



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: September 29, 2009 REPORT NO: 09-132

ATTENTION: Council President and City Council
Docket of

SUBJECT: Modifications to Emergency Water Regulations

REFERENCE: Report No. 08-162
Municipal Code Section 67.3801- 67.3811

REQUESTED ACTION: Amend Municipal Code Sections 67.3801 – 67.3811.

STAFF RECOMMENDATION: Accept the Proposed Amendments and Revisions.

SUMMARY:

The Public Utilities Department is recommending amendments to the City's Municipal Code, *Sections 67.3801 – 67.3811, Emergency Water Regulations*. These changes are being recommended based on feedback from constituents and from operational experience in implementing Drought Response Level 1 – Drought Watch Condition from July 27, 2008 to May 31, 2009 and Drought Response Level 2 – Drought Alert Condition starting on June 1, 2009. Over these two months staff has developed greater familiarity with the impact on customer outreach, enforcement, and water savings which the current Emergency Water Regulations were designed to address. In light of this experience, staff is recommending modifications to the existing ordinance to improve the overall program.

Background - Water Supply Shortage

On December 2, 2008, the San Diego City Council officially approved an ordinance revising the City's Emergency Water Regulations. The amended regulations were designed to improve the City's response in the event of a water supply shortage and to provide greater consistency with the Model Drought Response Conservation Program Ordinance approved last year by the San Diego County Water Authority.

Current Water Consumption Status

The San Diego County Water Authority (CWA) has given the City of San Diego a water consumption reduction target of 8%. Information extracted from the City's water billing system indicates that water billings for the month of August 2009 dropped 11.3% from August 2008 and July 2009 dropped 13.9% from July 2008. This is consistent with the 13.6% reduction in billing

for June 2009 as compared to June 2008. Clearly our customers have taken steps to reduce water usage.

Proposed Amendments to Municipal Code 67.3801 – 67.3811 Emergency Water Regulations

In implementing these provisions of the Municipal Code, questions have come up regarding its applicability to properties destroyed by wildfires and to potted plants. Staff has been granting variance applications received from victims of the wildfires. As to potted plants, staff recognizes that potted plants, whether on the ground or hanging from a patio structure, are not able to retain water and may need to be watered more frequently.

Definitions

The following clarifying definitions should be added to the Municipal Code to address questions about these two situations:

Disaster means a catastrophic naturally occurring or man-made event, including earthquake, flood, fire, riot, or storm, for which a state of emergency has been declared by the President of the United States, the Governor of California, the executive officer or legislative body of the City of San Diego, or of the County of San Diego.

Potted Plant is any plant or group of plants contained in a pot or similar receptacle that can be moved including plants on boards, bark, driftwood or airplants (epiphytes).

Boat Washing

Staff received calls from boat dock operators and boat owners asking about the applicability of the vehicle washing restrictions to boats as they come out of the water. Most boat owners will quickly rinse the boats immediately after use. Staff is recommending that Section 67.3805 Drought Response Level 1 – Drought Watch Condition (b) (4) be changed to allow boaters to rinse boats immediately after use, as follows:

(4) The washing of automobiles, trucks, trailers, ~~boats~~, airplanes and other types of mobile equipment is permitted only before 10:00 a.m. or after 6:00 p.m. with a hand-held container or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Boats and boat engines are permitted to be washed down after use. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes which do not use partially recirculated water will be reduced in volume by an amount determined by resolution of the City Council. Mobile equipment washings are exempt from these regulations where the health, safety and welfare of the public are contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food products, livestock and perishables.

Winter Watering Days / Rain Events

During the community workshops held throughout the City to inform the citizens about the water use restrictions, one main concern was the lack of watering days allowed from November through May. Section 67.3806 Drought Response Level 2 – Drought Alert Condition (b) (1) currently allows only one assigned watering day per week, and constituents expressed concern about the weather conditions during those months (i.e., Santa Ana condition) that could lead to dry landscapes and concerns about firestorms. As a result, staff is recommending changing the language in Section 67.3806 (b) (1) and (b) (2) to reduce watering run times from ten to seven minutes per station per assigned day for standard sprinklers but maintain the same three assigned watering days per week during the months of November through May. This code change will provide greater consistency within the regulations as customers will not have to alter watering days during the November through May period, as was originally envisioned, while still reducing overall run time from 30 min per week per station to 21 minutes per week per station.

