

This meeting is not subject to
Brown Act noticing requirements.
The agenda is subject to change.



**Water Demand
Committee Members:**
Alvin Edwards, Chair
Jeanne Byrne
Molly Evans

Alternate:
David Potter

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

Thursday, January 16, 2020, 4 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. Consider Adoption of December 17, 2019 Committee Meeting Minutes
2. Consider Resolution 2020-01, Amending Rule 25.5, Table 4: High Efficiency Appliance Credits, to Allow Rainwater/Graywater Systems in all Residential Applications
3. Consider Sponsorship of Demonstration Garden at City of Carmel-by-the-Sea's Public Works Department on Junipero Street in Carmel
4. Consider Draft Ordinance No. 185, Amending District Rule 24 to Allow Special Fixture Unit Accounting for Second Bathrooms in Existing Dwelling Units and to Permanently Adopt Sub-Metering Requirements and Exemptions for Accessory Dwelling Units

Discussion Items – *Public comment will be received.*

5. Suggest Items to be Placed on Future Agendas

Adjournment

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WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF DECEMBER 17, 2019 COMMITTEE MEETING MINUTES

Meeting Date: January 16, 2020 **Budgeted:** N/A

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

Prepared By: Arlene Tavani **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

SUMMARY: Attached as **Exhibit 1-A**, are draft minutes of the December 17, 2019, committee meeting minutes.

RECOMMENDATION: The Water Demand Committee should review the minutes and approve them by motion.

EXHIBITS

1-A Draft minutes of December 17, 2019, committee meeting



EXHIBIT 1-A

DRAFT MINUTES Water Demand Committee of the Monterey Peninsula Water Management District *December 17, 2019*

Call to Order

The meeting was called to order at 4:00 pm in the MPWMD conference room.

Committee members present:

Alvin Edwards, Chair
Jeanne Byrne
Molly Evans

Committee members absent:

None

Staff members present:

David Stoldt, General Manager
Stephanie Locke, Water Demand Division Manager
Arlene Tavani, Executive Assistant

District Council present:

David Laredo

Comments from the Public:

No comments.

Action Items

1. **Consider Adoption of October 31, 2019 Committee Meeting Minutes**
On a motion by Evans and second of Byrne, the minutes were adopted on a unanimous vote of 3 – 0 by Evans, Byrne and Edwards.
2. **Consider Adoption of Updated Water Demand Forecasts Related to Association of Monterey Bay Area Government 2018 Regional Growth Forecast and Regional Housing Needs Allocation Plan: 2014-2023, and Inclusion of 2019 Water Year**
Byrne offered a motion to receive the report as information. There was no second.

Evans made a motion that was seconded by Edwards to distribute the revised report to the jurisdictions, amend the report based on their comments, and then submit the report to the Board for adoption. The motion was approved on a vote of 2 – 1 by Evans and Edwards. Byrne was opposed.

Comments from the public. (a) **Bill Kampe**, resident of Pacific Grove, distributed a document titled Thoughts on Water Demand for the Monterey Peninsula that is on file at the District office and can be viewed on the agency website. He stated that lack of leadership on the Peninsula is responsible for the inability to create new housing. We should not underestimate future housing needs, and make sure we understand why growth has been at 0 percent and determine what our fair share of growth should be. (b) **Jeff Davi**, Monterey Coalition of Businesses, stated that the report should be adjusted to account for the past 45 years when there has not been a normalized water market in Monterey. He noted that the AMBAG numbers require further review and

