



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

SUPPLEMENT TO 1/27/05 MPWMD BOARD PACKET

Attached are copies of letters received between December 13, 2004 and January 11, 2005. These letters are listed in the January 27, 2005 Board packet under item 15, Letters Received.

Author	Addressee	Date	Topic
Diana Ingersoll	David A. Berger	12/3/04	Water Credit transfer Application for 866-890 Broadway (APN 01-293-002)
Ann S. Towner	David A. Berger	12/5/04	Estimate of Future Water Needs
Steven Leonard	Michael Addison	12/6/04	Schedule for Work at Pearce Well
Jon M. Biggs	David A. Berger	12/6/04	Future Water Needs Estimate
Sean Conroy	David A. Berger	12/6/04	Future Water Needs Estimate
Michael Stamp	Alvin Edwards	12/10/04	Water Credit Transfers: December 13, 2004 Agenda, Item 12
Diana Ingersoll	David A. Berger	12/13/04	Conditional Water Permit Application for the Proposed Fremont/Broadway Project
Joan Kaczmarek	David A. Berger	12/15/04	Future Water Needs Estimate
Paula Berthoin	David A. Berger	12/16/04	Carmel River State Beach Tile Mural Project
Fred Meurer	David A. Berger	12/16/04	Request to Agendize Governmental Water Credit Transfers
Raymond D. Cole, P.E.	David A. Berger	12/17/04	Gamboa Project – Sunrise Assisted Living
Cheryl Sandoval	David A. Berger	12/22/04	Meet to Discuss Distribution of Grant Funds
Les White	David A. Berger	12/22/04	Water Credit Transfer for 866-890 Broadway (APN 011-293-002)
David Pendergrass	Alvin Edwards	12/22/04	Coordination on Reclamation and Aquifer Storage and Recovery Opportunities
Diana Ingersoll	David A. Berger	12/28/04	Future Water Needs Estimate
Steven Leonard	David A. Berger	12/29/04	Year End Report
G. W. Piercy, Jr.	Larry Foy	12/29/04	Sandbar Removal
Michael W. Stamp	David A. Berger	1/5/05	Intent to Commence CEQA Litigation
Steve Matarazzo	David A. Berger	1/5/05	Future Water Needs Estimate
Jon M. Biggs	David A. Berger	1/7/05	Future Water Needs Estimate



PUBLIC WORKS DEPARTMENT

610 Olympia Avenue
Seaside, CA 93955

Telephone (831) 899-6825

FAX (831) 899-6311

TDD (831) 899-6207

December 3, 2004

RECEIVED

David Berger, General Manager
Monterey Peninsula Water Management District (MPWMD)
5 Harris Court, Building G
PO Box 85
Monterey, CA 93940

DEC - 8 2004

MPWMD

Re: Water Credit Transfer Application for 866-890 Broadway (APN 011-293-002)

Dear Mr. Berger:

This letter is in response to your staff's inquiry regarding the City of Seaside's environmental review process on the above referenced water credit transfer application. The City of Seaside filed a Notice of Exemption based on a Class 2 Exemption outlined in Section 15302 of the California Environmental Quality Act. The Class 2 exemption applies since the reuse of the water would occur on the same property and would have substantially the same purpose as the structures being replaced. It is the city's full intention to reassign the water usage to the same site with substantially the same purpose and capacity of development as what originally existed (i.e. retail and restaurant-type businesses).

When staff originally filled out the application and required checklist for this application, staff chose the most appropriate box to check that was available on the checklist. There were no choices for a Notice of Exemption on the form. Please disregard this portion of our application.

Please be advised that staff will be recommending that the city proceed with an application for a conditional water permit for the project site. This will have to go to the City Council and Redevelopment Agency for their consideration. We hope to get their decision at a special meeting that is tentatively proposed for Thursday, December 9. Should they approve staff's recommendation, we will have the completed Conditional Water Permit application submitted the following day to your office. It is vital that the water credits and necessary water allocation for this project site be secured since the city is in the process of negotiating a development in this area.

If you have any questions regarding this matter, please do not hesitate in contacting me at 899-6825.

Sincerely,

Diana Ingersoll
Director of Public Works/City Engineer

C: Les White, Interim City Manager

DEC 20 2004

MONTEREY COUNTY



PLANNING AND BUILDING INSPECTION DEPARTMENT

- 230 CHURCH STREET, SALINAS, CALIFORNIA 93901 PLANNING: (831) 755-5025 BUILDING: (831) 755-5027 FAX: (831) 755-5487
MAILING ADDRESS: P.O. BOX 1208, SALINAS, CALIFORNIA 93902
- COASTAL OFFICE, 2620 1st Avenue, MARINA, CALIFORNIA 93933 PLANNING: (831) 883-7500 BUILDING: (831) 883-7501 FAX: (831) 384-3261

December 5, 2004

Mr. David A. Berger
 General Manager
 Monterey Peninsula Water Management District
 Post Office Box 85
 Monterey, CA 93942-0085

Subject: Background Data to Estimate Future Water Needs for Development in the Unincorporated Area of Monterey County within the Jurisdiction of the Monterey Peninsula Water Management District (MPWMD)

Dear Mr. Berger:

Thank you for your letter requesting information that will ultimately be used to develop an estimate of Monterey County's future water needs for development within the MPWMD. We reviewed your questions and consulted with staff from the Monterey County Water Resources Agency, the Office of Housing and Redevelopment and Environmental Health Division to prepare an accurate and complete response. Based on the information provided below the County's rough estimate of our future water needs for development within the MPWMD is approximately 700 to 1,000 acre feet of water per year.

The following specific information is provided in response to your questions.

1. "Breakdown of the number of potentially new single family dwellings in the MPWMD"
 (Please refer to notes 1 through 5 at the bottom of this table)

(a) Existing Undeveloped Residential Parcels	Total: 1,231
Major Pending Residential Projects	Total: 884
Approved tentative maps; final maps not recorded.	75 parcels
Subdivision applications in various stages of the planning process	562 parcels
Affordable housing applications in various stages of the planning process	229 units/parcels
Approved affordable housing units, not constructed	18 rental units*

(b) "New Multi-family dwellings" (Vacant)	Total: 9
Existing Undeveloped Multi-Family Residential Parcels	9
Major Pending Multi-Family Residential Projects	0
Existing Undeveloped Residential Parcels	
	1,240 (Multi & Single Family residences)
Proposed Residential Parcels	637
Proposed Affordable Housing	247
GRAND TOTAL:	2,124 (Existing & Proposed)

1. **NOTE:** Rental Units: A few of the parcels, proposed for affordable housing, would have several affordable rental units on one parcel. In those cases, the number of units are counted as opposed to parcels.
2. **NOTE:** Definition of "Major" Development (for the purpose of this letter): The rows identifying proposed "major" development primarily include subdivisions. These numbers do not include individual applications for single family dwellings, those projects which were approved but not constructed or other projects, similar in nature to a single family residence, currently underway.
3. **NOTE:** Breakdown of Proposed Residential Development by Project: A breakdown of the proposed residential development by project is available upon request. Essentially this information includes the name of the project, general location, status of the project in terms of the planning process and the number of lots proposed.
4. **NOTE:** Monterey County's Waiting List for Water Allocation: Currently there are 56 projects on the County's waiting list pending future water allocation by the MPWMD. The list changes periodically for various reasons. Of this amount, there are currently 36 applicants on the list waiting for water to construct a single family residence. The remaining 20 projects on the list are remodels and/or residential additions.
5. **NOTE:** Development within the MPWMD jurisdiction continues to occur: Despite the fact that the County has exhausted its water allocation, development still occurs within the boundaries of the MPWMD. This is due to several factors:
 - Exempt Water Systems. A project may be within an area served by a water system which is exempt from allocation by the MPWMD. A few of the subdivisions where development is occurring within the MPWMD are: the Tehama Subdivision (a.k.a. Canada Woods, Canada Woods East and Canada Woods North); Monterra Ranch; Quail Meadows; Pasadera; and the Pebble Beach Lot Program in Del Monte Forest, if the project is approved. A map delineating the location of the exempt water systems and the affected parcels was not available at the time staff contacted the MPWMD. In addition, this information or breakdown was not requested in your letter.
 - Wells. Another option is to drill a well, as opposed to using Cal-Am water, so the project may move forward.
 - Water Credit: An applicant may receive a water credit by retrofitting existing fixtures within a residence or demolish the entire structure or a portion of one and rebuild without increasing water use.

C. "New non-residential building square footage (with a breakdown by specific use types if available)"

Breakdown of the number of potentially new commercial uses in the MPWMD
 (Please refer to notes 6 through 8 at the bottom of this table)

Existing Undeveloped Commercial Parcels by Land Use	Total Number of Undeveloped Parcels by Land Use: 120 (Note: This number doesn't include the 180 undeveloped publicly owned parcels since they will likely continue for passive recreational use.)
General Commercial	37 parcels
Mixed Use (retail, offices or apartments)	2 parcels
Medical Office	6 parcels
Visitor Serving (Hotel/Motel/Resorts/Inn Units Often with amenities such as a golf course, swimming pool, etc)	25 parcels
Service Station or Car Wash	1 parcel
Public Utilities	43 parcels
Publicly Owned (e.g., Garland Ranch Regional Park)	180 parcels
Religious Institution	2 parcels
Schools	1 parcel
Convalescent Home	2 parcels
Mining or Quarries	1 parcel
Major Pending Commercial (or similar type) Projects	Total Size:
Self-Storage: Mirabito – (Approved - Not Constructed)	70,000 square feet
Assisted Living Care Facility: Gamboa (Approved - Not Constructed)	78 beds (maximum) or 30,000 square feet. WATER: County has set aside water for this project.
Shopping Center Expansion: Rio Road Shopping Center (Approved - Not Constructed)	20,000 square feet (net increase in size) WATER: No net increase in water use for this project since part of the shopping center will be demolished & new uses/construction established that would not result in a net increase in water use.
Visitor Serving/Inn Units & Clubhouse (includes a restaurant, lounge & pro-shop): Pebble Beach Lot Program (presently going through the public hearing phase of the planning process) NOTE: 160 Inn Units are proposed as part of the Pebble Beach project; 8 Member Suites on Canada Woods North have been approved, but not built.	160 Inn Units and 8 Member Suites 15,000 square foot 2-story clubhouse WATER: Exempt from allocation by MPWMD
18-Hole Golf Course & Golf Driving Range:	213.95 acres (golf course) 17 acres (golf driving range)

AT: Letter to MPWMD/Dave Berger re: future water use estimates for Monterey County

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12/5/04

Pebble Beach Lot Program (presently going through the public hearing phase of the planning process)	WATER: Exempt from allocation by MPWMD
Restaurant: Part of the Blackwell Project – (Approved - Partially Constructed)	1,600 square feet WATER: No net increase in water usage for this project.
Commercial Mixed Use on 11 acres: Canada Woods – (Approved - Partially Constructed)	75,000 square feet (commercial center) Square footage does NOT include that portion of the structure already built. WATER: Exempt from allocation by MPWMD; to be served by the Canada Woods Water System
Existing Undeveloped Commercial (or similarly designated) Parcels	120
Proposed Commercial Development	210,000 square feet of commercial uses proposed or approved. 160 Inn Units & 8 Member Suites = 168 18-hole golf course (214 acres) Golf Driving Range (17 Acres) 231 acres for golfing
GRAND TOTAL:	N/A. This information is not available since several different numeric methods (not all of which are equivalent) were used to measure or quantify proposed commercial development within the MPWMD.

