

**From:** Douglas Roberts AIA [<mailto:doug@jhwarch.com>]  
**Sent:** Wednesday, July 13, 2016 10:52 AM  
**To:** Quint, Matthew@Waterboards  
**Cc:** [CATHERINE.STEDMAN@AMWATER.COM](mailto:CATHERINE.STEDMAN@AMWATER.COM); Jody Hansen  
**Subject:** Monterey Peninsula CDO

July 13, 2016

Mr. Quint,

As a Monterey business owner and architect, I am acutely aware of the severe limitations our water situation has placed on the community for decades. Our firm has been fortunate to occupy a niche less dependent on new water allocations than most. Over recent years, especially through the statewide drought, our community has pulled together and cut back to per-capita water use levels rarely seen elsewhere in the state. Our community knows the value of water, and how to conserve it.

Admittedly, this community has failed in past decades to seriously pursue new water sources, but for many years now, including the recent failed attempt to bring a new water project on line, this community has stepped up and paid millions of dollars, and committed far more, to build an actual water supply project. I think the Water Board staff agrees, now is *not* the time to discourage and penalize this effort, when it is finally happening.

We greatly appreciate the staff's willingness to recommend extending the CDO, to avoid the discouraging and devastating effect it would have on everyone here, but in the preliminary staff recommendations for the extension, three issues must be addressed to forestall significant damage to the community, the local economy, and tax base.

1. **The suggested effective diversion limit of 7,990 AFA must be increased to the 8,310 AFA** our community representatives have previously agreed to. This difference, while seemingly small, significantly affects the potential buffer for water use to avoid invoking penalties on businesses and rate payers. Experts indicate that this amount of water, left in the river, will have little to no affect on the river and its supported habitat.
2. **A carryover credit up to 750 AFA must be included to account for aberrational year(s)**, as agreed to with our community representatives, even if the Board allows the still very tight 8,310 AFA level. This community consistently manages to beat conservation goals since 2010, and deserves to have credit for that extended to cover a possible odd spike, rather than incur penalties for that odd year.
3. **Provisions requiring projects (1) with a change in use to have their water allocation based on (2) prior usage over 5 years must be eliminated from the recommendations.** This is most significant to my practice as an architect here in Monterey. These provisions are complex and would be very difficult for the jurisdictions to implement and enforce. Ironically, it looks at the worst 5 years, (including vacancies) that are probably the very reason why the property owner needs to change the building's use in the first place. Also, by affecting only changes in use, more significant changes in tenancy elsewhere would still be allowed in the "quiet enjoyment of one's business", and potentially result in much higher overall water demand than the few change in use projects over the next 4 years, so this policy would single out those change of use projects

and not regulate others. Before considering adding even more language to correct the inequity, it's important for **the Water Board** to remember it **has no purview over land use**, and must leave the authority for land use decisions with our local jurisdictions. The Water Board's concern should be big-picture only, does the the overall water use meets the overall goals. Our community has historically shown its ability to meet overall goals without such measures.

**What must be avoided too, is any subsequent inclination to take away incentives for installing water-conserving fixtures and features**, which are done to shift water allocations and allow modest growth and expansion on a property through conservation rather than new water use. Any action to disallow credit for water conservation would be a 'taking' of the property owner's right to fully utilize their property. Modest growth in any economy is necessary to keep it vibrant, and until we have a consistent new water supply available, this is the way we are able to achieve some growth and accommodate change. In at least one case I know of, a building owner is seriously considering spending well over \$100,000 in water conservation measures to free up water credits to build units that are already allowed under current zoning. That's real money, and will save money in water use in the long run, but the incentive is not in the conservation, it's in the ability to re-allocate water they are already using to new rental units.

**There is a significant potential impact on housing in the change of use provisions that must be avoided.** Our local community has a very limited housing supply, while some other buildings have vacancies, so some owners are changing uses to provide new housing in existing buildings. This has the positive effects of increasing the housing supply, and affordability, while it increases environmental efficiency in our housing stock. Given the overall water drawn from the Carmel River will be held in check, the local jurisdictions must be allowed to work out the water allocations so these changes in use can occur.

To get a water supply project on line, Cal Am needs a viable, yea *vibrant*, local economy to support it, to pay the rates for years to come. Creating difficulty beyond our community's capacity to perform, is to damage and penalize the very people who are otherwise going to make the new project happen, and give the river back. Please don't make it any more difficult or expensive than it already has been, and will be, and let Cal Am concentrate on getting their project done.

Sincerely,

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