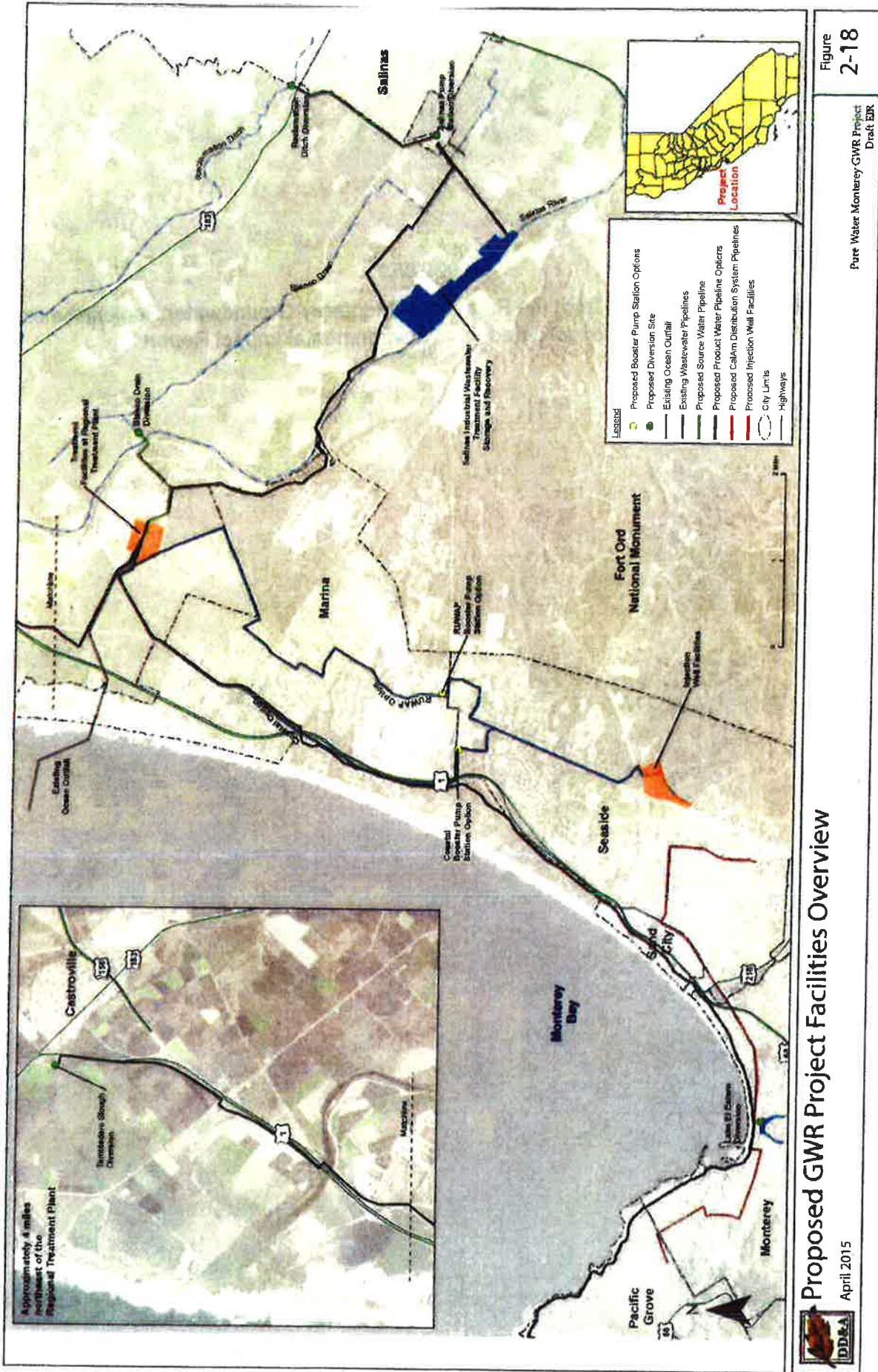


Figure 2-18

Pure Water Monterey GWR Project Draft EIR

2-115

### Proposed GWR Project Facilities Overview

April 2015





CalAm Distribution System - Transfer Pipeline  
 CalAm Distribution System - Monterey Pipeline

