



CITY COUNCIL STAFF REPORT

DATE: May 7, 2014 NEW BUSINESS
SUBJECT: DISCUSS WATER CONSERVATION ISSUES
FROM: David H. Ready, City Manager
BY: Office of Sustainability

SUMMARY

Review of current water conservation efforts by the City of Palm Springs and discussion by the City Council of conservation "best practices" for potential new policy and program initiatives.

RECOMMENDATION

Direct Staff and the Sustainability Commission as appropriate.

BACKGROUND

Three consecutive years of below average rainfall have led to a severe drought statewide. California has suffered from a lack of rain, with many areas ending 2013 with the lowest rainfall amounts on record. According to the Department of Water Resources (DWR), Gasquet Ranger Station in Del Norte County, which is normally one of California's wettest spots with an average annual rainfall of nearly 100 inches, only received 43.46 inches last year.¹

As a result, on January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency and directed state and local officials to take all necessary actions to prepare for drought conditions as California faces water shortfalls. Governor Brown has asked that Californians reduce water use by 20 percent voluntarily and has indicated that mandatory restrictions may be authorized over the summer of 2014. Dangers of wildfire are also unusually high due to the drought.

In response to this State of Emergency, Palm Springs City Council has directed staff to review water conservation best practices and present possible policies and programs to ensure the City can respond to the Governor's call to action.

¹ <http://www.saveourh2o.org/content/Drought2014WhatYouNeedtoKnow>

STAFF ANALYSIS

The City of Palm Springs has aggressively responded to the Governor's call to reduce water usage by making changes at City facilities. A contract with Chevron, the City's Energy Service Company, calls for a retrofit of irrigation including installation of more efficient fixtures, implementing a new citywide radio controlled irrigation system and smart control devices for all City facilities, medians and parks. Much of this process is already underway and is scheduled to be completed by early 2015.

Other key steps initiated by the City include watering parks and medians every other day, watering in the evening hours, using water during firefighter training only when absolutely required and aggressively monitoring and replacing broken sprinkler heads. Additionally, the Agua Caliente Band of Cahuilla Indians and the City partnered to re-landscape the Tahquitz Canyon Way Median from grass to desert-scape. Phase two of this project from Sunrise to El Cielo – funded through Measure J – is under design and should be completed next year.

Still, a visual survey of properties including City owned parking areas, parks and medians, and commercial areas including "right-of-ways," reveal numerous opportunities for further landscape conversion.

Currently, the City has a "basic" water efficient landscape ordinance in effect (Chapter 8.60 of the municipal code is attached) to aid in reducing water use including the State of California's Water Efficient Landscape Ordinance adopted as part of the City's municipal code. The State's ordinance calls for specific criteria for new landscape, including a water budget and water waste prevention.

City ordinances state that water waste from inefficient landscape irrigation allowing runoff, low head drainage, overspray or other conditions where water flows onto roadways, adjacent property or non-irrigated property is prohibited (Ord. 1463 § 1, 1993). However, as seems apparent in hindsight, the City has not lived up to the spirit of it's own regulations. For example, Code Section 8.60.055 prohibits programmed watering from 9:00 A.M. to 9:00 P.M. from May through September, yet there have been times when City Hall or the Tahquitz Median irrigation systems would be running during these hours. Staff has reviewed all City property irrigation and has made the necessary modifications to timing patterns.

Additionally, in accordance with the provisions of California SB407 and applicable provisions of California Civil Code 1101, the Building Department has enacted a policy method for insuring compliance so that all applications for commercial alterations or additions on structures originally constructed prior to January 1, 1994, must provide a Plumbing Fixture Compliance Certificate signed by the property owner (See attached Building Department Policy.)

From an “incentive” program perspective, the City of Palm Springs Office of Sustainability offers a number of programs in an effort to promote the conservation of water. These include:

- Desert Landscape Incentive Program (turf buy-back) of up to \$500 for Single-Family Residences and \$2500 for Homeowner’s Associations
- a Low Flow Toilet Rebate/Grant Program (in partnership with Veolia, the City’s Waste Water Treatment Plant contract provider)
- Up to a \$100 rebate for energy efficient “Energy Star” appliances including those that affect water use
- Free shower timers and low flow faucet aerators

Additional Measures

While many cities in our region are initiating voluntary measures, there are cities statewide calling for mandatory restrictions on water use. Figure 1 below reflects the status of water use restrictions in southern California.



Figure 1

- Mandatory Restrictions
- Voluntary Measures
- Agricultural Reductions
- Other actions
- Drought Emergency / Water Shortage Declared

A range of examples of voluntary and mandatory policies and programs the City of Palm Springs may consider to encourage water conservation include:

Policy Actions:

- Establish a water conservation goal for City usage, and a citywide goal
- The City Council may by Resolution declare a Drought Alert condition and implement conservation measures due to water supply cutbacks²
- A drought alert may require overall consumer demand reduction of ten percent (10%) or more to have sufficient water supplies available to meet anticipated demands
- Incorporate a Water Conservation and Drought Management Plan³ into the City's Municipal Code

Adoption of a Water Conservation and Drought Management Plan would provide a basis for enforcement of new water saving measures but also serve to formally outline programs and policies the City establishes.