6. **NOTE:** In your letter information was requested pertaining to the square footage of non-residential. Obviously square footage is not available for those parcels that exist but are not developed and there are no pending applications for development of the site. However, the land use is included to assist with determining water use factors. In addition, square footage for some of the proposed commercial uses is not available.
7. **NOTE:** The letter states “‘new non-residential’ building square footage, with a breakdown by specific uses if available.” Based on a conversation with Stephanie Pintar, of your staff, we have identified potentially new commercial uses which are proposed or designated for commercial use, but not developed, as opposed to recently constructed structures.
8. **NOTE:** Please refer to note #6 above. The same information applies to this table.

D. “Estimate of the number of fixture units anticipated for use by remodels”

Staff from the Monterey County Water Resources Agency provided an estimated fixture unit count of 250 per year or a total of 2.50 acre feet of water per year. This estimate includes projects that would likely be both approved remodels and additions, as well as those projects on Monterey County’s waiting list. Of course, the vast majority of remodels and residential additions were and continue to be approved. Projects may be approved, even though they are located within the MPWMD because the existing residence/project is:

1. located within an area with a water system that is exempt from allocation;
2. served by a private well(s);

3. received a residential water credit since the project would not result in a net increase in water use.

E. "The amount of contingency water requested by [the County's] jurisdiction."

The County of Monterey is requesting contingency water that amounts to 15% of, and in addition to, our water allocation. For example, if the County's total allocation is 1000 acre feet of water per year our contingency water would total 150 AFY for a grand total of 1,150 AFY. A contingency of 15 percent is the standard for the County for other types of projects.

2. "An explanation of the rationale used for calculating the projections submitted under (1), above." (Note: the following responses alphabetically match the breakdown for question 1 above).

A & B. The County's GIS data base was used to delineate the boundaries of the MPWMD. A parcel base was added to the boundary map. Based on this information we were able to query the Assessor's data, which was recently updated in October 2004, for each parcel. The information received included each vacant parcel (no improvements) in the unincorporated area of Monterey County along with the "use code" which identifies the proposed use (e.g., residential, multi-family, etc) for commercial or residential use, etc.

Information pertaining to "Major Pending Residential Projects" was based on a draft report which listed proposed residential subdivisions and commercial uses in Carmel Valley and a review of the draft EIR for the Pebble Beach Lot Program. This information was refined and updated based on numerous conversations with senior staff at the Planning and Building Inspection Department as well as the planner assigned to each project.

- C.** Same response as above.
- D.** Staff from the Water Resources Agency reviewed each water release form for remodels and/or additions in 2003 and determined the relevant fixture unit for that year. We estimate that the number of projects proposing additions and remodels will be fairly similar in 2005.
- E.** The rationale for determining the County's contingency water is described in the response to question 1 (e) above on page 5.

3. "Year your jurisdiction's general plan was last updated, and its duration (planning period)."

The general plan was updated in 1982 although subsequent area plans, coastal land use plans and various amendments have been adopted since that time. The County is currently in the process of preparing a comprehensive General Plan Update (GPU). We anticipate the public hearing process will begin in fall/winter 2005.

4. "Year your General Plan housing element was updated; its duration; and its total number of housing units projected to be built."

Monterey County's updated Housing Element was adopted by the Board of Supervisors on November 4, 2003. It is intended to remain in effect until the end of 2008. According to the County's Housing Element, "the County needs to provide adequate land with infrastructure to accommodate 2,511 units for lower and moderate income households" (page 2). However, these units would be located throughout the unincorporated area of Monterey County. Most of the areas targeted for the development of affordable housing in the Housing Element are not

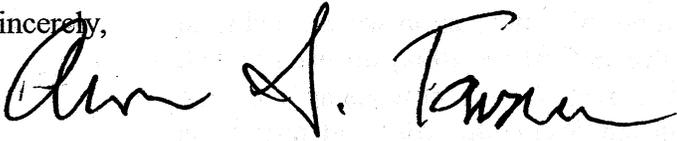
located within the MPWMD boundaries. As noted, 247 affordable housing units are currently proposed within the boundaries of the MPWMD.

5. "Provide the name, e-mail address, and telephone number of a contact person from your jurisdiction that will be able to respond to questions from the District."

Should you have any questions, please contact Ann Towner, Planning & Building services Manager, at 831.883.7533 (direct line with voice mail), via email at towner@co.monterey.ca.us or at our mailing address. Our fax number is 831.384.3261.

Thank you for the opportunity to provide our comments. We look forward to working with you and your staff as we continue to define Monterey County's future water needs.

Sincerely,



Ann S. Towner
Manager, Planning & Building Services

cc: County Administrative Office
Scott Hennessy, Director, Monterey County Planning and Building Inspection Department
Dale Ellis, Assistant Director, Monterey County Planning and Building Inspection Department
Curtis Weeks, General Manager, Monterey County Water Resources Agency
Allen Stroh, Director, Division of Environmental Health
Jim Cook, Program Manager, County Administrative Office, Housing & Redevelopment



California
American Water

December 6, 2004

Michael Addison
President
Prado Del Sol Homeowners' Association
P.O. Box 222953
Carmel, Ca 93922

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DEC - 8 2004

MPWMD

Dear Mr. Addison,

Thank you for your response to my letter dated November 24, 2004.

As you have requested I have moved the well work at the Pearce Well up in the December schedule to eliminate work during the Christmas period. We are currently targeting December 17th to start the work. The work requires that the pumps be pulled and that the wells have two days to clear before the video inspection. If all goes well we would hope to be done by December 21st. I must put a slight caveat on our plans. I will delay the operation if the water demands remain high due to the dry weather. We are repairing other wells in the valley and need the flow in the river to increase to assure our production. Pray for a little rain.

I should in fairness extend the caveat a bit further. There is a possibility that the inspection will identify more extensive work. I have advised the crew to note the work and put the well back into service and get out of the area. We will advise you of any necessary remedial work and will schedule it after the first of the year.

Let me respond to the other issues you touched on. First of all we always try to be a good neighbor. That is not always easy given the nature of the well location and our obligation to maintain a water supply for over a hundred thousand people. That being said we will work with you on several of the items you raised.

I have had my staff review our use of the road way at Prado del Sol. Currently, it is our practice to have one ¾ ton pickup truck per day go to the site to read the production meter. Our landscaping crew makes that trip less often, probably weekly. Our meter reader will drive through once per month. We do have heavier trucks on the street on occasions when we have to work on the well. I'm happy to discuss what percentage of the overall use that represents to the wear and tear of the roadway.

Regarding the landscaping. I would entertain suggestions to improve the well setting through improved landscaping. I suggest that your association send a plan that we might review to start the discussion.



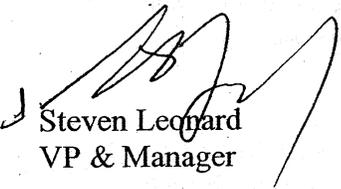
I cannot be so accommodating on the issues of the generator and the legal fees. We have put the issue of the emergency generator on hold at this point. But Pearce Well is still the best place to put that equipment. As I committed to Mr. and Mrs. Clark, we will not take any actions on that issue without discussing it with the Clarks and your association ahead of time. At the end of the day, we have to assure performance of the water system and the proposed generator is a positive step in that direction.

Finally, I cannot agree to reimburse your association for legal fees that you may have incurred reviewing the generator issue.

I agree with your sentiments that we should be good neighbors. We strive to do so. Our delays in the well rehabilitation are a function of manufacturers' delays and unfavorable water supply conditions that dictated a longer time table than we wished. I understand that nobody wants a utility water supply well in their front yard. At this time California American Water has no other alternative site for the well so we will have to work together to make this arrangement work for your neighborhood and the tens of thousands of water users who rely on that supply.

Please thank your members for their patience and wish them all a happy holiday season and a healthy New Year.

Sincerely



Steven Leonard
VP & Manager

Cc Mr. and Mrs. Stuart Clark
Supervisor Potter, District 5
Chief Reade, Carmel Valley Fire
David Berger, Monterey Peninsula Water Management District

California American Water
Coastal Division

50 Ragsdale Dr., Suite 100
P.O. Box 951
Monterey, CA 93942-0951

T 831 646 3201
F 831 375 4367

I www.calamwater.com



JON M. BIGGS
COMMUNITY DEVELOPMENT DIRECTOR



BUILDING INSPECTION
(831) 648-3183
HOUSING PROGRAMS
(831) 648-3190
PLANNING/ZONING
(831) 648-3190

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190
FAX (831) 648-3184

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DEC - 8 2004

MPWMD

December 6, 2004

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

Subject: Future Water Needs Estimate

Dear Mr. Berger,

We are in the process of finalizing the water needs estimate for build-out in Pacific Grove in response to your request for the information. While we expect to have the information complete by December 15, 2004, we feel it prudent to inform our City Council of the water demand estimates. We will present this information to the City Council at its meeting of January 5, 2004 and promptly provide the information to the Water Management District afterwards.

We appreciate your efforts at working with us on this issue. Please feel free to call me if you need any additional information.

Sincerely,

Jon Biggs, Community Development Director
City of Pacific Grove

C: City Manager

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G

CARMEL-BY-THE-SEA, CA 93921

(831) 620-2010 OFFICE

(831) 620-2014 FAX

6 December 2004

RECEIVED

MPWMD
C/O David A. Berger
General Manager
5 Harris Ct.
Monterey, CA 93942

DEC -7 2004

MPWMD

SUBJECT: FUTURE WATER NEEDS

I. Break Down

Potential New Single Family dwellings:	69
Potential Multi-Family Dwellings:	257
Non-Residential Square footage: (268,946 CC & SC) (23,405 RC)	292,351 square feet
Fixtures for remodels:	13277.5 fixture units (1 bathroom- per dwelling)
Contingency:	10% of future water needs.

II. Explanation of Rationale:

Residential (R-1) District: The Housing Element of the General Plan (page 3-54) indicates that there are 69 vacant or underutilized lots in the R-1 District.

Another demand for water in the R-1 District will come from existing residences requesting new fixtures, particularly bathrooms. There are 2,825 existing residential dwellings in the R-1 District. Staff has assumed that each dwelling will add a new bathroom (4.7 fixture units). In all likelihood some will add less and some will add more but this appears to be a safe assumption. This would also account for the creation of new low-income subordinate units as allowed and encouraged by the Municipal Code.

