



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** June 7, 2022

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

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

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

**SUBJECT:** Adopt Resolution Activating Level 2 of the San Bruno Water Shortage Contingency Plan

### **BACKGROUND:**

On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Newsom “proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions” (Attachment 2). His July 8, 2021 Executive Order (N-10-21) called for a voluntary reduction of water use by 15 percent from 2020 levels.

As drought conditions have continue to worsen, Governor Newsom released Executive Order N-7-22 on March 28, 2022 (Attachment 2). Among the provisions in the Executive Order, Governor Newsom called for urban water suppliers to at a minimum implement Level 2 water shortage response actions, or measures to achieve a 15 percent water use reduction. The State Water Resources Control Board would follow with further details and an implementation date.

On May 24, 2022, the State Water Resources Control Board (SWRCB) approved an emergency drought regulation to extend and expand existing water conservation regulations (Attachment 3). The SWRCB order declared that urban water suppliers that have submitted a water shortage contingency plan, “shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier’s water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).”

Below is some background of the City’s Water Shortage Contingency Plan (WSCP) and City conservation initiatives and achievements since the last statewide drought emergency in 2014.

### Water Shortage Contingency Plan and Conservation Levels

On October 26, 2021, the City Council adopted the updated Water Shortage Contingency Plan (WSCP) and the 2020 Urban Water Management Plan (UWMP). A 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.

Under the City's Water Shortage Contingency Plan, 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 is in the process of updating the San Bruno Municipal Code (SBMC) to incorporate updates to the California Water Code. The First Reading occurred at the May 24, 2022 City Council meeting, and the Second and final Reading is scheduled for the June 14, 2022 City Council meeting. The ordinance will become effective 30 days after it is adopted.

#### City Conservation Initiatives and Achievements since 2014

In response to the last major statewide drought declaration in 2014, the City activated and implemented various water conservation measures. At the July 26, 2016 City Council meeting, the City Council activated Level 1 voluntary conservation measures of the Water Shortage Contingency Plan. The City has remained, and is currently operating, under Level 1 voluntary conservation measures.

The City has also implemented a number of initiatives to encourage 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.

San Bruno residents have responded tremendously to the conservation efforts. Through April 2022, combined San Bruno residential, commercial, and city government water customers have reduced water use by 17% from 2013 levels.

According to the SWRCB announcement, the new base year to compare water conservation is 2020. Using this metric, overall water use through April 2022, has decreased 1% from April 2020.

The State so far has not set per agency reduction targets as they did in 2014. At this time, the State is only requiring all urban water agencies activate their WSCP Level 2 mandatory conservation measures, without announcing targeted compliance metrics. Staff will monitor the situation and return back to the City Council if the State modifies their drought emergency requirements.

#### **DISCUSSION:**

##### Proposed Conservation Initiatives

In order to comply with the State's emergency water conservation requirements and reduce overall water use, City staff are recommending to activate the following Level 2 mandatory water conservation actions as identified in the Water Shortage Contingency Plan's Table 4 – Demand

Reduction Actions (Attachment 4). References to sections of the SBMC below are to sections in effect at the time of adoption.

Shortage Level	Demand Reduction Actions	Explanation	Penalty, Charge, or Enforcement?
2	Landscape:  Restrict or prohibit run-off from landscape irrigation	<u>SBMC 10.16.050:</u> <ul style="list-style-type: none"> <li>• Make unlawful the watering of grass, lawn, groundcover, shrubbery, open ground crops and trees, in a manner that results in runoff into sidewalks, gutters and streets or during periods of precipitation, or to an extent which allows excess water to run to waste</li> </ul>	Y
2	Expand Public Information Campaign	Intensify public information campaign.	N
2	Landscape:  Limit landscape irrigation to specific times	<u>SBMC 10.16.050:</u> <ul style="list-style-type: none"> <li>• Make unlawful the watering of grass, lawn, groundcover, shrubbery, and trees between the hours of <b>9:00am and 4:00pm</b></li> <li>• <u>Odd Addresses:</u> may water <b>Monday and Thursday</b></li> <li>• <u>Even Addresses:</u> may water <b>Tuesday and Friday</b></li> <li>• <u>Non-Numerical Addresses:</u> may water <b>Monday and Thursday</b></li> <li>• Irrigation shall be limited to 15 minutes per irrigation station</li> <li>• Other irrigation during and 48 hours following measurable precipitation is prohibited</li> </ul>	Y
2	Other:  Customers must repair leaks, breaks, and malfunctions in a timely manner	<u>SBMC 10.16.050:</u> <ul style="list-style-type: none"> <li>• Make unlawful the escape of water through leaks, breaks, or malfunction within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonable have been discovered and corrected. It shall be presumed that a period of ten days after the water user discovers such break, leak, or malfunction, or receives notice from the City of such condition, whichever occurs first, is a reasonable time withing which to correct such condition or to make arrangement for correction.</li> </ul>	Y

