



EXHIBIT 11-B

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**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

MAR 25 2004

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STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
AND
PROPOSED NEGATIVE DECLARATION
For MPWMD Board review on April 19, 2004**

- 1. PROJECT TITLE:** Adoption of Ordinance No. 114, "MPWMD 2004 Second Bathroom Clarification Ordinance."
- 2. DESCRIPTION AND LOCATION OF PROJECT:** Proposed Ordinance No. 114 would clarify the process by which someone can obtain a second bathroom in an existing single-family residence on a single-family residential site by specifying dates for eligibility, specifying the water fixtures that qualify for the special fixture unit accounting, and by specifying that the fixtures must be installed within the existing dwelling unit. The provisions of the proposed ordinance would be elective. Those choosing to use the special fixture unit accounting would be restricted by requiring full permitting (e.g. water from a jurisdiction's allocation or on-site water credits) of the second bathroom allowed by this provision before additional bathrooms can be added. Finally, the ordinance would allow a limited number of properties to upgrade toilets to 1.6 gallons-per-flush where those properties were required to install half-gallon toilets to add a second bathroom between May 16, 1999 and May 16, 2001 (the effective date of Ordinance No. 98) and where the property would otherwise qualify for the special fixture unit accounting.

Ordinance No. 114 applies within the boundaries of the Monterey Peninsula Water Management District (MPWMD), including the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District. Each of these jurisdictions regulates land use within its individual boundaries and is responsible for CEQA review of individual projects that are proposed. The District does not regulate land use.

- 3. REVIEW PERIOD:** The Review Period is March 26, 2004 through April 14, 2004. CEQA allows a 20-day comment period for issues of local importance.
- 4. PUBLIC MEETINGS:** The first reading of Ordinance No. 114 will be considered at the MPWMD Board meeting of April 19, 2004. The second reading and adoption of the Ordinance and Negative Declaration is scheduled for public hearing on May 17, 2004 at 7:00 PM at the Monterey City Council Chambers, City Hall (Corner of Pacific and Madison Street), Monterey, California.

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5. **LOCATION OF DOCUMENTS:** The proposed Negative Declaration and Initial Study, including supporting documentation and the administrative record upon which the Negative Declaration and Initial Study are based, and copies of proposed Ordinance No. 114, are available for review at the Monterey Peninsula Water Management District office located at 5 Harris Court, Bldg. G, Monterey, CA 93940 (Ryan Ranch). **The staff contact is Stephanie Pintar at 831/658-5601.**

6. **PROPOSED FINDING SUPPORTING NEGATIVE DECLARATION:** Based on the Initial Study and the analysis, documents and record supporting the Initial Study, the Monterey Peninsula Water Management District Board of Directors finds that adoption of Ordinance No. 114 does not have a significant effect on the environment.

PROPOSED NEGATIVE DECLARATION

Based on the finding that adoption of Ordinance No. 114, Amending District Rule 24 to Clarify Special Fixture Unit Accounting for Second Bathrooms, has no significant effect on the environment, the Monterey Peninsula Water Management District makes this Negative Declaration regarding MPWMD Ordinance No. 114 under the California Environmental Quality Act.

CEQA GUIDELINES APPENDIX G
MPWMD ENVIRONMENTAL CHECKLIST FOR ORDINANCE NO. 114

PROJECT INFORMATION

- | | | |
|----|--|--|
| 1. | Project Title: | Adoption of Ordinance No. 114: "MPWMD 2004 Second Bathroom Clarification Ordinance" |
| 2. | Lead Agency Name and Address: | Monterey Peninsula Water Management District, PO Box 85, Monterey, CA 93942-0085 [Street address: 5 Harris Court, Bldg. G, Monterey, CA 93940] |
| 3. | Contact Person and Phone: | Stephanie Pintar, 831/658-5630 |
| 4. | Project Location: | District-wide, see <u>Attachment 1</u> , map |
| 5. | Project Sponsor's Name/Address: | MPWMD, see #2 above |
| 6. | General Plan Designation: | Varies throughout District |
| 7. | Zoning: | Varies throughout District |

