



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: May 23, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, Interim City Manager

PREPARED BY: Matthew Lee, P.E., Public Works Director

SUBJECT: Consider Adoption of a Resolution:

- Rescinding the Water Shortage Emergency Declaration Adopted on June 7, 2022
- Deactivating Level 2 and Activating Level 1 of the San Bruno Water Shortage Contingency Plan; and
- Directing Staff to Continue Implementing Water Use Restrictions Consistent With the Requirements of Title 23, Sections 995 and 996 of the California Code of Regulations for the Duration of the Emergency Regulation

BACKGROUND:

On November 23, 2021, the San Francisco Public Utilities Commission declared a water shortage emergency calling for a 10% voluntary reduction from July 2019 to June 2020 levels. On March 28, 2022, Governor Newsom issued an Executive Order directing the California State Water Resources Control Board and local water agencies to enact shortage response actions consistent with local drought contingency plans. On May 24, 2022, the California State Water Resources Control Board adopted emergency regulations for each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources to implement, at a minimum, the shortage response actions adopted under Section 10632 of the Water Code for a shortage level of up to 20% (Level 2) by June 10, 2022. On June 7, 2022, the City Council declared a water shortage emergency and adopted water use restrictions from Level 1 and Level 2 of the City Bruno's Water Shortage Contingency Plan.

After three consecutive dry years, significant rain and snowfall from this past winter have effectively ended the drought in many areas of the state. On March 24, 2023, Governor Newsom rolled back many drought emergency provisions through Executive Order N-5-23 due to current water conditions and maintained other conservation measures that support regions still facing water supply challenges (see Attachment 1). This executive order:

- Ends the voluntary 15% water conservation target, while continuing to encourage Californians to make conservation a way of life.
- Ends the request that urban water suppliers implement Level 2 of their water shortage contingency plan.

- Maintains the ban on wasteful water uses, such as watering ornamental grass on commercial properties.
- Preserves all current emergency orders focused on groundwater supply, where the effects of the multi-year drought continue to be devastating.
- Maintains orders focused on specific watersheds that have not benefited as much from recent rains, including the Klamath River and Colorado River basins, which both remain in drought.
- Retains a state of emergency for all 58 counties to allow for drought response and recovery efforts to continue.

The Governor's Executive Order N-5-23 does not end the statewide declaration of a water shortage emergency. These executive actions were directed to the State Water Resources Control Board (SWRCB), where the Board adopted these emergency regulations and received approval from the Office of Administrative Law on June 10, 2022. Portions of the drought restrictions, such as the requirement to implement Level 2 demand reduction actions and the ban on irrigating nonfunctional turf, will expire on June 10, 2023.

On April 11, 2023, the San Francisco Public Utilities Commission (SFPUC) unanimously passed an action to rescind their declaration of a local water shortage emergency. While the declaration has been rescinded, there remains a voluntary call for an 11% water use reduction within the San Francisco Regional Water System. The action approved by the SFPUC enables that 11% call to be dropped when the associated SWRCB drought action requirements are eliminated or expire. SWRCB requirements expire on June 10, 2023.

DISCUSSION:

Water Supply Update

Water supply conditions in the San Francisco Regional Water System (SFRWS) have drastically improved in the past three months. As of March 20, 2023, the SFRWS is at 87.2% of total system storage. For comparison, the median storage level for this day is 80.2%, which is based on historical storage data from years 1991 through 2020. Refer to the attachment for more information.

Regional Water Emergency Response

April 11, 2023, the San Francisco Public Utilities Commission unanimously passed an action to rescind their declaration of a local water shortage emergency while maintaining a voluntary call for an 11% water use reduction within the San Francisco Regional Water System. A copy of their meeting Agenda and conservation actions is found in Attachment 3.

San Bruno Customer Water Use Reductions

San Bruno customers have responded tremendously to meet City's water conservation efforts since the last major drought in 2014. Through April 2023, combined San Bruno residential, commercial, and city government customers have reduced water use by 21% from 2013 levels.

The State's new base comparison year is 2020. Using this metric, overall water use has decreased 8% from April 2020 to April 2023.

Moving to Level 1 of the Water Shortage Contingency Plan

On June 7, 2022, the City Council approved activating Level 2 conservation initiatives. In response to Governor Newsom rescinding the State's Water Shortage Emergency Declaration, San Bruno will return to Level 1 voluntary water conservation targeting up to a 10 percent voluntary reduction in water usage.

Under the City's Water Shortage Contingency Plan, adopted by the City Council 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.

On-going Water Restrictions

While Executive Order N-5-23 has cut back many water conservation measures, the following restrictions on wasteful water use are still in effect.

1. Wasteful and Unreasonable Water Uses per Title 23, Section 995 of the California Code of Regulations

This emergency regulation was readopted in December 2022 and extended until December 21, 2023. Until then, the following actions are still prohibited:

- The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk.
- The use of potable water for street cleaning or construction site preparation purposes unless no other method can be used or as needed to protect the health and safety of the public.
- The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses.

- The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain.
- The use of potable water for irrigation of ornamental turf on public street medians.

2. Implementation of local supplier's Level 2 Water Shortage Contingency Plan and ban on watering non-functional turf at commercial, industrial, and institutional sites per Title 23, Section 996 of the California Code of Regulations

On June 10, 2022, the state prohibited the irrigation of non-functional turf with potable water at commercial, industrial, and institutional areas. "Non-functional turf" is defined as turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for community events. Exceptions to this rule include residential lawns, parks, and irrigation as necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need. This emergency regulatory action expires on June 10, 2023, unless the State Water Resources Control Board modifies, readopts, or ends it before then.

Efforts to Restrict Wasteful Water Use – Implementing Municipal Code Chapter 10.16

The City Council adopted amendments to Chapter 10.16 (Municipal Services – Water Conservation) of the San Bruno Municipal Code at the June 14, 2022 City Council Meeting. The amended Chapter 10.16 gives the City broader conservation regulation authority short of declaring a water conservation emergency. This authority includes prohibitions on watering outdoor landscapes in a manner that causes runoff and hosing off sidewalks, driveways, and other hardscapes, except to address health and safety needs. The City is making these watering restrictions permanent and are intended to address wasteful water use practices regardless of a drought and are in line with the state goal of making water conservation a "California way of life."

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 an analysis of these impacts were included during development of the Water Rate Study. Consideration of new water rates is scheduled for City Council review and approval by the end of 2023.

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:

- Rescinding the Water Shortage Emergency Declaration adopted on June 7, 2022
- Deactivating Level 2 and Activating Level 1 of the San Bruno Water Shortage Contingency Plan; and
- Directing staff to continue implementing water use restrictions consistent with the requirements of Title 23, Sections 995 and 996 of the California Code of Regulations for the duration of the Emergency Regulation

ALTERNATIVES:

Provide direction to staff for additional or alternative water use reduction strategies and requirements to comply with recent amendments to State drought emergency conservation targets.

ATTACHMENTS:

1. Resolution
2. Governor's Executive Order N-5-23
3. San Francisco Public Utilities Commission Agenda Item 6 from April 11, 2023