



**DATE:** April 1, 2014

**CATEGORY:** Public Hearing

**DEPT.:** Public Works

**TITLE:** **Ordinance to Amend Chapter 35, Article II of the City Code, and Resolution to Declare a Stage 1 Water Shortage Emergency Condition**

## **RECOMMENDATION**

1. Introduce an Ordinance Amending Chapter 35, Article II, Division 3, of the Mountain View City Code Relating to Water Conservation, to be read in title only, further reading waived, and set the second reading for April 8, 2014 (Attachment 1 to the Council report).
2. Adopt a Resolution Declaring the Existence of a Stage 1 Water Shortage Emergency Condition and Directing Implementation of Stage 1 Water Demand Reduction Measures, effective upon adoption of the ordinance amending Chapter 35, Article II, Division 3, of the Mountain View City Code, related to water conservation, to be read in title only, further reading waived (Attachment 2 to the Council report).

## **BACKGROUND**

### **Potable Water Supply and Demand**

The Public Works Department operates and maintains the City of Mountain View's potable water supply system. The City purchases approximately 87 percent of its potable water from the San Francisco Public Utilities Commission (SFPUC) and 9 percent from the Santa Clara Valley Water District (SCVWD); the remaining 4 percent is generated from the City's wells.

The City's potable water supply system serves approximately 97 percent of the homes and businesses in Mountain View; the California Water Company serves the remainder, which are located throughout the southern portion of the City. There are approximately 17,630 connections to the City's potable water system. Residential water use accounts for 57 percent of the total system demand, with the remainder used by commercial, industrial, and large landscape irrigation accounts. City facilities

(buildings, parks, and playing fields) account for approximately 5 percent of the total system demand.

### **Current Water Supply Situation**

On January 17, 2014, Governor Brown proclaimed a drought state of emergency due to critically low precipitation levels throughout California and called on urban water suppliers to implement their water shortage contingency plans. In response to the Governor's declaration and local water supply conditions, the SFPUC is requesting that customers reduce water consumption by 10 percent, and the SCVWD is requesting that customers reduce water consumption by 20 percent. The final 2014 water supply outlooks for both agencies are expected to be issued in mid- to late-April.

Following these conservation requests, and based on the current Urban Water Management Plan (UWMP), City staff increased outreach to its customers through the City's website, social media outlets, and utility bill messaging. In addition, potable water irrigation of City parks and roadways was reduced by 10 percent, and public lands in North Bayshore continue to be irrigated with recycled water. Further outreach is planned in coordination with the Bay Area Water Supply and Conservation Agency (BAWSCA), who represents the SFPUC wholesale customers and the SCVWD. Information about water conservation is available online at [www.conservewater.mountainview.gov](http://www.conservewater.mountainview.gov).

### **Water Shortage Planning**

The City's planned response to a water shortage is outlined in the 2010 UWMP, which was adopted by Council in June 2011. Chapter 8 of the UWMP (referred to as the Water Shortage Contingency Plan) lists water use restrictions to be implemented for water supply shortages of up to 10 percent (Stage 1), up to 25 percent (Stage 2), up to 40 percent (Stage 3), and greater than 40 percent (Stage 4). The UWMP also includes a draft ordinance that, upon adoption, authorizes the City to implement and enforce these restrictions. Water use restrictions set forth in the UWMP pertain primarily to outdoor water use, such as landscape irrigation and decorative fountains. A detailed analysis of customer water use provided in the UWMP (for the years 2005 through 2010) shows that the combined irrigation uses for all customers is approximately 37 percent of total demand.

## ANALYSIS

### Water Conservation Program Amendments

To ensure the City has the ability to respond effectively to an increasingly severe drought, staff is recommending inclusion of the UWMP water shortage stages (with minor changes) in the City Code (Code). The Code currently defines and prohibits nonessential water use and includes provisions for the City to enforce these prohibitions by installing flow-restricting devices or discontinuing water service. The Code also includes charges for these activities and a process for the customer to appeal penalties. The recommended changes would make the Code consistent with the City's UWMP by defining multiple stages of water shortage with associated water use restrictions. The full text of the City Code and proposed amendments are attached (Attachment 1); the recommended changes for each section are summarized below. Although these revisions are based on the current UWMP, minor changes are proposed to clarify and improve the language. A description of the proposed Code amendments follows.

