

Submitted by staff at 3/5/2020 Committee Meeting  
Agenda item 2

**From:** [Westhoff, Steven@Waterboards](mailto:Westhoff, Steven@Waterboards)  
**To:** [Arlene Tavani](#); [Stephanie Locke](#); [Dave Stoldt](#)  
**Cc:** [dave@laredolaw.net](mailto:dave@laredolaw.net); [uslar@monterey.org](mailto:uslar@monterey.org); [donlon@monterey.org](mailto:donlon@monterey.org); [davi@monterey.org](mailto:davi@monterey.org); [cole@monterey.org](mailto:cole@monterey.org); [flower@monterey.org](mailto:flower@monterey.org); [Christopher Cook](#); [Kathryn Horning](#); [Ekdahl, Erik@Waterboards](#); [Rizzardo, Jule@Waterboards](#); [Cervantes, Roberto@Waterboards](#)  
**Subject:** Water Demand Committee - Action Item 2  
**Date:** Wednesday, March 4, 2020 5:08:23 PM  
**Importance:** Low

---

Ms. Tavani, Ms. Locke, and Mr. Stoldt:

The Monterey Peninsula Water Management District (District) Water Demand Committee's posted agenda for March 5 (<https://www.mpwmd.net/wp-content/uploads/March-5-2020-WDC-Agenda.pdf>) indicates that the City of Monterey has requested an additional water allocation from the District for 2000 and 2600 Garden Road in the City of Monterey. Based on the description from City Manager Hans UsLAR's February 18 letter, both projects appear to be for residential developments (affordable apartments) at current non-residential service addresses (gym and office). Mr. UsLAR's letter suggests that these projects would require "additional water allocation," and Mr. UsLAR has requested that the District allocate a portion of the 9 acre-feet per year that the District reserved under District Ordinance No. 168.

As both the District and the City of Monterey are aware, condition 2 of State Water Board Order WR 2009-0060 (Condition 2) prohibits California American Water Company (Cal-Am) from serving new service connections and also prohibits "increased use of water at existing service addresses resulting from a change in zoning or use." Changing the service addresses, or parcels or sites in District terminology, from current non-residential uses to residential uses would constitute a change in use under Condition 2. Condition 2 would therefore prohibit increased use of water at the service addresses. As with other projects or credits not specified in State Water Board orders, neither Ordinance No. 168's Local Water Project-related entitlement for the City of Pacific Grove nor the District reserve is exempt from Condition 2. Under Condition 2, increased use of water at the service address could not be avoided, cured, or offset with such an entitlement or reserve. Permitting and serving the proposed projects as described in Mr. UsLAR's letter could therefore lead to a violation of Condition 2, even if they would be allowed under the District's local water permitting system.

Condition 2 and other limiting conditions of the State Water Board's cease and desist order will be in effect until Cal-Am terminates unauthorized diversions from Carmel River and implements an alternative water source to meet existing and reportedly growing demands. Please feel free to contact me if you have additional questions.

Sincerely,

**Steven Westhoff**

Attorney, Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor  
Sacramento, CA 95814-2828

Email: [Steven.Westhoff@waterboards.ca.gov](mailto:Steven.Westhoff@waterboards.ca.gov)