requested that the revised study be sent to the jurisdictions for their review and input. **(c) Sam Teal**, resident of Pacific Grove, advised the committee that buildable lots do exist in Pacific Grove, as well as a need for auxiliary dwelling units. If water becomes available, water permit activity will increase as will water consumption. He also noted that the Pebble Beach Company entitlement will be used over time. **(d) Rene Boskoff**, Monterey County Hospitality Association, expressed support for construction of the California American Water desalination plant. He expressed concern that the agricultural water sources for the Pure Water Monterey Expansion project are not assured for the future. Mr. Boskoff stated that the hospitality industry will require 500 acre-feet of “bounce back” supply. He gave examples of how some restrictions on water use could be lifted in the hospitality industry when water is available. He stated that if desal and recycled water sources provide more water than is needed, the cost will go down and the water could be sold to other water-short areas. **(e) Mark Kelley**, recommended that the report be submitted to the jurisdictions for review. Of special interest would be the City of Seaside considering it has plans for development of mixed use residential/commercial projects. He urged the District to proceed with caution because the first version of the report was distributed widely. **(f) Gary Cursio** expressed agreement with comments made by Bill Kampe. He stated that the lack of water for new businesses or expansion of businesses has crippled the economy of the six jurisdictions within the District.

Director Byrne exited the meeting at 5:10 pm following discussion and action on item 2.

Discussion Items

3. Discuss Concepts for Ordinance re Water for Affordable/Workforce Housing

Stoldt distributed an agenda report for the 12/17/2019 meeting of the Monterey City Council that proposed adoption of a resolution requesting that the District allocate water to the City of Monterey for development of affordable housing. Stoldt explained that District staff planned to convene a meeting of the Technical Advisory Committee and ask the representatives to provide letters documenting the amount of water needed for housing for a 2 to 3-year period until a new water supply is on-line. Staff could then propose options on how to make water available; possibly through use of water credits or water transfers.

4. Discuss Use of Remaining Proceeds from IRWM Disadvantaged Communities Fund

There is a balance of \$66,000 remaining in unspent grant funds. The District plans to hold the funds until it can be determined what local disadvantaged community would qualify for assistance under the grant guidelines.

Adjournment: The meeting was adjourned at 5:15 pm.

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WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

2. CONSIDER RESOLUTION 2020-01 AMENDING RULE 25.5, TABLE 4: HIGH EFFICIENCY APPLIANCE CREDITS, TO ALLOW RAINWATER/GRAYWATER SYSTEMS IN ALL RESIDENTIAL APPLICATIONS

Meeting Date: January 16, 2020 **Budgeted:** N/A

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

Prepared By: Stephanie Kister **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 15378.

SUMMARY: On July 15, 2019, the MPWMD Board of Directors adopted Resolution 2019-09, Amending Rule 25.5, Table 4: High Efficiency Appliance Credits for Graywater and Rainwater Reuse Systems. That resolution established a High Efficiency Appliance Credit (Rule 25.5) for the installation of rainwater/Graywater reuse systems for toilet flushing and clothes washing in Multi-Family Dwellings. Staff requests the Water Demand Committee support adoption of Resolution 2020-01 (**Exhibit 2-A**) for the modification of Rule 25.5, Table 4 to allow the credit in all Residential applications.

BACKGROUND: The 2013 California Plumbing Code allowed for the reuse of treated rainwater and Graywater for toilet flushing and clothes washing. The Monterey County Health Department requires a backup water supply from a reliable source to augment the rainwater/Graywater system. New construction and remodel projects are best able to incorporate this technology in the building design to reduce their water demand. This can be done by installing dual plumbing to the water fixtures or by adding an auto fill valve to the storage tank.

The District has reviewed the Estimated Annual Water Use Capacity for installation of a Graywater system to flush toilets in a residential unit. Staff estimates that between 10 and 15 gallons of treated Graywater (depending on the flush volume of the toilet) would be needed to meet the toilet demands of a household with an average of 2.3 persons. This demand would be easily offset with Graywater generated from bathing (e.g., one ten-minute shower). Design of the system would need to have adequate storage to meet annual demand plus three days to ensure that the Potable water backup would not be used. A similar requirement would apply to a rainwater system, which would require significantly more storage to meet demands during the dry months.

Resolution 2019-09 Amending Rule 25.5, Table 4: High Efficiency Appliance Credits for Graywater and Rainwater Reuse Systems established a 75% reduction in the Water Use Capacity

for required for toilets and/or clothes washers supplied by rainwater/Graywater in Multi-Family Dwellings. Requirements to grant the credit include the following:

- The rainwater/Graywater system capacity shall meet 100 percent of projected annual demand plus three days.
- Meters are required on rainwater/Graywater outflow and on the Potable connection to the system with annual reporting to the District.
- *A Notice and Deed Restriction Regarding Limitation on Use of Water on a Property* will be recorded on the property title.

