

## **EXHIBIT 14-A**

### **DRAFT**

### **ORDINANCE NO. 198**

## **AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING DEFINITIONS AND PROCESSES RELATED TO WATER PERMITS**

### **FINDINGS**

1. The Monterey Peninsula Water Management District (“District”) is organized and exists under the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977, and published at Water Code Appendix, Section 118-1, et seq.) (“District Law”).
2. The District is charged under the Monterey Peninsula Water Management District Law with the integrated management of all ground and surface water resources in the Monterey Peninsula area.
3. This ordinance deletes the term “Odd Numbered Property” from Rule 11. The term is obsolete.
4. This ordinance amends the definition of “New Construction.”
5. This ordinance adds the definition “Dormitory Bed at Educational Institution” to clarify where the dorm bed factor should be used and that dorms at an educational institution should be considered “Residential” for purposes of water rationing.
6. The definition for “Main California American Water System” has been amended to allow use of the term “California American Water **Main** System” and use of the abbreviated terms “Cal-Am” or “CAW” when referring to the system.
7. The ordinance adds a definition for “Advanced Treated Recycled Water” to define the product of the Pure Water Monterey project.
8. The ordinance amends Rule 23 for clarity, including relocating a section on metering from Rule 23-A-1-I to Rule 23-B-3.

9. The ordinance codifies language in Rule 24 that was adopted by the Board through Urgency Ordinance No. 196 in August 2024 that clarified the second bathroom protocol process.
10. This ordinance does not constitute a Project as that term is defined by Section 15378 of the California Environmental Quality Act (CEQA) as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

NOW THEREFORE, be it ordained as follows:

## **ORDINANCE**

### **Section One: Short Title**

This ordinance shall be known as the Initial 2025 Rules Amendment Ordinance of the Monterey Peninsula Water Management District.

### **Section Two: Purpose**

This ordinance amends the Rules and Regulations of the District to codify updates to definitions and processes for Water Permits.

### **Section Three: Amendment to Rule 11, Definitions**

Rule 11 shall be amended as shown in bold italics for new text (***bold italics***) and highlighted strikethrough (~~strikethrough~~) text for deletions.

~~ODD-NUMBERED PROPERTY~~ — “~~Odd-Numbered Property~~” shall mean a property with an official address ending in an odd number. This definition shall also apply to properties located on the South or West side of the street in cities or other areas where no numbered street address is available. Landscaped areas associated with a building will use the number of that building as the address. Only one address shall be used for a Landscaped area associated with one building or activity, even if the Landscaped area is broken into many separate subareas.

NEW CONSTRUCTION - “New Construction” means any construction of a previously non-existent structure ***or additions to a structure*** requiring a discretionary or ministerial permit. “New

Construction” shall include additions, modifications, or structural improvements which add square footage to floor space of Existing Structures.

***DORMITORY BED AT EDUCATIONAL INSTITUTION - “Dormitory Bed at Educational Institution” shall mean a mattress and bed frame designed for one person (i.e. twin bed) located in a sleeping room at an educational institution or in a building contracted with an educational institution to provide student housing. All other uses within the building shall be calculated using factors shown in Table 2: Non-Residential Water Use Factors. Dormitory buildings shall be considered Residential uses if water rationing is required.***

MAIN CALIFORNIA AMERICAN (CAL-AM or CAW) WATER SYSTEM or CALIFORNIA AMERICAN (CAL-AM or CAW) MAIN SYSTEM – “Main California American (Cal-Am or CAW) Water System” or “California American (Cal-Am or CAW) Main System” shall mean the California-American Water Company’s Water Distribution System that derives its Source of Supply from the Carmel River System and the Seaside Coastal Subareas of the Seaside Groundwater Basin. *The system may also “wheel” water from other locations pursuant to approvals by MPWMD.*

***ADVANCED TREATED RECYCLED WATER – “Advanced Treated Recycled Water” shall mean water that has undergone extensive treatment to remove impurities, making it suitable for various uses beyond irrigation, such as groundwater recharge and Potable reuse. This treatment process typically involves advanced filtration methods like reverse osmosis and ultrafiltration, along with disinfection techniques like ultraviolet light and hydrogen peroxide.***

Section Four: **Amendment to Rule 23, Action on Application for a Water Permit to Connect to or Modify a Connection to an Existing Water Distribution System**

Rule 23 shall be amended as shown in bold italics for new text (***bold italics***) and highlighted strikethrough (~~strikethrough~~) text for deletions.