Phone: (916) 327-7295

Fax: (916) 341-5199



	Overall Units	Project Type	Address	with Water Ask	Units * Water Need	Water Credit	Proposed Water Use	Total Need	Priority	Water Meter (Y/N)	Affordable Units	Density	Total ratio	Entitlement Process (1-5)	Estimated Months Until Ready to Build		Priority 1 Number of total units	Priority 1 water request	Priority 2 Number of total units	Priority 2 water request	Priority 3 Number of total units	Priority 3 water request	Priority 4 Number of total units	Priority 4 water request
Strangio Apartments	5	MF	600 Irving Avenue	4	5* .12=6	0.2000	0.6000	0.4000	4	Yes- for Apartments	None	11,630 sq.ft. * 30 du/acre = 8 units	0.08	ARC	12								5	0.4000
Avila	10	MF	437 Figueroa	4	10* .12=1.2	0.3850	0.8150	0.4300	3	Yes- existing Commercial Building	20%	zoning change pursued to be part of the Density Cap Overlay; Reuse of existing building	0.04	Admin AR	12							10	0.43	
City of Monterey	15	MF	Madison and Van Buren	15	15* .12=1.8	0.2280	1.8000	1.5720	3	Office; 3 Vacant Homes; Employee	100%	30 du/acre * .496 acres = 15 units + (.35*9 density bonus) = 21 units	0.10	Admin AR	24							15	1.5720	
828 Lighthouse Ave LLC (Rodato)	18	MF	828 Lighthouse	16	18* .12=1.9472	0.2128	2.1600	1.9472	2	Yes- Ultimate Aquarium Shop	100%	Would need PC approval for 18 units at approximately 700 sf each	0.11	Admin AR	12			18	1.9472					
Outzen	13	MF	2201 North Fremont	13	13* .12= 1.56	0.0067	1.5600	1.5533	1	Yes- former Vet Hospital	20% - 100%	13 (includes density bonus); Additional lot area may be possible.	0.12	Admin AR	9		13	1.5533						
590 Del Monte LLC (Rodato)	28	MF	590 Del Monte	28	28* .12=3.36	0.0840	3.3600	3.2760	1	Yes- Harbor Dental	100%	No density requirement on individual lot; Area cap is 189 units.	0.12	Admin AR	9		28	3.2760						
Slama	65	MF	2000 Garden Road	31	65* .12=7.8	4.0800	7.8000	3.7200	1	Yes- existing Commercial Building	100% for units given water	78,169 sq.ft. * 30 du/acre + 20% = 65 (includes density bonus)	0.06	ARC	8	not provided water within the next four	65	3.7200						
650 E. Franklin LLC (Rodato)	36	MF	650 East Franklin	35	36* .12= 4.32	0.1371	4.3200	4.1829	1	Yes - Water Meter for Topes Landscaping	100%	1/2 lot = --- sq.ft. * 30 du/acre = 1/2 lot = No density requirement on individual lot; Area cap is 189 units.	0.12	Admin AR	6		36	4.1829						
Slama	93	MF	2600 Garden Road	35	93* .12=4.2	6.9600	11.1600	4.2000	1	Yes- existing Commercial Building	100% for units given water	150,899 sq.ft. * 30 du/acre = 103 units	0.05	ARC	6	not provided water within the next four	93	4.2000						
City of Monterey	37	MF	417 Figueroa	37	37* .12=4.44	0.0580	4.4400	4.3820	2	Harbor Maintenance Building; 1"	100%	No density requirement on individual lot; Area cap is 189 units.	0.12	Admin AR	16			37	4.382					
City of Monterey	50	MF	442 Adams Street	50	50* .12= 6	0.0000	6.0000	6.0000	3	City can submeter from Jack's Parks	100%	135 du/acre * .37 acres = 50 units	0.12	Admin AR	16							50	6.0000	
OVP	51	MF	457-570 Cannery Row	51	51* .12= 6.12	6.1200	6.1200	6.1200	4	Water Meter for Stohan's - Empty Building	25%	74,052 sq.ft. * 30 du/acre = 51 units	0.12	ARC, Coastal	24								51	6.1200
City of Monterey	68	MF	438 Calle Principal	67	67* .12=8.16	0.2100	8.0400	7.8300	2	Yes- Public Restroom; 5/8" water meter	100%	135 du/acre * 4.495 acres = 67 units	0.12	Admin AR	16			68	7.8300					
Building Associates (Agha)	84	MF	2560 Garden Road	68	84* .12=10.08	1.8800	10.0800	8.2000	3	Yes- existing Commercial Building	50%	100,547 sq.ft. * 30 du/acre + 20% = 84 units (includes density bonus)	0.10	ARC	6	biggest request for water out of the entire list						84	8.2	
																236		123			159		56	