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Chapter 13.24 WATER ALLOCATION PROGRAM

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13.24.010 Findings and declaration of intent.

Monterey Peninsula Water Management District (MPWMD) regulations allow for an intensification of water use. As a result, certain commercial and institutional projects which will result in an increase of water use continue to be eligible for permits from the MPWMD. The water used will be deducted from the city of Seaside's current water allocation. All applications for permits must have written approval of the affected jurisdiction.

The potential for new water sources on the Monterey Peninsula is extremely limited and that demand for water in the city of Seaside may well exceed capacity within a very short period of time. As a result of the limited availability of water, the need for planned development, and the continuing number of applications for commercial and institutional projects, the city finds it necessary to develop criteria for evaluation of water allocation release requests for commercial and institutional properties. (Ord. 1064 § 2, 2019; Ord. 892 § 1, 2001)

13.24.020 Water allocation program.

Notwithstanding any other ordinance, rule, or policy of the city of Seaside, no application for a project which would result in an increase in water use shall be accepted, processed, acted upon, granted, or approved by any officer or employee of the city of Seaside except in conformance with this water allocation program. Approval of the water allocation does not imply recommendations for or approval of any other applications which may be required for the project by the city of Seaside or any other governmental agency having jurisdiction over the project. Projects are required to obtain all other necessary approvals required by the city of Seaside and/or other governmental agencies. (Ord. 1064 § 2, 2019; Ord. 892 § 2, 2001)

13.24.021 Objectives.

Due to the limited availability of water on the Monterey Peninsula, it is necessary to establish procedures for the allocation of water credits for residential, commercial and institutional projects. In order to allocate Seaside's remaining water allocation, this chapter establishes the process by which water is allocated for use. The intent of this program is to allocate water by category and by priorities set by the city council. (Ord. 1064 § 2, 2019)

13.24.022 Administration.

The city council shall have the discretion to reallocate water as deemed necessary for the public health, safety and welfare of the community and to enhance the fiscal stability of the city. The city recognizes the importance of all categories of projects to the overall development of Seaside. The city also recognizes that as the city develops, and as water availability changes, allocation categories and priorities may change. The city council shall allocate and reallocate water to each category. The city council may create, identify or modify sub-categories, such as specific commercial districts or areas, for water allocations dependent upon city priorities and needs deemed necessary to protect the public health, safety and welfare of the community. Specific commercial districts for water allocation will be established by resolution. (Ord. 1097 § 4(1), 2020; Ord. 1064 § 2, 2019)

13.24.023 Water allocation committee.

The city's water allocation program will be administered by a three-member committee. The committee will be comprised of one representative from the community development department, the public works department and the city manager or his designee.

This committee will be charged with prioritizing applications for water allocations. Each project will be evaluated by using the criteria that apply to the specific project category. Projects that are prioritized and ranked highly will also be evaluated in terms of their total request for a specific amount of water. The committee will determine whether the project should be given all the water that has been required or whether the amount should be decreased due to the availability of water.

The committee will also have the responsibility of making policy recommendations and proposing changes to the water allocation program to the city council. This committee will meet as needed and provide an annual update to the city council.

Once the committee grants a water release permit for a commercial, industrial or residential use, the applicant must submit a complete application for the appropriate development permit associated with their project within sixty days of the issuance of the water release permit. The applicant must complete all work within twelve months of the date of issuance of a building permit, or for those projects which do not require a building permit, within twelve months of the date of issuance of a permit from the city or other governmental agency with permits the project to commence construction. A request for a time extension, due to a delay in the completion of the project, shall be submitted to the committee in writing for consideration. Failure of an applicant to adhere within the prescribed time limits listed above may result in the water release permit being declared void. Water allocations for voided permits will be returned to the city's overall allocation for redistribution to other applicants. (Ord. 1064 § 2, 2019)

13.24.024 Applications and scoring.

The city will accept applications for water on all types of projects. These applications will be kept on file if the city does not have water available for these projects at the time of application, or if the policies of the water purveyors for the city prevent the city from providing water for a certain type of project. An applicant will be allowed to undertake a project that does not intensify water usage.