**RULE 23 - ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY A CONNECTION TO AN EXISTING WATER DISTRIBUTION SYSTEM**

A. **PROCESS**

1. **New and Amended Water Permit**

- a. The General Manager shall review the application and determine

whether the Applicant has met the criteria for a Water Permit. If additional information is required to complete the application, the Applicant shall be notified in writing within thirty (30) days of the initial application. ***Applications are subject to the rules in effect at the time the application is deemed complete.***

- b. The General Manager shall determine if the District has temporarily delayed the issuance of new Water Permits pursuant to Regulation XV. If a temporary delay is in place that affects the application, no Water Permit shall be processed and the application shall be returned to the Applicant. ~~Exceptions to this rule shall be made for Permit applications for a new Water Meter for a fire suppression system or to individually meter uses previously metered by one Water Meter (i.e. Meter Split) unless otherwise determined by action of the Board of Directors.~~
- c. The General Manager shall not process a Water Permit when any portion of the Site lies outside of the affected Water Distribution System Service Area. ***Annexation of the Site must be pursued.***
- d. The General Manager shall not process a Water Permit when there is a previously issued Permit for a completed Project on the application Site and a final inspection by the District has not been conducted, or where the property is not in compliance with District Rules and Regulations ***or is non-compliant with*** conditions attached to previous District Permits.
- e. The General Manager shall calculate the appropriate Capacity Fee for the Project using Rule 24, Calculation of Water Use Capacity and Capacity Fees. Estimation of past and future water use should be done according to the Rule 24 methodology.
- f. When the application involves an Intensification of Use, the General Manager shall ensure that the total quantity of water permitted for all projects, including the current application, within a Jurisdiction shall not exceed that Jurisdiction's total Allocation. Similarly, for Projects not subject to a Jurisdiction's Allocation, the General Manager shall ensure that the total quantity of water permitted for all Projects, including the current application, does not exceed the production

limit, ~~and/or~~ *the* Connection limit, *or the total Water Entitlement available* of the Water Distribution System serving the Project Site.

- g. When the Adjusted Water Use Capacity as determined in Rule 24 is a positive number, that amount of water shall be deducted from the Jurisdiction's Allocation or Water Entitlement as authorized on the Water Release Form. If additional water is required to meet the Adjusted Water Use Capacity of the Project and the Applicant is unable to reduce the Adjusted Water Use Capacity, the application shall be denied and returned to the Applicant to secure additional water resources.
- h. Intensification of Use allowed by a Water Permit shall result in a deduction from a Jurisdiction's Allocation (for Projects served by the Main California American Water System), from a Water Entitlement available to the property, or from the total available production limit for that Water Distribution System. Each Project which allows new, modified, or Intensified Water Use, shall require a Water Permit.

~~i. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non Residential water User except as allowed in 23-A-1-i (3), (4), (5), (6), and (7).~~

~~(1) A Non Residential User may extend water use to another Non Residential User within an existing structure unless the Remodel or Addition requires a Water Permit for a Change of Use (as defined in Rule 11).~~

~~(2) A Change of Use as defined in Rule 11 shall trigger the requirement for a separate Water Meter if the User has a Bathroom or uses water as a component of their business (i.e., restaurant, Group II uses, manufacturing, etc.).~~

~~(3) Users of multiple structures on a Site occupied by one Non Residential User may apply for a variance of this Rule.~~

~~(4) The General Manager shall allow sub-metering for each Multi Family Dwelling (including condominiums and Common Interest Developments), Mixed Use, or Non~~

Residential User when the installation of separate Water Meters is not feasible and the User is utilizing Water Credits or an Entitlement on a Site that has a Connection. Applications for sub-metering of Single Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the sub-metered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. 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:

- a. A Site's owner shall have Water Meters installed for each sub-metered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the sub-meter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed, the deed restriction shall be removed.
  - b. When requested at the conclusion of the Water Year, the Site's owner shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the sub-meter (e.g. apartment number or lease space number) and the number of residents in each Residential Dwelling Unit or the type of use according to Rule 24, Table 2, for each Non-Residential User;
  - c. During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), sub-metered consumption shall be provided to the District monthly or more frequently if requested by the General Manager;
- (5) The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not

feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

(6) — The General Manager shall allow permanent sub-metering of all water use into one Accessory Dwelling Unit. An Accessory Dwelling Unit contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure) shall be exempt from the sub-metering requirement. Sub-metering is, however, encouraged as a conservation tool that promotes the efficient use of water. The sub-metering requirement or sub-metering exemption will be considered by the General Manager when the Jurisdiction confirms there is no potential that the sub-metered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site.

(7) — The General Manager shall allow permanent sub-metering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units and into the project's common areas. Approval of a Water Permit allowing sub-metering under this provision shall require recordation of a deed restriction the title of the property that shall encumber current and future Site/common area owners to comply with the following conditions:

a. — When requested at the conclusion of the Water Year, the Site's owner shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the sub-meter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;

b. — During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), sub-metered consumption shall be provided to the

~~District monthly or more frequently if requested by the General Manager.~~

- i. When the application involves recordation of notices on the title of the property, all notices shall be recorded by the District prior to final issuance of a Water Permit. Additional information (e.g. trust documents, Articles of Incorporation) may be requested to verify ownership and to facilitate preparation of District notices.
- j. The General Manager shall collect payment of the appropriate Capacity Fee and processing fees and shall issue a receipt prior to final issuance of a Water Permit.
- k. When the application requests a Permit to install a new Water Meter for a fire suppression system, to extend a water main within the boundaries of the Water Distribution System, or to individually meter uses previously metered by one Water Meter (i.e. Meter Split), there shall be no processing fee.
- l. ~~The General Manager shall mark the Construction Plans and the Landscape plans with the District's Water Permit Approval Stamp and shall sign the stamp and include the Water Permit number and date issued. An electronic copy~~ ***A digital copy of the District-approved Construction Plans and the Landscaping Landscape Design Plan*** shall be retained by the District.
- m. The General Manager shall review the final Water Permit with the Applicant or his agent prior to ~~requesting~~ ***securing*** a signature on the Water Permit and releasing the permit ~~and Construction Plans~~.
- n. Following Project completion, a final inspection of the Project shall be conducted by the District. Major Landscape Projects shall be audited by a Certified Landscape Irrigation Auditor and corrections noted in the audit shall be made prior to District inspection. If the completed Project varies from the permitted Project, application for an amended Water Permit is required. When the completed Project has fewer fixture units than the number permitted (Residential Water Permits), or has a smaller Water Use Capacity than permitted (Non-Residential and landscape Water Permits), the Applicant shall not be



required to secure the signature of the authorized official of the applicable Jurisdiction on the Water Release Form.

- o. Notice by the District to correct any discrepancy shall be provided on the inspection report to the Person contacted at the Site and by regular mail ***or email*** to the owner of record. Notice of violations that may result in a debit to a Jurisdiction's Allocation shall also be mailed, faxed or emailed to the Jurisdiction. Such notice shall include a date by which any corrections and amendments shall be made. Thereafter, the General Manager may adjust the charge and debit the water from a Jurisdiction's Allocation or cause a refund of Capacity Fees paid and water previously debited from an Allocation to reflect the Project as built rather than the Project as permitted.
- p. Removal of unpermitted water fixture. When a water fixture requiring a Water Permit by the District is installed without a Water Permit and the Applicant is unable to secure sufficient Allocation from a Jurisdiction or Entitlement, or if there is insufficient Water Credit on Site to permit the fixture, the Applicant shall remove the fixture and return the location to its original state where there is no evidence of the unpermitted water fixture.

2. Temporary Water Permits.

- a. The General Manager may issue a Water Permit for temporary water use when the Applicant has submitted a written request for a Temporary Water Permit, including an explanation of the type of use and quantity of water requested and a signed Water Release Form ***authorizing a temporary water debit*** from the Jurisdiction.
- b. The Applicant for a Temporary Water Permit shall acknowledge in writing that the Temporary Water Permit does not confer a property interest to obtain or use water after expiration and/or Revocation of the Permit. The terms and conditions of the Temporary Water Permit shall be recorded on the title of the property for the duration of the Temporary Water Permit.
- c. The term of a Temporary Water Permit shall not exceed twenty-four (24) months.