Multi-Family (R-4) District: The Housing Element of the General Plan (page 3-57) indicates that there is a potential for 165 new multi-family units to be located in the Central Commercial (CC), Service Commercial (SC), Residential and Limited Commercial (RC), and Multi-Family (R-4) Districts. The R-4 District has nearly been built out since 1999. Staff has identified the potential for approximately 35 additional units in this District. This leaves 130 units to be built in the commercial districts. No additional commercial water use is anticipated in this zone because the district does not allow construction of additional commercial space.

CC, SC, and RC Districts: There are approximately 40 acres of land within the 3 commercial districts. After subtracting land area for existing commercial square footage, hotels and motels and other constraints, staff estimates that there is approximately 9.66 acres of land for future development. Within this overall limit, each district is evaluated separately below.

Residential & Limited Commercial (RC) District: After subtracting land area for existing hotels and motels, residences, and historic resources we are left with approximately 2.65 acres of land. This figure is then multiplied by the maximum allowable floor area ratio (70%), as identified in the General Plan, to yield 1.79 acres of floor area for new housing and commercial space. Assuming that 70% of the floor area will be used for housing and 30% for new commercial space staff estimates that there will be approximately 55 new residential units and .54 acres of new commercial uses.

Central Commercial (CC) & Service Commercial (SC) Districts:

After subtracting land area for future development in the RC District, existing historic resources, and other constraints staff determined that there are 5.6 acres available for new development in these districts. The potential floor area is obtained by multiplying 5.6 acres by the maximum floor area ratio, as identified in the General Plan for these districts (135%), and equals 7.55 acres of floor area available for new housing and commercial uses. Staff has assumed that 1.05 acres will be used for new housing and the remainder for new commercial and retail uses.

I have attached a list of permitted uses for the Central Commercial (CC), Service Commercial (SC) and Residential and Limited Commercial (RC) Districts.

Additional Housing Opportunities: Staff has identified the potential for 92 additional housing units that could be located on City owned properties (Sunset Center, Public Works, etc.).

City Reserves: The City would desire to have a water reserve equal to 10% of the City's future water needs to be used for City projects, parks and for other special needs.

III. General Plan

The General Plan was last updated on 3 June 2003 and has a 20-year planning period.

IV. Housing Element

The Housing Element was last updated in July of 2003 and covers 1 July 2002 - 30 June 2007. The Element projects 69 new single family residential units and 165 new multi-family units.

V. Contact Information

Sean Conroy
Associate Planner
831-620-2010
sconroy@ci.carmel.ca.us

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Retail				
Animal Sales and Services				
Animal Grooming	P	P	P	See Sec. 17.14.4 (C)
Animal Hospitals	--	C	--	See Sec. 17.14.4 (C)
Kennels	--	C	C	See Sec. 17.14.4 (C)
Automobile Sales and Services				See Sec. 17.14.4 (D)
Motorcycles, Mopeds & Parts	P	P	--	
Vehicle Repair	--	C	C	
Vehicle Service and Gasoline	--	C	C	See Sec. 17.14.4 (D)
Building Materials, Hardware and Garden Supplies	P	P	C	See Sec. 17.14.4 (G)
Eating and Drinking Establishments				See Chapter 17.55
Drinking Places	C	C	--	See Sec. 17.14.4 (I)
Restaurant, Full line	C	C	--	See Sec. 17.14.4 (I)
Restaurant, Specialty	C	--	--	See Sec. 17.14.4 (I)
Food and Beverage Sales				See Chapter 17.56
Convenience Market	--	L - 2	L - 2	See Sec. 17.14.4(J)(2) and (D)(2)
Food Store - Full line	C	C	C	See Sec. 17.14.4 (J)
Food Store - Specialty	C	C	--	See Sec. 17.14.4 (J)
Liquor	P	P	C	See Sec. 17.14.4 (J)
Retail Sales	P	P	--	See Chapter 17.16; See Sec. 17.14.4 (T)
Antique Shops	P	--	--	See Sec. 17.14.4 (T)
Art Galleries	P	--	--	See Sec. 17.14.4 (T)
Arts and Crafts	P	--	--	See Sec. 17.14.4 (T)
Jewelry Shops	P	--	--	See Sec. 17.14.4 (T)

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Sales by Public Outcry (Auction)	--	C	C	See Sec. 17.14.4 (U)
Specialty/Theme	P	P	--	See Sec. 17.14.4 (T)
Stationery	P	P	P	See Sec. 17.14.4 (T)
Thrift Shops	P	P	--	See Sec. 17.14.4 (T)
Vending Machines	C	C	C	See Sec. 17.14.4 (T)
SERVICE/OFFICE				
Banks and Other Financial Institutions	P	P	P	See Sec. 17.14.4 (F)
Automatic Teller Machines (ATM)	C	C	C	See Sec. 17.14.4(E)
Business Services	P	P	L - 1	
Commercial Recreation	P	--	--	See Sec. 17.14.4 (H)
Community Care Facility	P	P	P	
Computer Services	P	P	P	
Day Care Centers	--	C	C	
Emergency Medical Care	P	P	P	
Government Offices	P	P	P	
Hotels and Motels	C	C	C	See Chapter 17.56: Restricted Commercial Uses and Sec. 17.14.4 (M)
Hospitals and Clinics				
Hospitals		C	--	See Sec. 17.14.4 (L)
Clinics	P	P	P	See Sec. 17.14.4 (L)
Hospice Care, Limited	P	P	P	
Maintenance and Repair Services	L - 3	L - 3	L - 3	
Office				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Other	P	P	L - 4	See Sec. 17.14.4 (O)

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Parking Facilities, Commercial	--	C	C	See Sec. 17.14.4 (P) and Chapter 17.64: Findings.
Personal Improvement Services	C	C	--	See Sec. 17.14.4 (Q)
Personal Services	P	P	P	
Laundry and Dry-Cleaning	C	C	C	See Sec. 17.14.4 (R)
Video Tape Rental	P	P	--	See Sec. 17.14.4 (S)
Research & Development Testing Services	P	P	P	See Sec. 17.14.4 (T)
Residential Care Facilities				
General	--	C	C	
Limited	--	P	P	
Senior	--	C	C	
Travel Services	P	P	P	See Sec. 17.14.4 (V)
RESIDENTIAL/PUBLIC AND SEMIPUBLIC				
Colleges and Trade Schools	P	P	P	
Community Centers	P	P	P	
Conference Facilities, Small	P	P	P	
Community Social Service Facility	P	P	P	
Family Day Care				See Sec. 17.8.5(B)
Small Family	--	--	P	
Large Family	--	C	C	
Libraries, Public	P	P	P	
Multi-family Dwellings				See Sec. 17.14.4(N)
0 - 22 dwelling units/acre	P	P	P	
22 - 33 dwelling units/acre	C	C	C	
34 - 44 dwelling units/acre	C	C	C	See Chapter 17.64: Findings.
Museums, Galleries, Gardens (noncommercial)	P	P	P	
Park and Recreation Facilities				

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Individual Recreation	C	C	--	
Organized Recreation	C	--	--	
Parking Facilities, Noncommercial	--	C	C	See Chapter 17.64: Findings.
Public Safety Facility	P	P	P	
Religious Facilities	--	--	C	
Schools, Private	P	P	P	
Senior Citizen Housing	P	P	P	
Single Family	P	P	P	See Sec. 17.8.5(G)
Theater, Live Performance	C	C	C	
Theater, Motion Picture	C	C	--	
Transitional Housing Facility	--	--	C	
INDUSTRIAL				
Handicraft/Custom Manufacturing	P	P	C	See Sec. 17.14.4 (K)
Industry, Limited	P	P	--	
TRANSPORTATION, COMMUNICATION AND UTILITIES				
Communication Facilities	--	--	--	
Facilities Within Buildings	P	P	C	
Utilities, Major	P	P	C	
Utilities, Minor	P	P	C	
AGRICULTURAL				
Nurseries	P	P	P	
OTHER				
Accessory Use				See Sec. 17.8.5 (A)
Nonconforming				See Chapter 17.36: Nonconforming Uses and Buildings.
Temporary				See Sec. 17.52.16.

SCHEDULE II-B: COMMERCIAL DISTRICTS: USE REGULATIONS				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Specific Limitations and Conditions: L – 1: Limited to advertising, consumer credit reporting, secretarial court reporting, equipment maintenance and repair, personnel supply services, and non-retail computer services and repair. L – 2: Allowed only as accessory use to gasoline stations and limited to a maximum of 300 square feet. No sales of alcohol are permitted. See Sec. 17.14.4(J)(2) and (D)(2). L – 3: Any establishments with activities generating noise, odors, deliveries by large vehicles, high traffic by customers, or requiring large storage needs are not permitted. L – 4: Limited to offices for the following categories: operators of nonresidential buildings, apartment buildings, dwellings, real estate agents and managers, and title companies.				

*All uses are subject to Section 17.14.4.A and B.



PUBLIC WORKS DEPARTMENT

610 Olympia Avenue
Seaside, CA 93955

Telephone (831) 899-6825
FAX (831) 899-6311
TDD (831) 899-6207

December 7, 2004

David Berger, General Manager
Monterey Peninsula Water Management District (MPWMD)
5 Harris Court, Building G
PO Box 85
Monterey, CA 93940

RECEIVED

DEC - 8 2004

MPWMD

Re: Future Water Needs Estimate

Dear Mr. Berger:

This letter is a follow-up to your correspondence dated October 5, 2004 regarding a request for water needs estimates from our jurisdiction. As indicated at a recent MPWMD Technical Advisory Committee meeting, the city is currently obtaining the information you had requested and will present staff's findings to the City Council at their December 16 meeting.

We acknowledge that your letter requested the information no later than December 15, 2004. Unfortunately, we could not meet this deadline without presenting the information to the City Council for their review and approval to provide the requested information to your agency. We apologize for any inconvenience this may cause you or your staff. A formal response to your letter will be forwarded to you after December 16.

If you have any questions or concerns do not hesitate in contacting me at 899-6825. Thank you for your patience.

Sincerely,

Diana Ingersoll
Director of Public Works

C: Les White, Interim City Manager

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

December 10, 2004

RECEIVED

The Honorable Alvin Edwards, Chair
and Board of Directors
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93942

DEC 14 2004

MPWMD

Re: Water Credit Transfers; December 13, 2004 Agenda, Item 12

Dear Chair Edwards and Board Members:

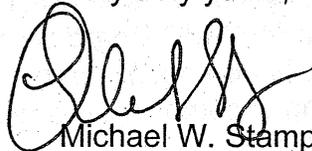
My clients Patricia Bernardi, Save Our Carmel River, and The Open Monterey Project urge the Board to deny Item 12, the proposed water banking effort by the City of Seaside. The proposal to bank the Seaside credits is invalid for essentially the same reasons as my clients pointed out in our letter of October 18, 2004, which is currently in litigation. A copy of that earlier letter is attached here and incorporated by reference.