CalAm Distribution System Pipeline: Western Terminus

Figure 2-39

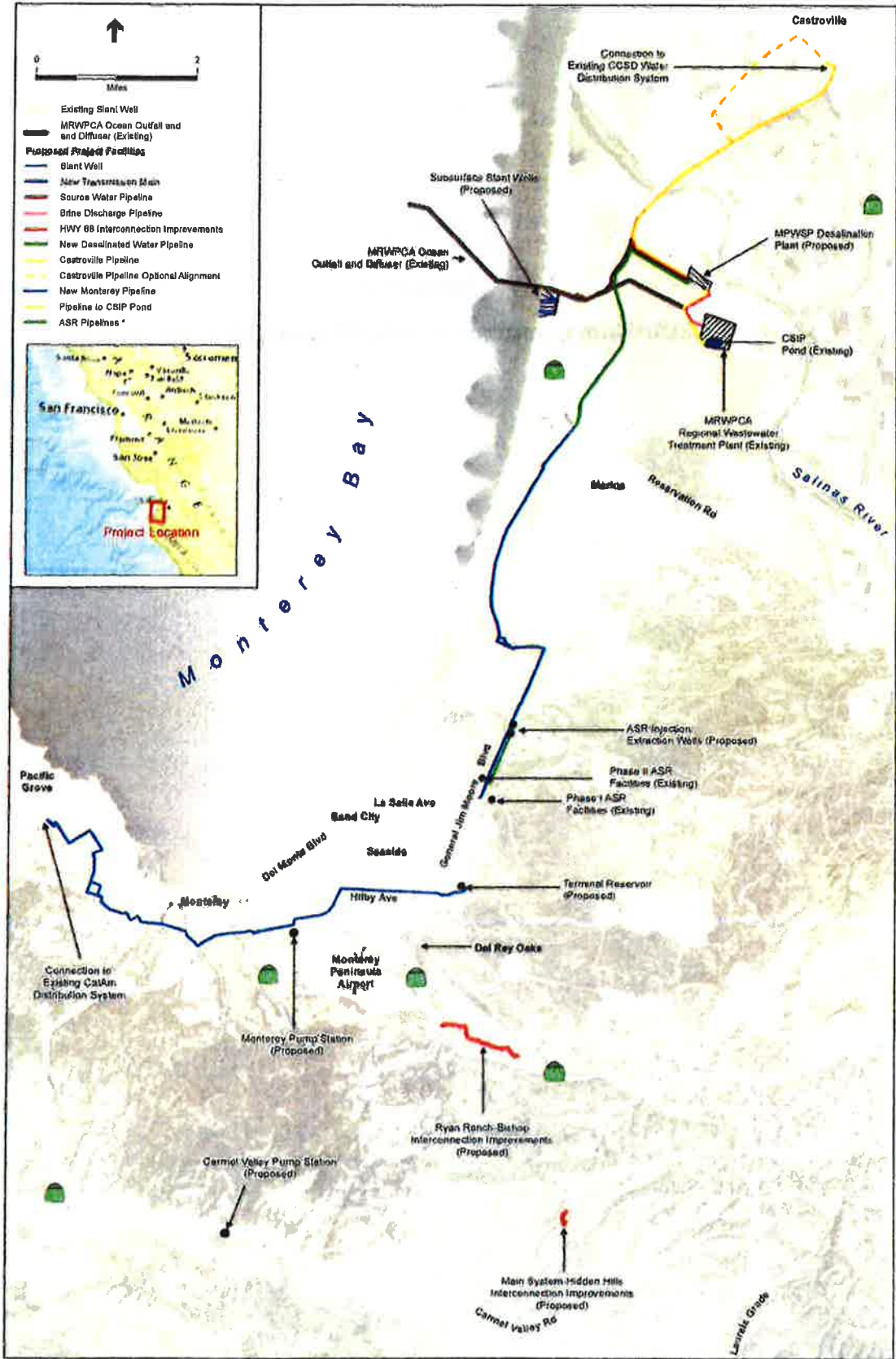
Pure Water Monterey GWR Project  
Draft EIR

April 2015



Enclosure 2

The Monterey Peninsula Water Supply Project Overview and Index Map



NOTE  
 \*The ASR Pipelines are the ASR Conveyance Pipeline, the ASR Pump-to-Water Pipeline, and the ASR Recharge Pipeline. See Figure 3-3a for the individual pipeline alignments.  
 SOURCE: ESA, 2016

205335.01 Monterey Peninsula Water Supply Project  
**Figure 3-2**  
 Monterey Peninsula Water Supply Project Overview and Index Map



