



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

February 8, 2013

DIRECTORS

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Vice President

HOWARD GUSTAFSON
WILLIAM Y. LEE
PETER LE

Mr. Stephen Clark
AMCAL Monterey Bay, LLC
30141 Agoura Road
Agoura Hills, CA 91301

Subject: The Promontory (CSUMB Student Dormitory) Project - Variance Request
Regarding Individual Metering of Newly Constructed Dwelling Units

Dear Mr. Clark,

Marina Coast Water District (MCWD, District) received your Variance Request Form on February 4, 2013. The Variance Request is for The Promontory (CSUMB Dormitory Housing) project that proposes three (3) student housing structures be built with approximately 175-units containing roughly 590-beds. The project would be located adjacent to CSUMB, approximately at the intersection of 5th Avenue and 8th Street Cut-Off in the Former Fort Ord portion of Marina, CA.

The Variance Request asks for relief from the requirements of MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* in order to assist with the project's compliance with Water Code section 3.36.030. *S. New Construction. 1. (c).*

- Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* specifically states that "Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually as of the effective date of the ordinance codified by this chapter."
- Water Code section 3.36.030. *S. New Construction. 1. (c).* specifically states that "In all new construction..... A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater."

Rather than individually metering the approximately 175 proposed dwelling units, you are proposing that a variance be granted that allows the project to provide potable water through a single service connection for each building. The heating ability (for both water and the space) for the entire project premises would be generated by CSUMB's Central Plant located near-by and which provides heating for the entire campus. By allowing this effective and efficient method of water heating to occur, the project is able to readily comply with the Water Code section for hot water recirculation within each proposed structure. Additional details associated with this Variance Request are found within your Request Form (attached for reference) and may be included in the District Board's final decisions on the disposition of this Request.

Based on the information within the Request Form, the District staffs' determination is that there is enough clear and convincing evidence that the findings required by the Water Code to grant a variance can be made in the affirmative. Specifically, it can be shown that:

- the strict application of the code would result in financial hardship to CSUMB students who would face higher-than-needed rental rates and utility bills due to the failure to take advantage of CSUMB's central heating system; and,
- granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because the land-use will be consistent with the FORA Base Reuse Plan, CSUMB's Master Plans, and will be within the City of Marina's water allocation from FORA; and,
- the variance is in the best interest of the District because it is appropriate that CSUMB student housing be located contiguous to the campus and conditions will be placed on the project based on this Variance Request that allow the project to meet all intended purposes of the MCWD Water Code.

Because of your Variance Request's ability to make the three findings affirmatively, District staff will be recommending to the MCWD Board that this Variance Request be granted.

The next regularly scheduled MCWD Board of Directors meeting is on February 26, 2013. District staff proposes that this Variance Request be brought to the Board at that time so that they can make a final determination regarding your request.

Please do not hesitate to contact Mr. Brian True (831-883-5937) of the Engineering Department staff or me (831-883-5938) to let us know if you will be attending the Board Meeting on February 26 and if you have any questions regarding this matter.

Sincerely,



Jim Heitzman
General Manager

Enc: Variance Request Form

Cc: Andy Sterbenz, Brian Lee, Brian True – MCWD



Variance Request Form for Marina Coast Water District

Assigned _____
Reviewed _____
Granted / Denied _____
Account No. _____

PART A – APPLICANT INFORMATION

Requested Variance (include District Code Section) 3.36.030(w)(2)(a)

Date of Submittal of Variance Request 02/04/2013

Has applicant applied for the same or similar variance previously? ☐ YES ☒ NO ☐ UNKNOWN

If YES, to above, please provide details _____

Request:

Name of Applicant (Contact) AMCAL Monterey Bay, LLC

Applicant Relationship to Owner owner

Billing Name (if different from above) _____

Street/Mailing Address for Variance 30141 Agoura Road City Agoura Hills State CA Zip 91301

Street/Mailing Address for Billing (if different) _____ City _____ State _____ Zip _____

Daytime Phone Number (818) 706-0694 x4109 Fax Number (818) 889-9158

PART B – BASIS OF VARIANCE REQUEST

1. The strict application of the code would result in unfair or unequal treatment, undue hardship, or an emergency condition exists which requires that the variance be granted; and,
2. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the district; and,
3. The variance is in the best interests of the district.

This variance request may only be based on the above conditions. Please briefly describe the basis of your request and provide documentation of need in Part C. If further space is required in the completion of this form, provide a note of such and attach supporting documentation with application.

Please see attached letter

PART C – EVIDENCE TO SUPPORT VARIANCE

Provide documentation to support you request. Documentation should concisely prove the need for a variance. Please list documents below and attach copies with your application. Original records will not be returned.

AMCAL letter dated February 3, 2013
Gauvis Engineering letter dated February 1, 2013

PART D – REQUESTED ACTION

What specific action are you requesting that the Board take?

Grant a variance to section 3.36.030 (W)(2)(a)

☒ I understand that the application for a variance does not guarantee a variance will be granted.

☒ I have contacted the owner and he has given his permission to process this application, or I am the property owner.