It is my clients' position that the proposed banking violates District Rules, CEQA, and State law. My clients also would like to remind the District that the proposed indemnification requirement is NOT authorized by any State law, and is contrary to public policy. The District has no legal authority to impose such a requirement, and the cities have no obligation or authorization to voluntarily assume the District's financial obligations by indemnifying the District.

One other note deserves serious consideration as well. The District's effort to assert that there is an adopted District policy of allowing cities to serve as lead agencies in these water transfers is illegal. As pointed out in our earlier letter to District Counsel, any such agreement violates the Brown Act; reliance upon illegal action to support the current application only compounds the error.

My clients urge you to deny Item 12. Seaside has had ten full years to put the water to use, and the environmental impacts associated with Cal-Am's operations have intensified during those ten years.

Very truly yours,



Michael W. Stamp

LAW OFFICES OF
MICHAEL W. STAMPFacsimile
(831) 373-0242479 Pacific Street, Suite 1
Monterey, California 93940Telephone
(831) 373-1214

October 18, 2004

Hand DeliveryAlvin Edwards, Chair, and Members of the Board of Directors
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

Re: October 18, 2004 Board meeting – Item 17

Dear Chair Edwards and Board Members:

My clients Patricia Bernardi, Save Our Carmel River, and The Open Monterey Project strongly urge the Board to deny Item 17, the proposed water credit transfer. This request is an attempt at an end run around the Water District's Rules and Regulations. Further, the environmental review is seriously flawed and entirely inadequate.

Neither the Board nor the public has been provided with the information and analysis essential to adequately evaluate this proposed transfer and its environmental impacts. In the current water situation, where every drop is precious, the Board should not open this loophole and establish dangerous precedent.

The internal MPWMD study and the outside consultant (DCI, Inc.) study on water credit transfers are included by reference in the record. I understand that the MPWMD has both studies in its files; if not, please advise me and I will provide copies for the record. Both studies concluded that the environmental impact of water credit transfers was unclear, and indicated that it was likely that the net result of transfers is to increase the overall water demand. The community concern about water credit transfers is significant, and has been a major political and environmental issue, affecting the outcome of political campaigns and raising sincere concerns about environmental justice. The Herald has editorialized against transfers. The community concern – shared by my clients – is that special interests and big developers get special treatment in the application of MPWMD rules. That special treatment is exactly what is being asked of you in this special transfer application.

The MPWMD does not know how many other on-site water credits could take advantage of a similar loophole, if the MPWMD Board creates it. The impact is significant. It is easily more than one hundred acre feet, and could well be several hundred or more. I attach the tracking of commercial water credits (which may be

EXHIBIT A, p. 1

incomplete) kept by the MPWMD Water Demand Division.¹ The MPWMD does not have any evidence as to the cumulative impact of some or all of those credits being extended in this unprecedented manner.

The MPWMD is the Lead Agency for a Water Credit Transfer

This project is a water credit transfer only. There is no other project element: no construction, no development, not even a conceptual idea of future structures. For such a project, the MPWMD is the lead agency under CEQA. The City of Monterey is not the lead agency, and does not have authority to issue the Notice of Exemption. Here, the City's approval is merely a required prerequisite to the MPWMD Board action, which is the primary action.

The Claimed CEQA Exemption is Not Applicable To this Project

The CEQA exemption claimed by the City applies only to reconstruction of existing structures. This project is not reconstruction of existing structures. There are no existing structures on the site. This project is for a paper water credit transfer only. The claimed exemption does not apply. The Notice of Exemption is fatally flawed. The MPWMD Board does not have a reliable or legal CEQA determination on which it can rely to approve this request.

The Water District's Rules Do Not Allow the Totality of the Action Proposed

Staff has stated that there has never been an extension granted to the expiration of on-site credits after the statutory ten-year period (the initial five years plus the single five-year extension, per MPWMD Rule 25.5). Item 17 is a de facto extension of the on-site credits, by transferring them into the city's allocation, with a deal by the City so that the water will be reserved for reallocation to the originating site. This is nothing more than a paper transfer of paper water to avoid the MPWMD rules. See MPWMD Rule 25.5-A.1 (after 10 years from date of issuance "any remaining unused Water Use Credit shall expire").

This request asks for a first-time-ever extension of credits for more than ten years. That is a significant and unidentified element of the project. There has been no environmental determination of that project element, of the cumulative impact, or of the growth-inducing impacts.

¹ On this chart, some of the credits may be shown twice: the original 60-month credit, and the 60-month extension in accordance with Rule 25.

The Water Situation and Environmental Setting has Changed Materially and Significantly Since the Credits Were Authorized in 1994

In 1995, the State Water Resources Control Board issued Order 95-10. That order requires very close and careful management of the water supply. We incorporate Order 95-10 by reference here.

No Evidence that .789 Acre Feet Credit was Accurate

There is no evidence that documentation of actual water use was required in 1994 prior to issuing the credit for .789 acre feet. There is no evidence in the record before the Board and the public tonight that the actual water use by the demolished buildings was .789 acre feet, or even close to that figure. The actual use may have been much lower. The Board is being asked to transfer and extend a paper credit for which there was no evidentiary basis for the public to review. There is no guarantee by the City or the applicant that actual use would not exceed .671 acre feet, the net credit. It is possible that future uses on site would exceed the .671 acre feet. This is another reason why the MPWMD Board cannot make the required finding that "the transfer will not have an adverse impact on the water supply." See MPWMD Rule 28-B.1.

In recent years, the MPWMD instituted a requirement that recipient transfer sites have a deed restriction that ensures public accountability for actual use and that the actual use will not exceed the transferred amount. That accountability mechanism is entirely lacking here. Because the proposal is for the site to receive its "reserved" water from the City's allocation in the future, there is no opportunity for requiring a deed restriction. For all these reasons, the proposal fails to meet MPWMD Rule 28-B.1, because the applicant has not proved to the Board that the overall water use will not increase.

No Banking of Credits Allowed

The MPWMD transfer rules do not envision the possibility that an on-site credit would last longer than 10 years. Further, Rule 28-B.7 expressly forbids the banking of transferred water credits. The proposed transfer violates the intent and spirit of that rule. No analysis has been made of the policy that would permit these water credits to be banked.

Transfers Intended to be Irrevocable, Contrary to Proposed Transfer

MPWMD Rule 28-B.10 states that all transfer donor sites shall acknowledge in writing that the transfer is irrevocable. Rule 28-B.15 states that the effect of the transfer shall be the irrevocable extinction of any right or entitlement to the transferred water

EXHIBIT A, p 3

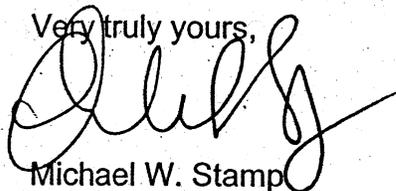
credit. This application promises that the water will be reallocated to the very site from which it originated, thereby violating the rule. It is more of a negotiated deal with the City than an irrevocable transfer.

Summary

My clients are prepared to consider prompt legal action to enforce the public interest in the integrity of the Water District's rules, to protect the water supply, and to ensure adequate environmental review of water credit transfers. They urge the Water Board to follow its rules and deny the request outright. The Water Board would be placing itself in a very tenuous legal position if it approves this request. Neither the City nor the applicant has indemnified the Water District; all the risk lies with the Water District. Several years ago, Patricia Bernardi and Save Our Carmel River sued the MPWMD on a similar issue and won. The cost to the taxpayers is significant.

I received the staff report Friday, October 15, the first day it was available. Prior to that date, no information on this item was available from the MPWMD. This letter is being submitted to you the business day immediately following. Please provide my clients, in care of my office, with written notice of all MPWMD actions in this matter, and on all water credit transfer matters including individual applications and program changes.

Very truly yours,



Michael W. Stamp

Enclosures

EXHIBIT A, p. 4



PUBLIC WORKS DEPARTMENT

610 Olympia Avenue
Seaside, CA 93955

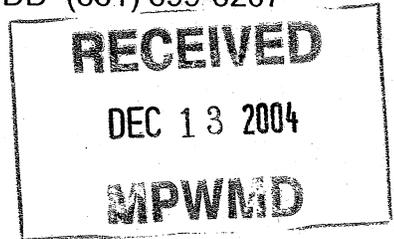
Telephone (831) 899-6825
FAX (831) 899-6311
TDD (831) 899-6207

HAND ²⁹
DELIVERED

4:15 pm
[Signature]

December 13, 2004

David Berger, General Manager
Monterey Peninsula Water Management District (MPWMD)
5 Harris Court, Building G
PO Box 85
Monterey, CA 93940



Re: Conditional Water Permit Application for the proposed Fremont/Broadway Project

Dear Mr. Berger:

Please accept this letter as the city's formal request for a Conditional Water Permit for the project proposed on the Fremont/Broadway site. At their December 9 Special City Council/Redevelopment Agency meeting, the City Council authorized the allocation of 10.874 acre feet of water for the proposed development at Fremont/Broadway site. Furthermore, the Redevelopment Agency authorized the payment of fees in the amount of Two Hundred Twenty Three Thousand Eight Hundred Fifty Two Dollars (\$223,852) payable to the Water Management District as property owner of the site. Copies of the corresponding resolutions for the aforementioned actions will be forwarded to your office upon obtaining all the required signatures on the documents.

City staff has submitted a completed Water Release Form for the project with all the required signatures, the proposed development site plan and the check for payment of all the required fees last Friday, December 10. Please let me know if there are any other requirements that must be met prior to your issuance of the permit.

Thank you in advance for your positive consideration of our application. If you have any questions regarding this matter, please do not hesitate in contacting me at 899-6825.

Sincerely,

A handwritten signature in cursive script that reads "Diana Ingersoll".

Diana Ingersoll
Director of Public Works/City Engineer

C: Les White, Interim City Manager



Monterey Peninsula Airport District

RECEIVED

200 Fred Kane Drive, Suite 200
Monterey, CA 93940
(831) 648-7000
(831) 648-7026 FAX

DEC 27 2004

MPWMD

December 15, 2004

Mr. David A. Berger
General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

Board of Directors

Ronald Phoebus
Chair
Nancy Foy
Leonard McIntosh
Dana Petrak
Richard Searle

Executive Staff

Thomas E. Greer
General Manager
Barbara Sadler
District Secretary
David Willoughby
District Counsel

RE: Future Water Needs Estimate

Dear Mr. Berger:

In keeping with your request, the following is submitted as an estimate of the long-term water needs for the Monterey Peninsula Airport using build-out figures from the Airport's Master Plan and current projections.