Water Use Limitations:

- Create an outdoor watering schedule that reduces days allowed for watering.
- Above-ground spray irrigation or watering shall not exceed fifteen (15) minutes per irrigation station
- Prohibit washing of driveways, patios, and sidewalks with hoses and require broom sweeping instead
- Regulate when swimming pools may be drained
- The use of water for washing cars or boats is permitted only with a quick-acting positive shut-off nozzle on the hose
- For the preparation of exterior surfaces for the purpose of repair or repainting with the use of a pressurized washing device equipped with a quick acting positive shut off
- Discourage ornamental water features such as fountains, lakes, etc. – unless they are on reclaimed water
- Overhead irrigation shall not be permitted within two (2) feet of any impermeable surface

² A sample resolution from the Municipal Water District of Orange County
<http://www.mwdoc.com/Uploads/MWDOC%20Drought%20Resolution.pdf>

³ City of Hermosa Beach incorporated a Water Conservation and Drought Management Plan into the City's Municipal Code <http://www.hermosabch.org/index.aspx?page=412>

Commercial Specific Policies or Programs:

- Cross-promote rebates offered through local utilities for commercial water saving fixtures and appliances
- Consider matching rebates offered by local utilities
- Offer free water saving aerators to be placed on all faucets
- Partner with Southern California Gas Company to distribute water saving kits
- New appliances that are water-efficient per the Consortium for Energy Efficiency
- Motion-activated sinks, or timer-off sinks
- Under sink hot water heaters
- Waterless urinals
- Grey water systems in place for all new construction
- Hot water on demand systems with starter tank and appropriately sized recirculating pump
- Insulation of hot water pipes
- Grey water toilet retrofits
- Ask restaurants to only provide drinking water to customers only upon request

Residential and HOA Specific Policy or Programs:

- New HOA common areas “purple pipe ready”
- Water Sense and dual flush toilets
- Water saving aerators on all faucets and Water Sense shower heads
- Request DWA to ensure “smart irrigation timers” installed on all new construction, at change of ownership and vacation rentals
- Prohibit the addition of new turf in front yards
- Two button flush toilets
- Grey water systems for flushing toilets and for faucet to flush
- Implementation of Dual water meters – separate for indoor and outdoor new construction
- New washers installed by builders should be both energy star and have the lowest water usage per the energy consortium website

Regulations Including Warning or Fines for:

- Water leaks that are not fixed
- Hosing of sidewalks, driveways, patios, parking areas and other hardscapes
- Fountains, ponds, lakes, and water displays without recycling systems
- Water runoff of irrigation to streets, sidewalks, alleys, driveways or storm drains

Outdoors:

- Drip, drip line, or other low flow non-spray technology shall be used on all properties
- 80% of the plants within non-turf areas shall be native or low water-use
 - Limit plantings to plants and trees in the Coachella Valley Lush and Efficient publication
- Discourage turf use except for passive use or play
- Total turf area for any property shall not exceed 25% of the landscape area, or 1,250 square feet, whichever is lesser in area
- Certify golf courses through the Audubon society to provide native habitat
- New parks and existing golf courses to be connected to reclaimed water
- Walkways and patios be made from porous materials
- Discourage grass in front and side lawn areas
- Grass limited to back yards and public and private parks
- Where grass allowed a 2 ft. native landscape border of grass areas to limit runoff.
- Rotary water heads, or subsurface drip irrigation in areas where grass permitted.
- Recommend recirculating pumps
- Waterfalls and sprays in pools discouraged to avoid water loss
- Fountains, ponds lakes, and water displays must have recycling systems
- Over seeding not allowed in all areas except golf courses and parks

Expansion of Funding/Scope of Current City Programs:

- Substantially increase funding for the lawn buy back incentive program - both residential and commercial locations
- Survey and recommend to City Council an action plan for reducing the "grass footprint" of City property (including parks)
- Expand water efficient toilet rebate program
- Consider a new incentive program for variable speed pool pumps
- Actively market the existing PACE Program through CVAG, to residential and commercial owners promoting water conservation property improvements

Increased Educational Campaign:

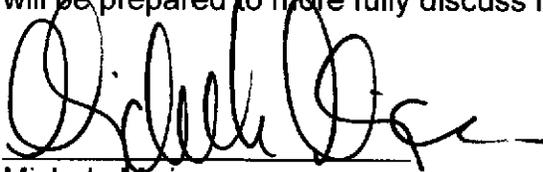
- Implement a "Drought Index" public awareness campaign to provide citizens with regular updates about drought status (similar to Air Quality Index)
- Media promotion of wise water use
- Issue frequent drought updates to public
- Provide public with water conservation tips
- City website/media continually updated on water conservation issues and programs
- Use social media to share tips and local success stories

- Create a "Desert Landscape of the Month" recognition program to encourage participation in landscape conversion
- Establish a drought hotline
- Use free PSA's from the Department of Water Resources and promote on PSCTV Channel 17
- Partner with the Desert Water Agency to cross promote water conservation efforts. Particularly, on recommendations for residents to take action and the promotion of free water saving tools and programs available through both agencies
- Other state agencies should also be called upon to share resources

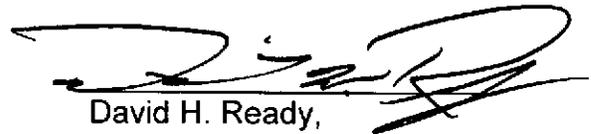
FISCAL IMPACT:

In March, Governor Brown signed legislation to assist drought-affected communities and provided funding to better use local water supplies. About \$200 million of Proposition 84⁴ funding is set to be made available to more agencies due to reclassification of funds since the drought was proclaimed.

The City will actively pursue Proposition 84 funding and other grant opportunities – in addition to requesting funding partnerships with other agencies and jurisdictions. Staff will be prepared to more fully discuss funding options at the Council Meeting.



