

Staff Report

To: Coastside County Water District Board of Directors,
via David Dickson, General Manager

From: Cathleen Brennan, Water Resources Analyst

Agenda: August 14, 2018

Report Date: August 9, 2018

Subject: Proposed Amendments to the Indoor Water Use Efficiency Ordinance
and Setting the Date for a Public Hearing

Attachments: A: Proposed Ordinance 2018-01
B: Proposed Public Hearing Notice for Half Moon Bay Review

Recommendation

Consider the proposed amendments to the Indoor Water Use Efficiency Ordinance and set a public hearing on the amended ordinance for September 11, 2018 at 7:00 pm. No action on the ordinance is required at this time.

Background

The Indoor Water Use Efficiency Ordinance is a mandatory water efficiency measure that was designed to reduce per capita indoor water consumption for new and expanded water services in the District's service area. It was first adopted in 2010 because of The San Francisco Public Utilities Commission's decision to limit the available water supply to member agencies of the Bay Area Water Supply and Conservation Agency to 184 MGD until at least 2018. Senate Bill 7x-7 (Water Conservation Act of 2009), which called for a 20 percent per capita reduction statewide, also motivated the District to implement the Indoor Water Use Efficiency Ordinance. It was amended in 2014 to update the efficiency standards.

Other examples of mandatory water use efficiency measures that the District imposes on customers are metering the usage of all customers, tiered residential water rates and the water waste prohibitions in Ordinance 2008-01.

Description

The proposed amendments to the ordinance are necessary to align the District's metering requirements with recent state legislation on accessory dwelling units. It is also necessary to acknowledge changes in the California Plumbing Code and Green Building Standards.

The following is a list of substantive changes to the ordinance:

1. Define accessory dwelling unit (ADU).

2. Remove “indoor” from the title of the ordinance.
3. Remove the indoor water use efficiency table.
4. Amend metering requirements to:
 - (a) Clarify metering for SFR with ADU’s
 - (b) Expand on allowances for master metering of Multi-family and Non-Residential developments.
 - (c) Add a written description of factors that are considered for determining metering requirements.

The District’s amended ordinance applies to any project requiring new or expanded water service for new construction, remodels and existing construction.

Staff anticipates having to make additional amendments to this ordinance in the near future to accommodate new water efficiency regulations being implemented by the state.

Effective Date for Amended Ordinance

September 12, 2018 is the proposed effective date for this amended ordinance.

Fiscal Impact

None.

Summary

With the Board’s approval, a public hearing will be set for September 11 at 7:00 pm for the amended Water Use Efficiency Ordinance. The public hearing will be noticed in the Half Moon Bay Review at least ten days before the public hearing.

ORDINANCE NO. 2018-01

AN ORDINANCE OF COASTSIDE COUNTY WATER DISTRICT
UPDATING ~~INDOOR~~ WATER USE EFFICIENCY REGULATIONS

Purple Font = Added Text
Red = Deleted Text

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the Board of Directors.

WHEREAS, on May 11, 2010 the District adopted Ordinance No. 2010-01, the Coastside County Water District Indoor Water Use Efficiency Ordinance.

WHEREAS, on January 14, 2014, the District adopted Ordinance No. 2014-01, which updated the efficiency standards in the Coastside County Water District Indoor Water Use Efficiency Ordinance.

WHEREAS, in 2006, the U.S. Environmental Protection Agency launched the WaterSense Program seeking to protect the future of our nation's water supply by educating American consumers on water efficient products and ensuring the performance of water efficient products and services that perform at least 20 percent more efficiently than previous standards.

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the County of San Mateo and the City of Half Moon Bay California.

WHEREAS, the San Francisco Bay Area is a semi-arid region and is dependent upon local surface water, ground water, and imported water supplies. Factors, such as drought, a growing population, climate change, and environmental and regulatory concerns affect our region's water reliability and make the region highly susceptible to water supply challenges.

WHEREAS, careful water management requires active water use efficiency at all times, in order to ensure a reliable minimum supply of water to meet current and future water supply needs.

