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**Water Demand Committee Members:**  
*Andy Clarke, Chair*  
*Jeanne Byrne*  
*Molly Evans*

**Alternate:**  
*Brenda Lewis*

**Staff Contact**  
*Stephanie Locke*  
*Arlene Tavani*

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**AGENDA**  
**Water Demand Committee**  
**Of the Monterey Peninsula Water Management District**  
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Tuesday, November 6, 2018, 3:30 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. Provide Direction to Staff on Development of Ordinance No. 180 to Address Shortcomings and Clarifications Needed in the Rules and Regulations

**Discussion Items** – *Public comment will be received.*

2. Discuss Definitions for Commercial Water Use Factors

**Set Next Meeting Date**

**Adjournment**

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**WATER DEMAND COMMITTEE**

**ITEM: ACTION ITEM**

**1. PROVIDE DIRECTION TO STAFF ON DEVELOPMENT OF ORDINANCE NO. 180 TO ADDRESS SHORTCOMINGS AND CLARIFICATIONS NEEDED IN THE RULES AND REGULATIONS**

**Meeting Date: November 6, 2018**

**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: N/A**

**Committee Recommendation: N/A**

**CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15301**

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**SUMMARY:** Staff has been compiling a list of items for a future “fix-it” ordinance. These items have come to light over the past several years and are slowly being addressed through the ordinance process. The attached list (**Exhibit 1-A**) includes items for consideration by topic for an ordinance that should be considered by the Board before the end of 2018. There are four policy questions for discussion and direction under the “Water Permit” heading.

**RECOMMENDATION:** The Water Demand Committee should review the attached list of items and provide direction to staff. Staff will use that direction to prepare an ordinance for consideration by the Board.

**EXHIBITS:**

Exhibit 1-A Clean-up Ordinance Discussion Points



**2018 CLEAN UP ORDINANCE**

## Discussion Points for Review

**DEFINITIONS**

1. Rule 11: User needs to include self-sustaining units (“dwelling units”) on a site.
2. **MULTIPLE-PARCEL CONNECTION SYSTEM** - A “Multiple-Parcel Connection System” is a Water Distribution System providing water to two or more Connections on two or more Legal Parcels, regardless of Parcel location or ownership.
3. **MUNICIPAL UNIT** - “Municipal Unit” means the Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Sand City and Seaside and the portion of the County of Monterey inside the District. Added by Ordinance No. 1 (2/11/80); modified by Stats. 1997, c.85 (S.B. 342). **MUNICIPAL UNIT ALLOTMENTS** - “Municipal Unit Allotment” means the maximum quantity of water that can be delivered by a particular Water Distribution System within a Municipal Unit in one water year beyond which Permits for Creation or Establishment and Permits for Expansion of a Water Distribution System are not authorized for approval in that Municipal Unit.
4. 22-A-4: It says “discretionary” but I think it should be “Ministerial”.

**WATER PERMITS**

1. **POLICY QUESTION:** How should we handle expansions in landscaping? In the past, we’ve said they have the “capacity” to add landscaping, but now MWELo requires us to review the landscape plan and calculate water demand. Should we require a permit for expanded landscaping? Case in point: Shoreline Church
2. **POLICY QUESTION:** Rule 23: Should sub-metering be allowed for Common Interest Developments (condos) when there is HOA enforcement? Current sub-metering does not allow properties that could have separate ownership and technically, condos have individual ownership and do not qualify for sub-metering.
3. **POLICY QUESTION:** Rule 23: Should affordable housing be exempt from metering requirement variance if there is electronic inline metering and an agreement to provide data? Currently considered by Board at public hearing.
4. **POLICY QUESTION:** Submetering on an entitlement that is subject to a moratorium. For example, what could occur when/if PG’s water is available.
5. Rule 20: Exempt properties in the Preserve that are located in the District, but that are served by Rancho San Carlos. Same with Toro Water at the bottom of Laureles Grade, and Marina Coast Water District. Rule 20, 21: Exempt non-MPWMD regulated Water Systems from Water Permit/Reg XIV requirements (e.g. Rancho San Carlos and Toro)