### Findings, Determinations, and Definitions

Staff proposes to update the findings, determinations, and definitions to clarify the current need for water conservation and shortage provisions and define new terms.

### Prohibited Nonessential Water Uses

Staff proposes updating these provisions of the Code to define the four water shortage stages contemplated in the UWMP—Stage 1 (up to 10 percent reduction), Stage 2 (up to 25 percent reduction), Stage 3 (up to 40 percent reduction), and Stage 4 (greater than 40 percent reduction). Proposed amendments to this section also authorize the City Manager to recommend that the City Council declare a water shortage emergency condition and take action to implement water use restrictions. Nonessential water use prohibitions apply to potable water supplied by the City.

### Nonessential Water Uses Defined

The Code currently defines several nonessential water uses that are prohibited at all times, including:

- Wasting water from broken or defective water systems. Time allowed for repairs is 10 days.

- Using water in a manner that results in flooding or runoff into the gutter.
- Cleaning hard-surfaced areas with a hose unless equipped with a shutoff valve.
- Washing vehicles with a hose unless equipped with a shutoff valve.
- Serving water in a restaurant, except upon request.
- Operating single-pass cooling systems.

Most of these provisions were added to the Code in the early 1990s and are similar to provisions in neighboring cities. Enforcement is on a complaint-basis only, except during dry years. Staff proposes to amend this provision to define additional prohibited nonessential water uses during water shortages. The proposed nonessential water uses are listed below by stage and are cumulative, such that uses defined for each stage also apply to the more severe stages of a water shortage.

*Stage 1: Up to 10 Percent Water Shortage*

- No additional nonessential water uses are defined. The City will expand existing efforts to promote water conservation through public information and outreach programs.

*Stage 2: Up to 25 Percent Water Shortage*

- Time allowed to repair broken or defective water systems is reduced to five days.
- Washing paved or hard surfaces, except by bucket or for health and safety reasons.
- At-home vehicle washing, except by bucket.
- Watering or irrigating landscapes is prohibited:
  - Between 9:00 a.m. and 5:00 p.m. (except by bucket, hose, or for system repair).
  - More than one to three days per week as scheduled and posted by the City (except for system repair).

- More than 15 minutes per day (except for drip irrigation or for system repair).
- During rain events.
- Using potable water to fill decorative water features, except to sustain aquatic life.
- Using nonwater-conserving dishwashing spray valves in restaurants.
- Providing new linens to hotel guests without offering reuse options.
- Constructing or installing and operating new commercial car washes and commercial laundry systems that do not use water-recirculating technologies.
- Using potable water for construction needs when recycled water is readily available.

*Stage 3: Up to 40 Percent Water Shortage*

- Time allowed to repair broken or defective water systems is reduced to three days.
- Operating commercial car washes that do not use water-recirculating technologies.
- Using potable water to fill pools and spas.

*Stage 4: Greater than 40 Percent Water Shortage*

- Time allowed to repair broken or defective water systems is reduced to 24 hours.
- Irrigating landscapes, except for:
  - Fire prevention, erosion control, environmental mitigation projects.
  - Maintenance of public parks, playing fields, day-care centers, or school grounds (which are allowed one day of irrigation per week).

Installation of Flow-Restriction Devices

The City Code currently authorizes the City to install flow-restriction devices on the water service line of a customer who violates the water conservation provisions, following a written notice to the customer. The charges for installation and removal of

a flow-restriction device are also listed in the Code. Staff proposes the charge instead be included in the Master Fee Schedule and adjusted annually for inflation. In addition, staff proposes revisions to the installation process further discussed below under "Exceptions, Process, and Appeals."