At the discretion of the committee, applications may be retained on file indefinitely if there is the possibility of water being granted for the project in the future. If the committee decides to remove an application from the file, a letter will be sent to the applicant indicating this and giving the reason for this action. (Ord. 1064 § 2, 2019)

13.24.025 Water allocation categories.

A. Commercial Projects. Water will be allocated for commercial projects until the water allocation established by resolution has been fully allocated, based upon the point system outlined below. The applicant is responsible for providing enough information and documentation for the committee members to determine the scoring as listed below.

1. Projects scoring twenty or more points will be allocated water, if water is available.
2. The committee will have the authority to determine whether a project should be given all water requested or should receive a lesser amount due to the projected availability of water.

Commercial Project Criteria	Determination	Points Received
Revenue Generation Up to \$5,000 = 1 point \$5,001 – \$10,000 = 3 points \$10,001 – \$15,000 = 5 points \$15,001 or more = 7 points	Total: \$XX City's Share Property Tax Revenue 0.18% of \$XX = \$XX City's Share of Sales Tax Revenue 1% of \$XX = \$XX	
Jobs Creation 1 – 9 part time = 1 point 10 or more part time = 3 points 1 – 9 full time = 5 points 10 or more full time = 7 points		
Projects on Major Thoroughfares All other commercial areas = 1 point Fremont, Broadway, Del Monte = 5 points		
Removal of Blight Occupied building, remodel existing structure = 1 point Vacant building, remodel of existing structure = 3 points Occupied building, full demo and redevelopment = 5 points Vacant property, complete redevelopment = 7 points		
Business Retention Seven points will be awarded for projects which, if not approved, would result in the loss of an existing business which generates revenue for the city and/or significant employment.		
Total		

B. Institutional. Institutional projects shall be projects submitted by nonprofit organizations, churches or religious institutions, educational institutions, public and quasi-public facilities. Allocation under this category shall be on a first-come, first-served basis until the total amount of water allocation established by resolution has been allocated. Water allocation approval does not imply recommendations for or

approval of the project or its merits. Projects are required to obtain all other necessary approvals as required by the city and any other governmental agency having jurisdiction over the project.

C. Residential Accessory Dwelling Units. Accessory dwelling units are a valuable form of additional housing. Accessory dwelling units are smaller habitable dwellings (up to one thousand two hundred square feet) that may be attached or detached and accessory to a primary dwelling on residentially zoned properties. The city wishes to encourage the development of ADUs as they provide valuable opportunities for property owners and a source of affordable housing.

Water shall be allocated to the residential ADU category for (1) deed-restricted ADUs to low and very low and (2) unrestricted ADUs. Both categories shall be allocated on a first-come, first-served basis until the total amount of water allocation established by resolution has been allocated.

The residential accessory dwelling units (ADUs) shall retrofit the existing dwellings' water fixtures to high efficiency water fixtures and appliances. The maximum amount of water allocation to be made available in any application for an ADU water release permit shall be established by resolution. The residential accessory dwelling unit (ADU) category shall be required to purchase water release permits at an amount established by resolution, unless the residential unit is deed restricted to provide for rental or use only to persons of low income or very low income as published by the Department of Housing and Urban Development (HUD), inclusive of renters utilizing the Housing Choice Voucher Program (formerly known as "Section 8") for a period of forty-five years.

Water allocation approval alone does not imply project approval. Projects are required to obtain all other necessary approvals as required by the city and any other governmental agency having jurisdiction over the project.

If changes made to the existing structure do not intensify the existing use pertaining to water, then no additional water determinations are necessary.

The total number of ADU units created, including the number of deed-restricted affordable units, will be reported to California Department of Housing and Community Development as part of the required housing element annual progress report. (Ord. 1097 § 4(2), 2020; Ord. 1064 § 2, 2019)

13.24.030 Appeals.

An applicant may appeal a determination of water usage or the denial of a water release permit by filing a written appeal within ten days after notice of the determination or denial by the committee on a form prescribed for that purpose by the city of Seaside. All required plans, drawings, photos, reductions and other information shall be submitted to the planning division before the appeal form is accepted as complete. A list of required information shall be available in the planning division. The filing fee for an appeal is listed in the city's annual adopted fee schedule.

A complete appeal application shall be filed at least three weeks prior to the proposed date of public hearing. Upon filing a complete written appeal application and payment of fees, the community development director or his/her designee shall place said appeal on the agenda of the city of Seaside city council for hearing. Notice of said hearing shall be given to the applicant by mail at least ten days prior to the hearing date. No other notice need be given.