6. Rule 23.7 Malpaso Entitlement A-3 add “Main” to California American Water.
7. Rule 24, Table 2: Use of ABC license area for all alcohol serving Group II businesses, not just bars. That would account for water demand associated with outdoor seating areas. ABC will notify us of changes.
8. Rule 24-A-3-k says 5 years before and 5 years after. We require access from the point of permit, but for the second bathroom protocol, we need five years before. Clarify.
9. Amend Rule 24-5-a regarding landscape calculations. Also Table 1 and refer to Rule 142.1 Landscaping. All New Construction (including new buildings with landscape or other new landscape, such as a park, playground, or Greenbelt without an associated building) shall install and maintain landscapes that comply with Rule 142.1.
10. Rule 24-B-1-b still uses gas station pumps as an example. Pumps were removed from Table 2 some time ago.
11. Rule 23-B-2-c: Add “in the meter box” regarding fire service plumbing. Rule 23-B Fire suppression to indicate that the submeter should be installed *in the meter box*.
12. Rule 23-B sub-metering to indicate that the submeter should be installed *in the future meter box* unless it is for an ADU.
13. Add reference to requirements of 142 and 143 as required compliance in Rule 23.
14. Rule 20 needs to specify New Connections as an item on the list of when a Water Permit is required.
15. Rule 24-A-3: Second bathroom protocol should be amended to allow installation of a sink in the bathroom when previously the sink was used for both “kitchen” and “bathroom” uses.
16. Rule 24: Add RV utility hookups to Table 2: Group IV
17. Rule 24 Table 2: Move dry cleaner w on-site laundry to Group III
18. Rule 20, 21, 23, 24, 142: Mobile Home Retrofit and Permit requirements. May not have individual APNs. May change from single wide to double wide and increase fixtures. Landscape requirements similar to Common Area.
19. Rule 21, 23, 24: Permit requirement for retail water purifying machines/dispensers at local businesses?
20. Second lavatory sink in master bathroom. If not installed, why require an amended permit/deed restrictions? (similar to: pot fillers, spas/hot tubs, outdoor showers)

21. Amend 21-b-1: A Water Release Form pertaining to the Site on which the water use shall occur shall be signed by the authorized official of the applicable Jurisdiction. 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 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. It shall be the responsibility of the Jurisdiction to complete ~~any applicable Environmental Review~~ ***all discretionary approvals*** on a Project prior to authorizing a Water Permit release via the Water Release Form.
22. Reinstate Rule 33-B, District Reserve Allocation.
23. Rule 25 needs hydrant permit expiration language. The Water Permit should not list the expiration as “when the building permit expires.”
24. Rule 24 Special Circumstances needs amending to allow more leniency for state-of-the-art or unique and reliable water reduction methods to reduce the Factored Water Use Capacity.

#### **DBO ENTITLEMENT**

1. Rule 23.8: DBO Entitlement clarify that properties must be within the Seaside Groundwater Basin.

#### **WATER CREDITS**

1. Water Use Credit for HECW. We have now determined that because they are not a “built in” appliance, there is not “Permanent Abandonment of Use” until a deed restriction is recorded. Does that mean that the time limit is off for previously documented HECW?
2. Clarify Rule 25.5 and clarify that there is no such thing as “Residential Water Use Credit” or “Non-Residential WUC.” It’s all just WUC that either originates from residential or non-residential uses.
3. Rule 25.5: Outdoor clothes washers. Should they be a “Credit”?

#### **WATER CONSERVATION**

1. Rule 144: Amend to apply only to Change of Ownership. Currently conflicts with Rule 142.
2. Rule 142: Add Non-Residential tenant changes resulting in installation of new water using equipment must be water efficient. (Define this). Example: New tasting rooms, food businesses, bars, and their dishwashers.
3. Container washers (kitchen devices) should be added to CII Water Permit requirements.
4. Amend Rule 144 to address “Expansion of Use” not add a bathroom.

