

Water permit # 15856
RECEIVED



Ref: Your Letter 10/30/2013
Notice of non-compliance
Santa Lucia Market

NOV 19 2013

Please **PRINT OR TYPE** all information. Applications must be received within twenty-one (21) days after an appealable decision has been made pursuant to District Rule 70. To be considered for an appeal hearing, please submit a completed application and include 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); other information as necessary which may include 5 years of water records from purveyor. The Board will support or deny your appeal based on the pertinent information you have provided. Submission of an incomplete application may constitute grounds for denial of your request.

APPLICATION FOR APPEAL

APPLICANT INFORMATION

Applicant's Full Name: Uwe Grobecker c/o Santa Lucia Market
Mailing Address: 1154 Chapparral 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

1. Full Name of Property Owner: Davi Family Trust utd 6/8/88
Mailing Address: P.O. Box 2350
City: Monterey State: Ca Zip: 93942
Phone Number(s): Work (831) 373-2222 Home () same
2. Property Address: 484 Washington St.
City: Monterey State: Ca Zip: 93940
3. Assessor's Parcel Number: 001 - 692 - 011
4. Property Area: Acres: 70.5 Square Feet: 7990 Other: _____
5. Past Land Use: Commercial Building
6. Present Land Use: Commercial Building
7. Proposed Land Use: same
Existing buildings? Yes No _____
Types of uses and square footage: 30% Delicatessen
70% Retail + Offices

STATEMENT OF APPEAL REQUEST

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

1. From which rule(s) or staff's decision(s) are you requesting an appeal?

See attached exhibit 3 - point 1

2. Do you feel the rule or staff's decision is applicable in most cases, or do you believe it should be revoked or changed?

See attached exhibit 3 - point 2

3. What were the circumstances surrounding your decision to appeal?

See attached exhibit 3 - point 3

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

See attached exhibit 3 - point 4

5. What difficulties or hardships would result if your appeal request is denied?

See attached exhibit 3 - point 5

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

See attached exhibit 3 - point 6

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

Yes! I, Uwe Grobecker, owner will make a statement.

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: N/A New Construction N/A 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) _____

Commercial/Industrial/Governmental: Type of Use: Commercial Square Footage: 7990 sq ft

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

3. Current Zoning Classification: C-I

4. Name of the water company which services the property: Cal-Am

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. See attached exhibit 3

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? 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

11-18-2013, 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.

Ref.: Your letter dated 10/30/2013 - Notice of non-compliance!

Answers to the questions requested on your Appeal Request Form.

Exhibit 3

1) District Rule 20

2) We believe the staff's decision should be revoked because it is not applicable to our business. We are not operating as a full service restaurant. We have always served some of our hot food using china and silverware and glassware since we opened 17 years ago. But we operate as a upscale deli and pizzeria and are not changing the use from our category two permit. Additionally, when we were granted our category two permit 17 years ago and we never received any detailed information from your agency restricting the use of china, silverware or glassware. We also believe that in fact we are allowed the 48 seats under our current permit.

3) We have been unjustly asked to change our use of our water permit and may possibly be held in Non Compliance of the District law and a hefty fine may be assessed on our property. We have been operating our cafe for 17 years and no one has ever questioned the way we operate. Our establishment is current up for sale and we were reviewing the permit for potential buyers when we were made aware of some of the detailed restrictions of our current permit. We were never given any written detailed restrictions for our permit. So to ask us after 17 years to change our operations, we believe is unfair and discriminatory. We will provide records from Cal Am that show that our water use is and has been low and within the limits of our permit since we have been in operation.

4) There never was an initial inspection of the property by your agency in 1997 and no specific restrictions were ever provided to us. We have been operating in the same way for 17 years. Our seating capacity of 48 is allowed under our current permit not the 22 seats you state in your October 30, 2012 letter. We also know that there are other establishments in the area who are operating with a class two permit who are being allowed to use china, silverware and glassware so we feel that we are being singled out for enforcement.

5) We believe this will dramatically change the character of our business and cause a dramatic loss of sales. We pride ourselves on serving high quality food, made with fresh ingredients and the plastic ware would only give our establishment a "fast food" feel. We would find it difficult and unpleasant to our patrons to serve our hot food on disposable plates with disposable silverware and question the environmental impact of such changes. It would serve a devastating financial blow to our operation.

6) We are asking the Board to allow us to continue our operations under our current permit while using china, silverware and glassware. Also to allow us to have the same amount of seating which is actually allowed under the category two permit. We are also asking that you rescind your Notice of Non-compliance from October 30, 2013, and not assess our property the possible fine mentioned noted in that same letter. A fine of this size would be impossible for us to pay in this current economic climate.

7) I, Uwe Grobecker, owner will make a statement at the appeal hearing.