2	Other:  Require automatic shut-off hoses	<u>SBMC 10.16.050:</u> • Make unlawful the use of hoses not having automatic shut-off devices for the washing of cars, boats, trailers or other vehicles	Y
2	Other:  Prohibit use of potable water for washing hard surfaces	<u>SBMC 10.16.050:</u> • Make unlawful the use of water from a hose for the cleaning of buildings, structures, walkways, sidewalks, driveways, patios, parking lots or hard-surfaced areas. The washing of windows or structures with a bucket and squeegee is not prohibited	Y

In addition to the above demand reduction actions, City staff recommends the following water use prohibitions for consistency with the emergency regulation adopted by SWRCB on May 24, 2022:

- Potable water use is prohibited for the irrigation of non-functional, ornamental turf at commercial, industrial, and institutional sites. Water may be used to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address immediate health and safety need. The City may approve requests for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of the City's reference evapotranspiration.
- The State provides specific compliance action with this prohibition, where violators may be fined up to \$500 per day of violation, in addition to the City's enforcement actions.

The State's drought conditions are dynamic. If the state's drought conditions do not improve, the Governor and State Water Resources Control Board will evaluate and modify the state water conservation requirements. Staff will also evaluate monthly water demand and supply use and may return to the City Council at a later date to recommend revising the Water Shortage Contingency Plan Demand Reduction Actions and the Shortage Level category.

In the meantime, City staff will continue education and outreach efforts, including utility bill inserts, informational handouts at City facilities, and notices on the City's website. Water conservation signage will be posted at City parks, sports fields and facilities to inform residents. As a member of the Bay Area Water Supply and Conservation Agency (BAWSCA), City staff will continue to coordinate with BAWSCA on conservation outreach, and low-flow toilet, washing machine, and lawn-be-gone rebate programs.

City staff will continue providing monthly customer water use and conservation data to the State's Department of Water Resources (DWR).

### Enforcement

If property owners are in violation of the City's water demand conservation actions, staff will attempt to discuss the violation and leave a written notice on-site if no contact is made. Upon a second violation, staff will again contact the property owner, leave a written door hanger, and also mail a letter to property owner. In the case of a repeated violation staff will take action in accordance with SBMC Chapter 10.16 section on Enforcement and Penalties, including restriction and discontinuance of service. Property owners may be subject to an administrative fine or civil infraction up to \$500. Education and notifications will be exhausted before enforcement is pursued.

### **FISCAL IMPACT:**

There is no immediate fiscal impact as a result of approving this action. Increased staff time will be necessary to provide information to citizens, as well as track and respond to water waste reports, carry out enforcement actions if necessary and provide monthly reporting data to SWRCB. Should further resources be necessary to comply with the State's water conservation requirements, staff will discuss such requests with the City Council and receive direction at that time.

Reduced water consumption does have some impact on Water Fund revenue, and will be reviewed during development of the Water Rate Study, scheduled for City Council review by the end of 2022.

### **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:**

Adopt Resolution activating Level 2 of the San Bruno Water Shortage Contingency Plan.

### **ALTERNATIVES:**

1. Provide direction to staff regarding additional or alternative water use reduction strategies and requirements to meet the State mandate.

### **ATTACHMENTS:**

1. Resolution
2. Executive Order N-7-22, March 28, 2022
3. SWRCB Resolution No. 2022-0018, May 24, 2022
4. Water Shortage Contingency Plan – Level 2 Actions