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Water Demand Committee Members:

*Molly Evans, Chair
Andy Clarke
Jeanne Byrne*

Alternate:

Brenda Lewis

Staff Contact

*Stephanie Locke
Arlene Tavani*

After staff reports have been distributed, if additional documents are produced by the District and provided to the Committee regarding any item on the agenda, they will be made available at 5 Harris Court, Building G, Monterey, CA during normal business hours. In addition, such documents may be posted on the District website at www.mpwmd.net. Documents distributed at the meeting will be made available in the same manner.

AGENDA

**Water Demand Committee
Of the Monterey Peninsula Water Management District**

Wednesday, March 2, 2016, 3:00 pm

District Conference Room, 5 Harris Court, Building G, Monterey, CA

Call to Order

Comments from Public - *The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.*

Action Items -- *Public comment will be received.*

1. Develop Recommendation to the Board on the First Reading of Ordinance No. 170 – Amending Rules 11, 20, 21, 22, 23, 24, 25.5 and 142

Discussion Item – *Public comment will be received.*

2. Discuss Table 2: Non-Residential Water Use Factors – Group II Uses

Other Items

Set Next Meeting Date

Adjournment

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WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. DEVELOP RECOMMENDATION TO THE BOARD ON THE FIRST READING OF ORDINANCE NO. 170 -- AMENDING RULES 11, 20, 21, 22, 23, 24, 25.5, AND 142

Meeting Date: March 2, 2016 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Stephanie Locke **Cost Estimate:** N/A

General Counsel Review: In process

Committee Recommendation:

CEQA Compliance:

SUMMARY: At the August 28, 2015 and September 23, 2015 Water Demand Committee meetings, the Committee reviewed a number of policy items for inclusion in the Rules and Regulations. Draft Ordinance No. 170 (**Exhibit 1-A**) is the first of these amendment ordinances. Two future ordinances will address the remaining topics (institutions of higher education and amendments to the Rebate Program) and will be presented at a future Committee meeting.

DISCUSSION: The ordinance has been written with an explanation of the proposed changes in each section. The ordinance amends the most critical topics identified and discussed with the Water Demand Committee, including the changes to the California Code of Regulations (Title 20, Sections 1601-1608) and the State Model Water Efficient Landscape Ordinance that took place in 2015.

RECOMMENDATION: The Committee should review the draft ordinance and consider a recommendation to the Board.

EXHIBIT

1-A Draft Ordinance No. 170

EXHIBIT 1-A

ORDINANCE NO. 170

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULES 11, 20, 21, 22, 23, 24, 25.5, AND 142**

FINDINGS

1. The Monterey Peninsula Water Management District was created to address ground and surface water resources in the Monterey Peninsula area, which the Legislature found required integrated management, and was endowed with the powers set forth in the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, found at West's Water Code, Appendix, Section 118-1, et seq.).
2. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation and efficiency measures which, inter alia, sets standards for the installation of plumbing fixtures in New Construction, and requires retrofit or replacement of existing plumbing fixtures upon Change of Ownership, Change of Use, and Expansion of Use, and for existing Non-Residential uses. The Monterey Peninsula Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. The Monterey Peninsula Water Management District has found and determined that it is in the best interests of the Monterey Peninsula Water Management District and its inhabitants to define, implement and enforce water efficient plumbing standards and requirements for the conservation of Potable water supplies. Retrofit or replacement of existing plumbing fixtures shall lessen consumption of the limited water resources available on the Monterey Peninsula. Installation of water efficient plumbing fixtures reduces the burden of new, expanded or modified uses on the water resources.

ADDITIONAL FINDINGS TO BE ADDED PRIOR TO FIRST READING

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the **2016 Rule Amendment Ordinance** of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this ordinance to address certain actions necessary to process and issue Water Permits and Water Distribution System Permits, and to add to the Rules and Regulations recent amendments to the California Code of Regulations (Title 20, Sections 1601-1608) and the State Model Water Efficient Landscape Ordinance.

