



FINAL MINUTES
Technical Advisory Committee of the
Monterey Peninsula Water Management District
September 13, 2017

Call to Order

The meeting was called to order at 9:10 am in the Conference room at the offices of the Monterey Peninsula Water Management District.

Committee members present:

City of Monterey	Todd Bennett, Chair
City of Pacific Grove	Anastazia Aziz
City of Seaside	Kurt Overmeyer (arrived at 9:20 am)
County of Monterey	Nadia Amador (arrived at 9:30 am)
Monterey Peninsula Airport District	Shelley Glennon

Committee members absent:

City of Carmel-by-the-Sea	Marc Weiner
City of Del Rey Oaks	Vacant
City of Sand City	Tod Bodem, Vice Chair

Staff members present:

David J. Stoldt, General Manager
Stephanie Locke, Water Demand Division Manager
Arlene Tavani, Executive Assistant
Gabiella Ayala, Conservation Analyst

District Counsel present: Fran Farina

Comments from the Public: No comments.

Action Items

- 1. Consider Adoption of April 16, 2016 Committee Meeting Minutes**
On a motion by Aziz and second of Glennon, minutes of the April 16, 2016 committee meeting were approved on a vote of 3 – 1 by Aziz, Bennett and Glennon. Committee member Overmeyer abstained because he had not attended the meeting. Amador did not cast a vote No comments were directed to the committee during the public comment period on this item.
- 2. Elect Committee Chair and Vice Chair**
On a motion by Bennett and second of Aziz, Aziz was elected to the position of Committee Chair and Bennett was elected to the position of Vice-Chair each for a 2-year term ending the first meeting of the Committee in 2020. The motion was approved on a vote of 4 – 0 by Overmeyer, Bennett, Aziz and Glennon. Amador did not cast a vote.

Discussion Items

3. **Discuss Water Permitting Considerations for Auxiliary Dwelling Units**

Stephanie Locke stated that passage of Senate Bill No. 1069 (Wieckowski) has increased interest in development of auxiliary dwelling units (ADU). The legislation is in conflict with the water permit moratorium and other Water Management District regulations.

District Counsel Fran Farina explained that SB 1069 applies to “a city, county, or city and county, whether general law or chartered.” The Water Management District is not subject to the requirements of SB 1069. However, the Water Management District could modify its rules to allow sub-metering for ADUs and specify conditions for compliance. In addition, capacity fees for new fixtures could be reduced or exempted to align with the legislation.

Aziz requested that the Water Management District’s rules be modified as follows. If sufficient water credit could not be obtained from the primary residence for a bathroom in the ADU, the second bathroom protocol should be utilized for installation of a bathroom in the ADU. She expressed strong support for development of rules that would allow sub-metering of the ADU. Aziz recommended against a requirement that the ADU meet the conditions for a affordable housing in order to qualify for special consideration by the Water Management District. She has observed that property owners are not willing to spend the time and money to qualify their units as affordable. The City of Pacific Grove limits the size of ADUs to 800 square feet. The city’s ordinance specifies that an ADU cannot be rented for less than 30 days.

(Nadia Amador from the County of Monterey Planning Department arrived at 9:30 am)

Locke advised the committee that a CEQA challenge could be raised against any proposal to allow the second bathroom protocol to be applied to an ADU. The second bathroom protocol was based on the premise that adding another bath does not increase water use – but offers convenience for the property owner. Use of the second bathroom protocol as suggested would provide a bathroom for another family.

Bennett stated that the City of Monterey does not require that an ADU meet the requirements for affordable housing. Project size is limited to 1,200 square feet, and the owner must live in either the primary unit or the ADU. In addition, a prohibition on short-term rentals of all residential properties is in effect.

Overmeyer noted that there is confusion about under what circumstances Cal-Am will set a meter. For example, it is not clear if Cal-Am would set a meter for projects that receive water from adjudicated sources that are not subject to the Cease and Desist Order.

Locke stated that the Water Management District allows sub metering of ADUs only if that unit could not be sold separately from the primary unit, and only if water credits are available for the ADU. The Water Management District could consider: (a) installation of sub-meters on ADUs with the condition that a Cal-Am meter be set after the moratorium is lifted, or in some cases a sub-meter could be permanent; (b) if the source of water was from a jurisdictional allocation, a capacity fee would be due but the Board could consider a reduced fee or no fee for an ADU, and (c) at the behest of the committee, staff will bring forward to the Water Demand Committee the concept of the second bathroom protocol as a source of water for the ADUs, however; there is a CEQA issue with that proposal.

4. Update on Development of Water Supply Projects

Stoldt reported that sizing of Cal-Am’s desalination plant is in question, and the CPUC has asked for testimony regarding this issue. One of the questions being analyzed is could the Pure Water Monterey Project be expanded to provide additional water. Water demand has been reduced over time, and it has been suggested that construction of a 6.4 mgd desalination plant with other supplies may be a sufficient solution. There is a concern that if the CPUC certifies the desalination project EIR in March 2018, a CEQA lawsuit could be filed during the 30-day comment period, which could delay project construction. The potential for PWM expansion could be a solution should Cal-Am’s 6.4 mgd or 9.6 mgd desal project be delayed or not approved.

Representatives from the cities of Monterey, Pacific Grove and Seaside stated that there is pent-up demand for new construction and remodels in their jurisdictions. Many underdeveloped properties exist and the lack of water impedes progress.

Stoldt reported that in October 2017, testing will begin on the Pacific Grove Local Water Project, which has established a 66 acre-feet water entitlement for use within the City of Pacific Grove. However, terms of the State Revolving Loan that partially funded the project specify that the entitlement water cannot be used for new development. The Water Management District has a 9 AF per year entitlement from that project which it would like to set aside for public benefit projects throughout the District. Before the entitlements can be utilized, the City of Pacific Grove must present evidence to the State to support the premise that the entitlement is not “new water” but is replacement water made available due to reuse of treated stormwater from the Local Water Project. The District is also formulating rules that would allow the Malpaso water entitlement to be used for public benefit projects throughout the District.

Questions from Committee Members to MPWMD Staff: None

Adjournment – The meeting was adjourned at 10:15 am.

/s/ Arlene Tavani, Executive Assistant/Board Clerk
Clerk to the MPWMD Technical Advisory Committee

Approved by the MPWMD Technical Advisory Committee on March 2, 2022
Received by the MPWMD Board of Directors on March 21, 2022