DISCUSSION: Affordable Graywater recycling technology is available for Single-Family/small scale residential use. New space-efficient products are entering the market place making small scale water recycling easier to do. Rainwater harvesting systems are already readily available for properties of all sizes. Most Single-Family Dwellings have the same capacity to utilize these technologies as Multi-Family Dwellings.

RECOMMENDATION: Staff recommends the Water Demand Committee support adoption of Resolution 2020-01 for the modification of Rule 25.5, Table 4 to allow credit for Residential rainwater/Graywater reuse systems for toilets and Clothes Washers.

EXHIBIT

2-A Draft Resolution No. 2020-01



EXHIBIT 2-A

DRAFT

RESOLUTION NO. 2020-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULE 25.5, TABLE 4:
HIGH EFFICIENCY APPLIANCE CREDITS
FOR GRAYWATER AND RAINWATER
REUSE SYSTEMS**

WHEREAS District Rule 25.5-F-4-b *Water Use Credits and On-Site Water Credits* allows changes to Table 4: High Efficiency Appliances Credits; and

WHEREAS the 2013 California Plumbing Code allows for the reuse of treated Graywater/rainwater for flushing toilets and washing clothes; and

WHEREAS the Monterey County Health Department requires a backup water supply from a reliable source to augment the Graywater/rainwater system. This can be done by adding a Potable auto fill valve to the storage tank. The Monterey County Health Department will approve and permit these systems; and

WHEREAS to qualify for a reduced toilet and/or clothes washer Water Use Capacity, the Graywater/rainwater system capacity shall meet 100 percent of projected annual demand with adequate storage to meet demand for an additional three days to ensure that the Potable water backup would not be used; and

WHEREAS the Board of Directors of the Monterey Peninsula Water Management District adopted Resolution 2019-09 on July 15, 2019 to amend Rule 25.5-F-4-b, *Water Use Credits and On-Site Water Credits*, Table 4: High Efficiency Appliance Credits, to include a Water Credit for the installation of a rainwater/Graywater toilet flushing and/or clothes washing systems in Multi-Family Dwellings; and

WHEREAS affordably priced Graywater toilet flushing and/or clothes washing systems designed for Single-Family Dwellings are available on the market; and

WHEREAS rainwater toilet flushing and/or clothes washing systems designed for Single-Family Dwellings are available on the market; and

WHEREAS the rainwater/Graywater toilet flushing and/or clothes washing systems shall reduce the fixture unit value by seventy-five percent (75%) for Residential applications; and

WHEREAS the District shall require metering on the Graywater/rainwater in and outflow and on the Potable connection to the system, and will require annual reporting; and

WHEREAS the District will require a *Notice and Deed Restriction Regarding Limitation on Use of Water on a Property* as a permanent requirement on the property title;

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Water Management District resolves that District Rule 25.5-F-4-b, *Water Use Credits and On-Site Water Credits*, Table 4: High Efficiency Appliance Credits, shall be amended to allow a Water Credit for the installation of a rainwater/Graywater toilet flushing and/or clothes washing systems in all Residential applications as shown on Attachment 1.

On motion of Director _____, and second by Director _____, the foregoing resolution is duly adopted this 23rd day of January 2020, 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 that the foregoing is a resolution duly adopted on the 23rd day of January 2020.

Witness my hand and seal of the Board of Directors this ____ day of January 2020.

