

ITEM: CONSENT CALENDAR

3. CONSIDER APPLICATION FOR VARIANCE TO ALLOW NON-RESIDENTIAL GROUP II WATER USE CAPACITY AT 458-460 ALVARADO STREET, MONTEREY (APN: 001-572-029)

Meeting Date: March 19, 2018 Budgeted: N/A

From: David J. Stoldt, General Manager Program/ Line Item No.: N/A

Prepared By: Stephanie Locke Cost Estimate: N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: At its February 22, 2018 meeting, the Board denied “Application for Variance to Allow Non-Residential Group II Water Use Capacity at 458-460 Alvarado Street, Monterey (APN: 001-572-029). The action also requires adoption of Findings of Denial, which were not included in the motion. Included as Attachment 1 are findings supporting the Boards decision that were submitted with the February Board meeting staff note.

RECOMMENDATION: When adopted with the Consent Calendar, the Findings of Denial for the variance will be adopted.

ATTACHMENTS

1 Findings of Denial (Exhibits 11-A through ~~11-E~~ 11-F from February 22, 2018 Board Packet)

ATTACHMENT 1

EXHIBIT 11-B

DRAFT

FINDINGS OF DENIAL

CONSIDER APPLICATION FOR VARIANCE TO ALLOW NON-RESIDENTIAL GROUP II WATER USE CAPACITY AT 458-460 ALVARADO STREET, MONTEREY (APN: 001-572-029)

FEBRUARY 22, 2018

- 1. FINDING:** Anthony G. Davi, Sr., a Non-Residential property owner in the City of Monterey, is requesting Board approval of a variance to allow Non-Residential Group II use without a water allocation from the City of Monterey in two lease spaces at 458-460 Alvarado Street, Monterey (Site). The Site currently has a Group I Water Use Factor.

EVIDENCE: Application for Variance attached as **Exhibit 11-A**.

- 2. FINDING:** District Rule 20, *Permits Required*, requires a Water Permit for any Change of Use or expansion of a Non-Residential use to a more intensive use as determined by Rule 24. Rule 23-A-1-g provides that when an application involves an Intensification of Use, the increase in Capacity shall deducted from a Jurisdiction's Allocation or a Water Entitlement as indicated on the Water Release Form.

EVIDENCE: Rules 20, 23, and 24 attached as **Exhibits 11-C, 11-D, and 11-E**.

- 3. FINDING:** Group II businesses includes uses such as coffee shops, bakeries, ice cream shops, delis and pizzerias use more water than Group I businesses.

EVIDENCE: Rule 24, Table 2, *Non-Residential Water Use Factors* (**Exhibit 11-D**).

- 4. FINDING:** Converting 5,300 square-feet of Group I to Group II (the entire building) would require 0.689 Acre-Feet (AF) of water. Conversion of one lease space (2,650 square-feet) from Group I to Group II would require 0.345 AF.

EVIDENCE: Rule 24, Table 2, *Non-Residential Water Use Factors* (**Exhibit 11-D**).

- 5. FINDING:** The City of Monterey has not authorized water from its Allocation for an Intensification of Use from Group I to Group II for either 458 or 460 Alvarado Street.

EVIDENCE: February 7, 2018 telephone conversation between Stephanie Kister Campbell (MPWMD) and Kimberly Cole (City of Monterey, Interim Chief of Planning, Engineering & Environmental Compliance).

ATTACHMENT 1

- 6. FINDING:** The difficulty in finding tenants for Group I commercial space is not unique to 458 and 460 Alvarado Street. This situation is common among property owners and potential tenants, especially in the Cities of Monterey and Pacific Grove where there is no water available from Water Entitlements or Allocations.
- EVIDENCE:** Monterey County Weekly article of January 11, 2018, highlighting the lack of available Group II spaces (**Exhibit 11-F**).
- 7. FINDING:** There have been no circumstances where variances were granted to allow an Intensification of Use without water deducted from an Allocation.
- EVIDENCE:** District records.
- 8. FINDING:** Granting a variance would create an unfair precedent and would tend to defeat the purposes of these Rules and Regulations.
- EVIDENCE:** MPWMD Rules & Regulations and Ordinances on file at the MPWMD.
- 9. FINDING:** On February 22, 2018, the Board denied the request for variance and referred the item to the Board as a Board appeal.
- EVIDENCE:** Minutes of the February 22, 2018, Monterey Peninsula Water Management District Board of Directors meeting.

