



THE CITY OF SAN DIEGO

Control # _____

Date Rcv'd _____

**REQUEST FOR VARIANCE to Section 67.38 of SDMC
DROUGHT RESPONSE LEVEL 2: MANDATORY WATER USE RESTRICTIONS**

Customer Name: _____, _____, _____
Last Name First Name MI

Account Number: _____ (attach sheet listing additional account #s if more than one meter serves the site).

Service Address: _____

Mailing Address: _____

Best Contact Phone #: (____) _____ **E-Mail Address:** _____

1. **Total number of occupants** (for residential) **or occupant capacity** (if other than residential): _____
2. **Lot size or acreage that meter(s) serves:** _____ acres. 3. **Total irrigated landscape area:** _____ sq. ft.
4. **Total size of pool(s)/spa(s) if present** (in gallons): _____ 5. **Foot print of structure(s):** _____ sq. ft.
6. **For landscape related variances please complete Attachment A, Landscape Irrigation Variance Form (page 3)**
7. **Reason for the requested variance:** *See page 2 for qualifying criteria. Attach additional sheets for written explanation.*

8. Please propose an alternative that accommodates your specific water use needs and still achieves the intended reduction in water use. If no alternative is possible, please provide reason. Examples: Propose alternative irrigation days or time periods from those established by the City. Propose a plan to increase conservation in other ways at the site in order to compensate for inability to reduce water use for reasons you described above. *Attach additional sheets if needed.*

9. PROCESSING FEE: *(One processing fee per site- largest meter size applies).* : **CHECK #:** _____
 (Fee is non-refundable. Make check payable to: City Treasurer) Check your water bill to determine meter size. Fee waiver is available based upon income. See Attachment B (page 4)

- Properties with meters between ¾" and 1": \$25 processing fee applies.
- Properties with 1 ½" meters: \$50 processing fee applies.
- Properties with meters ≥2": \$100 processing fee applies.

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the City of San Diego, and that all information provided is subject to verification by the City. The City may request additional information and/or inspection of the interior and exterior of the premises. Knowingly providing false or misleading information for the purpose of receiving a variance to Drought Response Level 2- Alert Condition is subject to civil and criminal penalties, including, but not limited to, issuance of an Administrative Citation in an amount up to \$1000.

Customer Signature _____ **Date** _____

Send this form along with processing fee to: Drought Response Level 2 Variance Request • City of San Diego Water Dept. 600 B Street, Suite 400 • San Diego, CA 92101. **Variance requests will be processed within 3 weeks of receipt. Customers will be notified of determination by mail.**

SDMC
Chapter 6. Article 7. Division 38
§67.3810
Emergency Water Regulations - Hardship Variance

The following provides the qualifying criteria for Hardship Variance as specified in the Municipal Code:

If, due to unique circumstances, a specific requirement of this Division would result in undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water uses, then the customer may apply for a variance to the requirements as provided in this Section.

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

(1) Application.

Application for a variance will be in written form prescribed by the City and will be accompanied by a non-refundable processing fee in an amount set by resolution of the City Council.

(2) Supporting Documentation.

The written application will be accompanied by photographs, maps, drawings, or other pertinent information as applicable, including a written statement of the applicant.

(3) Approval Authority.

The Mayor or his designee will exercise approval authority and act upon any completed application after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance will be promptly notified in writing of any action taken. The decision is final. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

(4) Required Findings for Variance.

An application for a variance will be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, all of the following:

(A) That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other City of San Diego customers.

(B) That because of special circumstances applicable to the property or its use, the strict application of this Division would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

(C) That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of San Diego to effectuate the purpose of this Division and will not be detrimental to the public interest.

(D) That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

or: (i) that the property has been adversely impacted by a *disaster*;

or : (ii) that proposed alternative water use restrictions for the property would result in greater water savings than the existing water use restrictions.

(5) No relief will be granted to any customer for any reason in the absence of a showing by the customer that the customer has achieved the maximum practical reduction in water consumption in the customer's residential, commercial, industrial, institutional, agricultural or governmental water consumption.

Attachment A
Landscape Irrigation Variance Form

City of San Diego Water Department
Drought Level 2 - Water Use Restrictions

Customer Name: _____ **Customer Account #:** _____

Please circle condition that applies and provide requested information. Staple additional sheets for written explanation if needed.

Condition 1: Watering days insufficient to run system.

Variance may be granted if the sum of run times per meter during peak season exceeds 16 hours, or there are limitations to the watering window.

Meter # _____ Size of meter _____

Number of valves associated with meter _____ Sum of run times during peak season _____

Limitations (if applicable) to watering window: _____

Condition 2: Conflict with watering days.

Variance may be granted if watering days of the week conflict with single or recurring event that precludes watering.

Current designated days of the week per address: _____

Requested days of the week _____

Reason for variance _____

Condition 3: Watering days do not allow for plant establishment.

Variance may be granted for plant establishment.

Square foot measurement of area to receive plant establishment _____

Location of plant establishment on site (ie. front yard, back yard) _____

Anticipated planting date: _____ Length of plant establishment: _____

Condition 4: Brush management for fire prevention.

Variance may be granted for brush management if the Fire Department finds a risk factor in watering only on the designated days of the week.

Square foot measurement of area to receive additional watering days _____

Location of brush management on site (ie. front yard, back yard) _____

Requested watering schedule _____

Condition 5: Other unique landscape situations.

Variance may be granted for other landscape situations that have special circumstances.

Please specify on back of page.

**Attachment B
Fee Waiver Guidelines and Procedures**

City of San Diego Water Department
Drought Level 2 - Water Use Restrictions

Please refer to these qualifications and procedures when requesting a variance fee waiver. Fill out the form below and attach it to the variance request form. Water Department staff will determine whether qualifications are met.

Qualifications:

1. Applicant must be a domestic customer of the City of San Diego Water Department.
2. Applicant must request variance for property that is individually metered.
3. Water bill must be in applicant's name.
4. Applicant must not be claimed as a dependent on another's tax return.

Must provide proof of one of the following:

1. A utility bill showing participation in any low income assistance program.
2. Tax return demonstrating gross income at or below Federal Poverty Guidelines

2008 HHS Poverty Guidelines	
Persons in Family or Household	Income Level
1	\$10,400
2	\$14,000
3	\$17,600
4	\$21,200
5	\$24,800
6	\$28,400
7	\$32,000
8	\$35,600
For each additional person, add	\$3,600
SOURCE: <i>Federal Register</i> , Vol. 73, No. 15, January 23, 2008, pp. 3971-3972	

Based upon the fee waiver guidelines listed above, I am qualified to apply for a fee waiver associated with my request for variance to Drought Response Level 2 Mandatory Water Use Restrictions (Section 67.38 of the SMC). I have attached as proof of qualification (check one and include with variance request):

- Utility bill showing participation in any low income assistance program**
- Tax return demonstrating gross income at or below Federal Poverty Guidelines**

Customer Signature: _____ **Date:** _____

Print Name: _____ **Water Account #:** _____