Section Three: Definitions

The following terms shown in *bold italics* (new text) and ~~strikeout~~ (deleted text) shall be given the definitions set forth below and shall be permanently added to Rule 11, Definitions, of the Rules and Regulations of the District.

1. **INTENSIFIED WATER USE** – “Intensified Water Use” shall mean any change in water use occurring on a Parcel which, in a Residential use, is evidenced by an increase in the number of fixture units serving that Parcel; or, in any ~~Commercial, industrial, Public Authority, or Other Use~~ **Non-Residential use**, is evidenced by the incremental change in the Project’s Capacity for annual water use based upon one or more of the factors set forth in Rule 24 of the existing Rules and Regulations. The term “Intensification of Use” shall also refer to an Intensified Water Use. ~~Use of any quantity of water reserved by an unexpired Water Use Credit shall not cause an Intensified Water Use. The term “Capacity” refers to the maximum long term water use which theoretically may occur on that Site, based on average water use data for similar projects in the Monterey Peninsula region, as shown by the projected water use tables set forth in Rule 24.~~

~~A Change of Use from a commercial category in one group to another category in a higher water use group, or from any commercial category in Group III to another category in Group III, as shown on Table No. 2 of Rule 24, shall be deemed an Intensification of Use requiring an Expansion/Extension Permit, or an amended~~

~~Permit pursuant to these Rules and Regulations. Where there is no increase in the size of a commercial structure, a Change of Use from one commercial category in Group I to another category within Group I, or a Change of Use from one commercial category in Group II to another in Group II, however, shall not cause an Intensification of water Use.~~

2. ~~REQUIRED CONSERVATION MEASURES~~

~~“Required Conservation Measures”~~

~~a. Flush sewers with Sub-potable or Reclaimed Water except in cases of emergency.~~

~~b. New Construction: Plumbing fixtures must be at least as efficient as the following water conservation requirements: toilets shall not use more than 1.6 gallons per flush maximum; Urinals shall use no more than 1.0 gallons per flush; Showerheads shall use no more than 2.5 gallons per minute without a separate restriction device and faucets shall have aerators that use no more than 2.2 gallons per minute maximum irrespective of the pressure in the water supply line; hot water systems must be Instant Access Hot Water Systems; Drip Irrigation must be installed for all shrub or tree areas rather than spray heads, unless plant material or site conditions preclude drip as the most appropriate choice. Handheld watering may also be used.~~

~~c. Projects that result in added water fixtures or expansion of more than 25 percent of the existing square footage, and all Non-Residential Changes of Use, shall meet the Required Conservation Measures for New Construction with the exception of retrofitting to Drip Irrigation and Instant Access Hot Water Systems.~~

3. ~~MANDATED~~ – “Mandated” shall mean a requirement of the District (e.g. Ultra-Low Flush Toilets are mandated for New Construction) adopted by ordinance.

4. **DUAL FLUSH ULTRA-LOW FLUSH TOILET** -- “Dual Flush Ultra-Low Flush Toilet” shall mean a toilet *with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush* designed to allow the user to choose between a light flush (usually 0.8 gallon) and a longer 1.6 gallon flush.

5. **PRODUCTION LIMIT** -- “Production Limit” shall refer to the maximum production permitted for a Water Distribution System.

6. **RECLAIMED WATER** – “Reclaimed Water” shall mean wastewater ~~effluent~~ that has

been treated to the tertiary level, including disinfection. Reclaimed Water is a form of Recycled Water.

Section Four: **Amendment of Rule 20, Permits Required**

Rule 20-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to add a Water Permit exemption for replacement of a Large Bathtub with a Standard Bathtub or Shower Stall and to add the Model Water Efficient Landscape Ordinance requirement for large rehabilitated Landscape areas.

B. PERMITS TO CONNECT TO OR MODIFY A CONNECTION TO A WATER DISTRIBUTION SYSTEM

Before any Person connects to or modifies a water use Connection to a Water Distribution System regulated by the District or to any Mobile Water Distribution System regulated by the District or to any Mobile Water Distribution System, such Person shall obtain a written Permit from the District or the District's delegated agent, as described in District Rules 21, 23 and 24. The addition of any Connection and/or modification of an existing water Connection to any Water Distribution System permitted and regulated by the District shall require a Water Permit.

