



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

Water Demand Committee Members:

*Amy Anderson, Chair
Alvin Edwards
Clyde Roberson*

Alternate:

George Riley

Staff Contact

*Stephanie Locke
Joel G. Pablo*

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 on the District's website prior to the meeting. Documents distributed at the meeting will be made available upon request and posted to the District's website within five days following the meeting.

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

Thursday, March 4, 2021, 3:00 pm, Virtual Meeting

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus), meetings of the Monterey Peninsula Water Management District Board of Directors and committees will be conducted with virtual (electronic) participation only using Zoom.

Join the meeting at:

<https://zoom.us/j/94177359087?pwd=amdWV3FwUTU1KzAzR1MrRGNXWTNFdz09>

Or join at: <https://zoom.us/>

Event number: 941 7735 9087

Event password: 03042021

Participate by phone: (669) 900 - 9128

For detailed instructions on connecting to the Zoom meeting see page 2 of this agenda.

Call to Order / Roll Call

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. Adopt 2021 Committee Meeting Schedule

Discussion Items

2. Update on Ordinance 172 (Department of Defense Sites)
3. Update on Water for Housing Initiative
4. Discussion of Water Demand Through Water Year 2019 - 20

Suggest Items to be Placed on Future Agendas

Adjournment

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests by 7 pm on Friday, February 26, 2021, to joel@mpwmd.net or call 831- 658-5652.

Instructions for Connecting to the Zoom Meeting

NOTE: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

Begin: Within 10 minutes of the meeting start time from your computer click on this link:
<https://zoom.us/j/94177359087?pwd=amdWV3FwUTU1KzAzR1MrRGNXWTNFdz09>
or paste the link into your browser.

DETERMINE WHICH DEVICE YOU WILL BE USING (PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

USING A DESKTOP COMPUTER OR LAPTOP

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on “Join a Meeting”
4. Where it says “Meeting ID”, type in the Meeting ID# above and click “Join Meeting”
5. Your computer will begin downloading the Zoom application. Once downloaded, click “Run” and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

COMPUTER AUDIO

1. If you have built in computer audio settings or external video settings – please click “Test Speaker and Microphone”.
2. The client will first ask “Do you hear a ringtone?” •If no, please select “Join Audio by Phone”.
•If yes, proceed with the next question:
3. The client will then ask “Speak and pause, do you hear a replay?” •If no, please select “Join Audio by Phone”
•If yes, please proceed by clicking “Join with Computer Audio”

PHONE CALL

1. If you do not have built in computer audio settings or external video settings – please click “Phone Call”
2. Dial one of the numbers listed below using a phone. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)

+1 253-215-8782 (Houston, TX)

+1 346-248-7799 (Chicago, IL)

+1 301-715-8592 (New York, NY)

+1 312-626-6799 (Seattle, WA)

+1 646-558-8656 (Maryland)

3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE

1. Download the Zoom application through the Apple Store or Google Play Store (the application is free).
2. Once download is complete, open the Zoom app.
3. Tap “Join a Meeting”
4. Enter the Meeting ID number
5. Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
6. Tap “Join Meeting”
7. Tap “Join Audio” on the bottom left hand corner of your device
8. You may select either ONE of two options: “Call via Device Audio” or “Dial in”

DIAL IN

1. If you select “Dial in”, you will be prompted to select a toll-free number to call into.
2. You may select any of the numbers listed below:

+1 669-900-9128 (San Jose, CA)	+1 253-215-8782 (Houston, TX)
+1 346-248-7799 (Chicago, IL)	+1 301-715-8592 (New York, NY)
+1 312-626-6799 (Seattle, WA)	+1 646-558-8656 (Maryland)

3. The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
4. Do not hang up the call, and return to the Zoom app
5. You are now connected to the meeting.

Presenting Public Comment

Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes.

- (a) Computer Audio Connection: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
- (b) Phone audio connection **with** computer to view meeting: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
- (c) Phone audio connection only: Press *9. Wait for the clerk to unmute your phone and then identify yourself and provide your comment. Press *9 to end the call.

Submit Written Comments

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or “COMMENTS FROM THE PUBIC”. Comments must be received by noon on Thursday, March 4, 2021. Comments submitted **by noon** will be provided to the committee members and compiled as part of the record of the meeting.

WATER DEMAND COMMITTEE

ITEM: ACTION ITEM

1. ADOPT 2021 COMMITTEE MEETING SCHEDULE

Meeting Date: March 4, 2021

**From: David J. Stoldt,
General Manager**

Prepared By: Joel G. Pablo

SUMMARY: Shown below is a proposed committee meeting schedule for 2021. Please review and advise Joel G. Pablo if you cannot participate on any of the proposed dates. Any meeting may be cancelled if there is no business for committee consideration.