At the scheduled public hearing, the city council shall affirm, reverse or modify the decision being appealed. The city council may also remand the matter for reconsideration and further hearings because of a desire for additional information, or due to the submission of new material or evidence not previously considered. (Ord. 1064 § 2, 2019; Ord. 892 § 4, 2001. Formerly 13.24.040)

The Seaside Municipal Code is current through Ordinance 2031, passed December 19, 2024.

Disclaimer: The City Clerk's Office has the official version of the Seaside Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.seaside.ca.us/>

City Telephone: (831) 899-6707

Codification services provided by [General Code](#)

City of Seaside Water Allocation Program for Residential In-Fill Development

April 3, 2025

This Water Allocation Program for Residential Infill Development (the “Program”) applies to requests for a water allocation from the City of Seaside to support the development of existing residential sites within the California American Water Company (Cal Am) service area. Water for Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) is covered under a separate program and the provisions of this Program are inapplicable to those units. This Program shall not apply to properties located within the service areas of the Seaside Municipal Water Company or the Marina Coast Water District.

Processing and Allocation

If the proposed project requires an Architectural Review as described in Section 17.62.030 of the Municipal Code, water credits shall be tentatively reserved at the time of application for an Architectural Review. If no Architectural Review is required, water credits for a project shall be tentatively reserved at the time of Building Permit submittal. These credits shall be held in reserve while the application(s) remain active. Applications that are withdrawn or have expired shall lose any water reservation, although a new application may be submitted if water supplies remain available. Water reservations shall be made on a first-come, first served basis, except that during the first six months following the date of establishment of this Program eligibility shall be limited to those on the existing wait list maintained by the community development department as of the date of establishment of this Program.

Requests for water credits shall be reviewed by the community development department, and water credits shall be issued by the community development department at the time of Building Permit issuance. The City shall have the right to recover any issued credits if the project is not pursued to completion. A Certificate of Occupancy shall be required in order to finalize the allocation of water.

Water credits may not be transferred from one property to another. If the project is transferred from one owner to another owner, the water credits will persist with the project until the project is allocated water or the application becomes inactive as described herein

The community development department shall be responsible for tracking the total amount of water allocated under this Program and is authorized to pause the allocation of additional water if it appears that insufficient water remains to support additional projects.

The Zoning Administrator shall have the authority to enact such practices as deemed necessary and appropriate for the implementation of this Program, and to make

interpretations regarding the provisions of this Program and how they may apply to individual circumstances.

All references to water allocations, water fixtures, and fixture units shall be interpreted in a manner consistent with current water allocation programs established by MPWMD.

Eligibility for new Single-Family Dwellings (SFDs)

- a) Water for new Single-Family Dwellings (SFDs) on vacant lots of record may be provided as follows:
 - 1. Each SFD may receive up to a maximum of 10.1 fixture units (0.101 acre-feet per year [AFY]) of water. Water allocations may only be applied to the SFD and to no other purpose.
 - 2. Unused water credits from one unit may not be transferred to another unit (for example, if a unit utilizes only 9.1 fixture units of water, the additional fixture unit may not be transferred elsewhere).
 - 3. Water credits shall only be available to those units which are actually built (for example, if one unit is built on two lots of record, a total of 10.1 fixture units shall be available for that unit).
 - 4. If a vacant lot of record is large enough that it may be subdivided in such a manner that all resultant lots containing residential units meet the minimum lot size requirements which are specified in Section 17.12.050 of the Seaside Municipal Code, then each resultant lot shall be eligible to receive a full water allocation once subdivided.
- b) Water may be allocated for expansions, remodels, or replacement of existing SFDs, provided that the total amount of water for which a Single-Family Dwelling (including both existing and proposed fixtures) shall be eligible is 10.1 fixture units (0.101 AFY). All existing fixtures, including fixtures installed utilizing MPWMD's second bathroom protocol program, shall count towards this total.
- c) All proposed fixtures installed shall be high-efficiency or ultra-high efficiency fixtures, as appropriate, including ultra-high-efficiency toilets (UHET), high-efficiency clothes washers (HECW), and high efficiency dishwashers. Existing fixtures within the SFD shall be retrofitted to these standards as well.
- d) Notwithstanding the above, an SFD which does not possess a clothes washer and has not previously received a water allocation under this Program may receive one fixture unit (0.01 AFY) for the installation of an HECW without the need to retrofit existing fixtures.
- e) Fixtures which would be eligible for MPWMD's second bathroom protocol program are not eligible to receive water under this Program.