Michele Mician,
Sustainability Manager



David H. Ready,
City Manager

Attachments:

1. Palm Springs Municipal Chapter 8.6
2. Palm Springs Building code Policy
3. Sample Drought Alert Resolution from Municipal Water District of Orange County
4. City of Hermosa Beach Municipal Code Chapter 8.56 Drought Management Plan

⁴http://www.water.ca.gov/irwm/grants/docs/ImplementationGrants/P84_IRWM_PSP_Drought2014_PublicReviewDraftV2.pdf

Attachment 1

Palm Springs Municipal Chapter 8.6

STAFF REPORT PALM SPRINGS CITY COUNCIL WATER DISCUSSION

ATTACHMENT - 1. Palm Springs Municipal Chapter 8.6

Palm Springs Municipal Code

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[Title 8 BUILDINGS AND CONSTRUCTION](#)

Chapter 8.60 WATER EFFICIENT LANDSCAPING**8.60.005 Purpose and intent.**

The purpose and intent of this chapter is to establish minimum water efficient landscape requirements for all new and rehabilitated landscape projects to meet the minimum requirements of the State of California Water Conservation in Landscaping Act, Government Code Section 65591, et seq. The city's staff has considered the State Model Water Efficient Landscape Ordinance and determined the provisions of this chapter more appropriately address the specific needs of the city. (Ord. 1463 § 1, 1993)

8.60.010 Definitions.

The following words and terms used in this chapter shall be defined as follows:

- (a) "Drip irrigation" means a method of irrigation where the water is applied slowly at the base of plants without watering the open space between plants.
- (b) "Estimated water use" means the annual total amount of water estimated to be needed to keep the plants in the landscape healthy. It is based upon such factors as the local evapotranspiration (ET) rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.
- (c) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from the measurements and estimates of irrigation system characteristics and management practices.
- (d) "Landscape irrigation audit" means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules.
- (e) "Landscaped area" means the entire parcel less the building footprint, driveways, nonirrigated portions of the parking lots, hardscapes such as decks and patios, and other nonporous areas.
- (f) "Maximum water allowance" means, for the design purposes, the upper limit of annual applied water for the established landscape area as specified in Div. 2, Title 23, CA. Code of Reg., Chapter 7, section 702. It is based upon the area's reference evapotranspiration, ET adjustment factor, and the size of the landscaped area.
- (g) Micro-irrigation. See "drip irrigation."
- (h) "Qualified professional" means a person that has been certified by their professional organization or as a person that has demonstrated knowledge and is locally recognized among landscape architects due to long time experience as qualified.
- (i) "Reclaimed water" means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation. Reclaimed water is not for human consumption.
- (j) "Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.
- (k) "Rehabilitated landscape" means any relandscaping project that requires a permit.
- (l) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.
- (m) "System" means the network of piping, valves and irrigation heads.
- (n) "Turf" means a surface of earth containing mowed grass with roots.
- (o) "Valve" means a device used to control the flow of water in the irrigation system.

(Ord. 1463 § 1, 1993)

8.60.015 Applicability.

This chapter shall apply to the following:

- (1) All new and rehabilitated landscaping for public agency projects such as recreational areas and schools;
- (2) All new and rehabilitated landscaping for private development projects such as golf courses, common area landscaping, private schools, businesses; and for multifamily housing that have a landscaped area of two thousand five hundred square feet or more.

(Ord. 1463 § 1, 1993)

8.60.020 Exemptions.

This chapter shall not apply to the following:

- (1) Homeowner provided landscaping at single-family and multifamily projects;
- (2) Cemeteries;
- (3) Registered historic sites;
- (4) Ecological restoration projects that do not require a permanent irrigation system;
- (5) Any project with a landscape area less than two thousand five hundred square feet;
- (6) Any project using over fifty percent recycled water is exempt from the maximum water allowance and water audits.

(Ord. 1463 § 1, 1993)

8.60.025 Landscape document package filing procedure.

(a) Prior to the construction and installation of any new or rehabilitated landscaping as specified in Section 8.60.015, a landscape document package shall be prepared and submitted for review and approval. Approval shall be made through the landscape application form provided by the department of planning and zoning. The landscape document package shall include the following elements:

- (1) Water conservation concept statement;
- (2) Calculation of maximum water allowance;
- (3) Calculation of total estimated water use;
- (4) Landscape design plan;
- (5) Landscape grading plan;
- (6) Irrigation design plan;
- (7) Irrigation system design;
- (8) Drip irrigation design;
- (9) Reclaimed water specifications;
- (10) Irrigation water specifications;
- (11) Soil analysis. (A soil analysis is recommended but not mandatory.)

(b) The landscape application may be supplemented by additional plans and submitted to the Desert Water Agency/Coachella Valley Water District with other pertinent information to adequately address all applicable aspects of the application.

(c) The department of planning and zoning shall review applications and approve, conditionally approve or deny such application and shall assure conformity with this chapter. At the discretion of the director of planning and zoning department, the planning commission may consider and render decisions on landscape applications.

(d) All landscape and irrigation plans for private development projects shall be in conformance with this chapter and shall be prepared by a registered landscape architect or other qualified professional in a related field and be installed by a licensed contractor, except as provided in this Section 8.60.025.

(e) All public agency projects are not required to be prepared by a landscape architect or installed by a landscape contractor or other qualified professional. However, all public agency projects shall be in compliance with the approved plans and installed correctly to specifications and standards approved by the city and in compliance with this chapter. (Ord. 1463 § 1, 1993)

8.60.030 Landscape design plan.

A landscape design plan satisfying the design guidelines outlined in the landscape application shall be submitted as a part of the landscape document package. Guideline objectives are to ensure that future landscaping projects are designed and constructed to the highest level of aesthetic values and water efficiency, and to make wise water management viable and easy. (Ord. 1463 § 1, 1993)

8.60.035 Irrigation design plan.

(a) An irrigation satisfying the design guidelines outlined in the landscape application shall be submitted as part of the landscape document package. Where irrigation water is taken from the domestic water supply, separate landscape water meters shall be installed for all projects except single-family homes or any project with a landscaped area of less than two thousand five hundred square feet or as directed by the domestic water purveyor. When irrigation water is from a well, the well shall be metered per the requirements of the water purveyor having jurisdiction.