5. Should the rebate for HET be deleted?
6. Should a commercial property that changes out from 1.6 to 1.28 qualify for a rebate?
7. Rule 142 and 143: Dipper well retrofit requirement
8. Rule 20, 21, 23, 24, 142: Mobile Home Retrofit requirements. May not have individual APNs. May change from single wide to double wide and increase fixtures. Landscape requirements similar to Common Area.
9. Rule 141: Conservation requirements when selling a property on ground lease and not fee title” (e.g., Trader Joe’s Shopping Center). “In this case, the city owns about 80 percent of the land,” said Wald. “The sale was of the buildings and subject to the ground lease. The owners will be paying rent to the city, just as before.”
10. Consider doing away with dual flush toilets: Maximum Gallons per Flush
11. Require rain sensors or smart controllers on all active dedicated irrigation meters that have controllers by a certain date (suggest January 1, 2020)
12. Update Rule 143 to current language. Outdated.
13. Specify operating pressure for showerheads
14. Upon change of ownership ~~or use~~ of all structures – Make a global change
15. 142-C-5 Delete reference to residential use (this paragraph is only about residential use)
16. Front-Loading Clothes Washer: Integrated Water Factor (IWF)  $\leq 4.7$ 
  - a. Amend “Water Factor” to “Integrated Water Factor”
  - b. Federal Energy Conservation Standards for Residential Clothes Washers (2015)

## **EX PARTE**

1. Ex Parte Regulation: Conflicting. It’s not disclosure of agents for a permit, it’s disclosure for a Public Hearing and consideration of a matter by the Board.

## **WATER CONSERVATION & RATIONING PLAN**

1. Add flow restrictor notice to fire department.

## **APPEAL, VARIANCE AND BOARD APPEAL RULES**

1. Consistency needed in appeal, variance and Board appeal rules. Include posting notice policy in those and in WDS hearings. Add a rule specific to Public Hearings and posting requirements?



## **FEES AND CHARGES RULES (RULE 60)**

1. Edit Rule 60-B so that it refers to “Water Conservation and Rationing Plan”.
2. Edit Fees and Charges Table #41 and delete header of that section.
3. For #62, should “on-site” Water Use Credits be lower case? Same question for Rule 60-B, line 5.

## **LANDSCAPING RULES – SEPARATE ORDINANCE**

1. New Small Landscape Area under 500 sf -- add landscape plan requirement.
2. How should we handle expansions in landscaping? In the past, we’ve said they have the “capacity” to add landscaping, but now MWELo requires us to review the landscape plan and calculate water demand. Should we require a permit for expanded landscaping? Case in point: Shoreline Church
3. Rule 142.1: Delete requirement for separate WDS Water Meter for landscape additions and refurbishments on existing landscaped sites (e.g. Shoreline Church) due to hardship of metering existing and new landscape areas. Impact: Minimal. Rationing requires CII to shut off irrigation. They would have to manually not irrigate.
4. Rule 20, 21, 23, 24, 142.1: Should increased landscape/irrigation area demand require a debit/credit? YES.
5. Rule 142.1: Plant Factor of 3 is in Minor, with no mention in Major. Needs consistency. Also, delete references to an Implementation Manual.
6. Rule 142.1-E-9-a: Add rain sensor language from I-4-e
7. Rule 24, 25.5 and 142.1: Amendments to landscaping: Explain how you apply credit to old existing landscapes that were either permitted based on hosebibbs or half the total and that are now subject to the Rehabilitated Landscape requirements. “Existing” landscapes from 1985 are also still on the books and we don’t have the plans to determine ETWU for a credit if they are rehabilitated.
8. Clarify that when a house is demolished (“Substantial Alteration”), the Site must comply with 142.1, even if there is no plan to disturb the existing landscape.
9. Clarify that compliance with this rule is required for the Site, not just the area that is being refurbished or that is “new.” Existing remaining landscaped areas should be shown on the landscape plan and shall be included in the ETWU calculation. This may require retrofit of existing irrigation systems to increase efficiency.
10. Add Appendix D Section (5) (graywater/rainwater) of the Landscape Manual to the Rule. Get rid of the manual.

11. Restrict overhead irrigation in areas less than 8' wide
12. Should the criteria for review for a Landscape Permit when there is a remodel be reduced to 500 sf or add "Substantial Alteration" to catch the remodels that replace landscaping?
13. Require a landscape plan and permit when there is a demolition ("Substantial Alteration").
14. Clarify that rehabilitated landscape includes areas destroyed/disturbed during construction trigger the Landscape Permit.
15. Once subject to this Rule, always subject to the rule.
16. Any change in landscape needs review (permit or waiver) by MPWMD.
17. Define "hydroseeding for erosion control projects". Erosion control activities (e.g., hydroseeding) that do not require permanent Irrigation Systems; Roadcuts and eroding hillsides where the natural landscape has been destroyed and is being restored. May be reviewed by General Manager on a case by case basis.