The following actions require a Water Permit:

1. Any change in use, size, location, or relocation of a Connection or Water Measuring Device which may allow an Intensification of Use or increased water consumption.
2. Each use of an On-Site credit or Water Use Credit.
3. Any modification to the number or type of Residential water fixtures shown in Rule 24, Table 1, Residential Fixture Unit Count Values, with ~~two~~ *three* exceptions: (1) replacement of a Standard Bathtub with a Shower Stall and vice versa; ~~and~~ (2) removal of a lawful water fixture, *and (3) replacement of a Large Bathtub previously documented by the District with a Standard Bathtub or a Shower Stall.*

4. Any Landscaping changes resulting in an Intensification of Use when a Landscape plan has been reviewed and approved as a component of a Water Permit.
5. Any Change of Use or any expansion of a Non-Residential use to a more intensive use as determined by Rule 24, with the exception of Temporary Structures and Temporary Exterior Restaurant Seats that are not occupied or in use for longer than thirty (30) consecutive days.
6. Installation of new water fixtures (Rule 24, Table 1) in a Residential use, other than replacement of existing water fixtures.
7. Use of water from a Mobile Water Distribution System.
8. ***Rehabilitated landscapes over 2,500 square-feet that are associated with a building or landscape permit, plan check, or design review.***

Section Five: **Amendment of Rule 20-C-7**

Rule 20-C-7, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to exempt On-Site rainwater capture facilities from the Water Distribution System Permit requirement.

7. For On-Site rainwater capture facilities (e.g., Cisterns) that serve Single-Parcel Connection Systems for Residential or Commercial Use situations for On-Site Landscape irrigation use. ***A written Confirmation of Exemption is not required.***

Section Six: **Amendment of Rule 21-B-3**

Rule 21-B-3, shall be amended as shown in bold italics (***bold italics***) and strikethrough (~~strikethrough~~) to incorporate requirements of the California Model Water Efficient Landscape Ordinance.

3. ***New development projects that include landscape areas of 500 sq. ft. or more and existing rehabilitated landscapes over 2,500 square-feet that are associated with a building or landscape permit, plan check, or design review area subject to the California State Model Water Efficient Landscape Ordinance, as amended. The Applicant shall submit a***

complete Landscape Documentation Package. The Landscape Documentation Package shall include: A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use calculations and three copies of the Landscaping plan for new exterior use when the Site exceeds 10,000 square feet in size, when the Project is a Non-Residential use, or when the Project involves Multi-Family Dwellings or mixed uses.

- a. Project information including the date, project Applicant, total landscape area, water supply, water purveyor;*
- b. A Landscape Water Budget which includes the Maximum Applied Water Allowance (MAWA) and Estimated Applied Water Use (ETWU) calculations with three copies of the Landscape plan;*
- c. Soil analysis and recommendations (from a soil laboratory);*
- d. Landscape design/project notes; plant legend; plant count;*
- e. Landscape design hydrozone water use;*
- f. Irrigation design/irrigation project notes;*
- g. Grading design plan from an Engineer;*

Section Seven: Amendment of Rule 22-D-1-h, Action on Application for Permit to Create/Establish a Water Distribution System

Rule 22 shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to address situations such as the Malpas Water Company Water Entitlement where new Connections to the California American Water Company Water Distribution System may occur.

- h. Permit shall identify whether interties to other systems are allowed and shall identify restrictions or prohibitions on such interties, including devices to prevent cross-contamination of systems. MPWMD shall not approve any Water Permit for new Connections to the California American Water system, *based on California American Water's authorized water rights*, due to the inability of a permitted Water Distribution System to deliver adequate water quality or quantity to Parcels within its Service Area until there is full compliance by California

American Water with State Water Resources Control Board Order No. WR 95-10 (as amended); California American Water compliance with the March 2006 Final Decision of the Seaside Groundwater Basin Adjudication (as amended); and water is available in the respective Jurisdiction's Allocation for release to the Parcels(s);

Section Eight: Amendment of Rule 23, Action on Application for Permit to Create/Establish a Water Distribution System

Rule 23-A-1-(i)-(4) shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to disallow sub-metering of Single-Family Dwellings when the water lines will cross a property line. This addresses situations where a sub-meter would allow construction of one or more Single Family Dwellings that could potentially be under different ownership. This situation tends to defeat the purpose of the current tiered rate structure and makes enforcement problematic.

