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MPWMD

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 \$900.00, (plus \$90.00 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: Monterey Design Collective, LLC
 Mailing Address: 503 Pearl Street
 City: Monterey State: CA Zip: 93940
 Phone Number(s): Work (415) 264.2554 Home (831) 206.5665
 E-Mail: matthewk@kylerengineering.com
 Name of Agent(s) to Represent Applicant: Matthew Kyler & Patrick McNeill
 Mailing Address: 503 Pearl Street
 City: Monterey State: CA Zip: 93940
 Phone Number(s): Work (415) .264.2554 Home (831) 206.5665
 E-Mail: _____

PROPERTY INFORMATION

Full Name of Property Owner: Monterey Design Collective LLC
 Mailing Address: 503 Pearl Street
 City: Monterey State: CA Zip: 93940
 Phone Number(s): Work (415) 264.2554 Home (831) 206.5665
 E-Mail: matthewk@kylerengineering.com
 Property Address: 537 Anthony Street
 City: Monterey State: CA Zip: 93940
 Assessor's Parcel Number: 001 - 712 - 010
 Property Area: Acres: _____ Square Feet: 4000 Other: _____
 Past Land Use: Commercial
 Present Land Use: Vacant
 Proposed Land Use: Mixed Use: office - 50% / residential rental - 50%
 Existing buildings? Yes X No _____
 Types of uses and square footage: Mixed Use: office/rental residential

(PLEASE PROVIDE 5 YEARS OF WATER RECORDS)

N/A - new owner has no access to previous owner's use history

EXHIBIT 13-A

Variance Application

Exhibit 1

Monterey Peninsula Water Management District Application for Variance Regarding Water Connection Permits – Exhibit 1 - Addendum

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

Rule 24 and Rule 25

Current rules do not provide an achievable approval path for live/work office environments. In lieu of only allocating the water use capacity for the commercial square footage being converted to residential, calculations were performed to share the water use capacity between the residential apartment and the commercial office.

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

1. Our overall project goal is in the spirit of the City of Monterey's goals of revitalizing an area of the Pearl Street District by introducing mixed use zoning, adding an additional unit to the housing inventory of the City, and encouraging Group 1 Office development.
2. Our project proposes to act as a proof of concept case study to document the feasibility for properties with limited water credits by using innovative technology to supply a clothes washer and flush toilets with captured and stored rainwater. This initiative provides the equivalent of 4 fixtures & 3.4 water credits, which itemizes as 2 UHET toilets in an apartment, 1 UHET toilet for a business office, and 1 high efficiency clothes washer (HEW).

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

The high cost of real estate in the City of Monterey has rendered this property impractical for continued commercial uses that are compatible with downtown development. This led to the sale of the property. The new ownership proposes to revive a historical model of a business front and residential back. If the variance is denied, the property owner would have the expense of renting a home elsewhere and commuting to the property.

One of the LLC members is a forward-thinking engineer who would like to be able to demonstrate innovative technologies in action, in a real-world setting. The expense of first-of-a-kind demonstrations are prohibitive (approximately \$15,000) unless they yield real-time benefit. These benefits would include the intellectual capital gained and the working model to present to future clients and municipalities. If the variance were denied, the community would be deprived of a working model and the future water savings from mixed use projects incorporating the rainwater capture.

What specific action are you requesting that the Board take?

If the current system was used to allocate the water credits, the 611 square foot apartment would only be allocated 4.277 credits. This would not be sufficient credits to allocate a single bathroom with shower, kitchen, and clothes washer. Even if rainwater capture was used in this scenario, the allocated water credits would be 1.573 credits short of the minimum required to make a living space which would meet the building code minimums for fixtures required for occupancy.

The attached proposed floor plan and site plan would allocate the space in a cost effective and efficient manner; however, this layout will only work if the existing water allocation for the 1222 square foot building is distributed evenly.

The system will be designed by a licensed professional and inspected by the City of Monterey and by MPWMD. The conversion to Mixed Use zoning calls for 10.9 water credits. Using rainwater as described above, provides the equivalent of 3.4 credits. The resulting 8.350 credit demand on the potable water system would be 0.204 credits under the existing 8.554 credit eligibility.

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.

Two of the members of the Monterey Design Collective, LLC. intend to speak:

Matthew Kyler, P.E.

Patrick McNeill

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: _____ New Construction X Remodel/Addition

Proposed New Use: (Please refer to the District's current Fixture Unit/Use Category sheet for assistance with this question.)

 X Residential No. Dwellings 1 Total No. Fixture Units 8.15 (total)
 X Commercial/Industrial/Governmental
Type of Use: Office Square Footage: 611
____ Other (Specify): _____

Current Zoning Classification: PC/D - Planned Community/Downtown

Name of water company which services the property: Cal/Am

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.

Yes, attached are calculations which show the rainwater captured on-site will supply the toilettes and clothes washer with diverted water.

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.) Attached are emails which confirm project feasibility from:

- 1. Roger Van Horn, Monterey County Health Department
- 2. Chris Schmidt, City of Monterey Planning Division

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? Yes

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.