RECEIVED
EXHIBIT 11-A
JAN 22 2018
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: Anthony G. Davi, Sr
Mailing Address: P.O. Box 2350
City: Monterey State: CA Zip: 93942
Phone Number(s): Work (831) 594-3284 Home (831) 625-0552
E-Mail: agsr@agdavi.com
Name of Agent(s) to Represent Applicant: Anthony G. Davi, Sr
Mailing Address: same as above
City: Monterey State: CA Zip: 93942
Phone Number(s): Work () Home ()
E-Mail:

PROPERTY INFORMATION

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) 594-3284 Home (831) 625-0552
E-Mail: agsr@agdavi.com
Property Address: 458-460 Alvarado St.
City: Monterey State: CA Zip: 93940
Assessor's Parcel Number: 001 - 572 - 029
Property Area: Acres: n/a Square Feet: 5,300 Other: _____
Past Land Use: Improved parcel
Present Land Use: Improved parcel commercial building vacant building
Proposed Land Use: Existing commercial building no change
Existing buildings? Yes No _____
Types of uses and square footage: commercial, 2 spaces totaling 5,300 SF
vacant since December 2016

1-6 page

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?

24-B

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

Unable to rent building due to the water Group I restriction of use. Building has been vacant since December 2016. This is a downtown Monterey building on Alvarado ST. and allowable uses under Group I forbid food serving business, which is what the use demand is for downtown. All inquiries have been for food related

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

Continued vacancies, potential loss of property insurance coverage due to limitation for vacant buildings. Continued operating expense and taxes. No revenue from investment.

What specific action are you requesting that the Board take?

Change water use from Group I to Group II, which permits food related business, which are consistent with existing uses on Alvarado ST.

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, plus 2 others *OK*

ANTHONY C. DAVIS

JESS HOWNS

THU ANH

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

 Commercial/Industrial/Governmental

Type of Use: Square Footage:

 X Other (Specify): Existing commercial building

Current Zoning Classification: Commercial C-2

Name of water company which services the property: California American Water

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. Requesting water Grouping change in order to rent space.

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.)

Not applicable, existing building

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?

Not applicable existing building

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

1/22/2018
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 900.00 Receipt No.

Staff Initials [Signature]

U:\demand\Work\Forms\Applications\Application for Variance_Revised_201700701.docx



EXHIBIT 11-A

Anthony Davi Sr

Subject: FW: Juice Bar Alvarado ST. Monterey, CA AGDavi
Attachments: 458 Alvarado Exterior new paint.jpg

Board of Directors of :
Monterey Peninsula Water Management District.

Addendum to Variance Request for:
Water Grouping Change for Juice Bar
Property 458-460 Alvarado ST.
Monterey, CA 93940
Ladies and Gentlemen:

My name is Anthony G. Davi, Sr. I'm a lifelong member of the Monterey Peninsula, business owner and property owner.

I have attached a photo of a property that I own on Alvarado Street, main street downtown Monterey, which is the subject of this letter. The property consist of 2 spaces each 2,650 square feet. The property is updated with ADA rest rooms, fire sprinkler system, finished interior spaces, and earthquake retrofitted. Another words rent ready.

Unfortunately this property has been vacant since December of 2016, , as of February 1, 2018 I'm approaching 14 months of vacancy, all primarily due to the restrictive water Grouping I The numerous inquiries that I had for the spaces were for restaurants/ food related, uses, which seems to the preferred business for Alvarado Street. Now, in addition to the loss of revenue, payment of property taxes, insurance premiums, routinely cleaning the front windows and clean up the trash left behind by homeless, I'm now facing the potential loss of property insurance coverage. Insurance carriers do not insure building with long term vacancies. My property is zoned for numerous uses, which include but not limited to all the uses permitted , in the districts grouping categories , 1, 2 & 3. By restricting my property to Group I, The use of my property has been restricted while numerous properties along Alvarado Street do not have the restriction. Alvarado Street is primary food related street.
The allowable uses in Group I are attached for your review. Effectively my property has been devalued.

