



Agenda Report

February 6, 2017

TO: Honorable Mayor and City Council

THROUGH: Municipal Services Committee (January 24, 2017)

FROM: Water and Power Department

SUBJECT: AMEND PASADENA MUNICIPAL CODE TITLE 13, CHAPTER 13.10, THE CITY OF PASADENA WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS ORDINANCE

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the recommended actions to encourage water conservation and prevent water waste are categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for the Protection of Natural Resources); and
2. Direct the City Attorney to prepare an ordinance to amend Pasadena Municipal Code ("PMC") Title 13, Chapter 13.10, the City of Pasadena Water Waste Prohibitions and Water Supply Shortage Plans Ordinance ("Water Waste Ordinance"), as described herein and enumerated in Attachment A.

MUNICIPAL SERVICES COMMITTEE RECOMMENDATION:

On January 24, 2017, the Municipal Services Committee unanimously approved the recommended actions with the following changes:

1. Remove requirements duplicative of existing building code requirements; and
2. Addition of language clarifying that a public hearing would be needed to discontinue a water shortage declaration.

EXECUTIVE SUMMARY:

California recently experienced the driest four years in state history and 75 percent of the state remains in severe drought conditions. The severity and longevity of the drought inspired emergency regulations and water reduction mandates throughout the State, and revealed the need for long term planning to make permanent changes to water use to better prepare for future droughts, which could increase in severity due to climate change.

On November 30, 2016, the State Water Resources Control Board (“State Water Board”) released a draft plan for eliminating water waste, achieving long-term efficient water use, and meeting drought preparedness goals for California (“State’s Draft Plan”). The State’s Draft Plan provides the framework for implementing Executive Order B-37-16, which calls for “Making Water Conservation a California Way of Life”, and provides guidance for urban water suppliers like Pasadena to adopt conservation standards to move towards using water more efficiently on a permanent basis. Additional information on water supply conditions and State and local actions in response to the drought may be found in Attachment B.

Although the State’s Draft Plan is evolving and will likely change in ways that necessitate additional amendments to the Water Waste Ordinance in the future, Pasadena Water and Power (“PWP”) recommends that the City Council adopt the proposed amendments to the permanent water waste restrictions in the Water Waste Ordinance at this time to align with current State requirements, enhance the City’s ongoing water conservation efforts, and establish permanent irrigation limitations that will persist should the City Council determine that the current water supply emergency no longer exists at some time in the future. The recommended amendments will strengthen Pasadena’s water conservation efforts and continue to position Pasadena as a leader in conservation.

At this time, staff is not recommending any changes to the City’s current Level 2 Water Supply Shortage Plan implementation enacted by the City Council on June 1, 2015. Under Level 2, landscape irrigation is limited to one day per week during cool months (November through March) and two days per week from April through October. Depending upon how water supply conditions evolve this winter, staff may return to the City Council to recommend eliminating the Water Supply Shortage declaration and/or changing the Water Supply Shortage Level prior to April 1, 2017.

BACKGROUND:

In 2015, Governor Edmund G. Brown, Jr. called for a 25 percent reduction in urban water use and, as a result, the Pasadena City Council called for increased water conservation in the City by implementing the Level 2 Water Supply Shortage Plan on June 1, 2015. Urban water suppliers across the state also implemented water restrictions and together Californians rose to the challenge and saved over 24 percent during the nine months that the Governor’s mandate was in place. More recently, on May 9, 2016, Governor Brown built upon the State’s conservation success and signed Executive Order B-37-16 to establish long-term water conservation measures and improve planning for more frequent and severe droughts.

The State’s Draft Plan was prepared by the Department of Water Resources, the State Water Board, the Public Utilities Commission, the Department of Food and Agriculture, and the Energy Commission. It calls for achieving four inter-related objectives: Using water more wisely; eliminating water waste; strengthening local drought resilience; and,

improving agricultural water use efficiency and drought planning. It aims to permanently prohibit practices that waste potable water, such as:

- Hosing off sidewalks, driveways and other hardscapes;
- Washing automobiles with hoses not equipped with a shut-off nozzle;
- Using non-recirculated water in a fountain or other decorative water feature;
- Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and,
- Irrigating ornamental turf on public street medians.