- (4) The General Manager shall allow sub-metering for each User when the installation of separate Water Meters is not feasible and the Site is utilizing Water Credits on a Site that has a Connection. *Sub-metering shall not be allowed for a new Single Family Dwelling when the sub-metered User is located on a different legal lot of record from the existing User of the Water Meter.* Approval of a Water Permit allowing sub-metering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:

Section Nine: Amendments to Rule 24, Calculation of Water Capacity and Capacity Fees

A. Rule 24-E-6-(g) shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to add the Landscape Documentation Package pursuant to the Model Water Efficient Landscape Ordinance.

- g. A *Landscape Documentation Package* ~~detailed landscape plan and Landscape Water Budget, including the MAWA calculation,~~ shall be included with the Water Permit application.

B. Rule 24-E-7 shall be amended as shown in bold italics (*bold italics*) and strikethrough

~~(strikethrough)~~ to add omit the administrative processing fee. Fees and Charges are found in Rule 60.

7. Refunds requested for Capacity Fees paid for a Conditional Water Permit shall be processed under the following time lines ~~and shall be subject to an administrative processing fee of one hundred dollars (\$100)~~:
 - a. Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days;
 - b. Refunds between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000) shall be processed within forty-five (45) days;
 - c. Refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

Section Ten: Amendments to Rule 25.5, Water Use Credits and On-Site Water Credits

A. Rule 25.5-A shall be amended as shown in bold italics (***bold italics***) and ~~strikethrough~~ (~~strikethrough~~) to clarify credit assignment upon subdivision/sale.

25.5-A. Except where a Water Permit has been abandoned, expired, Revoked, Suspended, or canceled under these Rules, a Person may receive a Water Use Credit for the permanent abandonment of some or all of the prior water use on that Site by one of the methods set forth in this Rule. Water Use Credits shall be documented by written correspondence between the District and the property owner, and shall remain valid unless prohibited by this Rule. Water Use Credits shall not be documented by notice on a property title, except as specified in Rule 25.5-G. Except as allowed by Rule 28, Water Use Credits shall not be transferable to any other Site. ***However, Water Use Credits may be assigned to a specific Parcel and documented by deed restriction at the time the Site is subdivided or when existing lots on the Site are assigned Assessor Parcel Numbers. Assignment of a Water Use Credit to a specific sub-Parcel of the original Site must include recorded notice on all Parcels where the Water Use Credit originated.***

B. Rule 25.5-B shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to remove the reference to Low Water Use Plumbing Fixtures, a definition that has been deleted.

B. Water savings resulting from mandatory District programs, including water savings resulting from ~~the installation of Low Water Use Plumbing Fixtures mandated by the District~~*compliance with Regulation XIV*, shall not result in a Water Use Credit, with the exception of Table 4 retrofits. Such savings shall be set aside as permanent water conservation savings ~~essential to the District's 15 percent conservation goal approved by the Board in March 1984.~~

C. Rule 25.5-F-4.b shall be amended as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~) to correct the table's name.

b. Residential Water Use Credits shall only be granted for installation of *the* ultra-low consumption appliances: *Listed in* Table 4: ~~Ultra-Low Consumption~~ *High Efficiency* Appliance Credits. ~~shall list the ultra-low consumption appliances and the quantity of Water Use Credit available for the permanent installation of the appliance. This table shall~~ *may* be amended by Resolution of the Board of Directors.

