

EXHIBIT 2-A

DRAFT

FINDINGS OF APPROVAL CONSIDER APPEAL OF DETERMINATION OF WATER NEEDS FOR TEA ZONE & FRUIT BAR AT 460 ALVARADO STREET, MONTEREY (APN: 001-572-005-000) MARCH 19, 2018

- 1. FINDING:** On December 16, 2017, District staff met with Mr. Anthony Davi (property owner), Jess Flowers and Thu Anh (representing the business) to discuss the proposed project and staff's preliminary determination that the business was a Non-Residential Group II use and the proposed Site was Group I. During that meeting, it was represented to staff that this business should be considered in the Non-Residential Group I category because there would be minimal dishwashing as items are served in "to-go" cups, minimal water use for cleaning, and that the space available to rent is 50% larger than needed for the business.

EVIDENCE: December 23, 2017 Letter of Determination on file at the District Office.
- 2. FINDING:** After reviewing the information provided in the meeting, visiting a Tea Zone in the Bay Area, and reviewing similar local business type's, staff made the determination that Group II use is the appropriate Water Use Factor for this business. The brewing and selling of tea, sale of ice cream, juices and smoothies are identical uses to those in the Group II category. The conservation measures discussed in the meeting are considered Best Management Practices that would be expected of any business in this category.

EVIDENCE: December 23, 2017 Letter of Determination on file at the District Office.
- 3. FINDING:** At its February 22, 2018 meeting, the Board appealed staff's determination that a Tea Zone & Fruit Bar business on Alvarado Street in Monterey should be classified as a Non-Residential Group II use.

EVIDENCE: Minutes of February 22, 2018 meeting on file at District office.
- 4. FINDING:** During a Public Hearing on March 19, 2018, representatives of the Tea Zone & Fruit Bar and the property owner of 460 Alvarado Street, Monterey, provided additional information to the Board about the operation of Tea Zone & Fruit Bar in Monterey.

EVIDENCE: Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 5. FINDING:** Tea Zone & Fruit Bar uses little water for cleaning and uses a blender container rinser to clean containers.

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- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 6. FINDING:** Tea Zone & Fruit Bar will not be serving ice cream.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 7. FINDING:** Tea Zone & Fruit Bar will not install an ice maker and will transport ice from its Santa Cruz store for use in Monterey. Ice is the biggest water use in the Tea Zone & Fruit Bar store.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 8. FINDING:** Hot tea is 15 percent of the Tea Zone & Fruit Bar's products and uses tap water.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 9. FINDING:** Tea Zone & Fruit Bar does not use dishes or glassware. Products are served only in disposable packages.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 10. FINDING:** Tea Zone & Fruit Bar does no cooking on Site and has no kitchen. Food and fruit will be prepared off-Site and brought into the store.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 11. FINDING:** The Monterey Alvarado Street Tea Zone & Fruit Bar store, while similar to other juice bars, has a different operation plan that reduces its Water Use Capacity to Group I.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.
- 12. FINDING:** The Board finds that Tea Zone & Fruit Bar has adapted its business plan to a Group I Non-Residential Water Use Factor for its location at 460 Alvarado Street in Monterey.
- EVIDENCE:** Recording of Public Hearing Item 11 at March 19, 2018 MPWMD Board of Directors meeting.