8. Description of Project: Proposed Ordinance No. 114 (Attachment 3) would clarify the process by which someone can obtain a second bathroom in an existing single-family residence on a single-family residential site. Ordinance No. 114 would clarify dates for eligibility, specify the water fixtures that qualify for the special fixture unit accounting, and specify where the fixtures may be added. The provisions of the proposed ordinance are elective. Those who choose to use the special fixture unit accounting would be limited by a requirement for full permitting (e.g. water from a jurisdiction's allocation or on-site water credits) of the second bathroom allowed by this provision before additional bathrooms could be added. Finally, the ordinance would allow a limited number of properties to upgrade toilets to 1.6 gallons-per-flush where those properties installed half-gallon per flush toilets to add a second bathroom between May 16, 1999 to May 16, 2001, if the property would otherwise meet the criteria for the special fixture unit accounting.

9. Surrounding Land Uses and Setting: Land uses within the District range from urban and suburban residential and commercial areas to open space/wilderness. The District encompasses the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach and the Highway 68 corridor), and the Monterey Peninsula Airport District (Attachment 1). Each of these jurisdictions regulates land uses within its boundaries. The District does not regulate land uses.

The Monterey Peninsula is dependent on local sources of water supply, which (directly or indirectly) are dependent on local rainfall and runoff. The primary sources of supply include surface and groundwater in the Carmel River basin, and groundwater in the Seaside Basin (Attachment 2).

Vegetation communities on the Monterey Peninsula include marine, estuarine, and riverine habitats; fresh emergent and saline emergent (coastal salt marsh) wetland communities; riparian communities, particularly along the Carmel River; a wetland community at the Carmel River lagoon; and upland vegetation communities such as coastal scrub, mixed chaparral, mixed

hardwood forest, valley oak woodland, and annual grassland. These communities provide habitat for a diverse group of wildlife. The Carmel River supports various fish resources, including federally threatened steelhead fish and California red-legged frog.

10: Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology and Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency)

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the

environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects:

- 1) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards; and
- 2) have been avoided or mitigated pursuant to an earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project.

The earlier EIR adequately analyzes the proposed project, so **NO ADDITIONAL ENVIRONMENTAL IMPACT REPORT** or **NEGATIVE DECLARATION** will be prepared.

Signature:

Rice + Dineen Date: 3/25/04

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Printed Name: Fran Farina

Title: MPWMD General Manager

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, EARLIER ANALYSES, may be cross-referenced).
5. The explanation of each issue should identify:
 - a. The significance threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
 - a. **Earlier Analysis used.** Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analyses.
 - c. **Mitigation Measures.** For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.
8. This checklist has been adapted from the form in Appendix G of the State CEQA Guidelines, as amended effective October 26, 1998 (from website).
9. Information sources cited in the checklist and the references used in support of this evaluation are listed in attachments to this document.

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ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:					
a)	Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Create adverse light or glare effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES. Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.</p>					
III. AIR QUALITY. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES

(See attachments for discussion and information sources)

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Note: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations.

IV. BIOLOGICAL RESOURCES Would the project:

a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish & Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES Would the proposal:

a)	Cause substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGIC AND SOILS. Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY - Would the project:					
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
	not support existing land uses or planned uses for which permits have been granted?				
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a property to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. LAND USE AND PLANNING. Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. POPULATION AND HOUSING Would the project:					
a)	Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. PUBLIC SERVICES. Would the project result in:					
a)	Substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. RECREATION. Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. TRANSPORTATION/TRAFFIC. Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
capacity ratio on roads, or congestion at intersections)?					
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has an adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII. EARLIER ANALYSES					
<p>Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.</p> <p>a) Earlier analyses used. <i>Identify earlier analyses and state where they are available for review.</i></p> <p>MPWMD Rule 24, implementing the special fixture unit accounting, was amended by Ordinance No. 98, adopted by the MPWMD Board on April 16, 2001, based a Negative Declaration adopted on March 19, 2001. A Notice of Determination was filed for Ordinance No. 98 on April 18, 2001. Supporting documentation (Board agenda packages) is on file at the District office or archives.</p>					