We are also proposing to add language which prohibits irrigation during a rain event in order to address concerns expressed by some customers that this is not always clear or adhered to despite public service announcements that are routinely distributed in the media during rain storms.

Based upon the above, staff is recommending the modifications:

(1) Limit all landscape irrigation to no more than three assigned days per week on a schedule established and posted by the City Manager. ~~During the month of November through May, landscape irrigation is limited to no more than once per week on a schedule established and posted by the City Manager.~~ This provision does not apply to commercial *growers* or nurseries, nor to the irrigation of golf course greens and tees.

(2) Limit lawn watering and landscape irrigation using sprinklers to no more than ten minutes maximum per watering station per assigned day during the months of June through October and no more than seven minutes maximum per watering station per assigned day during the months of November through May. This provision does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.

(6) Irrigation is not allowed during a rain event.

Community and Residential Gardens / Public Use Fields

Several concerns have been expressed regarding residential and community gardens that grow food, and turf establishment for playing fields, both requiring additional watering. The benefits of good nutrition, exercise and public use of playing fields have been brought up as beneficial uses of the additional water. The following proposed additional language for Section 67.3806 Drought Response Level 2 – Drought Alert Condition (b) should capture all the concerns expressed related to the two topics:

(7) Non-commercial vegetable gardens and fruit trees are exempted from days of the week restrictions, but must be irrigated before 10 a.m. or after 6 p.m.

(8) Landscape establishment is allowed if required for landscape permits, erosion control, natural disasters or establishment, repair or renovation of public use fields for schools and parks. Landscape establishment under these conditions authorizes watering any day, and any hour of the day, as necessary, for up to two months. All other turf establishment that requires more irrigation than the established irrigation restrictions requires a variance.

Watering and Vehicle Washing During Winter Months (November through May)

In several locations throughout Municipal Code, Sections 67.3801 – 67.3811, Emergency Water Regulations, there are references to watering and washing restrictions that cannot commence until after 6:00 p.m. It is recommended that in all occurrences in this Municipal Code where the 6:00 p.m. restriction is referenced, that the time period is moved forward two hours to 4:00 p.m. during the months of November through May to allow citizens time to perform these tasks during natural daylight hours.

Additional Variance Criteria

Lastly, in reviewing variance applications, staff has strictly enforced the four conditions required by Section 67.3810 Hardship Variance to grant approval. Staff recommends adding the following two conditions as alternatives to the four requirements to address catastrophic events or situations where alternative property restrictions would save more water. These additions should be included as follows indicating that these are OR conditions:

Or

(E) That because the property had been destroyed by a natural disaster.

Or

(F) That proposed alternative water use restrictions for the property would result in greater water savings than the existing water use restrictions.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: On December 2, 2008, the San Diego City Council officially approved an ordinance revising the City's Emergency Water Regulations. On May 5, 2009, the City Council voted 8-0 to move to a Level 2 Drought Alert Condition on June 1, 2009. On September 9, 2009, the Natural Resources and Culture Committee voted unanimously to accept the proposed amendments and revisions to the Emergency Water Regulations and to change the times from before 10 a.m. or after 6:00 p.m. to “before 10:00 a.m. or after 4:00 p.m.” In addition, to add language to the definition of potted plants to include plants that are not rooted in soil.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The Mayor's Office has held community meetings in each Council District to discuss water supply issues impacting the City of San Diego and to discuss general provisions of the new water restrictions. Similar meetings have been held by Public Utilities Department staff with community groups, members of the business community and the largest water consumers. The recommendations contained herein are based on public outreach and feedback.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The implementation of the proposed revisions to the City's Emergency Water Regulations will affect all City of San Diego water customers.



Alex Ruiz
Assistant Public Utilities Director



J. M. Barrett
Public Utilities Director

Attachment: Proposed Ordinance Amending Chapter 6, Article 7 of the San Diego Municipal Code Relating to Water Use Restrictions and Drought Response Program