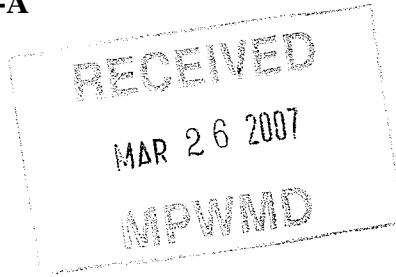




MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • http://www.mpwmd.dst.ca.us



#750/feb

APPLICATION FOR VARIANCE REGARDING WATER CONNECTION PERMITS

Rule 24 of the District Rules and Regulations states that upon request an applicant may apply for a variance from standards incorporated in the District's Rules and Regulations. Variances may be approved when: a) special circumstances exist, as defined in the Rules and Regulations; b) when strict interpretation and enforcement of any standard would cause undue hardship; and c) when the granting of such a variance will not tend to defeat the purpose of the Rules and Regulations.

In order to be considered for a variance hearing, all applicants must submit a completed application with payment of a non-refundable processing fee, and any other information necessary to evaluate the case. Applications must be received 5 weeks in advance of the next scheduled Board meeting in order to be considered for placement on the agenda. All applicants are required to provide the information requested on this form. This information will be used as the basis for finding on which the Board will support or deny your variance request. Submission of an incomplete application may constitute grounds for denial of your request.

APPLICANT INFORMATION

- 1. Applicant's Full Name: GLC Foothill Monterey LLC
Mailing Address: 5176 Hillside Circle, Suite 100
City: El Dorado Hills State: CA Zip: 95762
Phone Number(s): Work (916) 939-9890 Home (916) 769-0101
2. Name of Agent(s) to Represent Applicant: WWD Corporation Anthony Cattedra
Mailing Address: 2801 Monterey Salinas Highway, Suite I
City: Monterey State: CA Zip: 93940
Phone Number(s): Work (831) 655-2723 Home (831) 375-7832

PROPERTY INFORMATION

- 1. Full Name of Property Owner: GLC / Foothill Monterey LLC
Mailing Address: 5176 Hillside Circle, Suite 100
City: El Dorado Hills State: CA Zip: 95762
Phone Number(s): Work (916) 939-9890 Home (916) 769-0101
2. Property Address: 560 and 570 Munras Avenue
City: Monterey State: CA Zip: 93940
3. Assessor's Parcel Number: 01 - 581 - 18
4. Property Area: Acres: 1.742 Square Feet: 75893 Other:
5. Past Land Use: Commercial Grocery
6. Present Land Use: Commercial Grocery
7. Proposed Land Use: Commercial Retail
Existing buildings? Yes [x] No
Types of uses and square footage: Commercial Retail 21665 sf (570 Munras)
3662 sf (560 Munras)

(PLEASE PROVIDE 5 YEARS OF WATER RECORDS)

STATEMENT OF VARIANCE REQUEST

**If additional space is needed for response to any question, please continue on a separate piece of paper and attach to the back of this application.*

1. From which rule(s) are you requesting a variance?

Individual exterior domestic water meters and backflow preventors for each individual commercial tenant

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

The installation of these (10 in total) will require the loss of 1 to 2 parking stalls in a site in need of as much parking as possible. Additional expense for installation not accounted for in budget analysis. The visual impact for a critical project for the City of Monterey in it's downtown revitalization.

3. What difficulties or hardships would result if your variance request was denied?

Construction expenses, loss of parking, complexity and difficulty of installation as numerous utilities are being installed in a very confined areanot withstanding the fact that this is an existing site with a poor history of installed utilities and therefore possible conflicts

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

Allow the use of a single master exterior domestic water meter and backflow preventor for each building with electronically monitored meters to tract individual tenants use.

5. Please indicate if you intend to make a statement at the variance hearing, and list the names of any other individuals who may speak on your behalf.

Doug Wiele will be present to address questions.

PROJECT INFORMATION

*If additional space is needed for response to any questions, please continue on a separate piece of paper and attach it to the back of this application.

- 1. Type of Project: [X] New Construction [X] Remodel/Addition
2. Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)
Residential No. Dwellings [] Total No. Fixture Units (Residential Only) []
[X] Commercial/Industrial/Governmental
Type of Use: [] Commercial Retail [] Square Footage: [] 25327
[] Other (Specify): []

3. Current Zoning Classification:

4. Name of water company which services the property:

California American Water Company

5. Do you feel this project will use less water than that calculated by the District? If so, please explain how much you believe the project will use, and the basis on which you make this assumption.

N/A

6. Has this project been approved by the local jurisdiction? If so, please list or attach a copy of all conditions which have been imposed on the project. (Attach a copy of these conditions and approvals received.)