(b) The irrigation design plan shall be drawn on project base sheets. The irrigation design plan shall be separate from, but use the same format as the landscape design plan. (Ord. 1463 § 1, 1993)

8.60.040 Certification of project completion.

(a) For all private development projects, a licensed landscape architect, installing licensed contractor, or other qualified professional in a related field shall conduct a final field observation and shall provide a certificate of completion. The certificate shall specifically indicate that plants were installed as specified. The installing contractor shall certify that the irrigation system was installed as designed.

(b) Certification shall be accomplished by completing a certificate of completion and delivering it to the city planning department and to the owner of record. (Ord. 1463 § 1, 1993)

8.60.045 Landscape audit schedules.

(a) Existing landscaped areas that are irrigated with groundwater that are over sixty thousand square feet in planted area shall have an irrigation audit within five years of the effective date of the ordinance codified in this chapter. The audit shall be submitted to the Desert Water Agency/Coachella Valley Water District for review and approval. Those subject to an audit are public agencies, schools, cemeteries, public parks, commercial uses, golf courses, common areas, greenbelts, and multifamily housing with common area.

(b) Water audits shall be conducted by a certified landscape water auditor in accordance with the current edition of the landscape irrigation auditor handbook as provided by the state of California Landscape Water Management Program.

(c) A landscape project is exempted from a water audit if the water use is less than the maximum water use allowance during the previous twelve months. To qualify for exemption the owner must submit a request for exemption with square footage (acreage) of property including the amount of water used during the previous twelve months and certified by the water purveyor having jurisdiction.

(d) An appeal may be filed with the department of planning and zoning regarding ordinary high water use caused by a line breakage or some type of occurrence which results in unavoidable water usage to exceed standards. An appeal shall include information regarding water usage the previous year, current year, proof of failure and repair bill. An appeal shall be filed pursuant to Section 8.60.065 of this chapter. (Ord. 1463 § 1, 1993)

8.60.050 Water waste prevention.

Water waste from inefficient landscape irrigation allowing runoff, low head drainage, overspray or other conditions where water flows onto roadways, adjacent property or nonirrigated property is prohibited. (Ord. 1463 § 1, 1993)

8.60.055 Maintenance schedule.

- (a) Landscape and irrigation system shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the time clocks monthly, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding all planted areas.
- (b) Whenever possible, repair of irrigation equipment shall be done with originally specified materials or their equivalents.
- (c) Programmed irrigation should only occur from nine p.m. to nine a.m. during the summer months (May to September). (Ord. 1463 § 1, 1993)

8.60.060 Fees for initial review and program monitoring.

The following fees are determined to be necessary to cover the costs of reviewing landscape applications and monitoring landscape irrigation audits and shall be imposed on the subject applicant, property owner, or designee.

- (1) The city council, by resolution, shall establish the amount of the landscape application fee in accordance with applicable law.
- (2) A landscape application fee shall be due at the time of initial project application submission to the city.
- (3) The Desert Water Agency and the Coachella Valley Water District may require every five years the project owner to cause a landscape irrigation audit to be completed by a certified landscape irrigation auditor. The sole cost of the water audit will be borne by other than the water purveyor having jurisdiction.
- (4) If a landscape application is not submitted prior to the start of landscape construction work, for those persons required to submit an application, a late submittal fee of twice the review fee shall be required.

(Ord. 1463 § 1, 1993)

8.60.065 Enforcement and penalties.

For the purposes of ensuring that persons comply with the provisions of this chapter, the city may, following written notices to subject property owner(s), initiate enforcement action(s) against such property owner(s) or designer(s), which enforcement actions may include, but are not limited to, the following:

- (1) Revocation of a landscape application;
- (2) Withholding issuance of a certificate of use and occupancy or building permit;
- (3) Issuance of a stop work order;
- (4) In addition to any other remedies for violation of city ordinances in force, the city may bring and maintain any action permitted by law to restrain, correct or abate any violation of this chapter, and in the event that legal action is brought by the city, reasonable attorney's fees and court costs shall be awarded to the city and shall constitute a debt owed by the violator to the city. The city may place a lien on the affected property in the event any debts so incurred are not timely paid.

(Ord. 1463 § 1, 1993)

8.60.070 Appeals.

A person aggrieved by an action taken by the city may appeal the action pursuant to Chapter 2.05 of the Palm Springs Municipal Code. (Ord. 1463 § 1, 1993)

Attachment 2

Palm Springs Building code Policy



Building and Code Enforcement Policy

Bulletin: GP-14-002
Date: January 6, 2014
By: Jim Zicaro, Director Building and Code
Subject: Water Conservation (SB407)

PURPOSE

The purpose of this policy is to provide a method for insuring compliance with the provisions of California SB407 and applicable provisions of California Civil Code 1101.

BACKGROUND

In 2009 House Bill 407 was enacted which impacted California Civil Code section 1101. This Code specifically addresses compliance measures related to residential and commercial properties constructed prior to 1994 and requires that all plumbing fixtures which are non-compliant (not meeting the current low flow code requirements) must be replaced with compliant fixtures when obtaining a permit for improvements or alterations to any commercial or residential property. Those provisions became effective on January 1, 2014. The Bill and Civil Code does not specifically provide a definition of Alteration or Improvement as they relate to residential buildings, and does not direct any specific enforcement actions to determine compliance.

California Civil Code:

§1101.2.