Enclosure 3

June 10, 2016 Correspondence from the Marina Coast Water District



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

TEL: (831) 384-6131 FAX: (831) 883-5995

June 10, 2016

## DIRECTORS

HOWARD GUSTAFSON  
*President*

THOMAS P. MOORE  
*Vice President*

WILLIAM Y. LEE  
JAN SHRINER

United States Army Installation Management Command  
Headquarters, U.S. Army Garrison, Presidio of Monterey  
1759 Lewis Road, Suite 210  
Monterey, CA 93934-3223  
ATTN: Mr. Hugh Hardin, Deputy to the Garrison Commander

SUBJECT: Regional Urban Water Augmentation Project

Dear Sirs,

This letter is to provide an update and offer to meet to discuss in more detail the above referenced project for the temporary construction license renewal. The project originally consisted of the construction of a recycled water distribution system to provide tertiary treated recycled water from the existing Monterey Regional Water Pollution Control Agency (MRWPCA) Salinas Valeey Reclamation Plant to urban users in the former Fort Ord including the POM Annex, the Cities of Marina, Seaside, and Del Rey Oaks, and the County of Monterey. Attached Figure 1 shows the RUWAP distribution system.

The Marina Coast Water District obtained an easement on US Army property in General Jim Moore Boulevard for the subject pipeline improvements and for a branch pipeline near Normandy Road uphill to Blackhorse Reservoir. The District has applied for renewal of the temporary construction license from the US Army Corp of Engineers. The District's understanding is that this request letter is needed to generate the temporary construction license renewal instrument. Further, MCWD understands that time is of the essence in order to assist in the orderly progression of other water projects across the POM Annex.

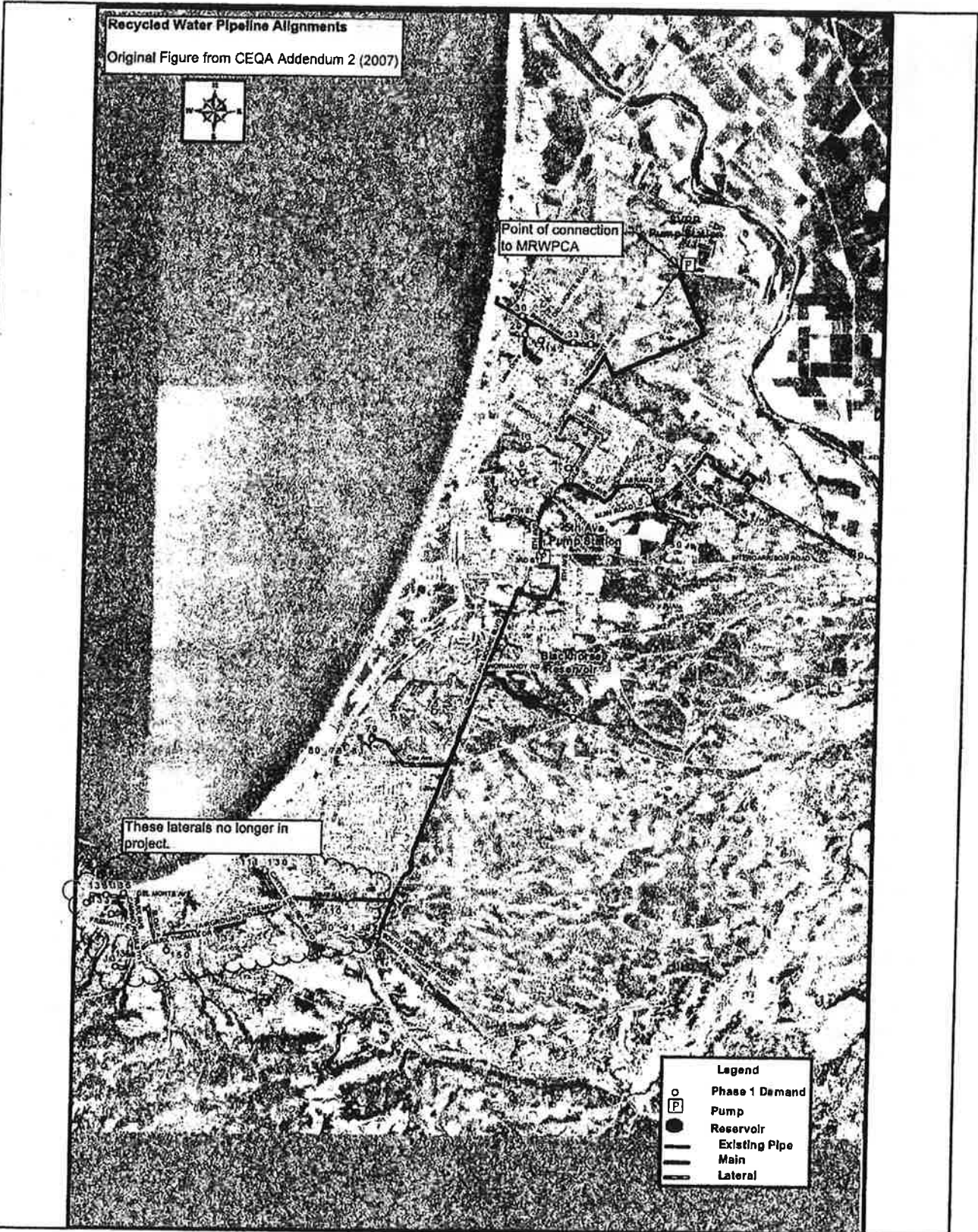
MRWPCA's Pure Water Monterey (PWM) proposes providing a near-potable water project along the same alignment in General Jim Moore Boulevard that would serve a Groundwater Replenishment Project (GRP). MRWPCA proposes a larger combined PWM-RUWAP conveyance pipeline to serve the GRP and thereby provide better quality water for the District. Over the past year, the District has updated the RUWAP Environmental Impact Report to accommodate the MRWPCA PWM project and applied for a State Revolving Fund (SRF) loan. We understand MRWPCA has also applied for an SRF loan and that both loan applications are progressing well through the finance approval process for project construction.