David J. Stoldt, Secretary to the Board of Directors

TABLE 4: HIGH EFFICIENCY APPLIANCE CREDITS

Appliance	Description	Water Use Credit in Fixture Units (FU)
High Efficiency Toilets	A toilet designed to have an average maximum flush of 1.3 gallons.	0.5 FU
Ultra-High Efficiency Toilet	A toilet designed and manufactured to flush with a maximum of 0.8 gallon of water and that is labeled by the U.S. Environmental Protection Agency's WaterSense program.	1 FU
Instant-Access Hot Water System	A recirculating hot water system or other device(s) that results in hot water contact at every point of access throughout the Dwelling Unit within ten (10) seconds. Instant-Access Hot Water Systems shall be installed in each auxiliary building plumbed with hot water on a Single Family Residential Site. There shall be no Water Use Credit for installation of Instant-Access Hot Water Systems for New Structures.	0.5 FU
High Efficiency Dishwasher	A dishwasher designed to use a maximum of 5.8 gallons per cycle. A High Efficiency Dishwasher shall have Energy Star certification.	0.5 FU
High Efficiency Clothes Washer	A Clothes Washer with a Water Factor of 5.0 or less.	1 FU
Rainwater/Graywater Toilet Flushing System for Multi-Family Dwellings	A rainwater or Graywater recycling storage system used to flush toilet(s). System capacity shall meet 100% projected annual demand, plus three days.	75% of FU
Rainwater/Graywater Clothes Washing System for Multi-Family Dwellings	A rainwater or Graywater recycling storage system used to wash clothes. System capacity shall meet 100% projected annual demand, plus three days.	75% of FU

Table 4 amended by Resolution 2008-03 (2/28/2008); Resolution 2009-10 (7/20/2009); Ordinance No. 140 (11/16/2009); Resolution 2009-14 (12/14/2009); Ordinance No. 151 (11/19/2012); Ordinance No. 156 (11/18/2013); Resolution 2019-09 (7/15/2019)

WATER DEMAND COMMITTEE

3. CONSIDER SPONSORSHIP OF DEMONSTRATION GARDEN AT CITY OF CARMEL-BY-THE-SEA'S PUBLIC WORKS DEPARTMENT ON JUNIPERO STREET IN CARMEL

Meeting Date:	January 16, 2020	Budgeted:	Yes
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	Water Conservation 4-2-2-F
Prepared By:	Stephanie Locke	Cost Estimate:	NTE \$4,000

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 15378.

SUMMARY: The City of Carmel Public Works Department is requesting funding for a demonstration rain garden to be located in a prominent location on Junipero Street in Carmel (**Exhibit 3-A**). The project involves rainwater harvesting and irrigation, rainwater catchment, and installation of native drought tolerant plants and interpretive signs. The project will be installed by Public Works staff with a budget not to exceed \$4,000.

The Water Conservation budget has funds available in objective 4-2-2 Graywater/Rainwater Demo Project. District staff met with Public Works staff to review the proposal and determined that the public location and the project plan support water conservation education.

RECOMMENDATION: Staff recommends the Water Demand Committee support the City of Carmel's installation of a demonstration garden at Public Works by recommending the Board authorize expenditure of \$4,000 of budgeted funds to the project.

EXHIBIT

3-A Request for funding

EXHIBIT 3-A

City of Carmel-by-the-Sea
DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2070

Water Demand Committee
Monterey Peninsula Water Management District
Building G, 5 Harris Court
Monterey, CA 93940

RE: Funding request for City of Carmel Demonstration Rain Garden Project

Dear Members of the Water Demand Committee,

The City of Carmel-by-the-Sea is submitting this request for funding to implement a demonstration rain garden project that will showcase better practices in drainage management to reduce potable water use and runoff pollution, and to utilize native, drought-tolerant landscaping.

Project Description

The project will be located in a very visible location in front of the City's Public Works building, along Junipero Street between Fourth and Fifth Avenues. The proposed project area is shown in the attached photographs. Currently, runoff from the roof of the Public Works building drains to the slope on the side of the building, which causes some erosion of mulch and sediment onto the street. The proposed project will create a rain garden that collects this runoff and infiltrates it into the landscape.

The rain garden and surrounding landscape areas will be vegetated with native drought-tolerant plants. The plant palette for the rain garden area, including yarrow, native iris, and rushes, is also tolerant of wet soil conditions, as recommended by the Central Coast Low-Impact Development Initiative. Pea gravel will be used as ground cover in the rain garden to minimize erosion during storms, while mulch will be used on surrounding landscape areas. The project also includes installation of a 150-gallon rain barrel to collect roof runoff for supplementary irrigation of the new landscaping during dry periods.