Section Eleven: Amendment to Rule 142, Water Efficiency Standards

Rule 142 shall be amended as shown below, with added language as shown in *bold italic* type face, and deleted language shown in ~~strikeout~~ type face. Amendments codify language adopted in Urgency Ordinance No. 167 pertaining to 2015 changes to the Water Code and to the State Model Water Efficient Landscape Ordinance. Water Permits issued prior to adoption of this ordinance list the water efficiency requirements in effect at the time the permit was issued.

RULE 142 - WATER EFFICIENCY STANDARDS

A. Water Efficiency Standards.

I. All New Construction of New Structures shall install and maintain plumbing fixtures and conservation standards as set forth in this Rule.

2. No plumbing fixture ~~or standard~~ shall be replaced with fixtures which allow greater water use.
3. ***All new and replacement water fixtures shall comply with then-current California plumbing and energy standards/codes when more restrictive than the District's.***

B. Former Rules. Water Permits issued prior to January 1, 2010~~2013~~, ~~shall be~~ *were* subject to requirements of former Rule 142 summarized below:

1. ~~Former~~ Rule 142 ***prior to January 1, 2010***, required all New Construction, Remodels and Additions to install maximum 2.5 gallons-per-minute Showerheads and 2.2 gallons-per-minute faucet aerators.
2. New Construction of New Structures ***prior to January 1, 2010***, also required installation of Instant-Access Hot Water Systems and installation of Drip Irrigation where appropriate.
3. Water Permits issued between January 1, 2010 and December 31, 2012, ~~shall be~~ *were* subject to the rules in effect on the date of issuance as stated on the Water Permit and on any associated deed restriction(s).

C. Residential Water Efficiency Standards for New Structures.

All Residential New Structures receiving a Water Permit ~~on or after January 1, 2010~~, shall meet or exceed the following standards:

1. High Efficiency or Ultra-High Efficiency Toilets shall be installed;
2. Urinals, when installed in a Residential use, shall be designed to flush with one (1) gallon of water. ***On and after January 1, 2016, newly installed Urinals shall flush with no more than 0.125 gallon per flush;***
3. Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed and manufactured to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;

5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Lavatory Sink faucets shall emit a maximum of ~~2.2~~ 1.2 gallons of water per minute at 60 psi;
7. Kitchen Sink, Utility Sink, and Bar Sink faucets shall emit a maximum of ~~2.2~~ 1.8 gallons of water per minute at 60 psi. *Faucets may have the capability to temporarily increase flow to 2.2 gallons per minute for filling pots and pans, but must default back to a maximum flow rate of 1.8 gallons per minute measured at 60 psi.;*
8. Instant-Access Hot Water Systems shall be installed;
9. All hot water pipes shall be insulated;
10. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings.
11. Landscaping.
 - a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.
 - b. Plants shall be grouped in hydrozones.
12. Irrigation System Efficiency.

- a. Weather-Based Irrigation System Controllers (e.g. Smart Controllers) shall be installed, used and maintained on Sites where there is an Irrigation System.
- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.
- f. Irrigation Systems shall operate with at least ~~70~~ 75 percent efficiency *for overhead spray devices and at least 81 percent for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years. Systems must be compliant with local catchment system standards.
- h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.
- i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

D. Non-Residential Water Efficiency Standards for New Structures.

All Non-Residential New Structures receiving a Water Permit ~~on or after~~
~~January 1, 2010~~, shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be Pint Urinals or Zero Water Consumption Urinals and shall be clearly specified on the final Construction Drawings. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;
3. Showerheads, Rain Bars, or Body Spray Nozzles shall be installed that were designed to emit a maximum of 2.0 gallons per minute of water;
4. All shower fixtures should be equipped with scald protection valves rated for 2.0 gallons per minute Showerheads;
5. High Efficiency Clothes Washer(s) and High Efficiency Dishwasher(s) shall be required when installed in a Residential use;
6. Public Washbasins shall emit a maximum of 0.5 gallon of water per minute at 60 psi. Private Washbasins (e.g., hotel or motel guest rooms and hospital patient rooms) shall emit a maximum of ~~1.5~~ **1.2** gallons of water per minute at 60 psi. All other sinks shall emit a maximum of 2.2 gallons of water per minute at 60 psi unless higher flow is required by Health and Safety Code;
7. Public Washbasins equipped with automatic shut off devices or sensor faucets shall operate with a maximum flow of 0.25 gallons per cycle;
8. High Efficiency Clothes Washers shall be installed when a Clothes Washer is installed in a New Structure permitted under this Regulation;
9. High Efficiency Dishwashers or High Efficiency Commercial Dishwashers shall be installed and maintained on the Site when a

