

**City of Culver City, California
Agenda Item Report**

Meeting Date: 10/12/2009	Item Number: <u>A-1</u>
CITY COUNCIL AGENDA ITEM: Introduction of an Ordinance Amending Chapter 5.03, Water Conservation, of the Culver City Municipal Code	
Contact Person/Dept.: Helen Kerstein/PW	Phone Number: (310) 253-5618
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☒ No ☐
Public Hearing: ☐	Action Item: ☒ Attachments: ☒
Commission Action Required: Yes ☐ No ☒	Date: _____
Public Notification: Agendas and Meetings – City Council (10/07/09); (E-Mail) Ongoing Topics - Sustainability and Environmental Issues (10/07/09); (E-Mail) Homeowners Associations - Downtown Neighborhood Association (10/07/09); (E-Mail) Homeowners Associations - Fox Hills Neighborhood Association (10/07/09); (E-Mail) Homeowners Associations - Gateway Neighborhood Association (10/07/09); (E-Mail) Chamber of Commerce (10/07/09); (Advertisement) Culver City News (10/01/09, 10/08/09)	
Department Approval: Charles D. Herbertson (09/30/09)	City Attorney Approval: Carol Schwab (by H. Baker) (09/04/09)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/08/09)	City Manager Approval: Mark Scott (10/07/09)

RECOMMENDATION:

Staff recommends that the City Council introduce an Ordinance amending Chapter 5.03, Water Conservation, of the Culver City Municipal Code.

BACKGROUND:

In 1990, in response to severe drought conditions, the City Council adopted Chapter 5.03, Water Conservation, of the Culver City Municipal Code ("CCMC"). This Chapter outlines a variety of water use restrictions within the City. Despite proactive steps on the part of the City, such as the adoption of these restrictions, water shortages in Southern California have intensified as the region's population has increased and as conditions in the Sacramento River Delta (a significant supplier of the Los Angeles Region's water) have deteriorated, spurring limitations on water provided to Southern California through the California Aqueduct.

At the beginning of this year, the water situation became critical. In the wake of three drought years, state reservoirs reached dangerously low levels. In response, in February of this year, Governor Schwarzenegger declared a state of emergency and urged quick and forceful steps to conserve water. Following the Governor's lead, the Metropolitan Water District (MWD) called on its member agencies to "achieve extraordinary conservation by adopting and enforcing drought ordinances, accelerating public outreach and messaging, and developing additional local supplies." MWD also drafted a Model Water Ordinance outlining recommended

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policies and tied the receipt of certain grant funds to the passage of such an ordinance as well as the creation of an accompanying implementation plan.

At a local level, West Basin Metropolitan Water District (West Basin), the MWD member agency providing water to most of Culver City, required water retailers to adhere to a water supply allocation plan or face financial penalties beginning July 1, 2009. In order to meet the requirements under this plan, Golden State Water Company (Golden State), which serves most of Culver City, asked its customers to voluntarily reduce their water usage by 10 percent compared to their historical usage and implement specific water conservation measures or face possible fines or other penalties. The Los Angeles Department of Water and Power (LADWP), which also serves a portion of Culver City (west of the I-405 Freeway), also took action to encourage its customers to voluntarily reduce water consumption.

DISCUSSION:

Southern California relies heavily on water imported from Northern California and the Colorado River. As the region grows, additional demands have been placed on these already strained water resources. Not surprisingly, water conservation is always essential in all of Southern California, including Culver City. However, water conservation is especially critical in drought conditions like those we have faced over the past several years.

The City's existing Water Conservation Ordinance ("Existing Ordinance") provides an important tool to encourage water conservation. It sets forth a number of restrictions on water use, including broad prohibitions against wasting water and excessive watering as well as requirements for the prompt fixing of leaks. In addition, it includes more specific restrictions on washing vehicles and paved surfaces, using non-recirculated water for fountains, serving water at food establishments except upon request, watering more than once every other day, and watering between 10am and 4pm.

Despite its strengths, the Existing Ordinance has not been updated in nearly 20 years and does not contain additional restrictions that could further encourage water conservation. For instance, it does not include rules that limit watering lengths, prohibit single pass cooling systems, or require restaurants to use water-conserving nozzles, hotels to offer guests the option of rejecting daily linen changing, and car washes and commercial laundry systems to employ water re-circulation. Furthermore, the Existing Ordinance employs a one-size fits all approach, rather than allowing for increased restrictions as the severity of the drought increases (see Attachment 2 for a comparison of the Existing Ordinance to the proposed Ordinance).