The District looks forward to working with the US Army for this project serving the Ord Community and potentially one day the Monterey Peninsula. Please do not hesitate to contact me directly at (831) 883-5925 with any questions or if MCWD may be of any assistance in this effort.

Respectfully submitted,

Michael Wegley, P.E.  
District Engineer

cc: Jennifer Olson – USACE – via e-mail  
Robert Guidi – DPW Master Planning Division – via e-mail



**MCWD SRF Application  
No. 8184-110**

RUWAP SRF No. 8184-110  
Pure Water Monterey-GWR SRF No. 8020-110



**Figure 1  
RUWAP Only Facilities**



RECEIVED

JUL 14 2016

MPWMD

July 8, 2016

Felicia Marcus, Board Chair  
 Tom Howard, Executive Director  
 State Water Resources Control Board  
 1001 1 Street  
 Sacramento, CA 95814

Matthew Quint  
 Division of Water Rights  
 State Water Resources Control Board  
 P.O. Box 2000  
 Sacramento, CA 95812-2000

Dear Ms. Marcus, Mr. Howard and Mr. Quint,

City Hall  
 1 Sylvan Park,  
 Sand City, CA  
 93955

Administration  
 (831) 394-3054

Planning  
 (831) 394-6700

FAX  
 (831) 394-2472

Police  
 (831) 394-1451

FAX  
 (831) 394-1038

On behalf of the City of Sand City, I wish to express strong support for the joint letter dated June 29<sup>th</sup> by the Monterey Peninsula Regional Water Authority, California American Water Company, Monterey Peninsula Water Management District, the City of Pacific Grove and the Pebble Beach Company regarding the Preliminary Staff Recommendation to modify Cease and Desist order WR 2009-0060 released by the SWRCB on June 17, 2016. We are fully committed to take part in developing alternative water supplies for the Monterey Peninsula with minimal environmental and/or fiscal impacts on the community served as well by the Carmel River. The Joint letter clearly highlights the challenges of those recommendations related to the effective diversion limit, carryover credits, and supplemental water rights and acquisition.

Our major concern with the staff recommendation is the interpretation of the SWRCB order WR 2009-0060, paragraph two (2), related to a change in zoning or use by the City of Sand City or Monterey Peninsula Water Management District. The recommendation is that Cal-Am Water would use the lesser of the actual average annual metered water use for the five-year period between 2008-2009 to 2012-2013. This will have a significant negative impact on the future of the Monterey Peninsula community.

Incorporated  
 May 31, 1960



The City of Sand City has been a leader in water conservation, and has even built a desalination plant to better serve its community and meet General Plan goals. Sand City has done its part in creating a new water source that alleviates impact to the Carmel River; therefore, Sand City should not be penalized by a Cease and Desist order. We are operating under the best possible standards while meeting water use demands of our community.

In closing, we strongly urge you to support the recommendation in the joint letter and incorporate it in your final board decision.

Sincerely,

David K. Pendergrass  
Mayor

City Hall  
1 Sylvan Park,  
Sand City, CA  
93955

Administration  
(831) 394-3054

Planning  
(831) 394-6700

FAX  
(831) 394-2472

Police  
(831) 394-1451

FAX  
(831) 394-1038

Incorporated  
May 31, 1960