- d. The General Manager shall process a Temporary Water Permit pursuant to the process in Rule 23-A-1.
- e. Following removal of the temporary use and verification by the District, water temporarily debited from the Jurisdiction's Allocation will be returned to the Jurisdiction and the Capacity Fee paid for the temporary use will be refunded to the current property owner.
- f. A Notice of Removal of Deed Restriction shall be recorded by the District at the conclusion of the Temporary Water Permit process.

3. Conditional Water Permits.

A category of Water Permits known as Conditional Water Permits shall be available to a limited group of Applicants under restricted circumstances and only with the Jurisdiction's endorsement. A Conditional Water Permit creates a record that specifically quantifies the increment of water assigned for use at the location designated by the Jurisdiction and debits the Jurisdiction's Allocation. Conditional Water Permits are available to those Projects that are unable to meet all of the criteria of Rule 23-A-1 and meet the standards of this Rule.

- a. The following categories of Projects may obtain a Conditional Water Permit:
  - (1). Large Projects - Commercial Projects with a projected water demand of over one Acre-Foot annually.
  - (2). Government Projects - Projects owned and operated or financed by a Governmental agency.
  - (3). Projects with Complex Financial Underwriting - Determined at the discretion of the Board of Directors.
- b. The Conditional Water Permit may be issued when the following criteria have been met:
  - (1) There is no Water Supply Emergency;

- (2) There is sufficient water supply in the Jurisdiction's Allocation;
  - (3) The governing body of a Jurisdiction submits a written request that a Conditional Water Permit be issued to a Project;
  - (4) A completed Water Release Form for the Project is submitted which includes the authorizing signature of the Jurisdiction to debit its Allocation;
  - (5) Payment of all Capacity Fees and fees has been received by the District.
- c. A Conditional Water Permit shall be numbered with the next sequential alpha and numeric number beginning with C-001, C-002, etc. A Water Permit bearing the Permit number referenced in the Conditional Water Permit shall be maintained unsigned in the District's file.
- d. The Applicant's notarized signature is required on the Conditional Water Permit form before the General Manager's approval.
- e. A Conditional Water Permit shall be valid after the General Manager has signed the Permit.
- f. An amount of water approved for use by the Jurisdiction for the Project will be debited from the Jurisdiction's Allocation at the time the Conditional Water Permit is issued.
- g. A Conditional Water Permit does not allow the setting of any Water Meter or the start of any new or expanded water use until the conditions of the Permit have been met and a Water Permit has been issued pursuant to Rules 21, **and** 23, **and** 24.
- h. Each Conditional Water Permit is time limited. The Conditional Water Permit shall expire on December 31st of the year following issuance.

- i. A written request for extension of the Conditional Water Permit may be requested and shall require Board authorization for extension. Requests for extension must be received no earlier than ninety (90) days and no later than forty-five (45) days prior to expiration and must include an explanation for the request and the Jurisdiction's agreement that the Board should grant an extension.

4. Water Permit Waiver

When requested by a Jurisdiction, or at the request of an Applicant, the District will review a Water Permit application *that does not appear to require a Water Permit*. When a Water Permit is not required, the District will issue a "permit waiver." A waiver involves the same review process as a Water Permit but does not result in recordation of deed restrictions *and does not authorize changes that require a Water Permit*.

B. MANDATORY CONDITIONS, ACTION ON APPLICATION FOR A WATER PERMIT TO CONNECT TO OR MODIFY AN EXISTING WATER DISTRIBUTION SYSTEM

1. Construction Affecting the Interior or Exterior of an Existing Structure. All construction within or to an Existing Structure *that requires a Water Permit* shall be subject to the following conditions:
  - a. The project Site must meet all applicable water conservation requirements of Regulations XIV and XV.
  - b. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
  - c. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water fixtures, and Landscaping for compliance with the Water Permit.
  - d. Permit amendments or other actions required as a result of a final inspection shall be completed within thirty (30) days of the date of the final inspection.