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

~~WHEREAS, the San Francisco Public Utilities Commission has imposed an interim water supply limitation on its wholesale customers, including local water suppliers, until at least 2018.~~

~~WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency member agencies indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies.~~

~~WHEREAS, the Board of Directors finds and determines that this Ordinance is consistent with the provisions requiring high efficiency water conserving fixtures and reductions in indoor water use in the 2013-2016 California Plumbing Code and the California Green Building Standards Code., respectively, as such provisions will be implemented in the coming years. Implementation of this Ordinance is necessary to ensure the use installation of high efficiency water conserving fixtures. and assist BAWSCA member agencies in achieving water savings.~~

WHEREAS, the State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the State. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 (7th Extraordinary Session) requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Accordingly, the Board of Directors finds that the implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting Senate Bill 7 (7th Extraordinary Session).

WHEREAS, the State Legislature has identified urban water conservation as a cost-effective approach to addressing water supply needs and determined that there are many water conservation practices that produce significant energy and water resource savings that should be encouraged as a matter of state policy. Pursuant to this finding, the State Legislature passed Senate Bill 407 (Chapter 587, Stats. 2009), requiring all residential and commercial property owners to replace existing plumbing fixtures with water-conserving fixtures by 2017 and 2019, respectively, and to upgrade existing plumbing fixtures upon any remodel initiated after January 1, 2014. ~~Senate Bill 407 further authorizes a city, county, or retail water supplier to enact local ordinances that promote compliant use of water efficient plumbing fixtures or which will result in a greater amount of water savings than those provided for in Senate Bill 407. Accordingly, the Board of Directors finds and determines that this Ordinance is consistent with the mandates of Senate Bill 407 and will result in water savings as provided for in Senate Bill 407.~~

WHEREAS, in 2016 and 2017 the State Legislature adopted multiple bills (Gov. Code Section 65580-65589.8) to streamline the approval of accessory dwelling units and junior accessory dwelling units with the intent of providing more affordable housing in California. Accordingly, local planning authorities within the District's jurisdiction have recently updated their local regulations.

WHEREAS, the District coordinates the review and approvals of remodels and new construction with the local planning authorities and the local fire protection authority.

WHEREAS, the California Coastal Commission issued memoranda in 2017 to coastal cities and counties providing guidance on complying with new accessory dwelling unit legislation and updating their local coastal programs to conform with Coastal Act policies.

WHEREAS, the State Water Resources Control Board, the Department of Water Resources, The California Public Utilities Commission, the California Department of Food and Agriculture, and the California Energy Commission are developing a long-term framework to Make Water Conservation a California Way of Life, as directed by Governor Brown's Executive Order B-37-16.

WHEREAS, the State Legislature passed companion bills SB606 and AB1668 which Governor Brown signed on May 31, 2018. These bills establish guidelines for efficient water use

indoors and outdoors to Make Water Conservation a California Way of Life beyond the year 2020.

WHEREAS, the District has the power to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code Section 31001), may establish rules and regulations for the distribution and use of water supplies (Water Code Section 31024), may adopt and enforce a comprehensive water conservation program to reduce potable water consumption and conserve supplies (Water Code Section 375), and may require as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use (Water Code Section 1009 and 31035).

WHEREAS, the District has followed the procedures for notice, public participation and adoption set forth in Section 375 of the California Water Code.

~~WHEREAS, the Board of Directors finds and determines that the more restrictive building standards for water use efficiency conserving fixtures provided for in this Ordinance are reasonably necessary because of local climatic, geological or topographical conditions.~~

WHEREAS, the District has the power to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code Section 31001), may establish rules and regulations for the distribution and use of water supplies (Water Code Section 31024), may adopt and enforce a comprehensive water conservation program to reduce potable water consumption and conserve supplies (Water Code Section 375), and may require as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use (Water Code Section 1009 and 31035).

WHEREAS, the Board of Directors finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures for ensuring that water resources are conserved by reducing water consumption through the use of water efficient indoor plumbing fixtures.

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the Coastsides County Water District's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the Coastsides County Water District's service area. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, THE BOARD OF DIRECTORS DOES ORDAIN AS FOLLOWS:

I. **Title**

THIS ORDINANCE shall be known as the **Coastsides County Water District Indoor Water Use Efficiency Ordinance.**

II. Coordination with the Plumbing Code and the California Green Building Standards Code

The District acknowledges that it is not legally empowered to adopt or enforce the code of rules and regulations printed in one volume and published by the International Association of Plumbing and Mechanical Officials, under the title “California Plumbing Code, 2016 2013 Edition,” or the most current edition, and the appendices printed therein, and all supplements subsequently issued thereto, hereinafter collectively called the “Plumbing Code,” prescribing regulations for the installation of all plumbing fixtures.