RECOMMENDATION: The Committee should review and adopt the meeting schedule.

Day of Week	Date	Time
Thursday	February 4, 2021	3:00 pm
Thursday	March 4, 2021	3:00 pm
Thursday	April 1, 2021	3:00 pm
Thursday	May 6, 2021	3:00 pm
Thursday	June 3, 2021	3:00 pm
Thursday	July 1, 2021	3:00 pm
Thursday	August 5, 2021	3:00 pm
Thursday	September 2, 2021	3:00 pm
Thursday	October 7, 2021	3:00 pm
Thursday	November 4, 2021	3:00 pm
Thursday	December 2, 2021	3:00 pm

WATER DEMAND COMMITTEE

DISCUSSION ITEM

3. UPDATE ON WATER FOR HOUSING INITIATIVE

Meeting Date: March 4, 2021 **Budgeted:** N/A

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

Prepared By: David J. Stoldt **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: District staff have prepared a draft Application to the State Water Board for relief from Condition 2 of the Cease and Desist Order for purposes of facilitating housing construction in the near-term. It was still in review by District Counsel at the time of publication of this Committee packet, so will be reviewed/discussed during the Committee meeting. A draft cover letter is attached as **Exhibit 3-A**.

Staff have also produced a 1-page description of the problem statement and potential solution to be used in meetings or correspondence with supporters and/or potential influencers. This is a call for letters of support. See **Exhibit 3-B**, attached.

An example of the potential power of this limited request is shown in the example, **Exhibit 3-C**.

EXHIBITS

3-A Draft Cover Letter for State Water Board Application

3-B Call for Letters of Support / Background 1-Pager

3-C Flyer on the Potential Benefits

EXHIBIT 3-A



DRAFT

March 5, 2021

Mr. Erik Ekdahl
Deputy Director
Division of Water Rights
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812

Via Email Erik.Ekdahl@waterboards.ca.gov

Subject: Relief from Condition 2 of WR 2009-0060 and WR 2016-0016 Cease and Desist Order (CDO) for Health and Safety Needs Related to Housing

Dear Mr. Ekdahl:

The State Water Board's protection and enforcement of water rights on the Carmel River and the State Department of Housing and Community Development's statewide housing mandates are co-equal high-level State priorities. However, they appear to be in conflict.

As you know, a permanent replacement water supply for the Monterey Peninsula has been identified, yet remains at least three years away. In the interim, there is increasing pressure from the State for our local jurisdictions to meet their Regional Housing Needs Allocation (RHNA), especially in the affordable housing area. As written and as interpreted to date, Condition 2 of WR 2016-0016 is a barrier to timely construction of housing at the local level.

Condition 2 of WR 2009-0060 states "Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use. Cal-Am may supply water from the river for new service connections or for any increased use at existing service addresses resulting from a change in zoning or use after October 20, 2009, provided that any such service had obtained all necessary written approvals required for project construction and connection to Cal-Am's water system prior to that date."

This has the practical effect of constraining additional housing construction due to both the restriction on an increase in use at an existing service address, as well as due to the prohibition on new service connections.

The Housing Crisis Act of 2019 (SB 330) set forth that California is experiencing a housing supply and affordability crisis of historic proportion and is a public health and safety issue. The Monterey Peninsula RHNA goals are shown below, and are likely to be revised upward later this year.

Estimated Water Required to Meet RHNA Goals on the Monterey Peninsula

	TOTAL RHNA GOAL	Water Required (AFY) ¹	Factor Used (AFY)
Very Low (24.1%)	307	37	0.12 (multi-family)
Low (15.7%)	200	24	0.12 (multi-family)
Moderate (18.2%)	233	37	0.16 (half single family/half multi-family)
Above Moderate (42%)	531	92	0.173 (2/3 single family/1/3 multi-family)
Total Allocation/Water Required	1,271	190	

The request for an additional 75 acre-feet of relief from the prohibition of Condition 2, while keeping intact the overall Effective Diversion Limit under the CDO, will go a long way at alleviating near-term housing needs here locally, while continuing to work on a permanent water supply solution.

Pursuant to Condition 3.c of WR 2016-0016 we are petitioning you, as Deputy Director for Water Rights, for relief from Condition 2 as it relates to housing projects, as described in our application attached hereto.

As always, we very much appreciate your commitment of time and your cooperation on this matter. Please contact me to discuss next steps and questions, if any, that you may have.

Sincerely,


David Stoldt
General Manager
Monterey Peninsula Water Management District

CC: [via email]

E. Joaquin Esquivel
joaquin.esquivel@waterboards.ca.gov

¹ Calculated based on the RHNA goals for the six cities in the Monterey Peninsula and MPWMD's water use factors for single family units (0.2 AFA) and multi-family units (0.12 AFA).