- e. All Water Permits shall include a Notice and Deed Restriction titled “Provide Public Access to Water Use Data.” There shall be no additional charge for this deed restriction.
- f. *To encourage separate metering, permits for Meter Splits for existing Users shall be processed and issued with no charge to the Applicant.*

2. Construction of a New Structure.

- a. Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User pursuant to Rule ~~23-A-1-i (3), (4), and (5)~~ 23-B-3.
- b. All Non-Residential New Structures that include irrigated landscapes of 1,000 square-feet or greater shall utilize a separate Water Meter supplied by the Water Distribution System to measure all exterior water uses. All Residential irrigated landscapes of 5,000 square-feet or greater shall install a sub-meter to measure outdoor water use.
- c. All New Structures receiving a Water Permit after January 1, 2009, shall have separate water supply lines that tee off in the meter box after the Water Meter to supply fire suppression service and domestic service as demonstrated in Figure 23-1 (*found at the end of this rule*), unless the User has separate Water Meters maintained by the Water Distribution System Operator for fire and domestic services. This configuration shall facilitate installation of a Flow Restrictor in the domestic service without interfering with the fire suppression service. The General Manager shall have authority to make exceptions to this requirement for Undue Hardship. Exceptions shall be recorded on the property title with notice that rationing enforcement could result in a Flow Restrictor.
- d. Other conditions may be placed upon approval as indicated in the applicable rule governing the Water Permit process.
- e. The Applicant shall arrange for a final inspection by the District upon Project completion. District staff shall review the Project, water

fixtures, and Landscaping for compliance with the Water Permit.

- f. Permit amendments or other actions required as a result of a final inspection shall be completed within ~~thirty (30)~~ **sixty (60)** days of the date of the final inspection.
- g. All Water Permits shall include a Notice and Deed Restriction titled "Provide Public Access to Water Use Data." There shall be no additional charge for this deed restriction.

3. **Water Meter Requirements**

- a. *Water Meters maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User with exceptions listed below.*
- b. *Accessory Dwelling Unit. Permanent submetering of all water use into one Accessory Dwelling Unit shall be allowed when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. An Accessory Dwelling Unit contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure) shall be exempt from the sub-metering requirement. Submetering is, however, encouraged as a conservation tool that promotes the efficient use of water.*
- c. *Multi-Family Dwelling and Residential Common Interest Developments of four or more units. Permanent submetering of each User's water use in a Multi-Family Dwelling or Residential Common Interest Development of more than four units shall be allowed pursuant to California Water Code Division 1 Chapter 8, Water Measurement. Submeters or Water Meters shall be required for Common Areas. Landscape shall be separately metered pursuant to Rule 142.1.*

*Approval of a Water Permit allowing submetering under this provision shall require recordation of a deed restriction on the title*

*of the property that shall encumber current and future Site/common area owners to comply with the following conditions:*

- (1). When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and information about common area uses;*
  - (2). During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently if requested by the General Manager.*
- d. A Non-Residential User may extend incidental water use to another Non- Residential User within an existing structure unless the Remodel or Addition requires a Water Permit for a Change of Use.*
  - e. A Change of Use shall trigger the requirement for a separate Water Meter if the User has a Bathroom or uses water as a component of their business (i.e., restaurant, Group II uses, manufacturing, etc.).*
  - f. Users of multiple structures on a Site occupied by one Non-Residential User may apply for a variance of this Rule.*
  - g. The Board shall consider variances to this Rule when the installation of separate Water Measuring Devices is not feasible due to Special Circumstances. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.*
  - h. The General Manager shall allow submetering for each Multi-Family Dwelling (including condominiums and Common Interest*

*Developments), Mixed Use, or Non-Residential User when the installation of separate Water Meters is not feasible and the User is utilizing Water Credits or an Entitlement on a Site that has a Connection. Applications for submetering of Single-Family Dwellings will be considered by the General Manager when the Jurisdiction confirms there is no potential that the submetered User could be located on a separate Site through subdivision or transfer of ownership of a portion of the Site. Approval of a Water Permit allowing submetering 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:*