Except as provided in Section 1101.7, this article **shall apply to residential and commercial** real property built and available for use on or before **January 1, 1994.**

§1101.4.a

On and after January 1, 2014, for all **building alterations or improvements to single-family** residential real property, as a condition for issuance of a certificate of final completion and occupancy or final permit approval by the local building



department, the permit **applicant shall replace all noncompliant plumbing fixtures** with water-conserving plumbing fixtures.

§1101.5. (d)

(1) On and after January 1, 2014, all noncompliant plumbing fixtures in any multifamily residential real property and any commercial residential real property shall be replaced with water-conserving plumbing fixtures in the following circumstances:

(A) For building additions in which the sum of concurrent building permits by the same permit applicant would **increase the floor area** of the space in a building by more than **10 percent**, the building permit applicant shall replace all noncompliant plumbing fixtures in the building.

(B) For building alterations or improvements in which the **total construction cost** estimated in the building permit is greater than one hundred fifty thousand dollars (**\$150,000**), the building permit applicant shall replace all noncompliant plumbing fixtures that service the specific area of the improvement.

(C) Notwithstanding subparagraph (A) or (B), for **any alterations or improvements to a room** in a building that require a building permit and that room **contains any noncompliant plumbing fixtures**, the building permit applicant shall replace all noncompliant plumbing fixtures in that room.

(2) **Replacement of all noncompliant plumbing fixtures** with water-conserving plumbing fixtures, as described in paragraph (1), shall be a **condition for issuance of a certificate of final completion** and occupancy or final permit approval by the local building department.

POLICY

It is the policy of the City of Palm Springs that all applications for commercial alterations or additions on structures originally constructed prior to January 1, 1994 must provide a Plumbing Fixture Compliance Certificate signed by the property owner under the following conditions unless the scope of work includes replacement of non-compliant plumbing fixtures:

1. An addition of more than ten percent in floor area, or
2. Construction cost exceeding \$150,000,

Furthermore, It is the policy of the City of Palm Springs that all applications for single family residential alterations or additions on structures originally constructed prior to January 1, 1994 must provide a Plumbing Fixture Compliance Certificate signed by the



property owner under the following conditions unless the scope of work includes replacement of non-compliant plumbing fixtures:

1. Where there is an increase in square footage.
2. Where there is any work within the interior of the house.
3. Where there is any work which modifies the building envelope (roofing excluded).

PROCEDURE

The applicant is responsible for submitting a Plumbing Fixture Compliance Certificate signed by the property owner for all properties impacted by this policy. That Certificate must be received prior to the issuance of a permit for all work outlined within this policy. The Certificate will be scanned and attached to the Property address within the permitting software. Staff shall verify previously submitted Certificates within the permitting system.

Attachment 3

Sample Drought Alert Resolution from Municipal Water District of Orange County

RESOLUTION NO. _____
OF THE BOARD OF DIRECTORS OF
THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
CALLING FOR ENHANCED WATER USE EFFICIENCY EFFORTS TO
EXTEND REGIONAL WATER SUPPLIES
FOR ORANGE COUNTY RESIDENTS AND BUSINESSES.

Whereas, Orange County depends on imported water from Northern California and the Colorado River to meet approximately half of its supply demand; with the balance of the county's demand being met by local groundwater via a large basin under north and central Orange County, smaller basins in south Orange County, and through local water recycling and water use efficiency; and

Whereas, the state of California is experiencing record dry year conditions, with 2014 projected to become the driest year on record; and

Whereas, now in its third consecutive year of a drought, the State of California's annual precipitation levels are inadequate to fill the state's key reservoirs; and

Whereas, effective January 17, 2014, Governor Edmund G. Brown, Jr. declared a statewide state of emergency due to drought conditions

Whereas, on January 31, 2014, the state of California's second snow survey reported statewide snowpack at 12% of normal levels and the California Department of Water Resources (DWR) officially reduced the State Water Project (SWP) Table A Allocation to zero percent of contract amounts; and

Whereas, the National Weather Service's most recent *Three-Month Outlook* for California forecasts above normal temperatures and below normal precipitation throughout the entire state; and

Whereas, the Colorado River Basin drought has stretched into a 14th year, continuing to negatively impact storage levels on the river's two main reservoirs; and

Whereas, over the past 20 years, southern California rate payers have invested more than \$15 billion in regional storage, infrastructure improvements, local resources and water use efficiency programs that are now serving to sustain supplies during this historic dry period; and

Whereas, Metropolitan Water District of Southern California (Metropolitan) has indicated that its water storage reserves, committed to meeting regional drought demands, remain relatively healthy at nearly 2.4 million acre-feet and, as such, does not intend to institute mandatory water reductions within its service area for 2014; and

Whereas, Metropolitan has declared a Water Supply Alert calling for all cities, counties, member agencies and retails water agencies to implement extraordinary water use efficiency measures, adopt and implement local drought ordinances to preserve regional storage reserves; and

Whereas, the cities and water agencies serving Orange County's population of 3.1 million have done an outstanding job working together to develop water-management strategies and implement comprehensive water use efficiency programs to help ensure a reliable supply of high-quality water to meet countywide demand; and

Whereas, many cities and water agencies serving Orange County have also invested and continue to invest in research and technology to develop new sources of water such as water recycling and desalination to meet demands; and

Whereas, Municipal Water District of Orange County and its member agencies are increasing their public messaging to create a heightened awareness of the state's water supply conditions; and

Whereas, increasing and applying efficient water use habits today is the responsible thing to do and will help ensure Orange County has enough water to maintain our quality of life and thriving economy; and

Whereas, there are numerous resources and programs to assist us in our countywide water use efficiency efforts, including rebates for water saving devices and information on water-saving strategies at www.bewaterwise.com, and www.mwdoc.com,

Now, therefore, be it resolved that the Municipal Water District of Orange County the regional imported water provider do hereby encourage every Orange County water agency, resident and business to take the necessary actions to reduce their water usage through enhanced water use efficiency measures in an effort to extend stored water supplies and prepare for a prolonged drought; and

Be it further resolved that the Municipal Water District of Orange County will coordinate with Metropolitan and its member agencies to develop a unified regional message and significant accelerate its outreach efforts in order to communicate the need for additional water use efficiency efforts to Orange County public officials, residents and businesses; and

Be it further resolved, that the Municipal Water District of Orange County encourage all local water agencies, cities, and the County of Orange to join in this call for enhancing water use efficiency efforts through the adoption of appropriate resolutions or ordinances in their jurisdictions.