Applicant:

Applicant's Name: Stephen Clarke - for AMCAL Monterey Bay, LLC

Applicant's Signature: Stephen Clarke Date: 02/04/2013



30141 AGOURA RD. ♦ STE. #100 ♦ AGOURA HILLS, CALIF. ♦ 91301-4332
PHONE: (818) 706-0694 ♦ FAX: (818) 706-3752

February 3, 2013

Mr. Jim Heitzman
General Manager
Marina Coast
Water District (MCWD)
11 Reservation Road
Marina, CA 93933

RE: Request for Administrative Variance
8th Street and Imjin Road, Marina

Dear Mr. Heitzman,

This is a request for an administrative variance to MCWD Codes and Ordinance Section 3.36.030 (W)(2)(a) regarding individually metering of newly constructed dwelling units. We, the applicant, are pursuing the development of a student housing dormitory to serve the California State University at Monterey Bay (CSUMB). CSUMB will be controlling the dormitory units through a Master Lease and comprehensive Affiliation Agreement. Consistent with other CSUMB housing, educational and administrative facilities, CSUMB intends to provide hot water for the heating of domestic/potable hot water and space heating through a single service connection to the entire premises from their Central Plant off of Inter-Garrison Road. This proposed system is the most energy-efficient method to provide recirculating hot water and space heating to the 175 units as specified by MCWD Codes and Ordinance Section 3.36.030 (S)(1)(c). The responsibility for payment of charges for all MCWD potable water furnished to the units will be assumed by the applicant. As a condition to granting the variance, the applicant will sub-meter the supply of water at each unit and implement monitoring practices that promote and enforce water conservation.

The basis for our request is as follows:

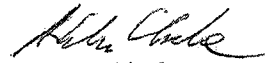
- The strict application of the code would result in undue economic hardship to college students. To be consistent with CSUMB's goal of making higher education accessible to traditionally underserved and low-income populations, student housing must be affordable. Therefore, we have proposed an energy efficient central hot water system design that utilizes the existing CSUMB Central Plant. Alternatively, if required to individually meter each unit and since we are not providing gas to the units, then electric hot water heaters would be needed. This inefficient and cost prohibitive solution would increase costs to students in the form of higher rental rates and utility bills.

- Granting the variance will not cause a significant adverse effect on the water supply. The units will always be under a single control or management. The parcel is zoned for public facilities, not multi-family residential, and the development will contain a perpetual deed restriction imposed by the Fort Ord Reuse Authority that will prohibit the facility from ever being used for anything other than dormitory housing. In addition, the units are designed and will be constructed like hotel/motel units, which makes future conversion impractical. Management will be responsible for promoting public awareness of the need for water conservation, advising students that waste of water is prohibited, and enforcing the use of water-conserving, high-efficiency fixtures and appliances.
- The variance is in the best interests of the district. The development is consistent with the goals of the Fort Ord Base Reuse Plan and CSUMB and enjoys the unanimous support of Mayor Delgado and the entire City of Marina City Council.

As additional background for this request, please see the attached letter from Gouvis Engineering.

Thank you for your consideration and please let me know should you have questions or concerns.

Sincerely,



Stephen Clarke
AMCAL Monterey Bay, LLC

cc David Moon, Coleraine Capital Group
Andy Hunter, Whitson Engineers

GOUVIS *engineering*

consulting group, inc.

February 1, 2013

Stephen Clarke
AMCAL Monterey Bay, LLC
30141 Agoura Road, Suite 100
Agoura Hills, CA 91301

Re: CSUMB Student Housing dormitory
MCWD Water Metering Variance
GECG Job No. 62876-N/A

Dear Mr. Clarke,

This letter is being provided in order to explain the reasons for why a water metering variance is necessary for the above mentioned project.

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The CSUMB campus would like us to use its Central Plant to supply this project with hot water for the purposes of heating our domestic/potable hot water and providing space heating. The design intent is to use the campus supplied hot water to heat potable water in a central storage tank which would then be distributed to the 175 dormitory units in our buildings. As with other typical dormitory and hotel/motel type centralized hot water systems, it is not possible to measure a tenant's water usage until it is distributed from the communal storage tank. The reason for this is that water would tend to enter the communal tank through all available inlets at equal rates, which would cause each corresponding meter to register the same rate of water usage. These rates would also be proportionally lower for the meters located furthest from the central tank due to variations in pipe lengths and friction losses. Sub-metering the water after the central storage tank is the best way to provide each dwelling with a measurement of their actual usage and thereby encourage more careful water consumption by each tenant.

If we are required to individually meter the water supplies to each dwelling, we would have to abandon a central hot water system design and miss out on the energy efficiency of using the CSUMB central plant. The central plant has efficiency ratings near 90%, where individual gas water heaters are nearer to 60% and electric water heaters are nearer to 20% (when including the losses of power plants and power lines). We are not intending to bring natural gas facilities to the project and therefore without this variance, we would need to resort to electric water heating.

Sincerely,
GOUVIS ENGINEERING CONSULTING GROUP, INC.

Adam Kral
MEP Operations Manager
949.752.1612
4400 Campus Drive
Newport Beach, CA
92660



February 1, 2013

Re: CSUMB Student Housing
MCWD Water Metering Variance
GECG Job No. 62876-N/A

Sincerely,
GOUVIS ENGINEERING CONSULTING GROUP, INC.

Adam Kral
MEP Operations Manager

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