The District also acknowledges that it is not legally empowered to adopt or enforce the code of building standards known as the California Green Building Standards (CALGreen Code) published by the International Code Council and developed through a collaborative effort of the California Building Standards Commission.

However, the District intends to implement the water efficiency measures provided for in this Ordinance in connection with an application for new or expanded water service.

III. Applicability

A. The provisions of this Ordinance shall apply to the following projects requiring new or expanded water service:

1. All new construction;
2. Any remodel;
3. Existing construction or existing development.

B. The provisions of this Ordinance shall not apply to:

1. Existing buildings not seeking new or expanded water service;
2. Registered local, state or federal historical sites;
- ~~3. Remodels where, in the discretion of the District's Superintendent, the unique configuration of the building, its drainage system or portions of the public sewer, or both, are incompatible with efficiency standards listed in the Indoor Water Use Efficiency Table and require a greater quantity of water to flush the system in a manner that is consistent with public health.~~

IV. Definitions

A. “accessory dwelling unit (ADU)” means a single dwelling unit attached or detached on a single-family parcel, associated with a primary single-family residence.

~~B. “certified professional” means a licensed contractor, licensed architect or licensed professional engineer.~~

- B** C. “dedicated irrigation meter” means a meter installed to provide water for irrigation purposes only.
- C** D. “District” means Coastside County Water District.
- D** “domestic meter” means a meter installed to provide water primarily for indoor end uses.
- ~~D. “Energy Star Qualified” means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.~~
- ~~E. “gal/cycle” means gallons per cycle.~~
- ~~F. “gal/100 lbs ice” means gallons per hundred pounds of ice.~~
- ~~G. “gpf” means gallons per flush.~~
- ~~H. “gpm” means gallons per minute.~~
- E** I. “individual meter” means a metered service connection serving one dwelling unit, one commercial unit or one landscaped area by an individual account with the District.
- F** J. “irrigated landscape area” means area of landscaping that is supplied water by an irrigation system or water feature.
- G** K. “landscaped area” means the permeable area on a project parcel that is not covered by the footprint of structures, hardscape, or decking material.
- H** L. “local agency” means a city or county, including a charter city or charter county, or water district that is responsible for adopting and implementing the Ordinance. The local agency is also responsible for the enforcement of this Ordinance, including but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project; and in the case of a district, approval of a new or expanded water service application.
- I** M. “local water purveyor” means any entity, including a public agency, city, county or private water company that provides retail water service.
- ~~N. “LSI” means Langlier Saturation Index providing an indication of the degree of saturation of water with respect to calcium carbonate related to cooling tower efficiency.~~
- J** O. “master meter” means an individual metered service connection serving multiple residential or multiple commercial units by an individual account with the District.
- K** P. “mixed use” means a parcel or building used for both commercial and residential purposes.
- L** Q. “new or expanded water service” means a new connection or an increase in existing capacity from an increase in fixture units or end uses for an existing connection.

- M** R. “permit” means the document issued by local agencies in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements or repairs to a building or structure.
- N** s. “project applicant” means the individual or entity submitting an ~~Indoor~~ Water Use Efficiency Checklist ~~as required under Section VII~~, and requesting a permit, plan check, design review, or new or expanded water service application from the local agency. A Project applicant may be the property owner or his or her designee.
- O** T. “RMF” means residential multi-family ~~or residential with more than one dwelling unit.~~
- P** U. “service connection” is the water supply pipe from the water main to the meter.
- Q** V. “sq. ft.” means square feet.
- ~~W. “toilet” means toilet tank, toilet valve, and toilet bowl.~~
- ~~X. “urinal” means urinal porcelain and urinal valve.~~

V. Minimum Indoor Requirements

All projects requiring new or expanded water service will have, at a minimum, fixtures that comply with the efficiency standards listed below (the “Indoor Water Use Efficiency Table”):