The proposed Ordinance, which is modeled after the MWD Model Ordinance, will bring the City's rules up to date and ensure that they are comprehensive and flexible

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enough to accommodate the City's current water conservation needs. It will also create more consistency with other jurisdictions in the region that have adopted ordinances that are modeled after or are similar to the MWD Model Ordinance, including: Torrance, Glendale, Beverly Hills, Brea, Pasadena, Los Angeles, and Manhattan Beach. This should help reduce confusion for residents.

Furthermore, when paired with the attached draft implementation plan, the proposed Ordinance will ensure the City's continued eligibility for grant opportunities through MWD, including: the Public Sector II Grant, Enhanced Conservation Program, and the Pilot Turf Removal Program. These grants are currently on hold due to the state budget crisis, but it is important for the City to be able to access them when they once again become available.

The proposed Ordinance will also complement the efforts taken by LADWP and Golden State to reduce water use. Specifically, the City's water conservation requirements are similar to those specified by Golden State and will assist residents and businesses in meeting the 10 percent water reduction target set by the company. Additionally, the proposed Ordinance will work alongside the updated Model Water Efficient Landscape Ordinance (Landscape Ordinance) that the California State Department of Water Resources (DWR) completed in September. Culver City, like every other jurisdiction in the state, will have to pass this landscape-focused ordinance or an ordinance at least as effective no later than January 1, 2010 or the provisions of the state law will prevail automatically.

Complying with the restrictions in the proposed Ordinance will require some behavioral changes on the part of water users. Staff intends to conduct outreach, as described in the draft implementation plan, to help inform the community about this ordinance and encourage the necessary changes in water use habits (see Attachment 3). Part of this outreach will be to share information about the wide variety of rebates that are available through West Basin and other entities to help everyone do their part to conserve water. For example, the City recently collaborated with West Basin on a program to provide free water-efficient toilets. Also, West Basin, in collaboration with local water companies, currently has a Green Garden Program, which provides free landscape surveys and water-conserving sprinklers.

The City has already begun its outreach efforts. Staff participated in a Water Conservation Fair on August 13, 2009 to provide information to the public and to solicit input on the proposed Ordinance. A survey was created and made available to the public at this event. Furthermore, staff posted this survey on the City website and sent it to the City's environmental E-Mail address list. In total, approximately 130 responses to the survey were received. These responses are likely weighted towards those with an interest in and commitment to environmental and water conservation issues. With that said, the responses suggest that awareness of the Existing Ordinance is relatively low, with only roughly half of respondents knowing that Culver City currently has an ordinance requiring water conservation. The

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responses also indicate that there is substantial support for revising the Existing Ordinance as proposed. Proposed changes such as increasing watering restriction hours, limiting irrigation system watering to 15 minutes, and escalating water use restrictions during more severe droughts received an average rating of between 8 and 10 on a scale from 0 (not supportive) to 10 (very supportive).

Staff discussed a draft of the proposed Ordinance with the Sustainable City Subcommittee at their meeting on August 7, 2009 and the Subcommittee members expressed their general support of the proposed Ordinance and recommended the City Council introduce the proposed Ordinance.

FISCAL ANALYSIS:

Many of the components of the proposed Ordinance are similar to the Existing Ordinance and require little to no additional enforcement. Some of the components are entirely new such as the limit on watering times, the requirement that restaurants use water-conserving nozzles, the requirement that hotels offer guests the option to reject daily linen changing, the prohibition on single pass cooling systems and the requirement for re-circulation in car washes and commercial laundry systems. Staff envisions that to the extent these provisions will be enforced, they will be enforced along with existing codes and will not require significant additional resources.

While staff does not anticipate that the proposed Ordinance will require significant additional expenditures, it could lead to somewhat lower tax revenues. Sewer charges are based on water use and the Utility Users Tax is applied to water bills. To the extent that this ordinance leads to lower water consumption, it will lead to commensurate drops in these revenue sources, assuming no changes in sewer charge or water rates. The amount of these changes is difficult to estimate at this time.

ATTACHMENTS:

1. Proposed Ordinance
2. Comparison of Existing and Proposed Water Conservation Ordinances
3. Draft Implementation Plan

MOTION:

That the City Council:

Introduce an Ordinance Amending Chapter 5.03, Water Conservation, of the Culver City Municipal Code.