ENVIRONMENTAL ISSUES <i>(See attachments for discussion and information sources)</i>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Ordinance No. 114 further refines Rule 24 by making clarifications to ensure minimal impacts on water use and to enable consistent implementation of the MPWMD water permit process. These changes do not substantively change the CEQA determinations made in March 2001.</p> <p>b) Impacts adequately addressed. <i>Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.</i></p> <p>All the impact issues were assessed in the March 2001 Negative Declaration for Ordinance No. 98, with the exception of the upgrade of 1.6 gallons-per-flush toilets in homes where half-gallon-per-flush toilets were required to allow the addition of a second bathroom. Ordinance No. 114 further refines Rule 24 by making clarifications to ensure minimal impacts on water use and to enable consistent implementation of the MPWMD water permit process. These changes do not substantively change the CEQA determinations made in March 2001.</p> <p>c) Mitigation measures. <i>For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.</i></p> <p>Not applicable.</p>				
<p>Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151; <i>Sundstrom v. County of Mendocino</i>, 202 Cal. App. 3d 296 (1988); <i>Leonoff v. Monterey Board of Supervisors</i>, 222 Cal. App. 3d 1337 (1990).</p>				

DISCUSSION OF CHECKLIST ITEMS:

For all categories except one, "No Impact" was checked. The discussion provided in the Initial Study/Negative Declaration adopted by the MPWMD Board on March 19, 2001 for Ordinance No. 98 holds true for proposed Ordinance No. 114, and is hereby incorporated by reference.

One category, Section XVI (d), "Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?" was checked as having less than significant impacts. This was checked due to the provision of Ordinance No. 114 that allows a property having installed half-gallon-per-flush toilets to obtain a second bathroom in the two years preceding Ordinance No. 98 to upgrade the toilets to 1.6 gallons-per-flush as allowed by both Ordinance No. 98 and the proposed Ordinance No. 114. The impact is less than significant as there were 15 permits issued (19 toilets installed) that fall into this category. The total maximum water use associated with upgrading toilets to 1.6 gallons-per-flush in this situation, is 0.133 acre-feet, a negligible amount of water that would not have a measurable effect on the environment.

Proposed Ordinance No. 114 would further refine MPWMD Rules 24-C, Residential Expansions, to make the special fixture unit accounting process more clear to agency staff and the public. These changes are primarily intended to clarify the existing Rules and Regulations.

Ordinance No. 114 Sections One and Two provide the short title and purpose, and have no effect on the environment. Section Three amends Rule 24-C for clarity in the following ways:

- Subpart 1-a contains no changes;
- Subpart 1-b contains no changes;
- Subpart 1-c breaks the existing rule into subparagraphs to provide further clarification. Modifications are explained below.
- Subpart 1-c (1) adds capitalization of definitions contained in Rule 11, Definitions.
- Subpart 1-c (2) adds capitalization of definitions contained in Rule 11, Definitions.
- Subpart 1-c (3) adds capitalization of definitions contained in Rule 11, Definitions.
- Subpart 1-c (4) clarifies that a qualifying Site must have had a "Single-Family Dwelling Unit" and have been a "Single-Family Residential Site" as of May 16, 2001 (the effective date of Ordinance No. 98), rather than the ambiguous "effective date of this ordinance";
- Subpart 1-c (5) adds a current administrative process that was adopted as Finding No. 8 of Ordinance No. 98. This clarification allows a valid Water Use Credit for a "Single-Family Residence" on a Single-Family Residential Site" to qualify for the special fixture unit accounting.
- Subpart 1-c (6) states that the fixtures allowed by the special fixture unit accounting must be installed within the existing dwelling unit. The water fixtures allowed by the special fixture unit accounting are not to be installed in a garage, granny unit, guest house, detached unit, etc.;
- Subpart 1-c (7) makes a minor wording change;
- Subpart 1-c (8) contains no changes;
- Subpart 1-c (9) contains no changes;
- Subpart 1-c (10) clarifies that the special fixture unit accounting protocol is voluntary. If a property owner elects to use the special fixture unit accounting, the property will be limited to two bathrooms until water is available to permit the bathroom allowed by the special fixture unit accounting and any other bathroom fixtures that are proposed;
- Subpart 1-c (11) contains no changes;
- Subpart 1-d contains a minor change to specifically reference a Rule number, rather than referencing a section of the Rules;
- Subpart 1-e (1) and (2) clarify where "Master Bathroom" fixture units may apply and that Master Bathroom fixture units may not be used in a bathroom that utilizes the special fixture unit accounting.

