

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]*

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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

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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



6/2/20

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.

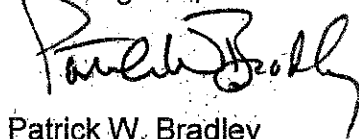
Vacancy Provisions

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