In order to reduce costs and provide in-house training, the project was designed and will be constructed by Public Works staff. Attached is the design plan concept. An attractive interpretive sign will be posted in a visible location to provide information to the public on the benefits of rain gardens.

Project Budget

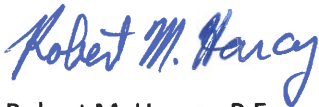
The City estimated a budget of \$3,950 for supplies to complete this project, as shown in the table below. If we encounter any cost savings, any remaining funds will be used to implement a demonstration native drought-tolerant landscape on the other side of the walkway to the Public Works Department.

EXHIBIT 3-A

Item	Cost
Native drought tolerant plants	\$700
Boulders and rocks	\$400
Pea gravel / river rock	\$600
Soil	\$300
Rain barrel (150 gallon) w/ anchor, hose adaptor valve, and overflow outlet	\$450
Interpretive signage	\$1,000
Contingency	\$500
TOTAL	\$3,950

The City of Carmel-by-the-Sea greatly appreciates your support with this exciting demonstration project. Finally, we would like to recognize the District's assistance and logo on the interpretive sign for the rain garden.

Sincerely,



Robert M. Harary, P.E.
Public Works Director

Attachments: Project Location Photographs
Project Plan

Project Location Photographs



Project location viewed from sidewalk and Public Works Department walkway



Project location viewed from the roof of the Public Works Department and from the south side of the proposed rain garden location, looking north.

Project Plan



WATER DEMAND COMMITTEE

4. CONSIDER DRAFT ORDINANCE NO. 185, AMENDING DISTRICT RULE 24 TO ALLOW SPECIAL FIXTURE UNIT ACCOUNTING FOR SECOND BATHROOMS IN EXISTING DWELLING UNITS AND TO PERMANENTLY ADOPT SUB-METERING REQUIREMENTS AND EXEMPTIONS FOR ACCESSORY DWELLING UNITS

Meeting Date:	January 16, 2020	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A N/A
Prepared By:	Stephanie Locke	Cost Estimate:	N/A

General Counsel Review: To be completed prior to first reading.

Committee Recommendation: N/A

CEQA Compliance: An Initial Study will be prepared and circulated prior to second reading. It is anticipated that the impacts associated with the proposed change to Rule 24 will be similar to those considered when the program was adopted. A Negative Declaration was adopted for Ordinance No. 98.

SUMMARY: Rule 24-A-3, Second Bathroom Addition, was adopted by Ordinance No. 98 to facilitate a second full Bathroom in a Single-Family Residence that has less than two full Bathrooms without requiring a debit to an Allocation, Entitlement, or credit. The protocol was predicated on the CEQA finding that the second Bathroom did not increase water use. As stated in the Ordinance No. 98 findings: “The addition of a second Bathroom to an existing residence is primarily for the purpose of convenience.” To prevent the second bathroom from being added in an Accessory Dwelling Unit (ADU), the rule was written specifically that the second Bathroom must be added within an existing Single-Family Dwelling on a Single-Family Residential Site that existed prior to May 2001.

The proposed ordinance expands the second Bathroom protocol to all Dwelling Units¹ that were completed as of May 2001. This includes Single-Family Dwellings, Common Interest Developments (e.g. condominiums) and Multi-Family Dwelling Units. The addition of a Bathroom triggers the requirement to retrofit existing water fixtures, mechanically reducing water use.

The changes benefit those who have or want to take advantage of adding a second Bathroom and who want to build an ADU using water from a Jurisdiction’s Allocation or an Entitlement. The current rule limits the Site to two Bathrooms unless the second Bathroom is permitted by a debit to an Allocation. The proposed ordinance allows the second Bathroom to be unaffected by a new Dwelling Unit on the Site that is permitted using water from an Allocation, Entitlement or credit. This action facilitates the affordable housing that many Jurisdictions are eager to develop.

¹ Rule 11 defines a Dwelling Unit as a residence suitable for single Household occupancy.