Said Resolution was adopted on February __, 2014, by the following roll call vote:

AYES:	Directors
NOES:	Directors
ABSENT:	None
ABSTAIN:	None

I HEREBY CERTIFY the foregoing is a full, true and correct copy of Resolution No. ____ adopted by the Board of Directors of Municipal Water District of Orange County at its meeting held on February __, 2014.

Maribeth Goldsby, Secretary
Municipal Water District of Orange County

Attachment 4

City of Hermosa Beach Municipal Code Chapter 8.56 Drought Management Plan

CHAPTER 8.56 WATER CONSERVATION AND DOUGHT MANAGEMENT PLAN

Sections:

- 8.56.010 Title**
- 8.56.020 Findings**
- 8.56.030 Purpose and Intent**
- 8.56.040 Definitions**
- 8.56.050 Applicability.**
- 8.56.060 Water Conservation and Drought Management Plan.**
- 8.56.070 Water Conservation Requirements.**
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8.56. 010 Title.

This Chapter shall be known as the “City of Hermosa Beach Water Conservation and Drought Management Plan Ordinance.”

8.56. 020 Findings

A. A reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the State, the southern California region and City of Hermosa Beach.

B. The State of California, southern California region and the City of Hermosa Beach suffer from periodic water shortages, and a growing population, climate change, environmental concerns, periodic energy shortages, and other factors make the region highly susceptible to water supply reliability issues.

C. An active water conservation program with conservation measures applicable to all sources and uses of water is essential to ensure a reliable supply of water for drinking, sanitation and fire protection, and to protect the public health, safety and welfare.

D. A Water Conservation and Drought Management Plan is necessary to properly manage water supplies and mitigate the effects of water shortages within the City by reducing water consumption by residents, businesses and visitors, while minimizing the hardship caused to the general public to the greatest extent possible.

E. Recycled water (including water reclaimed by the West Basin Municipal Water District, graywater to the extent allowed by law and capture of rainwater) is a valuable resource that can be used to offset imported and other water supplies and shall therefore be regulated under this Chapter.

8.56. 030 Purpose and Intent

A. The purposes of this Chapter are to increase the conservation and efficient use of potable water, maximize the use of recycled water, and provide a drought management plan. The plan will reduce water consumption and extend available water supplies, minimize the effects and hardship of water shortages on the City and the general public to the greatest extent possible, and maximize the socioeconomic and environmental benefits associated therewith.

B. This Ordinance is intended solely to further the conservation of water. It is not intended to implement or supersede any federal, state, or local statute, Ordinance or regulation relating to protection of water quality or control of drainage or runoff.

C. This Ordinance does not modify, terminate or otherwise affect the water services or water rates of any person.

8.56. 040 Definitions.

The terms in this Chapter relating to various uses of property shall be as defined in Title 17 (Zoning) and shall be broadly construed to achieve the purposes of this Chapter. In addition:

"Approval Authority" means the City Manager or his/her designee.

"Commercial" means commercial, industrial, or any other nonresidential business or use.

"Discretionary planning entitlement" means a land use permit or approval granted by the planning commission necessary to proceed with development.

"Existing" as used in this Chapter means, as applicable:

A. An existing building means a building that was constructed or had received all required approvals to commence construction on or prior to April 1, 2010.

B. An existing establishment means a business establishment that was in operation on or prior to April 1, 2010.

"Irrigation system" or "landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated through an automated system.

"New" means as applicable:

A. "New building" means a building that is constructed, or receives all required approvals to commence construction, after April 1, 2010.

B. "New establishment," "new business" or "new facility" mean a business establishment that initiates operation, or receives all required approvals to initiate operation, after April 1, 2010.

"Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

"Positive action quick-release shutoff valve or nozzle" means a hand-held sprayer or similar device that quickly, automatically and absolutely stops the flow of water when the user stops exerting pressure. Water-efficient devices emit not more than three (3) gallons of water per minute.

"Pre-rinse dishwashing spray nozzle" means a hand-held device that uses a spray of water to remove food and grease from dishware, utensils and pans before placing them in the dishwasher that emits not more than 1.6 gallons of water per minute.

"Pressure washer" means a water conserving cleaning device that emits not more than three (3) gallons of water per minute.

"Recycled water" or "recycling system" means the capture, reclamation and reuse of non-potable water for beneficial use.

"Single pass cooling system" means equipment where water is circulated only once to cool equipment before the water is disposed.

"Water broom" means a water conserving sweeping device with spray jets that emit not more than three (3) gallons of water per minute.

"Water-efficient" means a water conserving fixture, device or system that complies with the water conservation standards of the most current edition of the California Plumbing Code or, if no standard applies, is EPA WaterSense labeled or its equivalent. In no case shall the fixture, device or system use more water than is indicated by the standard stated in this section.

"Water-efficient irrigation systems" means systems using water conserving devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit not more than two (2) gallons of water per hour, and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.