1. Non-residential building square-footage only. No residential housing or complexes.

Description	Use	S.F.
North Side Business Park	Group I	1,108,602
Aviation Hangar Storage	Group III	1,780,664
Non-Aviation Self Storage	Group III	75,000

2. Projections were calculated from figures forecast in the airport's Master Plan and anticipated future development projects.
3. Monterey Peninsula Airport Master Plan Update September 1992
4. No housing units are planned.
5. Contact: Joan Kaczmarek, 200 Fred Kane Drive, Suite 200, Monterey, CA 93940
jkaczmareke@montereyairport.com, (831) 648-7000 x209.

If you have questions or need clarification, please contact me anytime.

Sincerely,

MONTEREY PENINSULA AIRPORT DISTRICT

Joan Kaczmarek
Capital Projects Manager
Planning and Development Division

/jk.water.futureneed

cc: Thomas Greer, General Manager
Daniel H. O'Brien, Deputy General Manager Planning & Development

RECEIVED

DEC 22 2004

MPWMD

INSPIRING RESTORATION OF CULTURE,
COMMUNITIES AND HABITATS.

December 16, 2004

David Berger
MPWMD
5 Harris Court, Bldg. G
P.O. Box 85
Monterey, CA 93942-0085

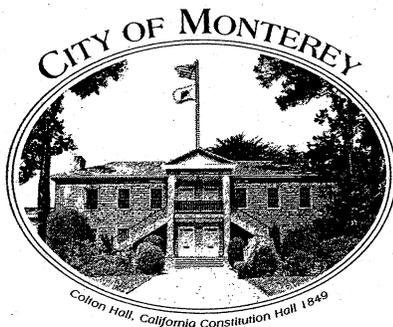
Dear Mr. Berger,

Thank you for the contribution of \$250 towards the Carmel River State Beach Tile Mural Project. The continued support from the District for projects that RisingLeaf is creating is greatly appreciated. We will keep you posted on the development of the project and related public gatherings.

Sincerely,

A handwritten signature in cursive script that reads "Paola Berthoin".

Paola Berthoin
President and Project Director



RECEIVED

DEC 20 2004

MPWMD

December 16, 2004

Mayor:
IAN ALBERT

Councilmembers:
LUCK DELLA SALA
BOBBY DOWNEY
JEFF HAFERMAN
LYNDE ROBERSON

David Berger, General Manager
MPWMD
P.O. Box 85
Monterey, CA 93940

City Manager:
FRED MEURER

Subject: Request to Amend Governmental Water Credit Transfers

Dear Mr. Berger:

As you may know, several governmental agencies that have facilities within the City of Monterey are exploring retrofitting fixtures to save water. In fact, the City of Monterey has installed waterless urinals at the Sports Center and the Defense Language Institute has installed waterless urinals in many of its buildings. This retrofitting results in on-site credits that may not currently be transferred to other property.

We would like the Monterey Peninsula Water Management District to begin the process of amending the District rules to allow water credit transfers from governmental (i.e. public) entities including, but not limited to, federal facilities (military installations), state facilities (community colleges), and City facilities that have underutilized water credits or credits made available through retrofitting. The District rules should permit water credit transfers to the jurisdiction in which the governmental agency is located or to private parties within the jurisdiction in which the governmental agency is located. Accordingly, please schedule review of this matter before the Technical Advisory Committee at their January 11, 2005 meeting.

Thank you for your attention to this matter. Please contact me at 646-3760 if you have any questions or require additional information.

Sincerely,


Fred Meurer

City Manager

City Council
Community Development Director

RECEIVED

DEC 20 2004

MPWMD



AXIOM ENGINEERSSM
LEE & ASSOCIATES
CONSULTING MECHANICAL ENGINEERS
2511 Garden Road Suite A-140
Monterey, California 93940-5376
(831) 649-8000
FAX (831) 649-8038

December 17, 2004

20030017

Mr. David A. Berger
General Manager
Monterey Peninsula Water Management District
5 Harris Court, Bldg. G
Monterey, CA 93942-5600

Re: **GAMBOA PROJECT – SUNRISE ASSISTED LIVING**

Dear Mr. Berger,

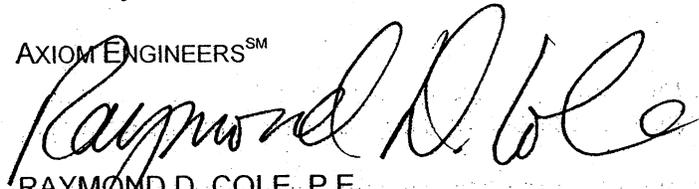
Axiom Engineers would like to take this opportunity to express its willingness to meet with you and your staff to provide our assistance in your review of the project. If we can address any questions or concerns the district may have regarding water demand and greywater treatment issues on referenced project please contact us.

Axiom Engineers was retained to provide a professional engineering opinion as to the expected water use for the Sunrise Development, Inc. proposed 64 unit (78 resident) assisted living facility in Carmel Valley. Water Demand Analysis contained in our report on the issue was included as Exhibit D of the Initial Study presented to the Monterey County Planning & Building Inspection Department.

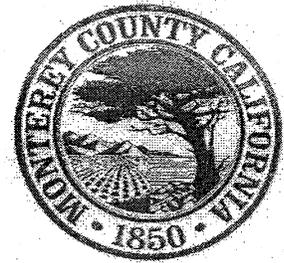
Lombardo & Gilles has informed us that you have been provided with our letter to them containing Axiom Engineers' explanations regarding greywater and rainwater issues raised in Water Management District's letter dated November 12, 2004.

As Axiom Engineers has been involved with the project since the very early stages, we believe we may be able to facilitate and expedite project review. Please feel free to contact us at any time.

Sincerely,

AXIOM ENGINEERSSM

RAYMOND D. COLE, P.E.
PRINCIPAL

MONTEREY COUNTY



39

DEPARTMENT OF HEALTH LEN FOSTER, Director

ADMINISTRATION	EMERGENCY MEDICAL SERVICES	HEALTH PROMOTION
ANIMAL SERVICES	ENVIRONMENTAL HEALTH	PRIMARY CARE
BEHAVIORAL HEALTH	FAMILY & COMMUNITY HEALTH	PUBLIC GUARDIAN

RECEIVED December 22, 2004

DEC 27 2004

MPWMD

Monterey Peninsula Water Management Agency
David Berger
PO Box 85
Monterey, CA 93942-0085

Dear Mr. Berger,

The Monterey County Health Department, Division of Environmental Health (MCHD, DEH) has recently been awarded \$210,000.00 in grant funding from the California State Department of Water Resources. MCHD, DEH's goal is to improve the ability to share information with other agencies and the public, to improve groundwater management and protect drinking water quality. The three activities this grant will fund are:

1. The development and implementation of a GIS interface with the existing Environmental Health database. This will allow for the sharing of well construction and drinking water quality monitoring data with all water management agencies, other water related organizations, and the public.
2. A Well Destruction Program focused on abandoned drinking water wells in the Salinas Valley and North Monterey County. Working with stakeholders to identify and evaluate abandoned wells, destruction of the wells will be required to assure they no longer pose a danger to our drinking water quality.
3. A public review and revision of MCC 15.08 standards for all well construction activities in Monterey County, to improve water quality protection and enhance enforcement mechanisms.

MCHD, DEH would like to invite you and/or your staff to participate in a meeting to discuss these activities. The meeting will include the three water agencies in Monterey County and is tentatively scheduled for January 25, 2004 at 9:00 in the Multipurpose room at the Monterey County Health Department. Please contact me by January 7, 2004 if this date will not work for your agency. The date and time will be confirmed once each agency confirms their availability. If you have any questions, please contact me at (831) 755-4552.

Sincerely,


Cheryl Sandoval, R.E.H.S.
Supervising Environmental Health Specialist



CITY MANAGER

440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6700
FAX (831) 899-6227
TDD (831) 899-6207

**HAND
DELIVERED** 41

December 22, 2004

RECEIVED

DEC 22 2004 2:30 pm

MPWMD

David Berger, General Manager
Monterey Peninsula Water Management District
5 Harris Court, Building G
PO Box 85
Monterey, CA 93940

RE: Water Credit Transfer for 866-890 Broadway (APN 011-293-002)

Dear Mr. Berger:

This letter is our formal response indicating the acceptance of the four (4) conditions attached to the water credit transfer approved by the Monterey Peninsula Water Management District (MPWMD) Board of Directors on December 13, 2004.

As requested by Stephanie Pintar, Water Demand Manager, also attached are the following documents to complete the transfer process.

1. A fully executed "Authority to Execute Deed Restrictions" document.
2. A signed Monterey Peninsula Water Management Indemnification Agreement.
3. A written confirmation from California American Water Company that no water meter(s) exist on the transfer site.

It is our understanding that providing you with this letter and the attachments prior to December 27, 2004 meets all the requirements preserving the water credits that are to be transferred to the City's public water allocation.

Please be advised that we are rescinding the comprehensive Conditional Water Permit application that was submitted for a redevelopment project that incorporates the site involved in the water credit transfer. Please return the check or reimburse the Redevelopment Agency for the connection fee paid for the permit.

I would like to thank your staff for their assistance in this matter.

SUBMITTED BY APPLICANT

David Berger, General Manager
December 22, 2004
Page 2

If you have any questions or require additional information, please contact Diana Ingersoll,
Director of Public Works, 899-6825.

Sincerely,



Les White
Interim City Manager

LW:bc

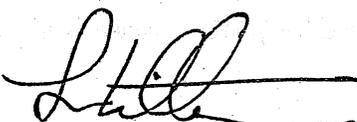
Attachments

- c: Don Freeman, City Attorney
- Diana Ingersoll, Director of Public Works
- Stephanie Pintar, MPWMD Water Demand Manager
- Gabriela Ayala, MPWMD Conservation Representative

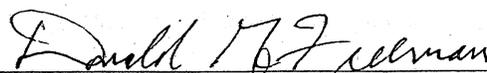
Authority to Execute Deed Restrictions

Les White, Interim Executive Director/Interim City Manager of the City of Seaside, is authorized to sign any and all documents on behalf of the City of Seaside and/or the Redevelopment Agency of the City of Seaside and take all action on behalf of these entities with reference to water permits required by the Monterey Peninsula Water Management District, including and not limited to the authority to execute a deed restriction for 866-890 Broadway Avenue, Seaside California 93955.

By:  Dated: 12/22/04
Les White, Interim Executive Director, Redevelopment Agency of
the City of Seaside

By:  Dated: 12/22/04
Les White, Interim City Manager, City of Seaside

Approved as to Form

By:  Dated: 12/22/04
Don Freeman, City Attorney, City of Seaside

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
INDEMNIFICATION AGREEMENT**

On **August 4, 2004**, an application was submitted to the Monterey Peninsula Water Management District ("MPWMD"), on behalf of Redevelopment Agency of the City of Seaside (the "Applicant"). The project, which is the subject of the application, is described as **Commercial-to-Jurisdiction Water Credit Transfer from APN 011-293-002 to the City of Seaside** (the "Project").