The changes in Section Four have a minimal impact on the environment as discussed at the beginning of this section. Sections Five, Six and Seven contain standard legal language for any ordinance. These sections have no impact on the environment.

Adoption of Ordinance No. 114 itself has no measurable impact on the environment. Adoption of Ordinance No. 114 is independent from CEQA review conclusions and permitting processes of other

jurisdictions or agencies that may regulate a proposed project.

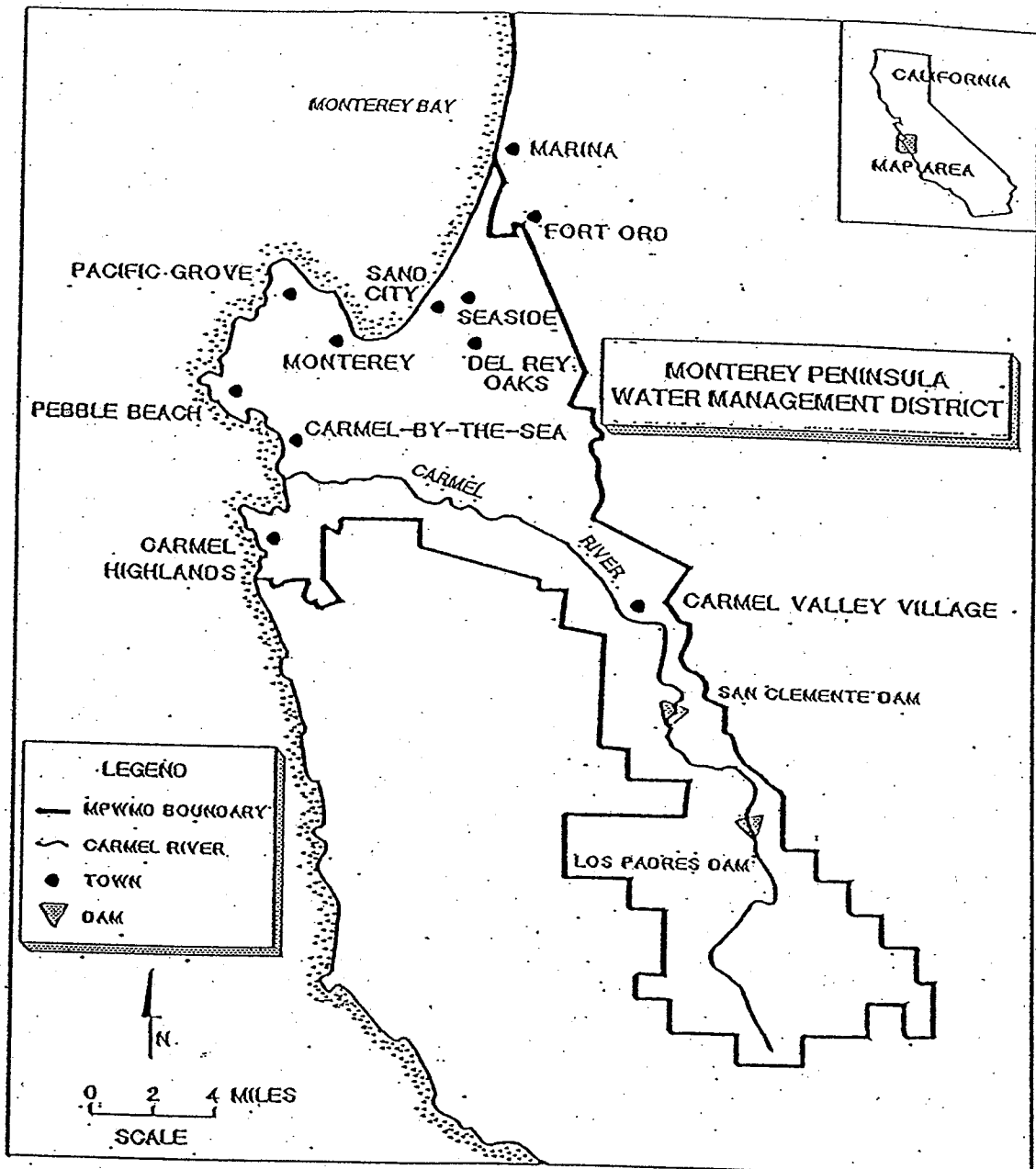
Based on the Initial Study, there are strong arguments that adoption of Ordinance No. 111 is exempt from further CEQA review under the "common sense" exemption. (CEQA Guidelines 15061(b)(3).) This exemption recognizes the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Prior to completion of this Initial Study and Negative Declaration, the MPWMD Water Demand Committee reviewed Ordinance No. 114 on March 9, 2004.