INDOOR WATER USE EFFICIENCY TABLE

Fixture	Residential	Non-Residential
Toilets	≤ 1.28 gpf and ≥ 350 grams	≤ 1.28 gpf and ≥ 350 grams
Showerheads	≤ 2.0 gpm at 80 psi	≤ 2.0 gpm at 80 psi
Bathroom Faucets	≤ 1.5-1.2 gpm at 60 psi	≤ 0.5 gpm at 60 psi
Kitchen Faucets	≤ 1.8 gpm at 60 psi	≤ 1.8 gpm at 60 psi
Utility Faucets	≤ 1.8 gpm at 60 psi	≤ 1.8 gpm at 60 psi
Metering Faucets	≤ 0.25 gallons per cycle	≤ 0.25 gallons per cycle
Dishwashers	Energy Star Qualified	Energy Star Qualified
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Cooling Towers	≥ 5 cycles of concentration or ≥ 2.5 LSI	≥ 5 cycles of concentration or ≥ 2.5 LSI
Commercial Food Steamers	Boiler less or Self-contained	Boiler less or Self-contained
Commercial Ice Machines	≤ 25 gal/100 lbs ice and Air-cooled	≤ 25 gal/100 lbs ice and Air-cooled
Commercial Pre-Rinse Spray Valves	≤ 1.28 gpm at 60 psi	≤ 1.28 gpm at 60 psi
Commercial Automatic Vehicle Wash Facilities	≥ 50% of water recycled on site	≥ 50% of water recycled on site
Commercial Refrigeration	Closed loop or Air-cooled Water used for all cooling purposes shall be recycled or re- circulated.	Closed loop or Air-cooled Water used for all cooling purposes shall be recycled or re- circulated.
All fixtures and appliances must be manufactured to meet specifications. Flow restrictors and other after-market modifications will not be accepted as compliant.		

V

VI. Metering

When determining the water metering configuration of a parcel, the District will consider the range of water use, backflow protection devices, along with the size and type of water meter

that is appropriate for the end uses. Staff will use parcel data, California Plumbing Code, engineering calculations, meter manufacturing information, backflow requirements, knowledge of the distribution system and District specifications to determine the best water metering configuration to serve a development or property.

All projects requiring new or expanded water service shall comply with the following metering requirements:

- A. A dedicated irrigation meter is required for all irrigated landscaped area greater than or equal to 5,000 square feet. ~~If the project includes landscaped area greater than or equal to 5,000 square feet, the applicant shall install a separate dedicated irrigation meter.~~
- B. Mixed use developments require an individual domestic meter for each separate type of class or use, including a dedicated irrigation meter to serve landscaping. ~~If the project is a mixed use development, the applicant shall install an individual meter for each separate use, including a dedicated irrigation meter to serve the landscape.~~
- C. Commercial multi-unit developments require an individual domestic meter be installed to serve each unit and a dedicated irrigation meter to serve landscaping. ~~If the project involves a RMF (Residential Multi-Family) development, the applicant shall install an individual meter for each dwelling unit. In addition, the applicant shall install an individual meter for the common area and a dedicated irrigation meter shall be installed to serve the landscape.~~
- D. Residential multi-unit (multi-family) development requires an individual meter for each dwelling unit. In addition, the applicant shall install a dedicated irrigation meter for landscaped area and an individual domestic meter for any common areas. ~~If the project involves a commercial multi-unit development, the applicant shall install an individual meter for each unit and the applicant shall install a dedicated irrigation meter to serve the landscaped area.~~
- E. Master domestic meters may be installed under the following conditions, at the discretion of District staff: ~~A master meter service connections may be installed only for multiple residential units or multiple commercial units that satisfy all of the following conditions:~~
 - 1. all of the residential units are within one building, and;
 - 2. all the commercial units are within one building, and;
 - 3. ~~the building is three or more stories in height, and;~~
 - 3. the parcel and the building are owned by one legal entity, and;
 - 4. the parcel is served by a dedicated irrigation meter, or;
 - 5. backflow protection requirements make it impractical to individually meter units, or;
 - 6. the parcel is a single-family residence with one accessory dwelling unit.

- F. Service connections and meters are assigned to a parcel by assessor's parcel number (APN) and shall provide water to that one parcel. ~~Service connections are assigned to a parcel by assessor's parcel number (APN) and only serve that parcel.~~

VI

VII. **Compliance with Ordinance**

- A. The District shall:
1. Provide the project applicant with the ~~Ordinance and the Indoor~~ Water Use Efficiency Checklist ~~requirements when it provides the applicant with the procedures for new or expanded water service applications;~~
 2. Review the ~~Indoor~~ Water Use Efficiency Checklist submitted by the project applicant;
 3. Approve or deny the project applicant's ~~Indoor~~ Water Use Efficiency Checklist submittal;
 4. Only upon approval of the ~~Indoor~~ Water Use Efficiency Checklist along with other required submittals, approve a new or expanded water service application for the project applicant;
 5. In its discretion, inspect the project for compliance with District requirements for the project ~~installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels;~~ and
- B. The project applicant shall:
1. Meet the minimum water use efficiency standards ~~for indoor fixtures and appliances provided for in the Indoor Water Use Efficiency Table and Checklist.~~
 2. Comply with the District's regulations regarding water service, water service extensions, water system improvements, engineering and construction standards and approved materials.
 3. Comply with the District's fee and rate schedule.
 4. Prior to construction, submit all portions of the ~~Indoor~~ Water Use Efficiency Checklist to the District for verification.
 5. Allow District staff access to inspect property for compliance with District regulations.