I'm sharing this so that you all can understand the sever impact of water restrictions on my, properties in a prime commercial district, a restriction that is inconsistent with the other permitted uses on Alvarado Street . Alvarado Street is an entertainment district, primary food related business, so almost all the Group uses (1,2 & 3) are appropriate or desired for Alvarado Street. This is evident by the fact that the newly established business on Alvarado St., are all food related. There is no appetite for the businesses that are allowed in Group I category.
I understand we are under pumping the Carmel River Aquaphor by 3,000 Acre Feet, so there is water available. Why cant we have some of it. With my existing water credits all that is needed is an additional .35 acre feet per space to meet your requirements, which would be ideal.

The recent request to allow a Juice Bar in one of the above spaces , 2,650 square feet was denied because staff determined is was a Group II use and my space only allows Group I uses, even though Wine Tasting , Dental and Veterinary Clinic, Supermarket, Family grocery, a Gym along with others, are permissible in Group I. We believe the Juice Bar is comparable to Wine Tasting use and that staff had the option to make that determination.

Submitted by Applicant

4-6

EXHIBIT 11-A

A juice bar would be desirable and complementary use on Alvarado Street. Justification for allowing the Juice Bar in one of the 2,650 Square feet spaces , is that they serve all their beverages in disposal containers, that the Juices are pre-mixed, so minimal water use, no dishwasher, no pots, pans, china, silverware, glass to clean, and etc. A very low group II water user. Staff denial letter stated concerns with tea and ice cream. Both of these are incidental (less than 20%) to the primary business. Regarding Ice Cream, which is not a requirement and the Juice Bar on Alvarado Street, if approved, will not include ice cream. By the way there already is an Ice Cream store directly across the street from the subject space.

The Juice Bar will be a low group II water user, because they do not utilizing, pots, pans, china plates, silverware, drinking glasses, providing drinking water to patrons and so there is no, washings of pots, pans, china plates, silverware drinking and etc.

Submitted by Applicant



REINHARDT INSURANCE

January 31, 2018

Anthony G. Davi
A. G. Davi LTD
P.O. Box 2350
Monterey, CA 93940

Re: Davi Family Trust Dated 6/8/88
458/460 Alvarado Street
Monterey, CA 93940
Ohio Casualty Insurance Company
Policy #: BK0 (18) 56278184

Dear Anthony;

I want to call your attention to the Vacancy Provisions section of the above policy specifically as respects the above location.

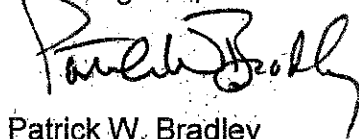
Vacancy Provisions

If the building where loss or damage occurs has been vacant for more than 60 consecutive days before that loss or damage occurs:

- (1) We will not pay for any loss or damage caused by any of the following even if they are covered Causes of Loss:
 - (a) Vandalism;
 - (b) Sprinkler leakage, unless you have protected the system against freezing;
 - (c) Building glass breakage;
 - (d) Water damage;
 - (e) Theft; or
 - (f) Attempted theft
- (2) With respect to Covered Causes of Loss other than those listed in b. (1) (a) through b. (1) (f) above, we will reduce the amount we would otherwise pay for the loss or damage by 15%.

The building located at 458/460 Alvarado Street, Monterey, CA 93940 is currently subject to the restrictions and penalties stated in the above provisions of your insurance policy listed above. If you have any questions about this issue please feel free to call me:

Best Regards,



Patrick W. Bradley

499 W. SHAW
STE. 130
FRESNO
CALIFORNIA
93704-2516
PH. (559) 226-4700
FAX (559) 226-2345
CA LIC #0570767

Submitted by Applicant

EXHIBIT 11-B

DRAFT

**FINDINGS OF DENIAL
CONSIDER APPLICATION FOR VARIANCE TO ALLOW NON-RESIDENTIAL
GROUP II WATER USE CAPACITY AT 458-460 ALVARADO STREET, MONTEREY
(APN: 001-572-029)**

FEBRUARY 22, 2018

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EVIDENCE: District records.