The draft ordinance also permanently adopts provisions related to sub-metering of ADUs that were adopted by urgency ordinance in August 2019. Ordinance No. 184 was adopted August 19, 2019 and will expire after one year. The proposed rule exempts all ADUs in existing structures from the requirement to sub-meter. The rule currently allows permanent sub-metering of one ADU, whereby the Owner will not be required to install a Water Meter when the current moratorium on new Connections is lifted.

After review by the Water Demand Committee, staff will prepare an Initial Study for circulation and consideration by the Board prior to adoption of the ordinance.

RECOMMENDATION: Staff recommends the Water Demand Committee support the adoption of Ordinance No. 185.

EXHIBIT 4-A

**DRAFT
ORDINANCE NO. 185**

**AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING DISTRICT RULE 24 TO ALLOW SPECIAL FIXTURE UNIT
ACCOUNTING FOR SECOND BATHROOMS IN EXISTING DWELLING UNITS
AND TO PERMANENTLY ADOPT SUB-METERING REQUIREMENTS AND
EXEMPTIONS FOR ACCESSORY DWELLING UNITS**

FINDINGS

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The 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. This ordinance expands the second bathroom eligibility to Dwelling Units that existed on May 2001, the date of adoption of the second Bathroom addition.
4. By amending the ordinance to Dwelling Units, the addition of an Accessory Dwelling Unit would not trigger the requirement to debit an Allocation, Entitlement or credit for the second Bathroom protocol. This will facilitate ADUs on Sites where the second Bathroom protocol has been used.
5. This ordinance clarifies the second bathroom allowed by this special fixture unit is to be used only for convenience within the existing Dwelling Unit and not to support an Accessory Dwelling Unit.
6. This ordinance is enacted to facilitate the creation of Accessory Dwelling Units (“ADUs”) which provide required and affordable housing in the Monterey Peninsula Water Management District.

7. The District requires separate Water Meters for each User to promote accountability for water use and to enforce water rationing when needed. The Board has previously adopted a Rule that allows permanent sub-metering of one ADU on a Site, rather than requiring a separate Water Meter by the Water Distribution System Operator.
8. The requirement for sub-metering an ADU becomes a hardship when an ADU is created within an existing structure where plumbing is not designed to sub-meter hot and cold water. A hardship occurs when the ADU is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure.
9. Allowing a limited exemption from the sub-metering requirements for ADUs would not have an adverse effect on enforcement of water rationing. Rule 165 states: “Where two or more Households are served by a Master Meter, it shall be the responsibility of the Water Users to divide the Water Rations among the Water Users.”
10. Allowing this exemption from the metering requirements encourages additional affordable rental housing stock, a priority of the State of California.
11. This ordinance shall be reviewed and approved under CEQA (California Environmental Quality Act) based upon [TO BE DETERMINED].

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: **Short Title**

This ordinance shall be known as the “MPWMD 2020 Second Bathroom and Accessory Dwelling Unit Sub-Metering Clarification Ordinance.”

Section Two: **Purpose**

This ordinance amends the provisions of Rule 24 that allows a second Bathroom for convenience to include all Dwelling Units that existed as of the date the protocol was adopted in 2001 and clarifies that the second Bathroom is not allowed to be used by an Accessory Dwelling Unit. This ordinance also permanently amends Rule 23 as adopted by Urgency Ordinance No. 184 to exempt

existing Residential space or structures that can be converted to Accessory Dwelling Units from the requirement for permanent sub-metering. It also grandfathers existing active construction of ADUs from the requirement.

Section Three: **Amendment of Rule 24: Water Permit Process**

Rule 11 shall be revised as shown in bold italics (***bold italics***) and strikeout (~~strike through~~):

DWELLING UNIT - “Dwelling Unit” shall mean a ***single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation,*** ~~single or multiple residences suitable for single household occupancy~~ but shall not refer to non-permanent student or transient housing, the occupancy of which is projected to average 24 months or less.