- (1). The Site's owner shall have Water Meters installed for each submetered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. It is recommended that the submeter(s) be located in or near the future meter box to facilitate this requirement. Once Water Meters maintained by the Water Distribution System Operator have been installed and verified by the District, the deed restriction shall be removed.*
- (2). When requested, the Responsible Party shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the submeter (e.g. apartment or condo number) and the number of residents in each Dwelling Unit and requested information about common area uses;*
- (3). During Stage Four of the Monterey Peninsula Water Conservation and Rationing Plan (Regulation XV), submetered consumption shall be provided to the District monthly or more frequently as requested by the General Manager.*

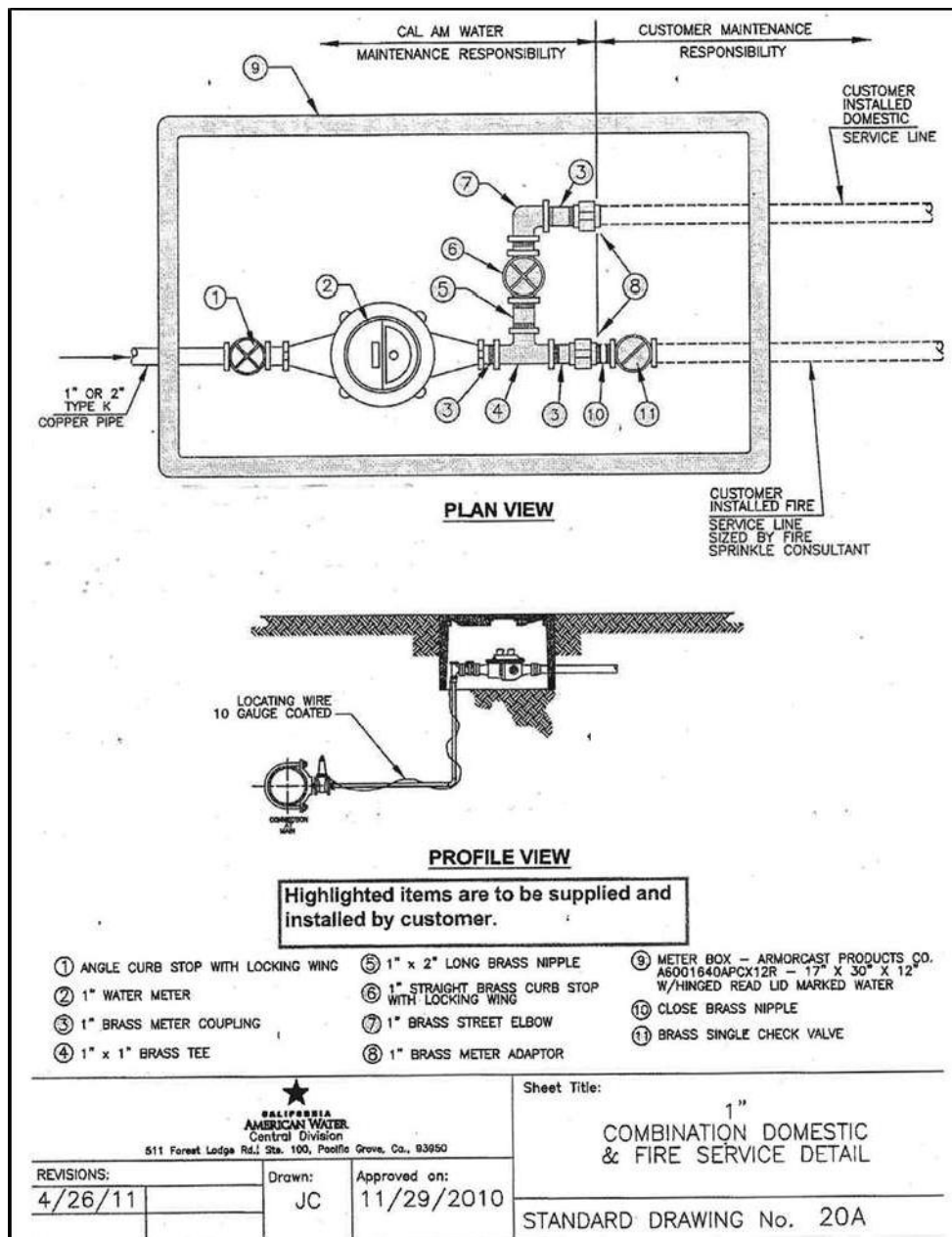


- a. All ~~exterior~~ **Landscape Area** water use shall be supplied by the Sleepy Hollow Non-Potable Water system or by an On-Site Well.
- b. ~~Interior~~ **Potable** water use shall be supplied by California-American Water Company (also known as the Sleepy Hollow Mutual Potable Water Distribution System) by a Master Meter at the subdivision boundary.
- c. Both ~~interior~~ **Potable water uses** and ~~exterior~~ **Landscape Areas uses** shall be metered by individual Water Meters.

