

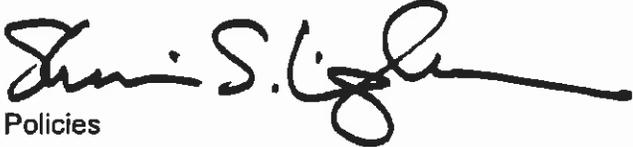


CITY OF SAN DIEGO  
COUNCILMEMBER SHERRI S. LIGHTNER  
DISTRICT ONE

MEMORANDUM

DATE: October 1, 2009

TO: Honorable Jerry Sanders, Mayor  
Honorable Jan Goldsmith, City Attorney  
Honorable Donna Frye, Chair, Natural Resources & Culture Committee  
Honorable Todd Gloria, Chair, Land Use & Housing Committee  
Honorable Ben Hueso, Chair, Rules, Open Government & Intergovernmental Relations Committee

FROM: Councilmember Sherri S. Lightner 

SUBJECT: Updating the City Council's Water Policies

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I have reviewed the San Diego City Council water policies and have reached three distressful conclusions.

1. The policies are outdated and do not work together to form a comprehensive water plan that can sustain San Diego's economy and quality of life.
2. The policies are silent regarding gray water reuse and nonpotable (purple pipe) water, including the use and exchange of purple pipe credits for land development. Furthermore, there is no mechanism for tracking the amount of purple pipe water allocated to existing or proposed projects throughout the city.
3. The City might incur legal liability for approving development projects without a nonpotable water policy and tracking system.

Attachment 1 to this memo contains a summary of council policies which mention water. Many were enacted over 30 years ago. A large number of these policies need to be updated. The table in the attachment indicates suggested actions for each of the Council Policies. A time and cost estimate for the updating is requested. None of these policies address the use of water credits or exchanges, or the tracking of purple pipe water.

For clarity, I want to define some terms used in this memo. Nonpotable water is water which has not approved for consumption. Purple pipe is used to transport nonpotable water, usually for irrigation, to differentiate it from regular drinking water. Gray water is non-industrial, non-toilet wastewater generated from showers, sinks, faucets and laundry.

5. The number of projects approved which allowed some form of off-site nonpotable/potable water exchange, as was exemplified by the recently approved Alvarado Apartments project. Also, for each such project, the amount of potable water credited to the project and the timeline for completing the mitigation, i.e. when is potable water use to be replaced by nonpotable and how much potable water will be saved annually?

The above-requested data is necessary to develop a data base which can be used to evaluate projects that "trade" nonpotable elsewhere for potable on site.

6. By approving a project conditioned on the installation of purple pipes for irrigation and the promise to connect those pipes to the City's purple pipe system, is the City guaranteeing a certain amount of potable water for the site?
7. If permits are conditioned on the use of purple pipe water and there is none available, should the project be denied until nonpotable water is available? Or, alternatively, should the permit be granted without the purple pipe condition?
8. In the case of projects approved or conditioned on the installation of purple pipes for irrigation and the promise to connect those pipes to the City's purple pipe system, what is the City's plan for connecting such developments to the purple pipe system? Is the purple pipe distribution system network planned, and if so, what would it take to implement construction?

I also request an opinion from the City Attorney on this question:

1. Could the City of San Diego be held legally liable for approving development projects that involve purple pipe water in some way, without having a nonpotable water policy and tracking system?

The City should not continue approving development project after development project without reasonable and measurable assurance that water supplies will be able to support San Diego's economy and quality of life. The City Council must update its policies, and the Municipal Code may also need updating, so that San Diego has a comprehensive, legally sufficient, interrelated system of water policies that promote long term planning, sustainability, oversight and accountability.

SL:jm

cc: Honorable Councilmembers  
Bill Anderson, Director, City Planning and Community Investment  
Kelly Broughton, Director, Development Services  
Jay Goldstone, Chief Operating Officer  
Andrea Tevlin, Independent Budget Analyst

## Attachment 1

COUNCIL POLICY	DATE	TITLE	PURPOSE	QUESTIONS OR SUGGESTED ACTION
400-07	11/10/1970	Reimbursement Financing of Water and Sewer Facilities in Undeveloped Areas	"It is in the City's interest to provide for an equitable formula whereby water and sewer facilities serving undeveloped lands may be paid for entirely by developers of such lands; and whereby the developer constructing oversized or off-site water and sewer facilities may be reimbursed by those subsequently benefiting from any portion of such facilities."	This should be reviewed and updated, if needed.
400-09	10/06/1998	Action Plan for City's Future Water Supply	"To establish policies to assure an adequate water supply for the City of San Diego." This includes policies categorized as: <ul style="list-style-type: none"> <li>• General</li> <li>• Related to water importation, conservation, surface runoff and groundwater development</li> <li>• Related to reclamation, re-use and desalination</li> <li>•</li> </ul>	Update to assure reflects current objectives and use to update CP 000-19
400-10	3/11/1985	Claims related to Water Main Break and Sewer Backups	"to provide uniformity in the investigation and disposition of claims related to water main breaks and sewer backups."	What is the history of implementation and should any policy changes be considered?
400-11	9/21/1987	Action Plan for Implementation of Water Conservation Techniques	"To establish policies which assure that effective City water conservation techniques are identified and implemented."	Update to reflect requirements in SDMC
400-12	11/28/1988	Implementation of Water Reclamation/Reuse	"To establish policies to encourage water reclamation/reuse." The City Council is to: <ul style="list-style-type: none"> <li>• Prepare a Reclamation Facilities Master Plan</li> <li>• Target Goals for Water Reclamation and Reuse</li> <li>• Draft a Mandatory Use Ordinance</li> <li>• Require a Mandatory Water Quality Management Plan</li> </ul>	Implement: <ul style="list-style-type: none"> <li>• Is there a Master Plan?</li> <li>• Reuse 70,000 AF/yr min</li> <li>• C.1, C.2, C.3</li> <li>• D.2</li> <li>• F</li> </ul>

## Attachment 1

COUNCIL POLICY	DATE	TITLE	PURPOSE	QUESTIONS OR SUGGESTED ACTION
600-44	5/14/2002	Placement of Wire Communications in Sewer and Storm Water Pipes	"to establish criteria for the installation of wire communications within the City sewer and storm water pipes which safeguard public health and safety while recognizing the advantages of such installations over trenching of City streets."	How many of such installations are there?
600-45	6/27/2005	Protection of Water, Agricultural, Biological and Cultural Resources within the San Pasqual Valley	"to ensure the long-term protection of the significant water resources within the San Pasqual Valley" "...This Council Policy will reinforce the goals of both the General Plan and the San Pasqual Valley Community Plan, which identify the San Pasqual Valley as an agricultural preserve with significant open space values."	Why do the Plans need this CP and do other open space areas require this as well?  e.g. Otay River Valley, San Diego River Valley, Mission Trails, Los Penasquitos Canyon, San Dieguito River Valley  Why is zoning discussed in the CP?
800-04	7/25/1978	Drainage Facilities	<ol style="list-style-type: none"> <li>1. "To establish guidelines for the construction and maintenance of storm water drainage facilities.</li> <li>2. To identify and assign general financial responsibilities for the construction of various types of drainage facilities."</li> </ol>	