8. FINDING: Granting a variance would create an unfair precedent and would tend to defeat the purposes of these Rules and Regulations.

EVIDENCE: MPWMD Rules & Regulations and Ordinances on file at the MPWMD.

B PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District’s delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/ or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

- 1 Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with three exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; (2) removal of a lawful water fixture, and (3) replacement of a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.
- 4 Any landscaping changes (added Landscape Area or changes in Hydrozones to higher water use plants than submitted on landscape plans reviewed and approved by the District) that will result in an Intensification of Use when a landscape plan has been reviewed and approved as a component of a Water Permit.
5. Rehabilitation of existing Landscape Area over 2,500 square-feet that is associated with a Jurisdiction’s building or landscape permit, plan check, or design review.
-  6. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
- 7 Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
8. Use of water from a Mobile Water Distribution System.

C. EXEMPTIONS FOR WATER DISTRIBUTION SYSTEM PERMIT

Exemptions for a Water Distribution System Permit for a Well shall only be considered following receipt of a complete Request for Confirmation of Exemption package as

EXHIBIT 11-D

RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO AN EXISTING WATER DISTRIBUTION SYSTEM

A. PROCESS

1. New and Amended Water Permit
 - a. The General Manager shall review the application and determine whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application.
 - b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant. Exceptions to this rule shall be made for Permit applications for a new water meter for a fire suppression system or to individually meter uses previously metered by one water meter (i.e. Meter Split) unless otherwise determined by action of the Board of Directors.
 - c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area.
 - d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations or conditions attached to previous District Permits.
 - e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees.
 - f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production limit and/or Connection limit of the Water Distribution System serving the Project Site.
 - g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the

EXHIBIT 11-D

Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.

- h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.
- i. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User except as allowed in 23-A-1-i-(3), (4), (5), and (6).
 - (1) A Non-Residential User may extend water use to another Non-Residential User within an existing structure unless the Remodel or Addition requires a Water Permit for a Change of Use (as defined in Rule 11).
 - (2) A Change of Use as defined in Rule 11 shall trigger the requirement for a separate Water Meter.
 - (3) Users of multiple structures on a Site occupied by one Non-Residential User may apply for a variance of this Rule.
 - (4) The General Manager shall allow sub-metering for each Multi-Family Dwelling, Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible and the User is utilizing Water Credits on a Site that has a Connection. Applications for sub-metering of Single Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the sub-metered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing sub-metering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:
 - a. Site's owner shall have Water Meters installed for each sub-metered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. Once Water Meters maintained by the Water Distribution System Operator

EXHIBIT 11-E
TABLE 2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Auto Uses	Retail	Warehouse	Dental Clinic	Office	Bank	Supermarket
Church	Nail Salon	Family Grocery	Medical Clinic	Tasting Room	Fast Photo	Convenience Store
Dry Cleaner (No on Site Laundry)			Veterinary Clinic	School	Gym	

Group II 0.0002 AF/SF

Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Pizza must be served on reusable platters or on disposable plates. Glassware may be used to serve beverages.

Bakery	Pizza	Coffee House	Ice Cream Shop	Dry Cleaner (with on Site Laundry)
Catering	Deli	Bar ¹	Sandwich Shop	

Group III

Assisted Living (more than 6 beds) ²	0.085 AF/Bed
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dormitory ³	0.040 AF/Room
Laundromat	0.2 AF/Machine
Meeting Hall/Banquet Room	0.00053 AF/SF
Motel/Hotel/Bed & Breakfast	0.1 AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
w/Each additional Showerhead beyond one (Add to room factor)	0.02 AF/Showerhead
Irrigated Areas beyond ten feet of any building	ETWU
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Restaurant (including associated Bar/Brewpub Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” ⁴	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance”	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

Group IV - MODIFIED NON-RESIDENTIAL USES

Users listed in this category have reduced water Capacity from the types of uses listed in Groups I-III and have received a Water Use Credit for modifications. Please inquire for specific property information.