C. ADJUSTMENT OF ALLOCATION OR WATER USE PERMIT FOR UNUSED WATER CAPACITY

1. Any permitted Water Use Capacity which is not used because of an abandoned, expired, Revoked, returned, or amended Water Permit shall be returned to the applicable Allocation or Water Use Permit.
2. The Owner of any Benefited Property shall be entitled to receive additional Water Permit(s) until the Water Use Permit has been used in full.

Figure 23-1



**Section Five: Amendments to Rule 24, Second Bathroom Addition Protocol**

Rule 24-A-3 shall be amended as shown below, with added language as shown in ***bold italic*** type face, and deleted language shown in highlighted strikethrough (~~strikethrough~~) text. The remaining provisions of Rule 24 shall remain unchanged by this ordinance.

3. Second Bathroom Addition

A distinctive Water Permit protocol shall apply to any Residential application that proposes to add a second Bathroom to a Dwelling Unit built before May 16, 2001, that, ~~prior to the application,~~ has less than two full Bathrooms ***and that has not removed water fixtures in a Bathroom to facilitate the addition of water fixtures elsewhere on the Site.***

- a. The second Bathroom protocol shall be limited, and shall apply only to the following water appliances if they are installed in a second Bathroom as an expansion or remodel of an existing Dwelling Unit: (a) a single toilet, and (b) a single Standard Bathtub, or single Shower Stall, or a single standard tub-shower combination, and (c) one or two Washbasins.
- b. The second Bathroom protocol shall further apply to ~~any~~ ***a*** Residential application that proposes to add one or more of the water fixtures referenced above to a second Bathroom which lacks that fixture(s) within a Dwelling Unit that, ~~prior to the application,~~ has less than two full Bathrooms.
- c. The second Bathroom protocol shall apply only to a Dwelling Unit that has less than two full Bathrooms ***and that has not removed basic Bathroom water fixtures (i.e., a toilet, a Standard Bathtub or Shower Stall or a Washbasin) to enable the addition of water fixtures elsewhere on the Site.***
- d. The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site with four or more units.
- e. Water fixtures installed pursuant to this provision shall be installed within the Dwelling Unit. The second Bathroom protocol shall not

be used to create a new Accessory Dwelling Unit. This includes the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow the first Bathroom to be used by an Accessory Dwelling Unit *or junior Accessory Dwelling Unit*. The protocol was adopted to recognize that a second Bathroom is for convenience. It is not intended to support a new User.

- f. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of the water fixtures in the second Bathroom.
- g. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.
- h. No credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.
- i. Use of the second Bathroom protocol is voluntary. Any Dwelling Unit installing a second Bathroom pursuant to this provision shall be limited to two Bathrooms unless the second Bathroom is permitted by debit to a Jurisdiction's Allocation, an Entitlement, or offset by a credit. A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property shall be recorded on the real property as a condition of the Water Permit.
- j. All Water Permits issued pursuant to this Rule shall include a Notice and Deed Restriction titled "Provide Public Access to Water Use Data" pursuant to Rule 23. In addition, permits utilizing the second Bathroom protocol shall authorize access to water records for the sixty (60) months prior to the date the Water Permit is issued. ~~There shall be no additional charge for this deed restriction.~~
- k. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

**Section Seven:**        **Effective Date**

This ordinance shall take effect at 12:01 a.m. on August 21, 2025.

**Section Eight:**        **Severability**

If any subdivision, paragraph, 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 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 by Director \_\_\_\_\_, and second by Director \_\_\_\_\_, the foregoing ordinance is adopted upon this \_\_\_\_ day of \_\_\_\_\_, 2025 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 \_\_\_\_\_ 2025.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of \_\_\_\_\_ 2025.

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David J. Stoldt, Secretary to the Board