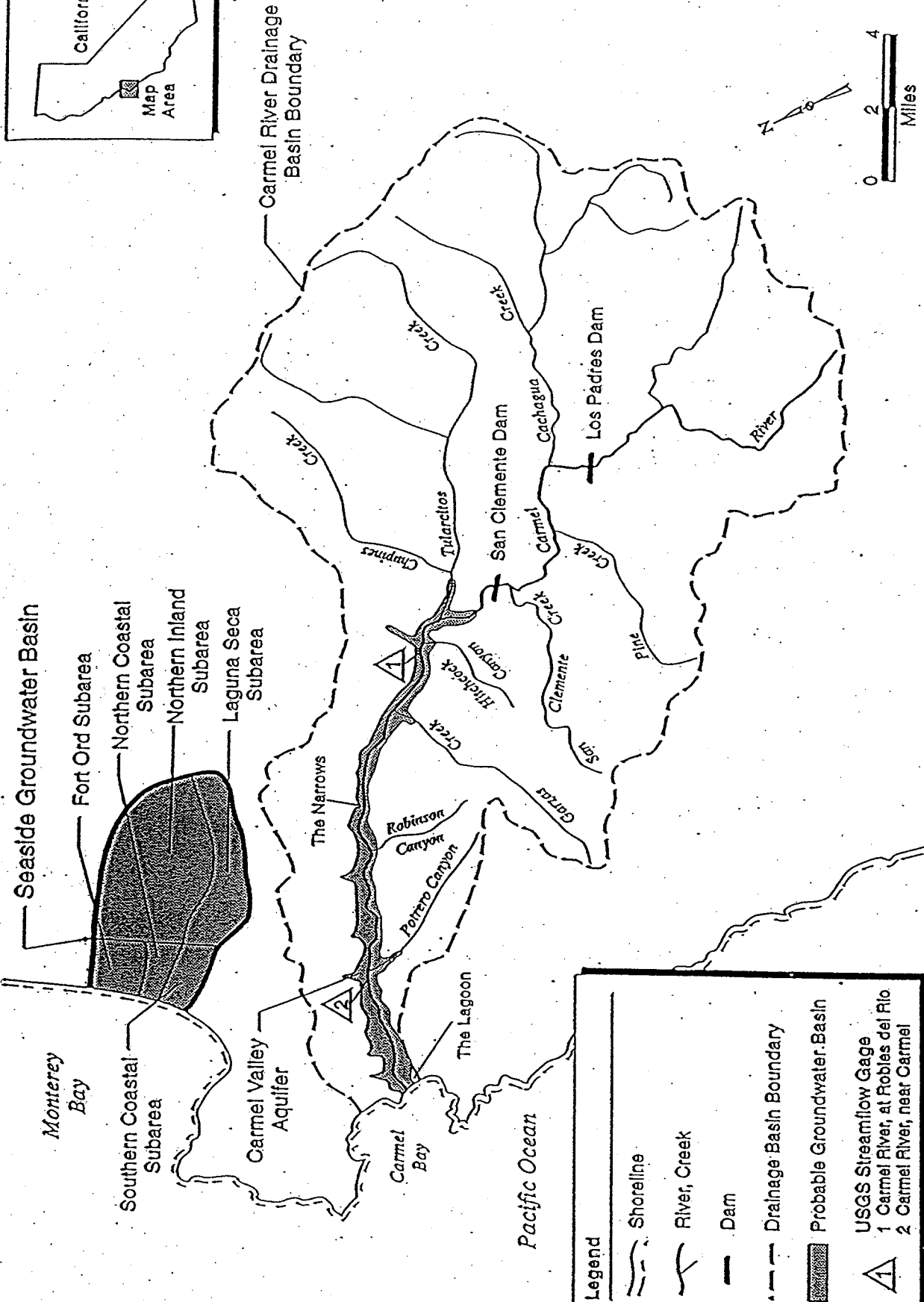
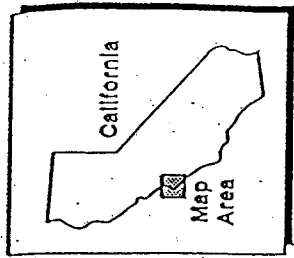
Based on this Initial Study, the MPWMD believes that adoption of Ordinance No. 114 would have no actual or potential significant adverse environmental impacts; in fact, the ordinance could result in beneficial effects due to more consistent implementation of District Rules and Regulations. Furthermore, the Board determines that there is an absence of substantial evidence from which a fair argument can be made that adoption of Ordinance No. 114 has measurable and meaningful actual or potential adverse environmental consequences. The Board is aware that CEQA requires preparation of a Negative Declaration if there is no substantial evidence to support a fair argument that the project may cause a significant effect on the environment pursuant to CEQA Guidelines 15063(b)(2). For these reasons, the Board intends to adopt a Negative Declaration regarding adoption of Ordinance No. 114.