"Water-efficient dishwashing machines or systems" mean devices that use not more than one (1) gallon of water per rack.

"Water-efficient laundry washing machines" means machines have a water factor of 6.0 or less, wherein water factor means the number of gallons of water used per cycle, divided by the tub volume.

"Water-efficient toilet" means toilets using not more than 1.6 gallons per flush or urinals using not more than one (1) gallon per flush.

"Water recycling system" means a system that reclaims and reuses non-potable water.

8.56. 050 Applicability.

This Chapter is applicable to every person, commercial business, or other water user in the use of any water within the City. The City Council may by Resolution exempt pilot programs or special programs of limited scope undertaken by the City or undertaken in conjunction with the City's water providers.

8.56. 060 Water Conservation and Drought Management Plan.

This Chapter establishes a water conservation and drought management plan consisting of both permanent regulations designed to reduce water usage and increase the efficiency of water use on an ongoing basis, and three increasingly restrictive levels of drought response actions to be implemented in times of drought conditions.

8.56. 070 Water Conservation Requirements.

The following water conservation requirements shall apply to all persons:

A. Landscaping.

1. Watering hours and duration. No lawn or landscaped area shall be irrigated or watered by any means between the hours of 9:00 a.m. and 6:00 p.m. on any day. Above-ground spray irrigation or watering shall not

exceed fifteen (15) minutes per irrigation station or area. This provision shall not apply to drip irrigation systems, use of a hand-held bucket or similar container, use of a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, irrigation necessary to establish newly planted low water usage plants, or water expended for limited periods of time necessary for irrigation system maintenance or leak repair.

2. Over-watering: No lawn or landscaped area shall be irrigated or watered to the point where excess water ponds, sprays or runs off the lawn or landscaped area onto any walkways, sidewalks, driveways, streets, alleys or storm drains.

3. Irrigation during rainfall: No lawn or landscaped area shall be irrigated or watered during rainfall or within 24 hours after measurable rainfall.

4. Landscape maintenance: All lawns and landscaping shall be regularly maintained to reduce water use by such methods as aerating, thatching and mulching.

5. Landscape irrigation system maintenance: Landscape irrigation systems shall be regularly inspected, maintained and repaired to eliminate leaks, remove obstructions to water emission devices and eliminate over spraying.

B. Pools and spas. New pools and spas shall be equipped with a cover. Not later than July 1, 2012, all existing pools and spas shall be constructed, installed or equipped with a cover. Pools and spas shall be covered overnight and daily when use is concluded.

C. Water fountains and decorative water features. No person shall operate a fountain or other decorative water feature that does not recycle or re-circulate the water utilized by the device.

D. Cleaning. No person shall use water to wash or clean any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; however, use of water brooms or pressure washers or similar low flow technology, or water recycling systems to clean these surfaces, is permitted. In no case shall such water run off the property or drain onto any walkways, sidewalks, streets, alleys or storm drains.

E. Car washing. No person shall use water to wash or clean any motorized or un-motorized vehicle, including, but not limited to, an automobile, truck, boat, van, bus, motorcycle, trailer or similar vehicle, except by use of a bucket or similar container or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility that uses a water recycling system to capture or reuse water.

F. Waste and leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture.

2. Cause, permit or allow water to flow from any source on private or public property onto walkways, sidewalks, streets, alleys or storm drains, except as a result of rainfall or pumping excessive groundwater infiltration, such as by means of a sump pump.

3. The use of water for cleaning, washing and other uses shall be performed in an efficient manner to reduce waste and total water use.

G. All commercial establishments

1. Single pass cooling systems. Single-pass cooling systems shall not be installed in new commercial buildings. When single pass cooling systems in existing businesses are replaced, single pass cooling system shall not be installed as a replacement.

2. Toilets. New commercial establishments shall install and use only water-efficient toilets. All existing commercial establishments shall install and use only water-efficient toilets by January 1, 2014.

H. Eating and drinking establishments. The following provisions shall also apply to all restaurants, cafes, snack shops, bars, other eating and drinking establishments, and food catering businesses:

1. All establishments shall only provide drinking water to customers upon request.

2. All establishments shall install and use low-flow pre-rinse dishwashing spray nozzles by July 1, 2011.

3. All establishments shall use low-flow technologies for washing and cleaning floors and surfaces, such as using a hand-held bucket or similar container and mop, water brooms or pressure washers.

4. New establishments shall install and use water-efficient dishwashing machines or systems. When dishwashing machines in existing businesses are replaced, water-efficient dishwashing machines or systems shall be installed. All existing establishments shall install and use only water-efficient dishwashing machines or systems by January 1, 2014.

I. Hotels and motels. The following provisions shall apply to all hotels, motels, hostels, bed and breakfast and similar temporary accommodation establishments:

1. All establishments shall provide customers the option of choosing not to have towels and linens laundered daily and shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language.

2. All establishments that provide on-premises facilities for laundering towels or linens shall comply with Subsection J of this Section.

3. All establishments that provide food services shall comply with Subsection H of this Section.

J. Laundry businesses. New commercial laundry businesses shall install and use water recycling systems. When washing machines in existing businesses are replaced, water-efficient laundry washing or water recycling systems shall be installed. All existing laundry businesses shall install and use only water-efficient laundry washing machines or water recycling systems by January 1, 2014.

K. Commercial car wash facilities. New commercial conveyor-type car wash facilities shall install water recycling systems. All existing conveyor car wash systems shall install and operate only water recycling systems by January 1, 2012. All existing commercial car wash operations, including those accessory to another use, shall use high pressure, low volume wash systems, bucket or similar container, and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, or similar low-flow device by January 1, 2012.