1. The Applicant agrees, as part of the application, to defend, indemnify, and hold harmless MPWMD and its agents, officers, attorneys and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against MPWMD or its agents, officers, attorneys or employees to attack, set aside, void, or annul:
 - a. Any approval of the above described application by MPWMD; and/or
 - b. An action taken to provide related environmental clearance under the California Environmental Quality Act (CEQA).

The indemnification is intended to include but not be limited to damages, fees and/or costs awarded against MPWMD, if any, and the cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with any proceeding whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding.

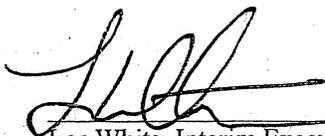
2. The Applicant agrees to indemnify MPWMD for all of MPWMD's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.
3. The Applicant agrees to defend, indemnify and hold harmless MPWMD, its agents, officers, employees and attorneys for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR or negative declaration) if made necessary by said proceeding and if the Applicant desires to pursue such approvals and/or clearances, after initiation of the proceeding, which are conditioned on the approval of these documents.
4. In the event that that Applicant is required to defend MPWMD in connection with such proceeding, MPWMD shall retain the right to approve:
 - a. The counsel to so defend MPWMD;
 - b. All significant decisions concerning the timely manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.

MPWMD shall also have the right not to participate in the defense, except that MPWMD agrees to cooperate with the Applicant in the defense of the proceeding. If MPWMD chooses to have counsel of its own defend any proceeding where the Applicant has already retained counsel to defend MPWMD in such matters, the fees and expenses of the counsel selected by MPWMD shall be paid Applicant, exempt as may otherwise be agreed by MPWMD.

5. The defense and indemnification of MWPMD set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

City of Seaside,
Redevelopment Agency of the City of Seaside

Monterey Peninsula Water Management District



Les White, Interim Executive Director/Interim City Manager

Stephanie Pintar, Water Demand Manager



December 22, 2004

Diana Ingersoll
Public Works Director
610 Olympia Avenue
Seaside, CA 93955

Dear Ms. Ingersoll:

Per your request, there is no existing water meters located at the following addresses on Broadway in Seaside, 866, 868, 872, 880, and 890.

If you have any questions, please call me at 831-646-3228.

Sincerely,

A handwritten signature in cursive script that reads "Joe DiMaggio".

Joe DiMaggio
Water Conservation Specialist

California American Water
Coastal Division

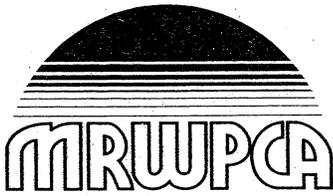
50 Ragsdale Dr., Suite 100
P.O. Box 951
Monterey, CA 93942-0951

T 831 646 3201
F 831 375 4367

I www.calamwater.com



SUBMITTED BY APPLICANT



Monterey Regional Water Pollution Control Agency

*"Dedicated to meeting the wastewater and recycled water needs
of our member agencies, while protecting the environment."*

Administration Office:

5 Harris Court, Bldg. D, Monterey, CA 93940-5756
(831) 372-3367 or 422-1001, FAX: (831) 372-6178

Website: www.mrwPCA.org

RECEIVED

DEC 27 2004

MPWMD

December 22, 2004

Mr. Alvin Edwards, Chairman
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Dear Chairman Edwards:

Subject: Coordination on Reclamation and Aquifer Storage and Recovery
Opportunities (Reference: Your letter dated October 22, 2004)

Thank you for your letter of October 22, 2004 regarding collaboration between our two agencies on reclamation and aquifer storage and recovery (ASR) opportunities. Pursuant to that letter, our staff met with your staff on November 10th to exchange information on these projects with follow up in early December.

MRWPCA is in the early feasibility evaluation phase of a project that could potentially involve the Seaside groundwater basin, the same basin in which you have been performing ASR testing using Carmel River water. This project would be a groundwater recharge project using recycled water treated essentially to drinking water standards. At this point our work on this project has not progressed to the point where we would be able to provide a high level of detail on this project. Specifically, we would not have cost estimates or engineering design drawings that could be provided for your staff for inclusion in the environmental documents they are preparing. However, we will provide to your staff all of the information we do have, and will provide a general conceptual description of the projects, so it can be included as appropriate in your environmental documents.

We had previously also considered the possibility of a recycled water ASR project that would involve the Seaside groundwater basin. However, we now believe that the groundwater recharge project would be a better project to pursue, and are no longer considering recycled water ASR in that basin.

Joint Powers Authority Member Entities:

Boronda County Sanitation District, Castroville Service Area 14, County of Monterey, Del Rey Oaks, Marina Coast Water District, Monterey, Moss Landing County Sanitation District, Pacific Grove, Salinas, Sand City, Seaside, and U.S. Army (Ex-officio)

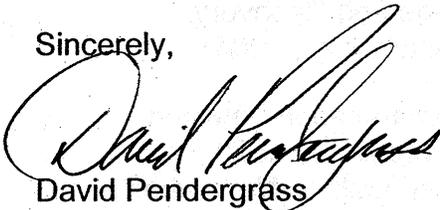
Mr. Alvin Edwards, Chairman
December 22, 2004
Page Two

With specific reference to the two options outlined in your letter, MRWPCA would be most supportive of Option 1, "Review of MRWPCA Concepts." As noted above, we would not be able to provide the level of detail necessary to support Option 2 "Assess MRWPCA Project Proposal" at this time.

In recent separate correspondence from your legal counsel, Mr. Laredo, the concept of having an inter-agency memorandum of understanding regarding water projects was proposed. Our Board believes that at this time a formal agreement of that type is not necessary, since our Boards and staffs are already cooperating fully on matters of mutual interest and concern.

Again, thank you for your offer of collaboration on these important projects. We look forward to continuing to work closely together with your District as solutions to water supply issues are developed.

Sincerely,



David Pendergrass
MRWPCA Board Chairman

cc: Dave Berger



PUBLIC WORKS DEPARTMENT

610 Olympia Avenue
Seaside, CA 93955

Telephone (831) 899-6825

FAX (831) 899-6311

TDD (831) 899-6207

December 28, 2004

David Berger, General Manager
Monterey Peninsula Water Management District (MPWMD)
5 Harris Court, Building G
PO Box 85
Monterey, CA 93940

RECEIVED

DEC 30 2004

MPWMD

Re: Future Water Needs Estimate

Dear Mr. Berger:

At their December 16 meeting, the City of Seaside City Council received and reviewed staff's water needs projections using the build-out figures from the city's adopted General Plan. They have directed staff to forward the information to your agency as you had requested.

In response to your letter dated October 5, 2004, please refer to the attached tables regarding the estimates of water needs based on land use designations including remodels and contingency requested by the city. Each table includes the basic assumptions and attachments that verify where the data is derived from. In addition, listed below are answers to additional inquiries made in your letter.

1. The City of Seaside General Plan was formally adopted by the City Council last August 2004 and projections are for a twenty-year period.
2. The city's General Plan Housing Element was updated on March 2003 and it is for a period from 2002 through 2007. The total number of housing units projected to be built is 4500.
3. The contact information for the city is: Diana Ingersoll, Director of Public Works. E-mail address is dingerso@ci.seaside.ca.us and telephone number is (831) 899-6825.

It is our understanding that the District with the assistance of the TAC and PAC members intends to develop average water demand factors for each land use designation and will be recalculating the jurisdiction's future water use needs for your Board. Please note that we proceeded to estimate our water needs using the District's current water use factors for commercial and the fixture units methodology for residential. Based on our calculations, we estimate a future water need of **734.032 acre feet**.

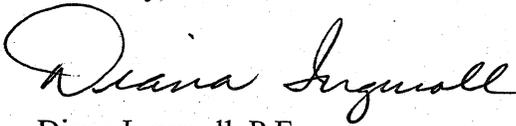
If you have any questions or concerns do not hesitate in contacting me at (831) 899-6825. Should I be unavailable to assist you or your staff, please ask for Tim O'Halloran, Sr. Civil Engineer.

Mr. David Berger
Monterey Peninsula Water Management District
December 28, 2004
Page two

Re: Future Water Needs Estimate

We look forward to working with you and your staff in finalizing the water needs estimates prior to your Board's consideration.

Sincerely,



Diana Ingersoll, P.E.
Director of Public Works/City Engineer

C: Les White, Interim City Manager
Tim O'Halloran, Sr. Civil Engineer

Attachments:

- Table 1 – Seaside Water Needs Projections Residential
- Table 2 – Seaside Water Needs Projections Commercial
- Table 3 – Seaside Water Needs Projections Contingency and Summary

Table 1
Seaside Proper
Water Needs Projections
Residential
12/08/04

Housing (Dwelling Units)	Existing ¹	Total Build Out ²	Water Use Factor (AF/unit)	Additional Water Required (AF)
Low Density Single Family	3,655	2,460	0.3000	-358.50
Medium Density Single Family	1,023	2,640	0.3000	485.02
Medium Density	187	600	0.2200	90.86
High Density	1,892	983	0.2200	-199.98
Mixed Use (Residential)	0	233	0.2000	46.60
Total				64.00
Vacant/Underdeveloped Land	Potential New Units³			
Residential				
Low Density Single Family	8		0.3000	2.40
Medium Density Single Family	45		0.3000	13.50
Medium Density	30		0.2200	6.60
High Density	0		0.2200	0.00
Mixed Use				
Residential	332		0.2200	73.04
Total				95.54
Remodels⁴				
Residential				
TOTAL				163.2060

Table 1
Seaside Proper
Water Needs Projections
Residential
12/08/04

Assumptions

- ¹ Based upon the Final EIR pg 3-5 Table 3-1 adjusted by Cotton Bridges Land Use Plan Estimates of Existing Land Use dated December 3, 2003 less North Seaside.
- ² Based upon the Cotton Bridges Land Use Plan Estimates for General Plan Land Use dated December 3, 2003 & changes from Table 1 from the General Plan Addendum dated February 25, 2004, & % changes effecting Seaside Proper from the Final Land Use Map figure 2 in the General Plan Addendum.
- ³ Obtained from the Technical Appendix to the Housing Element Table 33 pg. HE App-59
- ⁴ Based upon exhibit 10-E from the September 20, 2004 MPWMD Board Packet.