Ordinance No. 114, as well as supporting materials and documents, may be reviewed at the MPWMD offices, at the address and phone number listed above. These materials include (a) MPWMD Rules and Regulations, (b) MPWMD Ordinance No. 98, and (c) Board agenda information supporting development and adoption of Ordinance No. 98 as well as development of concepts for Ordinance No. 114 ("Board packets"). Initial Study conclusions are also based on District staffs' professional assessments, knowledge and experiences, based on data on file at the District office. Public testimony and informal contact with members of the public and various state and local agency representatives also contribute to and support the Initial Study conclusions.

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Final March 23, 2004 by S.Pintar 12 pp



Attachment 1



Legend	
	Shoreline
	River, Creek
	Dam
	Drainage Basin Boundary
	Probable Groundwater Basin
	USGS Streamflow Gage
1	Carmel River, at Robles del Rio
2	Carmel River, near Carmel

Source: MPWMD 1994a.



Jones & Stokes Associates, Inc.

Figure C-1
Carmel River and Tributaries

**PRELIMINARY DRAFT
ORDINANCE NO. 114**

**AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING DISTRICT RULE 24 TO CLARIFY SPECIAL FIXTURE UNIT
ACCOUNTING FOR SECOND BATHROOMS**

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. The terms defined in this ordinance clarify operations of the existing water permit process.
4. This ordinance amends Rule 24 to clarify provisions added by Ordinance No. 98 that allows the second bathroom in a single-family residential dwelling and the Master Bathroom fixture accounting.
5. This ordinance specifies the date a property must have met the definition of a Single-Family Dwelling on a Single-Family Residential Site to qualify for the special fixture unit accounting to add a second bathroom under Rule 24.
6. This ordinance adds the provision that a valid Water Use Credit for the permanent abandonment of a one bathroom single-family dwelling unit that had a final building permit as of May 16, 2001 shall be regarded as an existing dwelling unit and shall allow the reconstruction of a single-family dwelling unit with the addition of the water fixtures allowed by this ordinance. This practice was adopted as Finding No. 8 of Ordinance No. 98 and has been administratively practiced. This ordinance codifies that practice.
7. This ordinance clarifies the fixtures allowed by the special fixture unit accounting.
8. This ordinance allows a limited number of permit applicants, who had applied for a water permit to add second bathroom between May 16, 1999 and May 16, 2001, and who would have qualified for a second bathroom under the special fixture unit accounting, to upgrade toilets from one-half gallon-per-flush to the current standard of 1.6 gallons-per-flush.