Mr. Erik Ekdahl
Page 3 of 3
March 5, 2021

Eileen Sobeck, SWRCB
Eileen.Sobeck@waterboards.ca.gov

Steven Westhoff, SWRCB
Steven.Westhoff@waterboards.ca.gov

Richard Svindland, California American Water
Rich.Svindland@amwater.com

Anthony Cerasuolo, Vice President, California American Water
ACerasuolo@amwater.com

Chris Cook, Director of Operations, California American Water
Christopher.Cook@amwater.com

Mayor Bill Peake, City of Pacific Grove
bpeake@cityofpacificgrove.org

Mayor Clyde Roberson, City of Monterey
roberson@monterey.org

Mayor Ian Oglesby, City of Seaside
ioglesby@ci.seaside.ca.us

Mayor Mary Ann Carbone, City of Sand City
maryann@sandcityca.org

Mayor Alison Kerr, Del Rey Oaks
akerr@delreyoaks.org

Mayor Dave Potter, City of Carmel-by-the Sea
dpotter@ci.carmel.ca.us

David Stivers, President, Pebble Beach Company
stiversd@pebblebeach.com

Bob McKenzie, Consultant to Coalition of Peninsula Businesses
jrbobmck@gmail.com

Jeff Davi, Co-chair, Coalition of Peninsula Businesses
Jeff.Davi@mphtre.com

John Tilley, Co-chair, Coalition of Peninsula Businesses
theamswim@yahoo.com

EXHIBIT 3-B



Allocation of Water for Affordable/Workforce Housing A Call for Cooperation Between State Agencies

Problem Statement: The Monterey Peninsula aspires to make progress on its Regional Housing Needs Allocation (RHNA), but is restricted by a State Water Resources Control Board (SWRCB) Cease and Desist Order (CDO) limiting setting of new meters or increasing water use at existing sites. Such restrictions are likely to remain in place up to three more years, until a new water supply is available. The Monterey Peninsula Water Management District (District) seeks to gain support of housing advocates to approach the SWRCB with letters of support for its Application for relief of the restrictions solely for use on near-term housing projects which contain a moderate, low, or very low income element.

SB 330: The Housing Crisis Act of 2019

- California is experiencing a housing supply and affordability crisis of historic proportion
- Long commutes increase risk to life and health problems
- Lack of affordable housing is a public health & safety issue
- It is the policy of the state that a local government not reject or make infeasible housing development projects...
- Local governments are restrained from imposing a moratorium or similar restriction or limitation on housing development

The State Water Board CDO (Condition 2):

"Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use."

Please Consider a Letter of Support!

Erik Ekdahl, Deputy Director,
Division of Water Rights
Erik.Ekdahl@waterboards.ca.gov

Steve Westhoff, Office of Chief Counsel
Steven.Westhoff@waterboards.ca.gov

Possible Opening Under the CDO:

3.c. Either Cal-Am or **the District may petition** the Deputy Director for Water Rights **for relief** from reductions imposed under this Order. No relief shall be granted unless all of the following conditions are met: (1) Cal-Am and the District continue the moratorium on new service connections; (2) the demand for potable water by Cal-Am customers meets all applicable conservation standards and requirements; and **(3) a showing is made that public health and safety will be threatened if relief is not granted.** Any relief granted shall remain in effect only as long as a prohibition on new service connections remains in effect, and compliance with applicable conservation standards and requirements remains in effect. This section supersedes ordering paragraph 3.b. of State Water Board Order WR 2009-0060.

April 9, 2012 SWRCB Letter

"The State Water Board generally agrees with the proposed procedure of requesting an exception from Condition 2 for public health and safety needs, provided: (1) the procedure allows adequate time for State Water Board staff to review the proposed exception; and (2) expanded water service is not provided prior to the State Water Board granting such an exception."



The Monterey Peninsula includes 6 cities and unincorporated County:



- Carmel-by-the-Sea
- Del Rey Oaks
- Monterey
- Pacific Grove
- Sand City
- Seaside
- Carmel Valley

The Monterey Peninsula's RHNA (Regional Housing Needs Allocation) for the current cycle is 1,271 new units, 740 of which are moderate, low, or very-low income units.

As an example, just one of these cities has identified 13 ready-to-go projects, ranging in size from 13 to 93 units, for a total of 573 total housing units. These projects would yield 381 affordable housing units. A limited waiver of the State Water Board's Cease and Desist Order's (CDO) Condition 2 would allow some of these projects to move forward without violation of the CDO's Effective Diversion Limit.

Such relief would meet the co-equal high-priority objectives of two State agencies. A powerful "WIN-WIN" for the environment, housing, and economic vitality.