VII

VIII. **Components of the ~~Indoor~~ Water Use Efficiency Checklist**

The ~~Indoor~~ Water Use Efficiency Checklist shall require, at a minimum:

- A. Project Information;

~~B. Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the Indoor Water Use Efficiency Table and Checklist;~~

B C. **Most current** construction drawings showing type, location and layout of plumbing fixtures, appliances and meters.

C Other submittals required by the District for water service; including, but not limited to, fire protection, fixture unit worksheets, and water demand calculations.

~~D. Contain the following statement to be completed by the project applicant: "I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance"; and~~

D E. Bear the signature of the project applicant, or that of a certified professional.

VIII IX. Penalties and Enforcement

Failure to comply with the requirements of this ordinance or a violation of this ordinance is determined to be waste or unreasonable use or unreasonable method of use of water.

A. Notice of Correction and Notice of Violation.

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Ordinance to fail to comply with the water use efficiency requirements or to alter or replace the fixtures and appliances required by this Ordinance with other noncompliant fixtures or appliances after the completion of construction or remodel. Whenever the District Superintendent determines that a violation of this Ordinance has occurred, the District Superintendent may serve a notice of correction on the owner(s) of the property on which the violation is situated. The applicant or owner(s) of record shall have sixty (60) days to take corrective action. A notice of violation shall be issued after sixty (60) days, from the date of the notice of correction, if the violation has not been corrected.

B. Enforcement.

If an applicant or owner(s) of record for new or expanded water service fails to comply with the provisions of this Ordinance, the District may require the applicant or owner(s) of record to resubmit its water service application and revised ~~Indoor~~ Water Use Efficiency Checklist for approval and will withhold approval of the application until the applicant or owner(s) of record complies with the terms of this Ordinance.

1. If the applicant or owner(s) of record with an installed water service fails to comply with this Ordinance, and fails to correct any violation within sixty (60) days of the notice of correction from the District, the District may require the installation of a flow restricting device(s) until compliance is achieved. The applicant or owner(s) of record will be charged for the installation and removal of the flow restricting device(s), so the District may recover the costs incurred from enforcement.

2. If the applicant or owner(s) of record with an installed water service fails to comply with this Ordinance and fails to correct any violation after ninety (90) days of the notice of correction from the District, the District may suspend water service by locking or removing the water meter until compliance is achieved. The applicant or owner(s) of record will be charged for suspending and restoring water service.
3. If the applicant or owner(s) of record with an installed dedicated irrigation water service fails to comply with this Ordinance and fails to correct any violation within sixty (60) days of the notice of correction from the District, the District may suspend water service by locking or removing the water meter until compliance is achieved. Irrigation is not a necessary water service for health and safety. The applicant or owner(s) of record will be charged for suspending and restoring water service.
4. In addition to any other remedy provided herein, the District may also refer enforcement of violations under this Ordinance to the City Attorney, County Counsel or District Attorney of the jurisdiction where the violation occurred.

IX

X. Public Education

The District shall provide information to all applicants regarding the installation of water efficient fixtures and appliances.

X

XI. Severability

If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

XI

XII. Publication

The General Manager is hereby directed to arrange for this Ordinance to be published in a newspaper of general circulation in the District within ten (10) days of its adoption.

XII

XIII. Effective Date

This revised Ordinance shall become effective on [September 12, 2018](#).

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Coastside County Water District held on September 11, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ROBERT FELDMAN
BOARD PRESIDENT

ATTEST:

DAVID R. DICKSON
BOARD SECRETARY

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the Coastside County Water District Board of Directors will conduct a public hearing on amendments to the Indoor Water Use Efficiency Ordinance, as follows:

Date: September 11, 2018

Time: 7:00 p.m.

Location: Coastside County Water District, 766 Main Street, Half Moon Bay, California 94019