Dishwasher is installed in a New Structure permitted by a Water Permit;

10. Instant-Access Hot Water System(s) shall be installed for hot water access points to ensure that hot water is available within ten (10) seconds;
11. All hot water pipes shall be insulated;
12. Sodium chloride (salt) water softeners shall be discouraged in New Construction. Alternate technologies, such as potassium chloride shall be recommended. When a sodium chloride water softener is to be installed within the MPWMD, the unit shall use demand-initiated regeneration which senses when the resin must be recharged, either electronically or with a meter that measures and calculates usage. This requirement shall be specified on the Construction Drawings;
13. Water Efficient Pre-Rinse Spray Valves shall be utilized when a pre-rinse spray valve is installed;
14. There shall be no single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
15. Water cooled refrigeration equipment shall be prohibited when there is alternative cooling technology available at the time the Water Permit is issued;
16. Cooling Towers shall be equipped with conductivity controllers that are used to increase the number of cycles that can be achieved;
17. Boilerless steamers or connectionless steamers shall be installed in place of boiler-based steamers when a steamer is installed in New Construction;
18. Landscaping.

- a. All New Construction shall install and maintain Landscaping that complies with the California Model Water Efficient Landscape Ordinance as revised (California Code of Regulations, Title 23, Water, Division 2, Department of Water Resources, Chapter 2.7, Model Water Efficient Landscape Ordinance) or with local or District Landscape requirements if more restrictive.
- b. Plants shall be grouped in hydrozones.

19. Irrigation System Efficiency.

- a. Weather-Based Irrigation System Controllers shall be installed, used and maintained on Sites where there is an Irrigation System.
- b. Weather-Based Irrigation System Controllers shall include functioning Soil Moisture Sensors and a Rain Sensor as components of the system.
- c. Drip Irrigation shall be utilized for watering all non-turf irrigated plantings.
- d. Rotating Sprinkler Nozzles shall be utilized for turf irrigation.
- e. Overhead spray irrigation shall not be used to water non-turf Landscaping, including trees and shrubs.
- f. Irrigation Systems shall operate with at least ~~70~~ **75** percent efficiency *for overhead spray devices and at least 81 percent for drip systems.*
- g. Rainwater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. New Structures shall be encouraged to include one or more rainwater Cisterns and a system to provide at least 75 percent of exterior irrigation during normal rainfall years.

Systems must be compliant with local catchment system standards.

h. Graywater collection/irrigation systems are encouraged to supplement irrigation for new Landscaping. Systems must be compliant with local catchment system standards, including Monterey County Department of Environmental Health.

i. All Sites utilizing a Graywater reuse system shall install and maintain a backflow prevention device as required by any Water Distribution System Operator that supplies water to the Site.

20. The implementation of water conservation Best Management Practices shall be integrated into construction and operation of the project to the extent possible.

21. The use of Alternative Water Sources for indoor toilet flushing and other uses allowed by the Jurisdiction shall be encouraged.

E. Residential and Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards

Sites that have a Change of Ownership, *or receive a Water Permit for a Change of Use or Expansion of Use on or after January 1, 2010*, shall meet or exceed the following standards:

1. High Efficiency or Ultra High Efficiency Toilets shall be installed;
2. Urinals shall be High Efficiency Urinals (*if installed prior to January 1, 2016*), Pint Urinals, or Zero Water Consumption Urinals. Zero Water Consumption Urinals shall be encouraged in settings where there is a regular maintenance staff;
3. Showerhead flow rates shall meet or exceed New Construction standards;