9. This ordinance clarifies the location of the second bathroom allowed by the special fixture unit accounting to allow the second bathroom to be used only for convenience within the existing dwelling unit.
10. This ordinance shall revise, amend and republish Rule 24 of the Rules and Regulations of the Water Management District.
11. No substantial evidence shows that this ordinance may have a significant effect on the environment, and therefore the Initial Study on this ordinance proposes that the ordinance shall be reviewed and approved under CEQA (California Environmental Quality Act) based upon a Negative Declaration.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the MPWMD 2004 Second Bathroom Clarification Ordinance.

Section Two: Purpose

This ordinance clarifies provisions of Rule 24, added by Ordinance No. 98, that specify the special fixture unit accounting for a second bathroom.

Section Three: Amendment of Rule 24: Water Permit Process

A. Rule 24-C shall be revised as shown in bold italics (***bold italics***) and ~~strikeout~~ (~~striketrough~~):

C. RESIDENTIAL EXPANSIONS

1. Determination of Fixture Unit Component for Each Dwelling Unit

- a. Each expansion/extension permit application for residential use will be assessed a connection charge and water shall be debited from the applicable jurisdiction's water allocation for each added fixture unit in accord with Table 1 below. This table shall be revised periodically and approved by ordinance. The applicant shall provide complete and final construction plans to the District for evaluation of the fixture unit

component of any new construction, remodel or addition that involves water fixtures. The General Manager or his/her designee shall review the project and determine the fixture units count to be used in the formula set forth in this rule. Fixtures which deviate from those categories listed on Table 1 shall be characterized by the General Manager as "other", and assigned a fixture unit value which has a positive correlation to the anticipated water use facilitated by that fixture.

- b. Portable water fixtures, fountains, ponds, hot tub/spas, drinking fountains, pot fillers, darkroom sinks, outdoor showers, outdoor sinks, pet/livestock wash racks and water troughs, and multiple utility sinks (more than one per site) shall be exempt from the connection charge and shall have no fixture unit value. The General Manager may waive the limitations set by this paragraph upon credible evidence that the fixtures had been legally installed. The General Manager's determination shall be subject to appeal pursuant to Rule 70.
- c. **Special Fixture Unit Accounting.**

(1) Special fixture unit accounting shall apply to any expansion application that proposes to add a second bathroom to an existing ~~single-family dwelling unit~~ **Single-Family Dwelling Unit** on a ~~single-family residential site~~ **Single-Family Residential Site** that, prior to the application, has only one bathroom.

