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FEB 28 2014

MPWMD



DISCLOSURE STATEMENT
(EX PARTE COMMUNICATIONS)

Santa Lucia Market

Name or description of project, action, etc.:

Application for variance of group

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

two use

Name

Address

Uwe Grobecker

1154 Chaparral Rd., Pebble Beach

Patricia Grobecker

same

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 *27th* day of *February*, *2014*. This form is signed in the City of *Monterey*, State of *Ca*.

Uwe Grobecker
Name (print)

[Signature]
Signature



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 (\$250 for less than half acre-foot of water, \$500 for half - one acre-foot of water, and \$750 for more than one acre-foot of water, plus \$70.00 an hour for more than 10 hours of staff time), 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

Applicant's Full Name: Uwe Grobecker /o Santa Lucia Market
Mailing Address: 1154 Chaparral Rd.
City: Pebble Beach State: Ca Zip: 93953
Phone Number(s): Work (831) 333-1111 Home () same

Name of Agent(s) to Represent Applicant: N/A
Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number(s): Work () _____ Home () _____

PROPERTY INFORMATION

Full Name of Property Owner: Davi Family Trust wtd 6/8/88
Mailing Address: P.O. Box 2350
City: Monterey State: Ca Zip: 93942
Phone Number(s): Work (831) 373-2222 Home () same

Property Address: 484 Washington St.
City: Monterey State: Ca Zip: 93940

Assessor's Parcel Number: 001-692-011
Property Area: Acres: 0.5 Square Feet: 7990 Other: _____

Past Land Use: Commercial Building

Present Land Use: same

Proposed Land Use: same

Existing buildings? Yes No

Types of uses and square footage: 30% Group 2 use

70% Group 1 use
(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.*

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

See attached exhibit 3 - point 1

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

see attached exhibit 3 - point 2

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

see attached exhibit 3 - point 3

What specific action are you requesting that the Board take?

see attached exhibit 3 - point 4

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.

Yes! Uwe and Patricia Grobecker, owners will make a statement.

VARIANCE APPLICATION

EXHIBIT 2

PROJECT INFORMATION

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

Type of Project: N/A New Construction N/A Remodel/Addition

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)
 Commercial/Industrial/Governmental

Type of Use: Commercial Square Footage: 7,990 sq. ft.

Other (Specify): out of which 2,277 sq. ft. for Group 2

Current Zoning Classification: C-I

Name of water company which services the property: Cal-Ftm

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. See attached exhibit 3

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

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? See attached exhibit 3

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

2.27.2014, Monterey, Ca 93940
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 Receipt No. Staff Initials

Statement of variance request

Exhibit 3

Answers to the questions made on your variance application forms (exhibit 1 & 2)

1) We are unable to locate any written rule and can only refer to staff's notice of non-compliance dd 10-30-2013. Staff required us to use only disposables and provide only counter service to maintain the group two water use status under Delicatessen/Pizzeria/Sandwich Shop/Coffe House and Bakery. We appealed this notice during a public hearing on 02-13-2014. We are asking you to revoke this notice.

2) We are asking for variance due to the fact that:

a) The MPWMD regulations are not clear and difficult to follow since we were never told and have never seen anything in writing to restrict us to the use of disposables and counter service under group two.

b) We never received an inspection in 1997 until last month and only because we asked for it.

c) We never installed additional equipment or fixtures since 1997 which would increase usage.

d) It is unlikely that any group two business at this location would ever reach the maximum current water allocation. The group II business space has only 29 percent of the whole building which just too small for that. Our water usage was below 36 percent during the last three years.

3) If this variance request would be denied it would be a tremendous loss to the value of this small business and devastating to our family. It is important to us that this variance stays with the property and be passed on to future businesses unless there will be a remodel with potential increase of water use which could exceed the allocation for this building. Any remodel with additional installation of water fixtures (i.e., other than replacing existing water fixtures), or a change in water use category could revoke this variance.

4) We request for the Board to exempt this property under the group two water use from staff's restrictions and to allow the use of fine china, silverware and glassware and to be able to provide table service.

5) We are unable to provide 5 years of water records as staff requested and can only find Cal-Am water bills from the past 3 years as provided to you previously. The building has only ONE water meter which under the property owner's name who keeps records such as utility bills and other correspondence for only a limited time due to space limitations. Cal-Am was unable to provide to us any records with water usage from earlier years.

