

February 26, 2013

Resolution No. 2013 - 18
Resolution of the Board of Directors
Marina Coast Water District
Approving a Variance Request Regarding
Metering for The Promontory Development Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 26, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, AMCAL is proposing to construct The Promontory dormitory student housing project adjacent to the CSUMB campus; and,

WHEREAS, The Promontory project is located approximately along the southern edge of the 8th Street Cut-Off between Imjin Road and 5th Avenue and proposes three multi-story structures to serve as student housing dormitories consisting of approximately 175-units; and,

WHEREAS, AMCAL is requesting a variance to MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* that states “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually”; and,

WHEREAS, AMCAL’s specific request is that a variance be granted allowing the project to provide potable water through a single service connection for each structure rather than individually metering the approximately 175 proposed dwelling units; and,

WHEREAS, AMCAL is proposing to use existing CSUMB heating infrastructure to heat both the water and the space within the structures; and,

WHEREAS, District staff recommends that the following conditions be required for the project in order to grant a variance:

- A hot water recirculation system shall be installed within each proposed structure that complies with Water Code section 3.36.030. *S. New Construction. 1. c.* that states “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”; and,
- Monitoring practices shall be implemented that promote and enforce water conservation; and,

WHEREAS, District staff’s recommendation is that the Variance Request be granted by the MCWD Board of Directors subject to the above conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby find that:

A. The strict application of the code in this case creates an undue hardship on future (and current) CSUMB students (AMCAL's customers) 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

B. 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 this project will be consistent with the FORA Base Reuse Plan and CSUMB's Master Plan, will be within the City of Marina's water allocation from FORA, and no additional water service or use beyond that planned by the community is proposed; and,

C. The variance is in the best interests 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.

BE IT FURTHER RESOLVED that the Board of Directors grants a variance to AMCAL from the requirements of the MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* subject to the following required conditions:

- A hot water recirculation system shall be installed within each proposed structure that complies with Water Code section 3.36.030. *S. New Construction. 1. c.*; and,
- Cold and hot water supplies shall be sub-metered for each unit. If requested by the District, the property owner shall furnish sub-meter usage information to the District; and,
- Monitoring practices shall be implemented that promote and enforce water conservation; and,

BE IT FURTHER RESOLVED that the General Manager and/or the Deputy General Manager/District Engineer shall take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

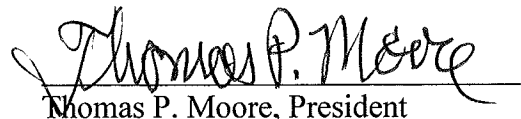
PASSED AND ADOPTED on February 26, 2013 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors Le, Lee, Shriner, Moore

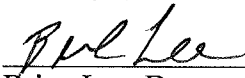
Noes: Directors None

Absent: Directors Gustafson

Abstained: Directors None


Thomas P. Moore, President


ATTEST:



Brian Lee, Deputy Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2013-18 adopted February 26, 2013.



Brian Lee, Deputy Secretary