(2) This accounting protocol shall be limited, and shall apply only to the following water appliances if these are installed in a new second bathroom as an expansion of an existing ~~single-family dwelling unit~~ **Single-Family Dwelling Unit**: (a) a single water closet, and (b) a single standard tub, or single shower stall, or a single standard tub-shower combination, and (c) one or two wash basins. This special fixture unit accounting shall further apply on a pro rata basis to any expansion application that proposes to add one or more of the referenced water appliances to an existing second bathroom that lacks that same appliance within an existing ~~single-family residential site~~ **Single-Family Residential Site** that, prior to the application, has less than two full bathrooms.

(3) The special fixture unit accounting referenced above shall not apply to any ~~multi-family dwelling~~ **Multi-Family Dwelling** or ~~multi-family residential site~~ **Multi-Family Residential Site**.

- (4) This special fixture unit accounting shall apply only to a ~~single-family~~ **Single-Family Dwelling Unit** units on a **Single-Family Residential Site** that ~~had~~ have a final building permit as of May 16, 2001 ~~the effective date of this ordinance.~~
 - (5) **A valid Water Use Credit for the permanent abandonment of a one bathroom Single-Family Dwelling Unit on a Single-Family Residential Site issued prior to May 16, 2001 shall be regarded as an existing Dwelling Unit and shall allow the reconstruction of Single-Family Dwelling Unit with the addition of the water fixtures allowed by this provision.**
 - (6) **Water fixtures installed pursuant to this provision must be installed within the existing Dwelling Unit.**
 - (7) Under this second bathroom ~~special-accounting~~ **Special Fixture Unit Accounting** protocol, the General Manager shall not debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel.
 - (8) Connection charges shall nonetheless be collected for the addition of these fixture units to the second bathroom addition.
 - (9) 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 accounting protocol.
 - (10) **Use of the special fixture unit accounting protocol is voluntary. Any property 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 water allocation.**
 - (11) The provisions of this special fixture unit accounting protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.
- d. The District shall grant a Water Use Credit for the permanent removal of water using fixtures providing that the fixture was properly and lawfully installed. Credit for fixtures listed in ~~Section~~ **Rule 24 C (1) (b)** shall only receive credit upon evidence of a water permit showing a debit to a jurisdiction's allocation and payment of related connection charges. However, the District shall not provide a water use credit of greater than four (4) fixture units for the complete removal of any shower or bathtub.

e. **Master Bathroom Fixture Unit Accounting.**

- (1) All fixtures utilizing a Master Bathroom fixture unit value *as shown in Table 1. Residential Fixture Unit Count* must occur in the same bathroom, and that bathroom shall be designated as the "Master Bathroom." Each dwelling unit shall have no more than one Master Bathroom.
- (2) *The Master Bathroom fixture unit value shall not apply to applications proposing to utilize the Special Fixture Unit Accounting allowed by Rule 24 C (1) (c). The sole exception shall be those applications that proposed the Master Bathroom fixture unit value in the second bathroom and where fees were paid for a planning or building permit application for that project before October 23, 2003. This exception shall expire on December 31, 2004.*

Section Four: Amendment of Water Permits Issued Between May 16, 1999 and May 16, 2001

All water permits issued between May 16, 1999 and May 16, 2001 (the effective date of Ordinance No. 98) that utilize half-gallon (2-liter) per flush toilets to add a second bathroom shall be eligible to replace the existing half-gallon toilets with toilets using a maximum of 1.6 gallons-per-flush, as allowed by this ordinance. All applications to remove half-gallons toilets and to replace those toilets with higher volume flush toilets (up to 1.6 gallons-per-flush) shall be approved only when the property meets the provisions of the special fixture unit accounting shown in Rule 24 at the time of application.

Section Five: 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 Six: Effective Date and Sunset

This ordinance shall take effect at 12:01 a.m. on July 1, 2004.

This Ordinance shall not have a sunset date.

Section Seven: 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 _____ 2004, by the following vote:

AYES:

NAYS:

ABSENT:

I, Fran Farina, 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 _____ 2004.

Witness my hand and seal of the Board of Directors this _____ day of _____ 2004.

Fran Farina, Secretary to the Board

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