

EXHIBIT 4-A

ORDINANCE No. 98 - BATHROOM FIXTURE ORDINANCE

SUMMARY

The Grand Jury, responding to community comments, newspaper articles, and citizen complaints, initiated an investigation into the status of water allocations within the Monterey Peninsula Water Management District (MPWMD).

BACKGROUND

After a thorough review of water history, ordinances, policies and infrastructure, as well as interviews with elected members of the MPWMD and District officials, the Grand Jury recognized that the various water agencies, together with California American Water Company (Cal-Am), are working toward developing new water sources for the future. The Grand Jury then chose to focus on the current allocation system within the various communities and unincorporated areas of the Monterey Peninsula.

INQUIRY PROCESS

The Grand Jury studied the water history in the county, particularly on the Monterey Peninsula; reviewed ordinances, particularly Ordinance #98, policies and infrastructure, and interviewed several members of the MPWMD Board and management.

FINDINGS

1. Current MPWMD permit requirements restrict individual property owners in the use of their property, particularly for remodels and additions. When property owners wish to add water fixtures such as toilets and showers to their homes, they are restricted by Ordinance #98. Prior to the Ordinance, property owners were not permitted to add water fixtures without meeting onerous and complex requirements including deed restrictions.
2. Ordinance No. 98 (Bathroom Fixture Ordinance), effective May 16, 2001, goes a long way toward addressing this issue. It reads, "Ordinance No. 98 allows an existing single family dwelling on a single family residential site with only one bathroom or an existing single family dwelling with less than two full bathrooms to add the lacking fixtures:(a) a single toilet, (b) a single bathtub, tub/shower combination or single shower stall and/or (c) one or two wash basins." While this is a positive step forward, it goes on to state, "...*the Ordinance does not apply to multi-family dwellings or residential sites with more than one living unit. The second bathroom cannot be added to an auxiliary or annex building.*"

RECOMMENDATIONS

1. Property owners should have the choice of reducing landscaping to accommodate additional water fixtures as long as they stay within their historical water usage. The only restrictions that should apply are building codes, zoning ordinances and other planning requirements related to rentals, not water fixture controls.
2. The MPWMD should establish a water allocation system for properties that are remodeled or added to based on historical water usage. This information is available from public records.
3. Penalties should be established to enforce a water allocation system to assure adherence to historical water usage for these properties.

RESPONSES REQUIRED

All Findings and Recommendations

MPWMD