Section Four: **Amendment of Rule 24-A-3, Second Bathroom Addition**

Rule 24-A-3 shall be revised as shown in bold italics (***bold italics***) and strikeout (~~strike through~~):

3. **Second Bathroom Addition**

A distinctive Water Permit protocol shall apply to any Residential application that proposes to add a second Bathroom to ~~an existing Single Family~~ ***a Dwelling Unit built before May 2001*** ~~on a single family Residential Site~~ that, prior to the application, has less than two Bathrooms.

- a. The second Bathroom protocol shall be limited, and shall apply only to the following water appliances if they are installed in a new second Bathroom as an expansion of an existing ~~Single Family 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 ~~on a pro-rata basis~~ to any Residential application that proposes to add one or more of the ~~referenced~~ water ***fixtures appliances referenced above*** to an existing second Bathroom which lacks ~~that same appliance~~ ***a fixture*** within an existing ~~single family Residential Site~~ ***Dwelling Unit*** and, prior to the application, has less than two full Bathrooms.

- c. The second Bathroom protocol shall apply only to a ~~Single-Family Dwelling~~ **Unit with less than two Bathrooms** ~~on a single-family Residential Site that had a final building permit as of May 16, 2001.~~
- d. ~~The second Bathroom protocol shall not apply to any Multi-Family Dwelling or Multi-Family Residential Site as defined by these Rules and Regulations.~~
- e. ~~A valid Water Use Credit for the permanent abandonment of a one Bathroom Single-Family Dwelling on a single-family Residential Site issued prior to May 16, 2001 shall be regarded as an existing Single-Family Dwelling for 120 months following demolition and shall allow the reconstruction of a single-family Dwelling with the addition of the water fixtures allowed by this provision as long as the credit is valid.~~
- fd. Water fixtures installed pursuant to this provision shall be installed within the existing ~~Single-Family Dwelling~~ **Unit. The second Bathroom protocol shall not be used to provide a Bathroom for an Accessory Dwelling Unit, including the addition of a second Bathroom elsewhere in the Dwelling Unit that would allow the original Bathroom to be used by an Accessory Dwelling Unit or when a second Bathroom was removed from the Dwelling Unit and relocated to another Dwelling Unit or building. The protocol was adopted to recognize that the second Bathroom is for convenience and that it does not cause additional water demand. It is not intended to support a new User.**
- ge. Under this second Bathroom protocol, the General Manager shall not debit the Jurisdiction's Allocation for the installation of ~~select~~ **the** water fixtures in the second Bathroom.
- hf. Capacity Fees shall nonetheless be collected for the addition of fixture units in the second Bathroom.
- ig. ~~No on-site, off-site or transfer of credit shall be granted for removal or retrofit of any fixture added pursuant to this second Bathroom protocol.~~
- jh. Use of the second Bathroom protocol is voluntary. Any ~~property~~ **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*** of The Limitation Of on Use Of Water On Aa Property shall be recorded on the real property as a condition of the Water Permit.

- ki. 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.
- lj. The provisions of this second Bathroom protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

Section Five: **Amendment of Rule 23-A-1-i-(6)**

Rule 23-A-1-(i)-(6) shall be amended as shown below, with added language as shown in ***bold italic*** type face, and deleted language shown in ~~strikeout~~ type face. The remaining provisions of Rule 23 shall remain unchanged by this ordinance. This amendment was temporarily approved by adoption of Urgency Ordinance No. 184, the 2019 Accessory Dwelling Unit Ordinance. Adoption of this ordinance will make the changes permanent.

- (6) The General Manager shall allow permanent sub-metering of all water use into one Accessory Dwelling Unit, including hot and cold water supply. The application for sub-metering an ***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.

Section Six: **Accessory Dwelling Units Under Construction**

Active Water Permits that require sub-metering of ADUs in existing structures shall be eligible for the exemption adopted by this ordinance. An amended Water Permit shall not be required; however, an amendment is required to remove the requirement from any Limitation on Use (Form 1.1) deed restriction.

Section Seven: **Publication and Application**

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

Section Eight: **Effective Date and Sunset**

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

This Ordinance shall not have a sunset date.

Section Nine: **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 _____ 2020, 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 _____ 2020.

Witness my hand and seal of the Board of Directors this _____ day of _____ 2020.

David J. Stoldt, Secretary to the Board

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