



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** May 24, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Matthew Lee, Public Works Director

**SUBJECT:** Waive First Reading and Introduce an Ordinance Amending Chapter 10.16 (Water Conservation) of the San Bruno Municipal Code

### BACKGROUND:

In July 2021, Governor Newsom proclaimed a State of Emergency due to drought conditions in San Mateo County, and then in October 2021, the Governor declared a statewide drought emergency. The Governor called for a 15% voluntary reduction in water use compared to 2020 levels.

At the July 26, 2016 City Council meeting, the City enacted Level 1 Voluntary Conservation measures. Although water usage increased nearly 19% across the State, during the month of March, San Bruno residents have responded tremendously to the conservation efforts. Since 2013, citywide, San Bruno has achieved an average water conservation of 17%.

Under the City's Water Shortage Contingency Plan, last approved at the October 26, 2021 City Council meeting, there are six standard water shortage levels that correspond to progressive ranges of up to 10 percent, 20 percent, 30 percent, 40 percent, 50 percent, and greater than 50 percent shortages from the normal supply condition. Each shortage condition corresponds to additional actions water suppliers would implement to meet the severity of the impending shortages.

The City has implemented a number of initiatives to encourage San Bruno water conservation, including education programs at local schools such as "Earthcapades". The City and County also sponsor rebate programs like "Lawn Be Gone" landscape conversions, rain barrel rebates, and low-flow toilet replacement rebates. The City also provides low-flow hardware giveaways such as faucet aerators, shower heads, shower timers, toilet tank bags, and irrigation hose nozzles. Other public outreach efforts include utility inserts with water conservation tips, City website updates, and posting banners throughout the City encouraging and demonstrating ways to use water more efficiently.

As the drought conditions continue, San Bruno is prepared to meet customers' needs by ensuring a reliable water supply to our service area. Furthermore, the State Water Board will consider adoption of the Water Conservation Emergency Regulations on May 24, 2022. The Water Board is expected to require agencies implement their Level 2 Mandatory Conservation measures to achieve a 10-20% reduction in water use.

There are still some unknowns with the details of the Water Board's conservation directive, so staff will return to the City Council at a later date to provide an overview of the State reduction targets and the City's implementation plan to meet those target reductions. Staff anticipate recommending City Council activate Level 2 Mandatory Conservation measures of the City's Water Shortage Contingency Plan which will likely include landscape water restrictions and other measures. Final recommendations will be presented to the City Council at that meeting.

On October 26, 2021, the City Council adopted the updated Water Shortage Contingency Plan (WSCP) and the Urban Water Management Plan (UWMP). The Urban Water Management Planning Act of the California Water Code requires municipal water suppliers, providing drinking water to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually to prepare and adopt an UWMP every five years. This UWMP is required to define the City's current and future water demands, types of uses, supply sources, supply reliability and resiliency, a Water Shortage Contingency Plan (WSCP) and other measures.

The purpose of the WSCP is to plan and outline levels of City response actions during periods of water shortage emergencies. The October 2021 updated WSCP incorporated California's 2018 Water Conservation legislation which, updated the standards for how agencies respond to water shortage conditions. To support the City's adopted WSCP and to be consistent with State requirement, updates to San Bruno Municipal Code (SBMC) Chapter 10.16 (Water Conservation) are required.

## **DISCUSSION:**

In general, the proposed update to Chapter 10.16 of the San Bruno Municipal Code make San Bruno's conservation and enforcement provisions consistent with State requirements and the City's recently updated WSCP, and support the City's water conservation efforts.

Updates to the Chapter 10.16 (Water Conservation) include the following:

1. Re-organization of the Chapter consistent with State legislation structure and priorities
2. Added water conservation regulations under normal conditions
3. Updated water shortage emergency provisions
4. Consolidated enforcement and penalties into one section
5. Authority and responsibility for enforcement and penalty

Below are expanded summaries of items 2-5:

### **2. Water Conservation Regulations Under Normal Conditions**

These updates fall under the newly proposed Article II. Currently, there are no City water conservation regulations under normal (non-drought) conditions. As presently drafted, Chapter 10.16 does not allow the City to enact any conservation measures unless the City Council declares a water emergency and enacts Level 1-6 of the conservation measures outlined in the WSCP.

The updated Chapter 10.16 gives the City broader preliminary conservation regulation authority short of declaring a water conservation emergency. This authority includes:

- Prohibition on watering outdoor landscapes in a manner that causes runoff
- Prohibition on hosing off sidewalks, driveways, and other hardscapes, except to address health and safety needs

Broader conservation measures would still require the City Council to declare a water emergency and enact Level 1-6 of the conservation measures.

### 3. Water Shortage Emergency Provisions

These updates fall under the newly proposed Article III. This section brings this Chapter consistent with California Water Code Section 350. The main updates authorize the City Manager to declare a water shortage emergency in response to imminent emergencies to protect public health and safety, such as an infrastructure failure. Currently, only the City Council is authorized to declare a water shortage emergency. This update will allow the City Manager emergency authority to respond to an imminent situation. City Council authorization will still be required to enact sustained water conservation measures.

The proposed Article III also incorporates and make water shortage level categories consistent with both the State's terminology and standards in Water Code Section 350. The City's updated Water Shortage Contingency Plan approved at the October 26, 2021 City Council Meeting was also updated to be consistent with the State's 2018 Water Code Section 350.

### 4. Consolidated Enforcement and Penalties into One Section

These updates fall under the newly proposed Article V. Currently, enforcement penalties and provisions are located under Articles II, III, and IV. The proposed Article V consolidates all enforcement and penalty provisions under one section. This provides consistency and ease for future revisions as needed.

### 5. Authority and Responsibility for Enforcement and Penalties

Currently, authority and responsibility for enforcement and penalties lies with an appeals board or subcommittee appointed by the City Council. The proposed Chapter 10.16 updates give enforcement authority and responsibility to the Public Works Director under direction and final decision of the City Manager.

All other provisions of Chapter 10.16 remain unchanged.

The SBMC Chapter 10.16 update was completed by the engineering firm of West Yost Associates of Pleasanton, California. This firm completed the 2021 update to the Urban Water Management Plan and the Water Shortage Contingency Plan, and updating the Municipal Code is the final task of this project.

### **FISCAL IMPACT:**

There is no immediate fiscal impact as a result of approving this Ordinance. However, it can be expected that revenue to the City's water and sewer enterprises will decrease with increased water conservation. This is due related to the City's consumption-based user charges for water and sewer services. Should it be necessary to address the City's water and sewer rate structure due to decreased revenue, staff will discuss such requests with the City Council and received direction at that time.

Limited costs for administrative and public education expenses are anticipated depending on the water conservation measures that are implemented. Any future appropriation requests above the authorized budgets will be presented to the City Council as needed.

**ENVIRONMENTAL IMPACT:**

The action is not a project subject to CEQA. City Council's action is not considered a "Project" per Title 14 California Code of Regulations (CCR) §15378(b)(5) and would not result in a direct or reasonably foreseeable indirect physical change in the environment (per Title 14 CCR § 15060(c)(2)). Therefore, no further environmental analysis is required.

**RECOMMENDATION:**

Waive First Reading and Introduce an Ordinance Amending Chapter 10.16 (Water Conservation) of the San Bruno Municipal Code.

**ALTERNATIVES:**

1. Request additional information before introducing the ordinance.

**ATTACHMENTS:**

1. Proposed Amended San Bruno Municipal Code Chapter 10.16 Water Conservation