All New Connections: Refer to Rule 24-B, Exterior Non-Residential Water Demand Calculations

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as “other” and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site.

¹ ABC Licensed Premises Diagram area shall be used for calculation of square-footage.

² Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.

³ Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table 2

⁴ See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/13); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015); Resolution 2016-06 (3/21/2016); Ordinance No. 176 (1/25/2017); Resolution 2017-14 (7/21/2017); Resolution 2017-16 (12/11/2017)

EXHIBIT 11-F

http://www.montereycountyweekly.com/food_wine/edible-cachagua-general-store-pigwizard-and-katie-s-coldpress-fight/article_652bdc56-f652-11e7-885f-a7f79a196369.html

EDIBLE: Cachagua General Store, PigWizard and Katie's Coldpress fight to find a place to serve people.

Mark Anderson Jan 11, 2018



Cachagua General Store, PigWizard and Katie's Coldpress considered all sharing the spot at 398 Franklin St. in Monterey. Happy Girl Kitchen is one of the few local kitchens that rents space.

Mark C. Anderson

EXHIBIT 11-F

An average of 3,000 people – almost as much as the population of Carmel (3,891) – walk into Monterey Sports Center every single day. Across the street sits a coffee-roastery-to-be where the previous tenants salivated at the passersby, struggled to read the clientele's healthy leanings, and folded after featuring cupcakes and sausages as the titular treats.

When Nuernberg's German Sausages left town and that vacancy hit the market, some atypical excitement ensued. Popular companies with tribal followings campaigned for placement, two publicly, inspiring me to have some fun via a piece titled "Juice v.

Bacon: **Katie's Coldpress, PigWizard** petition for key Monterey spot" that opened with: "It's a showdown scripted for the **Food Channel**, part **MTV Celebrity Deathmatch**, part hipster battle for the soul of local foodies. Artisan pork belly versus cold-pressed juice."

PigWizard (**Jonathan Roberts**) promptly grinded me up on Facebook: "Way to make people trying to take care of their families and follow their dreams into a partisan issue! I wish we could share the space, and I wish there were more spaces for fledgling food business, but the lack of available commercial water, coupled with high rent, make it a tough place to get started. As for us sharing, we have regulatory issues that would make it impossible for us to grow the way we both want using the same space."

Katie Raquel squeezed in a comment: "Yeah, for anyone looking for drama, none here. Food business is tough and we all want each other to succeed."

They spoke to some less-public plot underpinnings: One, it wasn't just about the high-profile players in the game: There were as many as 17 applicants, according to landlord **Frank Flores**, who owns the Carpet Caravan that just moved into the redone batting cage space next door. That included another cult favorite, the **Cachagua General Store/A Moveable Feast** team, who was part of the team attempt to share the space.

Two, the primary reason so many applicants lined up wasn't the formidable foot traffic, but the fact the space has a kitchen and water credits – albeit not enough for a full restaurant, which disqualified about half the suitors.

To quote the Peninsula's leading water-use guru, Monterey Peninsula Water Management District General Manager **Dave Stoldt**, the 398 Franklin scenario "just scratches the surface of a big issue." The state's cease-and-desist order on pumping Carmel River frowns harshly on any new growth until

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a new water supply is online and flowing. Monterey is out of water credits. Pacific Grove is hoping for a few extra from a golf course/cemetery recycled water project, but MPWMD is still evaluating that. Carmel has a few on sale from **Clint Eastwood's** conversion of credits from his Odello property off Highway 1. Seaside has some, but they're committed to upcoming projects. Only Sand City, which has its own desalination plant, really has any surplus.

"The marketplace is perverse," Stoldt says. "I look at rents in Carmel, [and wonder], 'How can that restaurant survive?' If there's water available, landlords can jack up the rent and you see more competition because you can't locate without it. We're stuck in that mode for the next few years."