4. Bathroom faucet flow rates shall meet or exceed New Construction standards;
5. Kitchen faucet flow rates shall meet or exceed New Construction standards;
6. Remodels or relocations of water fixtures or appliances that involve hot water shall be encouraged to install an Instant-Access Hot Water System and insulate all new hot water pipes;
7. Pre-rinse spray valves shall meet or exceed the District's definition for Water Efficient Pre-Rinse Spray Valves;
8. Changes of Use and Expansions of Use that require a Water Permit shall not install any single-pass water use systems in ice machines, hydraulic equipment, refrigeration condensers, X-ray processing equipment, air compressors, vacuum pumps, etc. Air-cooled or better technology shall be installed when available;
9. Changes of Use and Expansions of Use that require a Water Permit shall not install any water cooled refrigeration equipment when there is alternative water efficient cooling technology available at the time the Water Permit is issued;
10. Automatic Irrigation Systems, with the exception of Weather-Based Irrigation Systems, shall be retrofit to include a Rain Sensor;
11. The implementation of Non-Residential Best Management Practices shall be integrated into construction and operation of Non-Residential uses to the extent possible.

Section Twelve: **Publication and Application**

The provisions of this ordinance shall cause the amendment and republication of Rules 11, 20, 21, 22, 23, 24, 25.5, and 142 of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Thirteen: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. thirty (30) days after adoption.

This Ordinance shall not have a sunset date.

Section Fourteen: **Severability**

If any subdivision, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion of Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ____ day of _____, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true, and correct copy of an ordinance duly adopted on the ____ day of _____, 2016.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2016.

David J. Stoldt, Secretary to the Board

WATER DEMAND COMMITTEE

ITEM: DISCUSSION ITEM

2. DISCUSS TABLE 2: NON-RESIDENTIAL WATER USE FACTORS – GROUP II USES

Meeting Date: March 2, 2016 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Gabby Ayala **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: N/A

SUMMARY: Staff has become aware of instances where Group II uses are “creeping” into the restaurant classification and would like to inform the Water Demand Committee of this issue and foster a discussion. The Committee should review examples provided by staff at the meeting and provide guidance.

DISCUSSION: The District’s practice is to describe a Group II use as a business that may sell (primarily) takeout food and other items, but that does not offer full service and serves food on disposable tableware. Several years ago, based on the Water Demand Committee’s recommendation, Group II was allowed to use glassware to serve food with “high moisture content and liquid food.”

Group II users (bakeries, pizzerias, bistros, sandwich shops, coffee houses) today offer a wider and fresher menu than years ago, when the sale of made-to-order sandwiches and pre-prepared dishes, cold cuts, salads and pizza were the standard. Today, they not only serve the previous items, but may also serve salads, hot foods and drinks and/or prepare party trays to go. Group II establishments vary greatly in size and the ratio of retail sales to food sales. In order to provide an opportunity for a complete meal, Group II users also offer a wide variety of beverages, usually pre-packaged soft drinks, liquor, coffee, tea, milk, etc. Potato chips and similar products are available in some variety – some pre-packaged, others store-made and cellophane wrapped. Interior and exterior seating and tables are also being provided to attract customers.

The business operations of some Group II users have evolved through the years. A business may originally have been a bakery, pizzeria, bistro, sandwich shop, or coffee house. The business may have consisted of mostly retail and take-out sales, including meats, cheeses and coffee, and offered deli items for consumption. After the business had been in operation for some time, the business owner may make improvements to the establishment and included tables and chairs. The owner may have also hired waitresses and expanded the menu as the business developed into more of a full-service eating establishment.

The District relies on the Jurisdiction to send applicants for projects that require Water Permits to the District to obtain a permit prior to issuance of a building permit. In the case of interior/outdoor seating or business name change, there is no requirement by the Jurisdiction for District review. In instances when the District has issued Non-Compliance with Water Permit Requirement Notices, business owners have stated that they were not informed about the allowable services in Group II uses. Business owners also indicated that they were not specifically notified of the restrictions on providing full service and the use of china and silverware when they took over the business.

RECOMMENDATION: The Committee should discuss and provide direction to staff.