L. Exceptions. The provisions of this Section are not applicable to uses of water that are necessary to protect public health and safety or for essential governmental services when such uses of water cannot be reduced, such as for fire-fighting and other similar emergency services.

8.56. 080 Drought Response Level 1 – Drought Alert Condition.

A. The City Council may by Resolution declare a Drought Alert condition and implement the Level 1 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of up to ten (10) percent is required in order to have sufficient water supplies available to meet anticipated demands.

B. Except as otherwise stated in this Chapter, during a Level 1 Drought Alert condition all persons using water shall comply with the following additional conservation measures:

1. Watering days and duration. Limit lawn and landscape watering or irrigation to no more than three (3) days per week. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by Resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

8.56.090 Drought Response Level 2 – Drought Critical Condition

A. The City Council may by Resolution declare a Drought Critical condition and implement the Level 2 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of ten (10) to twenty (20) percent is required in order to have sufficient water supplies available to meet anticipated demands.

B. During a Drought Critical condition all persons using water shall comply the following additional conservation measures:

1. Watering days and duration. Limit lawn and landscape watering or irrigation to no more than two (2) days per week, provided that the City Council may by Resolution limit lawn and landscape watering or irrigation to no more than one (1) day per week to achieve a reduction of up to twenty (20) percent. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by Resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

8.56.100 Drought Response Level 3 – Drought Emergency Condition

A. The City Council may by Resolution declare a Drought Emergency condition and implement the Level 3 conservation measures set forth in this section on the grounds that overall consumer demand reduction of more than twenty (20) percent is required because the ordinary demands and requirements of water consumers cannot be satisfied without depleting water supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

B. During a Drought Emergency condition all persons using water shall comply with Sections 8.56.070 (Water Conservation Requirements) and the following additional mandatory conservation measures:

1. Irrigation and watering prohibition. No lawn or landscaping watering or irrigation shall be allowed. This subsection shall not apply to the following, provided that watering days and watering duration shall comply with Subsection B of Section 8.56.090:

- a. Irrigation or watering using recycled water.
- b. Irrigation necessary to establish new plantings of low water usage plants or commercial nurseries.
- c. Water efficient landscape irrigation systems using water efficient devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit no more than two (2) gallons per hour and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.
- d. Maintenance of trees and shrubs that are watered by using a bucket or other watering container,

hand-held hose equipped with positive action quick-release shutoff valve or nozzle, or similar low-volume non-spray irrigation.

e. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Chief.

f. Maintenance of existing landscaping on slopes exceeding ten (10) percent for erosion control.

g. Maintenance of landscaping within active public parks and playing fields, day care center play areas, and school grounds.

h. Public works projects.

i. Maintenance of plant materials identified to be rare, threatened or endangered or essential to the health of documented rare, threatened or endangered animals.

2. Cleaning surfaces. Water shall not be used to wash, clean or clear any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; except commercial or industrial establishments may use water broom, pressure washer or similar low flow technology or water recycling systems when necessary to comply with health, safety, water quality or other regulations verified by the approval authority. Pressure washers may be used to clean surfaces in preparation for painting, construction, or occasional seasonal maintenance when other methods are not practical.

3. Car Washing. Vehicles shall not be washed, except at commercial car wash facilities that recycle water or use high pressure, low volume wash systems. Subject to Subsection E of Section 8.56.070, this provision shall not apply to car washes held as fund raising activities for bona fide community organizations, washing of garbage trucks, or washing of vehicles used to transport food and perishables, and washing of other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

4. Ornamental Ponds and Lakes. Ornamental ponds or lakes if empty shall not be filled, and if filled shall not be refilled or replenished.

5. Hotels and Motels: Mandatory Laundry Opt-Out. Hotels, motels, hostels, bed and breakfasts and similar establishments shall not provide daily towel and linen laundering service to customers, except upon a specific request.

8.56. 110 Procedures for Declaration and Notification of Drought Response Level and Additional Water

Conservation Measures.

A. The City Council shall declare a Drought Response Level 1, 2 or 3 by Resolution in the manner required by law and City procedures.

B. The City Council shall declare the end to any Drought Response Level by the adoption of a Resolution in the manner required by law and City procedures.

8.56. 120 Exception

A. An exception to any water conservation requirement of this Chapter may be granted or conditionally granted in accordance with the following requirements.

1. Application. Any water user may file an application with the Community Development Department for an exception from one or more water conservation measures on a form provided by the City, including supporting documents and information demonstrating the grounds for the requested exception, accompanied

by a fee set by Resolution of the City Council.

2. Findings. The approving authority may approve, conditionally approve or deny an application for an exception from water conservation measures. An application for an exception shall be denied unless the approval authority finds, based on the information provided in the application, supporting documents or such additional information as may be requested, all of the following:

a. That, due to special circumstances applicable to the property or its use, the strict application of this Ordinance would disproportionately impact the property or use when compared to similar types of uses or properties; and

b. That other water conserving measures to substantially off-set the proposed water use have been or will be employed as a condition of the approval, or the lack of such measures will not materially affect the ability of the City to achieve the purposes of this Chapter; and

c. That the exception does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.

3. Approval authority. The approval authority shall act upon any application no later than ten (10) days after receipt of a complete application, and may approve, conditionally approve, or deny the exception. The applicant requesting the exception shall be promptly notified in writing of any action taken. Unless otherwise specified at the time an exception is approved, the exception shall only apply during the period of the specific circumstances from which an exception is requested.

4. Appeals. An applicant may appeal the approval authority's decision, or any conditions placed on the approval, to the City Council within ten (10) days of the date of decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by Resolution of the City Council. The City Council shall review the appeal at the next available meeting that the item may be heard.

8.56. 130 Penalties and Remedies

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.