That leaves PigWizard, Katie's Coldpress and Cachagua General Store on the hunt. Together they've found a spectrum of success searching out new spots ranging from Nearly Reborn to Ready to Give Up Completely.

After waging a tasting campaign, selling more than 100 bottles in two days from the sidewalk outside the building to prove her concept on Franklin – the first viable property she saw in four years of searching – Katie's Coldpress keeps looking. The good news is she says she's zeroing in on an investor that will allow her to open a central Peninsula location. She'll still produce her California Certified Organic Farmers-approved juice at **El Pajaro Community Development Center Commercial Kitchen Incubator** in Watsonville (763-3695), whose \$10-an-hour rates make her soluble.

"It's a nonprofit, and affordable, and it's still challenging," she says. "With licensing and the huge learning curve, it's really expensive to start a food business. Monterey doesn't have a lot of options for people who want to get into it and don't have a huge investment.

"I wish for my sake and for a lot of other local food businesses that Monterey County had more available commercial kitchen spaces for lease and for rent."

Cachagua General's famous/infamous **Mike Jones**, meanwhile, says he's *this close* to signing a lease, though he's not telling till the ink is on the papyrus.

"We're ready to reopen," he says. "We have the perfect fit for us."

The potential new headquarters includes a commercial kitchen, event space and would allow for now-legendary CGS Monday Night Dinners (and lower-key Sunday brunches).

Meanwhile, PigWizard is ready to throw in the pork chop. "There is no update," Roberts says. "I'm considering selling all this equipment and finding another career. The bottom line is there's no place to go, and when there is, there's too much competition.

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“It’s not going to get cheaper, we’re not going to get any more water,” he continues. “How do you long go on banging your head against something before you learn to stop?”

EXHIBIT 11-F**QUICKBITES**

- **Big Sur Foragers Festival** is here this weekend at Ventana Big Sur (Jan. 12-14), p. 21, bigsurforagersfest.org.
- **Toribashi** has taken over for Alvarado Ramen, doing slow-cooked ramen by **Sam Cook**, who started his chef career prepping grub for the **U.S. Army** (and now does discounts for members of the military), and ran his own sushi shop in the Bay Area for decades. Grand opening Feb. 8, with unannounced soft opening peeks in the meantime.
- Chef **Terry Teplizky** reports **Boardwalk Sub Shop** will open its second location in the former Red's Burger Joint on Main Street in Salinas on Monday, Jan. 22.
- Popular progressive Pacific Grove cafe **Happy Girl Kitchen** (373-4475) joined the effort against harassment Jan. 8 in response to news from *San Francisco Chronicle* that popular coffee wholesaler Four Barrel is wrestling with alleged sexual assault and harassment by founder **Jeremy Tooker**: "In solidarity with the woman who were threatened and abused, we are finding another roaster."
- **American Culinary Federation Monterey Bay Chapter** (chefischef@gmail.com) is holding its State of the Chef brunch 10am-noon Saturday, Jan. 20, at Lafayette Kitchen & Cafe (238-6010) to highlight 2017 accomplishments and look at the future (free/members, \$25, montereybaychefs.org).
- Speaking of, ACF chapter president and Basil alum **Soerke Peters** and local restaurateur **Ken Spilfogel** (Flaherty's) took over Lafayette Bakery's second location, on Dolores in Carmel, on Jan. 1.
- The eighth annual **John "Spud" Spadaro** Hospitality Award is now in judging stages. Another worthy crop of finalists includes **Anna Vindiola**, **Gaspere Aliotti** and **Jeano Brucia-Abraham**, with the presentation party happening Friday, Jan. 19, at Elks Lodge in Monterey (\$30 for Sicilian steak and more, 521-1884).
- **The Food Bank for Monterey County** is about to break ground on their new \$10 million 50,000-square-foot facility in Salinas, its first permanent base, which is solar-powered with cold-storage capacity at 20,000 square feet. The Rossi Street location is slated to open in June (758-1523, foodbankformontereycounty.org).
- **Herman Melville**: *"It is better to fail in originality than to succeed in imitation."*

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Mark Anderson