- f) Water credits may not be used for the installation or enlargement of swimming pools or the installation of utility sinks. Existing swimming pools shall not count towards the 10.1 fixture unit per unit maximum for expansion, remodel, or replacements.
- g) Prior to Building Permit issuance, the applicant shall demonstrate either the existence at the property of a water meter, adequately sized for the proposed dwelling and available for use, or shall provide substantial evidence that necessary approvals have been obtained so as to allow for the installation of a water meter within 12 months of the issuance of a Building Permit.
- h) For the purposes of this Section, a “vacant lot of record” shall consist of land which has not been occupied by any dwelling unit within the past ten years.
- i) For the purposes of this Section, a “Single-Family Dwelling” shall include townhomes or residential project in which only one primary unit is located on a lot of record, but shall not apply to condominiums or other airspace subdivisions (which shall be classified as Multi-Family Dwellings).

Eligibility for Multi-Family Dwellings (MFDs)

- a) Water for new Multi-Family Dwellings (MFDs) on vacant sites may be provided an allocation of 8.1 fixture units (0.081 AFY) of water. This water may be divided among the units as desired by the developer.
- b) Expansions, remodels, or replacement of existing MFDs will not be eligible to receive additional water, except that units which do not have an existing clothes washer may receive one fixture unit (0.01 AFY) in order to install a clothes washer.
- c) All fixtures installed shall be high-efficiency or ultra-high efficiency fixtures, as appropriate, including ultra-high-efficiency toilets (UHET), high-efficiency clothes washers (HECW), and high efficiency dishwashers.
- d) Clothes washers, if provided, shall be provided equally to all units within a development. .
- j) Water credits may not be used for the installation of swimming pools or utility sinks.
- e) Water credit allocations in excess of 0.5 AFY shall require approval of the water allocation committee. When determining whether to allocate water to a particular project, the water allocation committee may take into consideration such factors as the timing of construction of the project. The water allocation committee may place shorter timelines for action on projects receiving in excess of 0.5 AFY to ensure that water credits are available for projects with short implementation

timelines. Decisions of the water allocation committee may be appealed to the City Council.

- f) Prior to Building Permit issuance, the applicant shall demonstrate either the existence at the property of a water meter, adequately sized for the proposed development, or shall provide substantial evidence that necessary approvals have been obtained so as to allow for the installation of a water meter within 12 months of the issuance of a Building Permit.
- g) For the purposes of this Section, a “vacant site” is a legal lot of record or multiple lots of record (or any portion thereof) occupied by the proposed multifamily development which has not been occupied by any dwelling unit within the past ten years. Units shall be determined to be a part of the same development if they share or make use of common facilities such as parking, open space, property management, etc and/or do not have clearly defined boundaries or fences between the units.

City of Seaside ADU Water Allocation Policy

1. The City will allocate water for ADU developments on a first come first serve basis. (SMC 13.24.025C)
2. Residential Accessory Dwelling Unit (ADU) categories (SMC 13.24.025C):
 - a. **Deed Restricted ADUs:** Deed Restricted ADU development requires a deed restriction to be recorded with the County Recorder requiring the ADU be restricted to provide rental housing to a Low or Very Low Income renters as published by the Housing and Urban Development (HUD) or to a renter utilizing Housing Choice Vouchers (formerly Section 8 vouchers). The deed restriction shall be in place for 45 years. There will be no cost for a water release permit for Deed Restricted ADUs.
 - b. **Unrestricted ADUs:** Unrestricted ADU developments which are required to purchase a water release permit will be charged \$2,500 per fixture unit.
3. Applicants are required to retrofit all existing main house water fixtures and appliances to high efficiency water fixtures as part of their Water Release Permit application. (SMC 13.24.025C)
4. The maximum water the City will allocate per ADU is 6.8 fixture units, sufficient to provide high efficiency (HE) fixture units as identified below: (Resolution 20-102)

<u>Fixtures</u>	<u>Fixture Units</u>
Washbasin	1
Toilet – High Efficiency	1.3
Shower	2
Kitchen Sink with High Efficiency Dishwasher	1.5
High Efficiency Clothes Washer (5.0 water factor or less)*	1
Total	6.8

*Optional