### Discontinuance of Service

This section of the Code currently authorizes the City to discontinue water service for violation of the water conservation provisions after written notice and installation of flow-restriction devices. The charge for reactivating service is also listed in the Code. Staff proposes the charge instead be included in the Master Fee Schedule and adjusted annually for inflation. In addition, staff proposes revisions to the discontinuance of service process further discussed below under "Exceptions, Process, and Appeals."

### Exceptions, Process, and Appeals

Staff proposes revising the application and appeals process for exceptions to nonessential water use prohibitions, installation of flow-restriction devices, and discontinuance of water service. Currently, the Code provides an in-person hearing to a customer seeking exception from a nonessential water use prohibition; for the Director to require installation of flow-restriction devices; or for the Director to discontinue water service after written warning and installation of flow-restriction devices.

To be more efficient, staff recommends a written process replace the in-person hearing currently required. In addition, staff proposes the City Manager or his/her designee be granted the authority to hear appeals instead of the City Council. Finally, staff recommends only an appeal to the City Manager or his/her designee when the Director decides to discontinue water service, without further opportunity to be heard by the Director, in light of the fact that the customer would have previously been provided opportunity to be heard by the Director when the flow-restriction device was installed.

### Penalties

Staff proposes to revise this section so that it references the code enforcement provisions set forth in Chapter 1 of the City Code and remedies available to the City for noncompliance.

### **Water Shortage Declaration**

Staff recommends City Council adopt a resolution declaring a water shortage emergency condition and directing staff to implement Stage 1 demand reduction measures in light of:

1. Governor Brown's request for local urban water suppliers to implement their water shortage contingency plans;
2. The SFPUC's request to reduce water use by 10 percent; and
3. The SCVWD's request to reduce water use by 20 percent.

As described above, implementation of Stage 1 measures includes expanded promotion of existing water conservation programs through increased public information and outreach. There are no additional mandatory water use restrictions during a Stage 1 water shortage.

Staff believes that the City can comply with the requests from both the SFPUC and SCVWD through City-wide conservation programs and operational changes, such that the City's treated water purchases from SCVWD remain below the 20 percent requested reduction. If, however, Stage 1 measures are insufficient in achieving the desired reductions, or our wholesale water suppliers request higher levels of water conservation, staff may return to Council at a later date recommending implementation of Stage 2 measures.

### **FISCAL IMPACT**

There is no fiscal impact from amending the Code related to water conservation or adopting the resolution declaring a Stage 1 water shortage emergency, as proposed herein.

The City's water supply contract with SFPUC includes a minimum purchase requirement, which has been reduced by 10 percent for the current fiscal year as a result of the drought. Also, rate recommendations for Fiscal Year 2014-15 will take into consideration conservation efforts.

## **CONCLUSION**

In response to State and regional requests for water conservation related to current drought conditions, staff recommends updating the Code to define multiple stages of water shortage with associated water use restrictions. Staff also recommends declaration of a Stage 1 water shortage, which would result in increased public outreach and promotion of existing water conservation programs.

## **ALTERNATIVES**

1. Do not introduce the proposed amendments to Chapter 35, Article II, Division 3, of the City Code.
2. Introduce other amendments to Chapter 35, Article II, Division 3, of the City Code.
3. Delete some or all of the current and proposed “nonessential water uses” noted on Page 4, unless in a Stage 1 water shortage.
4. Do not declare a Stage 1 water shortage.
5. Provide other direction to staff.

**PUBLIC NOTICING**

Notice for these Public Hearings was published in the *Mountain View Voice*, posted with the agenda, and posted on the City's website.

Prepared by:

Elizabeth Flegel  
Water Conservation Coordinator

Gregg A. Hosfeldt  
Assistant Public Works Director

Approved by:

Michael A. Fuller  
Public Works Director

Daniel H. Rich  
City Manager

EF-GAH/7/CAM  
703-04-01-14CR-E

Attachments: 1. Ordinance  
2. Resolution