

2. REVIEW DRAFT ORDINANCE NO. 178, ADDING A MULTI-FAMILY RESIDENTIAL SITE WATER EFFICIENCY RULE AND ALLOWING SUB-METERING OF ACCESSORY DWELLING UNITS

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

CEQA Compliance: To be determined prior to first reading

1. For building additions that increase floor area by more than ten percent;
2. Improvements or improvements that are greater than \$150,000
3. Remodels/improvements that occur in a bathroom that has noncompliant fixtures;

MPWMD adopted regulations in 2009 to require earlier and more stringent retrofit requirements for Non-Residential Users (Rule 143). Ordinance No. 178 would require retrofits and certification of compliance by January 1, 2019.

Common Laundry Rooms

In addition to the retrofits required by SB 407, Ordinance No. 178 requires replacement of non-efficient clothes washers in common laundry rooms by a date certain. Common laundry rooms were left out of the District's 2014 requirement that all Non-Residential clothes washers be replaced with High Efficiency Clothes Washers.

Coin-operated clothes washers (sometimes free washers) are often found in common areas in multi-family buildings and apartment complexes. These types of multi-user laundry facilities can also be found at college dormitories, motels, mobile home parks, etc. Common area clothes washing facilities provide excellent opportunities for water conservation because the frequency of use for each clothes washer is much greater than in-home machines. While an in-home machine averages only 4 to 6 loads per week, common area machines often wash 20 to 50 loads per-week per clothes-washer.

Most coin-op washers have a Water Factor rating of 12 to 14 (top loaders); using 35 to 45 gallons per load. Newer water efficient models have a Water Factor rating of 4 to 8; using as little as 12 gallons per load. Water savings projections require frequency of use estimates, and this is difficult data to obtain unless the building owner regularly records accurate "coin counts". It is seldom the property owner actually owns the clothes washers located in the common areas. These machines are most often owned by vendors known as 'route operators'; where the property owner receives a portion of the machines' gross revenues. Any effort to replace the machines with more efficient models requires the cooperation of both the property owner and the route operator that owns the machines.

**DRAFT
ORDINANCE NO. 178**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ADDING A MULTI-FAMILY RESIDENTIAL SITE WATER EFFICIENCY RULE AND
ALLOWING SUB-METERING OF ACCESSORY DWELLING UNITS**

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, set 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 lessens 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.
4. Senate Bill 407 (Padilla) approved by the Governor on October 11, 2009, requires owners of Multi-Family Residential and commercial real property built prior to January 1, 1994, to replace older water fixtures with new water efficient fixtures by January 1, 2019.

5.

6. **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 2017 Multi-Family Water Conservation Retrofit Requirement Ordinance of the Monterey Peninsula Water Management District.

Section Two: Purpose

The Monterey Peninsula Water Management District enacts this ordinance to bring about water efficiency on Multi-Family Residential Sites and to allow sub-metering for certain Accessory Dwelling Units.

Section Three: Amendments to Rule 11 – Definitions

The definition of Accessory Dwelling Unit shall be added to Rule 11 as shown in bold italics (***bold italics***).

ACCESSORY DWELLING UNIT -- Accessory Dwelling Unit (“ADU”) shall mean a secondary Dwelling Unit that is not intended for sale separate from the primary residence. An Accessory Dwelling Unit is a habitable Dwelling Unit added to, created within, or detached from a primary Single-Family Dwelling and contained on one lot.

Section Four: Amendments 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-A-1-(i)-(6) shall be added as shown in bold italics (***bold italics***). This provision shall be retroactive to allow amendment of Water Permits for Accessory Dwelling Units issued after January 1, 2017.

- (4) ***The General Manager shall allow sub-metering for one Accessory Dwelling Unit. The application for sub-metering an Accessory Dwelling Unit 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.***

Section Five: **Addition of Rule 142-F – Multi-Family Residential Site Water Efficiency Standards**

The following text shall be added to as Rule 142-F, as shown in bold italics (***bold italics***):

F. Multi-Family Residential Site Water Efficiency Standards

- 1. All Multi-Family Residential Sites with four or more Dwelling Units shall meet or exceed the following water efficiency standards before January 1, 2019:***
 - a. High Efficiency or Ultra High Efficiency Toilets shall be installed. Multi-Family Residential Sites with Ultra Low Flush Toilets installed prior to January 1, 2014, shall be exempt from this toilet retrofit requirement.;***
 - b. Urinals shall be at a minimum High Efficiency Urinals (if installed prior to January 1, 2016). Newly installed Urinals shall be Pint Urinals or Zero Water Consumption Urinals;***
 - c. Showerheads, Rain Bars, or Body Spray Nozzles must be designed and manufactured to emit a maximum of 2.0 gallons per minute of water at 60 psi;***
 - d. Washbasin faucets shall emit a maximum of 1.2 gallons of water per minute at 60 psi;***
 - e. Kitchen Sink, Utility Sink, and Bar Sink faucets shall emit a maximum of 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;***
 - f. Common Laundry Rooms shall utilize only High Efficiency Clothes Washers. Clothes Washers located inside Dwelling Units should be replaced with High Efficiency Clothes Washers;***
 - g. Automatic Irrigation Controllers properly adjusted to adhere to the District's Stage 1 Water Conservation Requirements (Rule 162) shall be installed, used, and maintained.***

2. *The owner of a Multi-Family Residential Site (or his authorized agent) shall certify compliance with this regulation by one of the following methods:*
- a. *Provide the District with a District-certified inspection report that provides all Site information required by the District and that verifies installation of Low Water Use Plumbing Fixtures throughout the Site, as required by Regulation XIV and Regulation XV; or*
 - b. *Provide documentation to the District from a District-certified city or county building official that provides all Site information required by the District and that certifies installation of Low Water Use Plumbing Fixtures throughout the Site, as required by Regulation XIV and Regulation XV; or*
 - c. *Provide owner certification that plumbing fixtures throughout the Site have been retrofitted in compliance with Regulation XIV and Regulation XV. The owner or his authorized agent shall forward a copy of this certification, together with a dated copy of the purchase receipt for each Low Water Use Plumbing Fixture and a dated copy of the labor contract or a statement of self-installation which evidences complete installation to the District. The District may verify owner certification by an onsite inspection.*

Section Six: **Publication and Application**

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

Section Seven: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. 30 days after second reading.

This Ordinance shall not have a sunset date.

Section Eight: **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

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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 _____, 2017, 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 _____, 2017.

Witness my hand and seal of the Board of Directors this _____ day of _____, 2017.

David J. Stoldt, Secretary to the Board

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