Yes

7. Does the applicant intend to obtain a municipal or county building permit for the project within ninety (90) days following the granting of a water connection permit? If not, when will water be needed at the site?

Applications submitted for, under review

I declare under penalty of perjury that the information in the application and on accompanying attachments is correct to the best of my knowledge and belief.

[Signature]
Signature of Applicant

3/24/07 Monterey CA
Date/Location

NOTE TO APPLICANT: You may attach written findings for the Board to review and consider in support of the action you have requested.

Fee Paid \$750

Receipt No. 20477

Staff Initials RC



Monterey Peninsula Water Management District

DISCLOSURE STATEMENT
(EX PARTE COMMUNICATIONS)

Name or description of project, action, etc.: Uptown Monterey

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

<u>Name</u>	<u>Address</u>
<u>Anthony Cattedra Engineer</u>	<u>2801 Mty Salinas Hwy Mty, CA</u>
<u>Doug Wiele Partner</u>	<u>5176 Hillsdale Cir El Dorado Hills, CA</u> 93940 95762
<u>Dick Loorz Project Manager</u>	<u>Same</u>

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

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

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

I declare the foregoing to be true and correct of my own personal knowledge. I have signed this form this 24 day of March, 2007. This form is signed in the City of Monterey, State of California.

Anthony Cattedra
Name (print)
[Signature]
Signature

SUBMITTED BY APPLICANT



FOOTHILL PARTNERS 5176 Hillside Circle, Suite 100, El Dorado Hills, California 95762 f 916.939.9890 f 916.939.9895

M · E · M · O · R · A · N · D · U · M

To: Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, California 93942

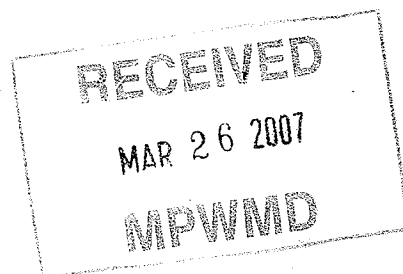
Attn: Stephanie Pintar

Copy: Chip Rerig, City of Monterey

From: Doug Wiele

Re: 570 and 560 Munras Avenue, Monterey – “Uptown Monterey” (Trader Joe’s) project
Request for Variance to from Water Meter Requirements (District Rule 23.A.1.i)

Date: March 26, 2007



Dear Ms Pintar:

This letter follows our meeting on March 23, 2007. The purpose of this letter is to formally request a variance to District Rule 23.A.1.i with regards to Water Meter Requirements. Our project civil engineer is separately submitting the required form and deposit check.

The District Rule in question requires the installation of a water meter owned by California American Water Company for each new water meter within its service district. The purpose of the Rule is to allow for monitoring of water use for each user in the District, including within multi-user buildings. The District Rule also allows for the granting of a variance in the instance of a hardship or practical difficulties. The District has elsewhere granted variances to this rule.

The Uptown Monterey project is to be a densely developed urban retail project located on an infill site in downtown Monterey. In collaboration with the City of Monterey, the project is intentionally dense in order to maximize the beneficial effects of the project as a catalyst for improving the retailing environment throughout downtown Monterey. The project is expected to house not less than nine retail tenants at opening, and that number will change from time to time, upwards and downwards, over the life of the project. At that number of tenants, the project is required under the District Rule to have nine user meters, plus two fire service meters (one for each building), plus one irrigation meter, for a total of not less than twelve meters and accompanying back flow preventers, plus room for additional meters etc. if and when spaces are re-divided for additional tenancies.

Water service for the project site comes from Munras Avenue, the front of the project.

As a result of the density of the project, there is no practical location for all of these individual meters and backflow preventers. Either they will consume one prime parking space close to Munras Avenue, in a project where each one is coveted, or water service will have to be run 250' into the project site to an out of the way location (again with the loss of a parking space) and then doubled back to Munras Avenue where seven of our nine merchants will be located. Neither is practical, and each is an unwarranted hardship.

We suggest an alternative, approved by Variance by the District, that as to domestic service, each of our two buildings would be served by one California American Water Company owned meter, and that each building would be fitted with sub-meters for each user in such a way that the meters can be read by California American Water either by physical inspection or by a web-based system. This

Memorandum
March 26, 2007
Page 2 of 2

system is customarily used elsewhere within the District and around the State and will allow the District to achieve its monitoring goals without compromise, and allows us to reduce the number of meters and backflow preventers on the project site to a practical and manageable number.

Many thanks, Stephanie, for consideration given by the District to this request. Please do not hesitate to call if you have any questions about this request. We look forward to the successful opening of this project later this year.

Doug Wiele

SUBMITTED BY APPLICANT