Patricia McNeill
[Signature]
Signature of Applicant

12/20/2019
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 _____





537 Anthony rainwater

6 messages

Pat McNeill <pmcneill64@gmail.com>

Thu, Dec 19, 2019 at 9:28 AM

To: Roger Van Horn <vanhornrw@co.monterey.ca.us>

pmcneill64@gmail.com title 16?

Thanks!

Van-Horn, Roger 755-4763 <vanhornrw@co.monterey.ca.us>

Thu, Dec 19, 2019 at 11:35 AM

To: Pat McNeill <pmcneill64@gmail.com>

Hi Pat,

Go the California Plumbing Code Chapter 16 Non-potable Rainwater Catchment Systems. This section has all the requirements you will have to follow. EHB uses these requirement guidelines for our permitting of these types of systems. If you have any question please feel free and call me.

Roger

Roger Van Horn, R.E.H.S.
Supervisor Drinking Water Protection Service / Well Program
Monterey County Health Department,
Environmental Health Bureau
1270 Natividad, Rm 42B
Salinas, CA 93906
Phone: 831.755-4763
Fax: 831.755.8929

MC Health Department Website: <http://www.mtyhd.org>

Drinking Water Protection Services: <http://www.mtyhd.org/water>

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From: Pat McNeill <pmcneill64@gmail.com>

Sent: Thursday, December 19, 2019 9:29 AM

To: Van-Horn, Roger 755-4763 <vanhornrw@co.monterey.ca.us>

Subject: 537 Anthony rainwater

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]



Matthew Kyler <matthewk@kylerengineering.com>

537 Anthony - Intended Project Usage

Chris Schmidt <schmidt@monterey.org>
To: Matthew Kyler <matthewk@kylerengineering.com>

Fri, Dec 20, 2019 at 11:50 AM

Hi Matthew,

Thank you for your email.

The proposed conversion from commercial warehouse to mixed use (commercial office and a single unit, two-bedroom apartment) is permitted by right in the [Downtown Specific Plan](#) for the City of Monterey. The specific plan includes water storage under the definition for Major Utility and requires [Use Permit](#) approval. While I cannot give a final determination on whether staff will recommend approval of a water storage use permit, such a project may, upon review, be determined to be consistent with the [City's general plan](#) policies to encourage conservation and reduce potable water consumption (GP Policy m.1. and subsequent programs). Staff would likely support the PV-roofed carport, as it would provide the required parking for the project.

Please let me know if you have any other questions or comments; you may also refer MPWMD staff for any questions or concerns.

Thank you,
Chris

[Quoted text hidden]

Chris Schmidt
Senior Associate Planner
City of Monterey, Planning Office
[580 Pacific Street](#)
Monterey, CA 93940

(831) 646-3886
www.monterey.org



**Rainwater Supply - Proposed 5,000 gal Tank
8 Months Capacity**

Toilet

Type of Person	# of people	Flushes/day	# days	toilet flush	% Adj	total gallons
Full time Emp & Res	1	7	240	0.8		1344
Child	2	7	120	0.8	0.4	537.6
Full time Emp	1	4	176	0.8		563.2
PT Emp	2	3	96	0.8		460.8
Summer Intern	2	5	66	0.8		528
						3433.6 Gallons for toilet flushing

Laundry **Gallons** **Loads** **96** **1440 Gallons for laundry (3 loads per week)**

4873.6 Gallons needed for 8 months

EXHIBIT 13-A

Potable Supply		0.00007	1222	0.08554	27873.29454	gallons expected based on GP1 Use	
Shower							
Type of Person	# of people	Showers/day	# days	gallons per sho	total gallons		
Full time Emp & Res	1	1.5	365	18	9855		
Child	2	1.5	183	18	9882		
						19737	
Handwashing							
Type of Person	# of people	HandWashes/de	# days	gallons per wa:	total gallons		
Full time Emp & Res	1	5	365	0.5	912.5		
Child	2	5	183	0.5	915		
Full time Emp	1	3	269	0.5	403.5		
PT Emp	2	3	165	0.5	495		
Summer Intern	2	3	66	0.5	198		
						2924	
Food Prep							
Type of Person	# of people	Meals Cooked	# days	gallons per Me	total gallons		
Full time Emp & Res	1	3	365	0.75	821.25		
Child	2	2	183	0.75	549		
Full time Emp	1	0.75	269	0.75	151.31		
PT Emp	2	0.75	165	0.75	185.63		
Summer Intern	2	1	66	0.75	99		
						1806.2	

24467 gallons used in 1 year period

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DISCLOSURE STATEMENT (EX PARTE COMMUNICATIONS)

Name or description of project, action, etc: Variance for Monterey Design Collective renovation

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

Table with 2 columns: Name, Address. Rows include Matthew Kyler, Patrick McNeill, and Chris Schmidt.

This Disclosure Statement is completed in my capacity as [X] the Applicant for matter referenced in the first line, or as [] an authorized Agent of the Applicant.

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 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.

I declare the foregoing to be true and correct of my own personal knowledge. I have signed this form this 20 day of December, 2019.

City of Monterey, State of California. Name (print) Patrick McNeill, Matthew Kyler. Signature [Handwritten]