Table 2
Seaside Proper
Water Needs Projections
Commerical
12/08/04

	Units	Existing ¹	Total Build Out ²	Water Use Factor (AF/unit)	Additional Water Required (AF)
Community Commercial					
Group I	1000 Square Feet	636	550	0.000070	-6.0200
Group II	1000 Square Feet	136	118	0.000200	-3.6000
Group III					
Laundry	Washers	60	90	0.200000	6.0000
Restaurant 24hr	Seats	27	24	0.038000	-0.1140
Restaurant other	Seasts	27	24	0.020000	-0.0600
Gas Station	Pumps	40	56	0.091300	1.4608
Beauty Salon	Cutting Stations	120	150	0.056700	1.7010
Motel	Rooms	400	400	0.100000	0.0000
Bar	Seats	90	120	0.020000	0.6000
Regional Commercial³					
Group I	1000 Square Feet	2,907	3,878	0.000070	67.9700
Group III Hotel room	Rooms	570	722	0.210000	31.9200
Heavy Commercial					
Group I	1000 Square Feet	0	76	0.000079	-18.6440
Group II	1000 Square Feet	0	218	0.000200	43.6000
Recreational Commercial⁴					
Group I	1000 Square Feet	50	16	0.000070	-2.3800
Group II	1000 Square Feet	3	1	0.000200	-0.4000
Public/Institutional					
Group I	1000 Square Feet	992	844	0.000070	-10.3600
Parks and Open Space					
	1000 Square Feet	19	24	0.000251	1.2550
Remodels⁵					
Commercial					5.91
Vacant/Underdeveloped Land					
Mixed Use Commercial⁶					
Group I (80%)	1000 Square Feet	861		0.00007	60.2522
Group II (20%)	1000 Square Feet	215		0.00020	43.0373
				TOTAL	283.0983

Table 2
Seaside Proper
Water Needs Projections
Commercial
12/08/04

Assumptions

¹ Existing was determined based upon actual land use within the Seaside Proper obtained from the General Plan.

² Determined from the General Plan using the same ratio's used for existing land use.

³ 5% was assumed for Group II and the remaining was considered general retail.

⁴ 5% was assumed to be Group II relating to recreational activities.

⁵ Based upon exhibit 10-E from the September 20, 2004 MPWMD Board Packet.

⁶ Obtained from the Technical Appendix to the Housing Element Table 33 pg. HE App-59

Table 3
Seaside Proper
Water Needs Projections
Contingency and Summary
12/08/04

Contingency

Residential	Units	Usage without Conservation AF/Unit ¹	Current Usage Factor ²	AF/Unit ³	AF
Low Density Single Family	2460	0.33	0.3	0.03	73.8
Based upon fixture units for diffe	2640	0.33	0.3	0.03	79.2
Medium Density	600	0.25	0.2	0.05	30
Additional water usage if conserv	983	0.23	0.22	0.01	9.83
Mixed Use Residential	477	0.25	0.2	0.05	23.85
Total					216.68
Anticipated System Losses/Fire					26.417
10% of Table 1 & 2					44.6304272
Total Contingency					287.7274272

Summary

Residential	163.206	AF/Year
Commercial	283.098272	AF/Year
Contingency	287.7274272	AF/Year
Seaside Proper Total Water Needs	734.032	AF/Year

Table 3
Seaside Proper
Water Needs Projections
Contingency
12/08/04

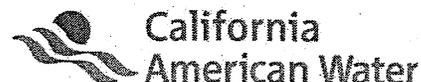
Assumptions

- ¹ Water Supply Assessment for the East Garrison Specific Plan Development and from Seaside Highlands EIR
- ² Based upon fixture units for different land uses.
- ³ Additional water usage if conservation measures are not in effect.

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JAN 05 2005



MPWMD

December 29, 2004

Mr. David Berger
GM
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940



Steven Leonard
Vice President & Manager

Dear Mr. Berger: *David*

As the year nears its end, I wanted to share a few milestones that we have passed during the past few months on significant water projects, and a few items that we foresee in the near future.

The most important news is that after decades of delay, the Monterey Peninsula is moving steadily closer to meeting our water supply challenge through the Coastal Water Project (CWP).

The major components of CWP include a desalination plant at Moss Landing, new underground storage of excess winter water, and a pipeline system to connect a proposed Moss Landing desalination facility to our local distribution system on the Peninsula.

Progress on Public-Private Cooperation for Desalination

Thanks to cooperation from city, county, and civic leaders, our team has made more than 30 public presentations describing CWP and the approval process. Through these meetings, the public has had the opportunity to offer much input regarding the environmental issues we need to study as well as express their concerns about demand for a reliable water supply.

The County Board of Supervisors and senior County staff are evaluating their view of how best to create a public-private partnership to own and operate a desalination facility. We believe their deliberations on how best to govern such a process is thoughtful and appropriate. We are confident they will include cities and local water districts in this deliberation, and consult with our company and other possible operators as they consider this path.

Our company is creating a scientific advisory panel to help our consulting team evaluate the environmental topics that are unique to the delicate coastal environment, ensuring the best science is used to examine possible environmental impacts and suggest mitigations.

Engineers have identified possible pipeline routes to intertwine the desalination facility and underground storage wells with our existing system. Each of these routes is being evaluated for feasibility, environmental issues, and cost.

California American Water
50 Ragsdale Drive, #100
Monterey, CA 93940

T 831 646-3214
E sleonard@amwater.com
I www.calamwater.com





Progress with MPWMD for Second ASR Well

We have been working with the Monterey Peninsula Water Management District on their anticipated environmental impact report on a second test well for aquifer storage and recovery (ASR). Their existing test well played a significant role in keeping Peninsula water users from exceeding the state limits this past year, and we are pleased that they are evaluating a second ASR well to store excess winter water for use in drier months.

Infrastructure and Service Improvements

We are replacing several miles of pipeline to reduce leaks in our system in Carmel Valley. We are doing everything we can to minimize the inconvenience for local residents, while recognizing the project's long-term benefits of helping reduce ratepayer expense and keep within water usage limits imposed by the State.

We are launching several customer service improvements, including improved call routing and interactive services at our 24x7 call center; field service staff will be dispatched through an electronic system that will speed response time and reduce ratepayer expense.

Improving the safety of the San Clemente Dam on the Carmel River remains a high priority both for our company and for regulatory agencies. We anticipate major steps to begin improving the reliability of San Clemente Dam during 2005.

Water Rate Adjustments

As directed by the California Public Utilities Commission timetable, we are finalizing a rate increase application to offset the costs of the many improvements we are making. Many parts of the Monterey Peninsula system are more than a century old and replacement is essential to reduce leaks and increase efficiency. The amount of our rate increase will be determined by the California Public Utilities Commission and will be based on what they authorize for new investment in infrastructure, customer service and security.

Thank you for your interest in these matters. We welcome your input on these or any other matters regarding your water service. If there is ever any information I can provide regarding any local water matter, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Leonard".

Steven Leonard
Vice President & Manager

Happy New Year!

HACIENDA CARMEL COMMUNITY ASSOCIATION

59

1000 Hacienda Carmel

Carmel, California • 93923-7949

Telephone (831) 624 - 8261 • Fax (831) 625 - 7805

www.haciendacarmel.us

December 29, 2004

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JAN 04 2005

Mr. Larry Foy
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93940

MPWMD

Dear Mr. Foy,

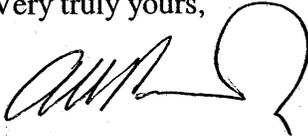
Hacienda Carmel Community Association and the Water Management District have had an excellent relationship over the past years, which has been of great benefit to Hacienda Carmel. In this spirit of mutual cooperation, may I bring a current situation to your attention?

A condition has arisen in the riverbed, adjacent to Hacienda's north berm, which deserves the district's utmost attention. The specific problem is a large sandbar which has developed in the middle of the river bed, and will divert water directly at the bank of our association's berm, causing a threat to this earthen dike which protects Hacienda from the high water that can flow in the Carmel River.

It appears to me that sandbar removal is required to protect this 300 unit condominium project with a population of almost 400 senior citizens. Hacienda Carmel has, in the past, contributed in kind and is certainly willing to participate monetarily to rid ourselves, and our neighbors, of this potentially destructive sandbar.

Your review of this matter will be much appreciated by Hacienda Carmel and our surrounding neighbors.

Very truly yours,



G. W. Piercy, Jr.
General Manager

GWP:jpm

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite 1
Monterey, California 93940

Telephone
(831) 373-1214

January 5, 2005

David Berger
General Manager
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

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JAN 07 2005

MPWMD

Re: Intent to Commence CEQA litigation

Dear Mr. Berger:

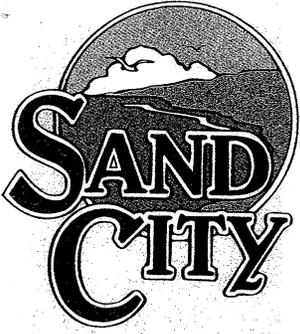
This letter is to advise the Monterey Peninsula Water Management District and the Board of Directors that Save Our Carmel River, Patricia Bernardi, and The Open Monterey Project intend to commence litigation in regard to the approvals of the 866-890 Broadway water credit transfer. This notice is provided to you because the Petition will raise issues relating to the application and enforcement of the California Environmental Quality Act.

If you have any questions, please feel free to contact me. Thank you for your continuing courtesy.

Very truly yours,



Michael W. Stamp



January 5, 2005

RECEIVED

Mr. David Berger
General Manager
MPWMD
5 Harris Court, Building G
Monterey, California 93942

JAN 06 2005

MPWMD

Dear Dave:

As requested by your letter of October 5, 2004, the Sand City Council has determined that a "general plan build-out" estimate of future commercial/industrial and residential development would yield a water supply requirement of approximately 449 acre-feet per year (AFY) for Sand City.

On January 4, 2005, the City Council considered city staff analysis of various General Plan build-out scenarios to determine future water need for our city (see enclosure). The Council determined that a "scenario 5" (a hybrid of scenario 1 and 4) should be the recommended methodology the district uses to determine Sand City's long-range water needs based on general plan build-out. The Council determined that it was reasonable to assume that a total of 587 dwellings would eventually exist in Sand City, needing an average of .16 AFY of water per dwelling, resulting in a total water need of 187 AFY. The Council also determined that it would be reasonable to assume a commercial build-out figure of 3 million square feet. Using an average of 28.4 gallons/square foot of commercial floor area, based on a three-year average derived from Cal-Am figures, this would yield a total water use of 262 AFY. Therefore, the cumulative total of residential and commercial water needs would equal 449 AFY. You will note from the 3-year average of water use per resident in Sand City that we are a very water-conserving community. This is largely due to our relatively small average household size (2.46 persons per household) and small lot size for residential development.

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

Public Works
(831) 394-1386

FAX
(831) 394-8518

Incorporated
May 31, 1960

For purposes of our planned water supply project, Sand City staff further refined theoretical water use parameters generated by general plan build-out based on: (1) real estate market conditions; (2) existing development by field survey ("ground-truthing"), and (3) the constraints to reaching general plan build-out, such as poor lotting patterns, existing development that is not ripe for redevelopment, and the lack of off-street parking opportunities needed to maximize commercial and mixed use development.

If your staff needs further assistance regarding how we derived our "numbers", please contact me at 394-6700 x 13.

