



STAFF REPORT

AGENDA NO: 9b

MEETING DATE: June 21, 2021

To: Honorable Mayor and City Council

Date: June 21, 2021

From: Syed Murtuza, Public Works Director – (650) 558-7230
Michael Guina, City Attorney – (650) 558-7204
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Subject: Ordinance Amending Chapter 15.06 and Adopting a New Chapter 15.07 of the Burlingame Municipal Code to Prohibit Wasteful Water Use Practices (CEQA Determination: Exempt Pursuant to State CEQA Guidelines Sections 15378 and 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing to introduce the attached ordinance to amend Municipal Code Chapter 15.06 and to adopt a new Chapter 15.07 to prohibit wasteful water use practices. In order to do so, the City Council should:

1. Receive the staff report and ask any questions of staff.
2. Request that the City Clerk read the title of the proposed ordinance.
3. By motion, waive further reading and introduce the ordinance.
4. Conduct a public hearing on the proposed ordinance.
5. Following the public hearing, discuss the ordinance, adopt the first reading of the ordinance, and direct the City Clerk to bring the ordinance back for adoption at the next regular City Council meeting.

BACKGROUND

Staff is in the process of updating the City's Urban Water Management Plan in accordance with the requirements of the California Water Code, and will bring the Plan to the City Council for adoption at a future meeting. California Water Code Section 10632(a)(7) requires an urban water supplier to adopt a water shortage contingency plan as part of its urban water management plan that consists of a description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions. The shortage response actions listed in the aforementioned paragraph (4) include locally appropriate supply augmentation actions, demand reduction actions, operational changes, and mandatory prohibitions against specific water use practices. Moreover, California Water Code Section 10631(e) states that a water supplier must provide a description of its water demand management measures, which includes water waste prevention ordinances, metering, and conservation

pricing. Staff has developed the attached ordinance to comply with the California Water Code by establishing the legal authority to implement the City's Water Shortage Contingency Plan and create a new water waste prevention ordinance.

DISCUSSION

Municipal Code 15.06 grants the City Council the ability to adopt water use regulations outlined in Chapter 15.06.040; however, it does not mention the City's Water Shortage Contingency Plan. Staff proposes to reference the Water Shortage Contingency Plan to ensure that the City has the legal authority to execute water use practices as described in this plan.

Additionally California Water Code section 10631(e)(1)(B)(i) requires a water supplier to provide a description of its water waste prevention ordinance. Since the City of Burlingame does not have a permanent water waste prevention ordinance, staff recommends that the City Council adopt one that targets wasteful water use practices and conserves the City's water supply. Unlike Municipal Code 15.06, which is in effect during water shortage emergencies, this water waste prevention ordinance will be in place at all times. The proposed water waste restrictions are based on Governor Brown's Executive Order B-40-17, which was issued during the previous drought. Moreover, staff has reviewed water waste restrictions from neighboring jurisdictions and compared them in the below table for informational purposes.

Water Waste Restriction	Millbrae	Foster City	San Francisco	California Water Service	Burlingame (Proposed)
(a) Use of a hose for any purpose without a positive shut-off nozzle.	X	X	X	X	X
(b) Use of potable water for cleaning, filling or operating water features, such as decorative fountains, except where the water is part of a recirculating system.	X	X	X	X	X
(c) The application of potable water to irrigate outdoor plants, lawn, grass, landscaping, or turf areas during and within twenty-four (24) hours after measurable rainfall.	X*	X*	X*	X*	X
(d) The application of potable water to street medians containing ornamental turf.	X	X	X	X	X
(e) Use through broken or defective plumbing, sprinkler, watering or irrigation systems.	X	X	X		X
(f) Use in new, added, or altered car wash equipment unless a recirculating water system is incorporated.	X	X	X		X
(g) The prohibition enumerated in subsection (f) of this section does not apply to any water treatment features, such as landscaping and green roofs, to meet the requirements of the municipal regional stormwater National Pollutant Discharge Elimination System.		X			X
(h) To promote conservation, hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and display notice of this option in guestrooms.			X		X

Water Waste Restriction	Millbrae	Foster City	San Francisco	California Water Service	Burlingame (Proposed)
(i) No water shall be taken or used from any fire hydrant or any unmetered city water system outlet/fitting/fixture unless specifically authorized by permit from the director, except by legally constituted fire protection agencies for fire suppression purposes.	X		X		X
<i>No washing sidewalks unless for health and safety and no runoff to storm drain</i>	X	X	X	X	
<i>Application of potable water to outdoor landscapes in a manner that causes runoff</i>	X	X	X	X	
<i>Serving drinking water other than upon request at eating or drinking establishments</i>	+	X	X		
<i>Covers shall be required for all new swimming pools and encouraged to be installed for existing pools.</i>	X				
<i>Exceptions to above may be granted by Public Works Director or designee</i>		X			

+ = Not required but encouraged

* = No watering within 48 hours after measurable rainfall

During the previous drought, City staff developed a public outreach program to educate residents about restricted water waste practices. This program included the dissemination of mailers, postcards, and yard signs. Staff has continued to maintain the water conservation hotline (650-558-7612) and water conservation email (waterconservation@burlingame.org), where members of the public may contact staff with questions about water conservation or to report water waste. When new water waste restrictions are in effect, staff will conduct public outreach to the community and its water customers to ensure compliance with these water waste restrictions, and will issue citations and fines as a last resort.

FISCAL IMPACT

Adoption of the ordinance amending Chapter 15.06 is not anticipated to incur fiscal impact since the intent is to ensure that the City can execute and enforce the Water Shortage Contingency Plan. Adoption of the ordinance adding the new Chapter 15.07 to prohibit wasteful water use practices is anticipated to have an impact on staffing resources to enforce and respond to complaints, and will highly depend on compliance level by the community.

Exhibit:

- Proposed Ordinance to Amend BMC Chapter 15.06 and Add BMC Chapter 15.07