BACKGROUND: Group II users' water use is presently calculated using a "square-footage" factor from District Rule 24, Table 2, *Non-Residential Water Use Factors*. The factor for Group II uses is 0.00007 Acre-Foot per square-footage. This factor is based on a regional average for Group II uses and was last updated in 1991. The factor was originally used to assess the Water Use Capacity to determine the water demand for new or expanding Group II uses. The District uses water factors based on regional averages for Non-Residential uses to predict water use capacity. Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Glassware may be used to serve beverages.

EXHIBIT

2-A Table 2: Non-Residential Water Use Factors

EXHIBIT 2-A

TABLE 2: NON-RESIDENTIAL WATER USE FACTORS

Group I 0.00007 AF/SF

Auto Uses	Retail	Warehouse	Dental Clinic	Office	Bank	Supermarket
Church	Nail Salon	Family Grocery	Medical Clinic	Wine Tasting Room	Fast Photo	Convenience Store
Dry Cleaner (No On-Site Laundry)			Veterinary Clinic	School	Gym	

Group II 0.0002 AF/SF

Users in this category prepare and sell food/beverages that are primarily provided to customers on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Pizza must be served on reusable platters or on disposable plates. Glassware may be used to serve beverages.

Bakery	Pizza	Coffee House	Ice Cream Shop
Catering	Deli	Bistro	Sandwich Shop

Group III

Assisted Living (more than 6 beds) ¹	0.085 AF/Bed
Beauty Shop/Dog Grooming	0.0567 AF/Station
Child/Dependent Adult Day Care	0.0072 AF/Person
Dormitory ²	0.040 AF/Room
Gas Station	0.0913 AF Fuel Dispenser
Laundromat	0.2 AF/Machine
Meeting Hall/Banquet Room	0.00053 AF/SF
Motel/Hotel/Bed & Breakfast	0.1 AF/Room
w/Large Bathtub (Add to room factor)	0.03 AF/Tub
Irrigated Areas beyond ten feet of any building	ETWU
Plant Nursery	0.00009 AF/SF Land Area
Public Toilet	0.058 AF/Toilet
Public Urinal	0.036 AF/Urinal
Zero Water Consumption Urinal	No Value
Restaurant (including Bar/Brewpub Seats)	0.02 AF/Interior Restaurant Seat
Exterior Restaurant Seats above the “Standard Exterior Seat Allowance” ³	0.01 AF/Exterior Restaurant Seat
Exterior Restaurant Seats within the “Standard Exterior Seat Allowance”	No Value
Restaurant (24-Hour and Fast Food)	0.038 AF/Interior Restaurant Seat
Self-Storage	0.0008 AF/Storage Unit
Skilled Nursing/Alzheimer’s Care	0.12 AF/Bed
Spa	0.05 AF/Spa
Swimming Pool	0.02 AF/100 SF of Surface Area
Theater	0.0012 AF/Seat

Group IV - MODIFIED NON-RESIDENTIAL USES

Users listed in this category have reduced water Capacity from the types of uses listed in Groups I-III and have received a Water Use Credit for modifications. Please inquire for specific property information.

All New Connections: Refer to Rule 24-B, Exterior Non-Residential Water Demand Calculations

Notes: Any Non-Residential water use which cannot be characterized by one of the use categories set forth in Table 2 shall be designated as “other” and assigned a factor which has a positive correlation to the anticipated Water use Capacity for that Site.

¹ Assisted living Dwelling Units shall be permitted as Residential uses per Table 1, Residential Fixture Unit Count Values.

² Dormitory water use at educational facilities is a Residential use, although the factor is shown on Table

2. ³ See Rule 24-B-1 and Rule 25.5 for information about the “Standard Exterior Seat Allowance”.

Table amended by Ordinance No. 125 (9/29/2006); Resolution 2008-01 (1/24/2008); Resolution 2010-15 (12/13/2010); Resolution 2013-16 (9/16/13); Resolution 2014-04 (3/17/2014); Resolution 2014-12 (7/21/2014); Ordinance No. 164 (4/20/2015)