Sincerely,

Steve Matarazzo
Community Development Director

C: City Administrator

Enclosures:

CITY OF SAND CITY
staff memorandum

DATE: December 15, 2004 (for Council Meeting of January 4, 2005)

TO: Mayor and City Council

FROM: Community Development Director 

SUBJECT: Request by Water District for Sand City's Long Term Water Needs Using General Plan "Build-out" Projections

BACKGROUND

On October 5, 2004, the water district manager requested that each jurisdiction provide its long-term water needs to the district. The long-term water needs were to be based on "general plan build-out" figures regarding projected amounts of residential, commercial and industrial development. It is presumed the district will use these figures in its future water planning efforts in concert with the development of the Moss Landing regional desalination facility, although that intent was not directly stated in the district correspondence.

General plan "build-out", as defined by the planning community, usually signifies the amount of development that would be allowed provided maximum densities and intensities of land use, in accordance with the adopted general plan are eventually realized over time. Sand City staff estimated this amount of residential and non-residential development as part of the adopted 2002 - 2017 General Plan, and those figures are provided on a chart within the Land Use Element. It is recognized that these numbers are a worst-case theoretical scenario and probably will never be realized, particularly within the West End district of town due to the small lotting patterns and the lack of available off-street parking opportunities. (For example, maximum floor area ratios were presumed with development densities allowing 5 stories of height for all properties within the West End. Recent development, due to the lack of available lot area to meet parking requirements, has resulted in 2-story construction, even though up to 5 stories (60 ft height limit) is allowed by zoning..

For water planning purposes related to our proposed water project, Sand City staff (public works and planning) further refined the estimates of future development based on current market trends (which favor residential development in the West End mixed use district), the lack of parking available, and "reasonable expectations" of density based on the physical constraints of Sand City in terms of sensitive habitat, regional policy (coastal commission review), and existing lotting patterns. Based on this "realistic" scenario, it is estimated that Sand City will eventually need 312 acre-feet of water (see Scenario 4 on attachment 1). The Sand City water supply project (desalination plant) will have a design capacity of 300 acre-feet per year.

CONCLUSION AND RECOMMENDATION

Four development scenarios, based on reasonable and "theoretical" general plan development are provided for the Council's review in attachment 1. It is RECOMMENDED that staff forward all this information to the water district for their review, and recommend that district staff modify our general plan theoretical build-out figures estimated by "Scenario 4". In this way, any future water supply will be based on realistic water needs, rather than theoretical needs that may never be attained, resulting in unnecessary regional water infrastructure capacity and cost. Based on this principle, it is FURTHER RECOMMENDED that Sand City request a future water need of 312 acre-feet per year, with a 20 percent contingency amount.

- Attachments: 1: Sand City General Plan Build-out Scenarios
2: Draft Letter to Water District Manager

ATTACHMENT 1

**Sand City General Plan "Build-Out"* Based on the 2002 - 2017 General Plan and
the State-Certified 2003 Housing Element**

1. Estimated Dwellings: 587 units (all small, small lot residential/multi-family densities)
2. Non-Residential: (1 to 3 million square feet, depending upon market demand for residential development in the West End (mixed-use zoning) district.

Scenario 1:

**Potential Water Use @ General Plan Build-Out with
1 million square feet of Additional Commercial Development** (Realistic General Plan Build-out based on Existing Market Conditions Favoring Residential Development in the West End)

Residential Land Use:

Estimated Water Use of 587 units @ .16 AF/unit = 187 AFY

Non-Residential Use

@ 1 million square feet @ .00007 AF/sf = 70 AFY

@ 3 million square feet @ .00007 AF/sf = 210AFY (includes existing commercial square-footage)

Total Water Need (by use of District Water Multipliers (factors):

Existing Water Use: 118 AFY (2003 figures from Cal-Am)

New Residential: 187 AFY

New Commercial: 70 AFY

Total: 375 AFY* (this total includes 133 housing units of a coastal project that is the subject of litigation and has its own water supply via a private mutual water company, if eventually approved.)

Scenario 2:

**Potential Water Use @ General Plan Buildout with
High-end number of New Commercial Development (2)** (Possible General Plan Build-out Based on Lack of Commercial Competition From the Former Fort-Ord Build-out)

Existing Water Use: 118 AFY (2003 Figure from Cal-Am)

New Residential: 187

New Commercial: 210

“Scenario 2” Total 515 AFY(2) (This total includes 133 housing units that may not get built due to litigation and/or may have a water supply that is provided via a private mutual water company outside the service area of Cal-Am. Also, this figure is very liberal as it assumes enough parking will be provided in the West End district, requiring the construction of numerous parking structures.)

Scenario 3:

Estimated Water Use Based on “Holding Capacity” of General Plan Related To Commercial/Industrial Usage: (Unrealistic based on lack of parking and market demand for residential development -current market trends do not support.)

Water Use From Residential (does not change) = 305 acre-feet per year (based on District water use factors)

Water Use Needed for Industrial/Commercial (based on 9 mill. square feet) = 630 acre-feet per year

Total Water Needed: 935 acre-feet per year

Scenario 4:

Estimated Future Water Use Based on Actual Use Factors

Projected General Plan

Build-Out Population: 1,029 residents @ 43.8 gals/person/day (3 year average, 2001 to 2003) = 50 afy

Commercial/Industrial

Water Use (based on 3 year average): @ 3 million square feet @ 28.4 gals/sf = 262 afy (market-based figure, given lack of parking available)

Total Projected Use

Assuming Max.

Commercial Dev. 312 Acre-Feet/Year

*The Land use chart in the adopted General Plan refers to “holding capacity”, which is different from realistic “build-out” that can be estimated using current real estate market trends and projected land utilization based on existing parcel sizes and the lack of in-fill opportunities in Sand City due to a lack of off-street parking opportunities.

JON M. BIGGS
COMMUNITY DEVELOPMENT DIRECTOR



BUILDING INSPECTION
(831) 648-3183
HOUSING PROGRAMS
(831) 648-3190
PLANNING/ZONING
(831) 648-3190

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190
FAX (831) 648-3184

January 7, 2005

RECEIVED

JAN 11 2005

MPWMD

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

Subject: Future Water Needs Estimates for Pacific Grove

Dear Mr. Berger,

This is in response to your October 5, 2004 request for information. Enclosed with this letter are the long-term water need projections for the City of Pacific Grove based on build-out projections in the General Plan. The Pacific Grove City Council authorized submittal of these figures at its meeting of January 5, 2005. The following information is also provided per your request:

- The Pacific Grove General Plan was adopted in October of 1994 and covers the planning period from its adoption until 2010.
- The Housing Element of the Pacific Grove General Plan was updated in 2003 and provides quantified objectives for the development of housing until July of 2007.
- Contact:

Jon M. Biggs, Community Development Director
300 Forest Avenue, Pacific Grove, CA 93950
(831) 648-3190
e-mail – jbiggs@ci.pg.ca.us

Based on the information provided in your letter, it is our understanding that these water needs estimates have been requested for the purpose of estimating the Monterey Peninsula's long-term water needs and are not intended to be used as the basis for future water allocations. We want to emphasize that the estimates contained in the report are based on current General Plan projections and that these projections are subject to change or modification. We would also point out that no category of water use is assumed to have greater or lesser priority.

Please let me know if we can provide any additional information or assistance.

Sincerely,

Jon M. Biggs,
Pacific Grove Community Development Director

c:
City Manager
Mayor and City Council
File



CITY OF PACIFIC GROVE

LONG TERM WATER NEEDS ASSESSMENT DECEMBER 2004

for MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

	<u>Number</u>	<u>WMD Water² Use Factor</u>	<u>Acre Feet</u>
1. <u>Potential new dwelling units in single-family districts¹</u>			
• Building sites from multiple lot parcels, (hidden lots/vacant lots on improved parcels)	133	.286	38.04
• New subdivisions, SFD	61	.286	17.45
• Second units	3,426	.087 ³	298.06
• Vacant sites	68	.286	19.45
<i>Water needs: Single-Family Districts -</i>			373.00
2. <u>Potential new dwelling units in multi-family and commercial districts¹</u>			
• Commercial districts	1,128	.134	151.15
• Under-utilized multi-family sites	566	.134	75.84
• Building sites derived from multiple lot parcels in R-2 Districts	12	.134	1.61
• Vacant sites	37	.134	4.96
<i>Water needs: Multi-Family and Commercial District Dwelling Units -</i>			233.56
3. <u>Single-Family residential additions and remodels⁴, including demolition/rebuild⁵</u>			
• Remodel—one additional full bath	362	.047	17.01
• Remodel—two additional full baths	362	.094	34.03
• Demolition/rebuild: 2005-2025	200	.094	18.80
<i>Water needs: remodels, additions, Rebuilds-</i>			69.84
<i>(This equates to 6,984 Fixture Units)</i>			
4. <u>Commercial water requirements⁶</u>			
• Group I Commercial Uses – Low to Moderate	635,000 sf	.00007	44.45
• Group II Commercial Uses – High Use	635,000 sf	.0002	127.00
• Visitor Accommodations ⁷	318 rooms	.21	66.78
<i>Water needs: Commercial -</i>			238.23

	Acre Feet
5. <u>Public water requirements</u>	25.00
<i>Estimated Long Term Water Needs</i>	939.63
Contingency: 20% of Base Water Needs	187.93
Total estimated water needs, 2000-2020	1127.56

Notes:

1. Projections are based on the City of Pacific Grove General Plan, adopted 1994. See: *Figure 2-4, Residential Unit Development Potential, p. 12.*
2. Water factors are those used by Land Systems Group in their calculation of potential water use on vacant lots for the Monterey Peninsula Water Management District. See: *Table 4: Water Requirements of Vacant Lots by Zoning. Final Report to MPWMD (Lot Study) p. 23.*
3. This water use factor is based on typical secondary unit water demand in Pacific Grove.
4. There was an annual average of 580 remodels/additions in Pacific Grove during the years 1999-2003 and, on average, 6.25% of these projects included the addition of plumbing fixtures. It is estimated that during the time period 2005 – 2025 there will be 724 projects involving remodels and additions that will include the addition of plumbing fixtures. It is further estimated that half the projects would add one bath and half would add two baths.
5. A building trend that has been noted in Pacific Grove is demolition of older, non-historic houses to make way for new, usually larger, dwellings. This trend is expected to continue. Demolition/rebuilds are estimated to occur at the rate of ten per year and during the 2005-2025 time frame. Each new unit is estimated to require .094 more fixture units than the structure it replaces.
6. "In 1988, the City estimated that remaining commercially-zoned, vacant parcels could accommodate about 270,000 square feet of new commercial development. In addition, the amount of commercial space that could be added under the General Plan and zoning theoretically could exceed one million square feet." Pacific Grove General Plan, Land Use, Chapter 2, p 12.
7. In 1999 the City estimated 270 guest rooms for the one Downtown block occupied by the Holman Building, which was approved for a hotel use in a 1994 ballot measure. The General Plan estimates an additional net gain of 48 motel units on four sites in the R-3-M Zone. Pacific Grove General Plan, Land Use, Chapter 2, p 17.