Another key directive in the State's Draft Plan is to achieve the objective of using water more wisely through end-user requirements, and requiring permanent monthly reporting by urban water suppliers on their water usage, amount of conservation achieved, and any enforcement efforts.

Recommended Changes to Pasadena's Water Waste Ordinance

Pasadena's Water Waste Ordinance has four major components:

1. Permanent Water Conservation Requirements (PMC 13.10.032);
2. Provisions to declare and implement a Water Supply Shortage (PMC 13.10.035);
3. Four Levels of increasingly restrictive Water Supply Shortage Plans and additional measures to address such shortages (PMC 13.10.040 - 13.10.060); and,
4. Enforcement and penalties (PMC 13.10.065 -13.10.105)

Staff recommends the Permanent Water Conservation Requirements in the Water Waste Ordinance be modified to reflect the state requirements outlined previously, incorporate conservation measures previously adopted by the City Council to address the Water Shortage, and promote more efficient water use on a permanent basis:

- Permanently restricting landscape irrigation to three-days-per-week;
- Require that all master-metered multifamily properties certify installation of water efficient shower heads and aerators by September 30, 2015; and,
- Add the prohibition of irrigation with potable water of ornamental turf on public street medians.

In addition, the following revisions to the various sections of the Water Waste Ordinance are recommended to provide additional clarity and reflect prior City council direction when implementing Water Supply Shortage Plans in the past:

- Clarify that water waste prohibitions apply to any source of groundwater in the City of Pasadena;
- Consolidate the exemptions from irrigation limitations under various levels of water shortage plans into a single, consistent section;
- Clarify that the term "Residential" refers to both Single Family Residential and Multifamily Residential for the purpose of determining the applicable fines;
- Eliminate the right to hearing or stay for first violations (non-monetary penalties);

- Incorporate flexibility in watering days during water emergencies for large irrigation areas such as athletic fields and golf courses; and
- Exempt trees from watering restrictions.

Finally, to enhance the City Council's ability to make timely adjustments to an ongoing water shortage and reduce administrative burden and costs, the proposed amendments clarify that once City Council has conducted a public hearing and determined that a water shortage exists, the City Council may during the period of the declared water shortage take actions to modify the water conservation target, enact a different level of water supply shortage, or order the implementation or discontinuation of any additional water conservation measures appropriate to address the water shortage by motion, without conducting a public hearing. A public hearing would be required prior to the City Council making a finding that a water shortage no longer exists.

The proposed changes are detailed in Attachment A (for reference, the current text of PMC 13.10 is in Attachment C).

COUNCIL POLICY CONSIDERATION:

The proposed actions are consistent with the Water Integrated Resource Plan, the 2015 Urban Water Management Plan, the Urban Environmental Accords Goal to reduce potable water use, and the City Council Strategic Planning Goals to increase conservation and sustainability.

ENVIRONMENTAL DETERMINATION:

The project has been determined to be exempt per Section 15307 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of Natural Resources. This exemption consists of actions by regulatory agencies as authorized by state law or local ordinance to assure maintenance of a natural resource (such as water) where the regulatory process involves procedures for protection of the resource.

FISCAL IMPACT:

There is no fiscal impact as a result of this action. The recommended actions are not expected to substantially change water sales or administrative costs associated with water conservation and waste enforcement activities. Any outreach costs will be absorbed in the FY2017 budget for water conservation programs.

Respectfully submitted,



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Approved by:



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City Manager

Attachments:

- Attachment A – Proposed Changes to PMC 13.10
- Attachment B – Water Supply and Conservation Report
- Attachment C – Current Full Text of PMC 13.10