City of Brisbane
Agenda Report

TO: City Council via the City Manager

FROM: Interim Community Development Director

SUBJECT: Indoor Water Use Efficiency Ordinance

DATE: Meeting of May 17, 2010

City Council Goals:

To develop plans and pursue opportunities to protect natural resources. (Goal #8)

Purpose:

Comply with the provisions of State law and reduce indoor water demands from both commercial and residential properties.

Recommendation:

That the City Council introduce Ordinance 543, establishing new Chapter 15.72 of the Brisbane Municipal Code, *Indoor Water Use Efficiency*.

Background:

A number of bills have recently been passed in California requiring reductions in indoor water usage. The California Green Building Standards Code includes requirements for a 20 percent reduction in potable indoor water use in all new construction by 2011, but it does not specify how those savings are to be achieved. Changes to the Plumbing Code effective in 2014 will require installation of high efficiency toilets and urinals in all projects requiring a building permit. SB 407 approved in 2009 requires all residential and commercial property owners to upgrade existing plumbing fixtures with water conserving fixtures upon initiation of any remodel after January 1, 2014. It further specifies that in the absence of a remodel, owners will be required to replace all existing plumbing fixtures with water conserving fixtures by 2017 for residences and 2019 for commercial buildings. Additionally, SB 7 approved in 2009 calls for urban per capita water use reductions of at least 10 percent no later than December 31, 2015 and 20 percent no later than December 31, 2020.

Regionally, the City of Brisbane is a member agency of the Bay Area Water Supply and Conservation Agency (BAWSCA), which receives its water from the San Francisco Public Utilities Commission (SFPUC). BAWSCA has evaluated the State laws and developed, through a BAWSCA-sponsored working group, a model ordinance recommended for adoption by BAWSCA member agencies. The Model Ordinance is intended to achieve a number of goals. It provides a regionally consistent, comprehensive approach to addressing the requirements of multiple state laws. It also accelerates water conservation, an important consideration given BAWSCA's projections that water demands within the BAWSCA service area will exceed available supplies by 2015, barring increases in supply or increased water conservation.

Draft Ordinance 543 substantially complies with the BAWSCA Ordinance, with the exception of minor changes related primarily to enforceability. The Ordinance and related checklist are included as Attachments A and B. Also, BAWSCA has provided a list of frequently asked questions and answers (Attachment C).

Discussion:

In summary, the Ordinance requires installation of water efficient fixtures and appliances in all new developments, major remodels (50 percent or more improvement) and in remodeled kitchens and bathrooms. It utilizes a checklist format to facilitate compliance and review.

The proposed efficiency standards are summarized in Attachment D. The water-efficient fixtures and appliances that comply with the standards set forth by the Ordinance are readily available on the market and their performance has been verified by third parties, where available (e.g., EPA Water Sense, Energy Star, PG&E). In many cases, applicants may also be eligible for rebates for the purchase of water conserving fixtures and appliances from the water agency and/or PG&E. These rebates will help offset the cost of the water-efficient models. Staff will supply project applicants with information regarding potential rebates and resources to help them select qualifying fixtures.

On April 14th , the Open Space and Ecology Committee (OSEC) reviewed and endorsed the draft Ordinance (see OSEC Minutes, Attachment E). Edits were made to the Ordinance as requested by OSEC, with the exception of modifying the ordinance to replace the Energy Star requirement on dishwashers with a numeric standard. This is not recommended, as Energy Star continues to update its standards, which are widely recognized in the industry. OSEC also recommended that the enforcement section should be revisited at a future date. While not directly related to Ordinance 543, the City Attorney is in the process of drafting an ordinance for future hearing by the City Council that will revise and update all of the enforcement provisions in the Brisbane Municipal Code, including this section of the Ordinance.

Fiscal Impact:

While the Ordinance is intended to reduce future water usage, the amount or rate of reduced usage is undetermined. It illustrates an ongoing issue with the City's water rate

structure. Currently the City raises 70% of its water revenue from water use charges and 30% from the fixed rate. Conversely, 70% of the system is a fixed cost (the amount the City would need to spend to keep the system available to deliver water) and 30% is the cost of water. By decreasing the amount of water used in the system we would need to review our rates to ensure we could still provide safe drinking water. The Water and Sewer subcommittee has looked into this issue in the past and has directed staff to provide alternative rate structures where more of the revenue is provided by the fixed charges.

Staff costs associated with verifying compliance with the Ordinance should be covered through building plan check and permit fees.

Measures of Success:

Adoption and implementation of the Ordinance will facilitate the City's ability to comply with indoor water conservation requires mandated by state law.

Attachments:

A. Draft Ordinance 543
B. Indoor Water Efficiency Checklist
C. Frequently Asked Questions
D. Indoor Water Efficiency Standards
E. OSEC Minutes, April 14, 2010

Department Head

City Manager

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF BRISBANE ADDING CHAPTER 15.72 TO THE MUNICIPAL CODE TO ESTABLISH INDOOR WATER CONSERVATION REGULATIONS

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: This Ordinance is adopted in light of the following facts and circumstances, which are hereby found and declared by the City Council:

A. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the City of Brisbane, California.

B. The City of Brisbane is located in a Semi-Arid region and is largely dependent upon 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.

C. Careful water management requires active water conservation measures, not only in times of drought but at all times, in order to ensure a reliable minimum supply of water to meet current and future water supply needs.

D. 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.

E. 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.

F. Current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") 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.

G. The City Council 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 2007 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 expedite the use of high efficiency water conserving fixtures and assist BAWSCA member agencies in achieving water savings.

H. 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 City Council 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).

I. 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 City Council 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.

J. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local policy, sanitary, and other ordinances and regulations not in conflict with general laws.

K. The City Council finds and determines that the more restrictive building standards for water conserving fixtures provided for in this Ordinance are reasonably necessary because of local climatic, geological or topographical conditions.

L. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 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.

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

SECTION 2: A new Chapter 15.72 is added to Title 15 of the Municipal Code, to read as follows:

Chapter 15.72
INDOOR WATER CONSERVATION REGULATIONS

Sections:

§15.72.010 Title

This Chapter shall be known as the City of Brisbane Indoor Water Use Efficiency Ordinance.

§15.72.020 Coordination with the State Plumbing Code

This code does not replace the currently adopted California Plumbing Code, 2007 Edition, appendices printed therein, and all supplements subsequently issued thereto, or other applicable California codes, herein collectively called the "Plumbing Code". To the extent the provisions of this Chapter conflict with any current or subsequently adopted provisions in the Plumbing Code, then the most stringent provisions shall supersede and control with regard to the indoor fixture requirements.

§15.72.030 Applicability

A. The provisions of this Chapter shall apply to the following projects:

(1) All new construction, regardless of building classification, requiring a building permit, plan check or design review, or requiring new or expanded water service.

(2) All kitchen and bathroom remodels requiring a building permit, plan check, design review, new or expanded water service, except that the provisions of this Chapter will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled; and

(3) Any remodel deemed by the building official to have a value in excess of fifty percent of the value of the pre-existing structure, or involving an area in excess of fifty percent of the area of the pre-existing building, per Section 15.08.140 of this Title.

B. The provisions of this Chapter shall not apply to any of the following:

(1) Existing buildings not seeking a building permit, plan check or design review.

(2) Registered local, state or federal historical sites;

(3) Remodels where, in the discretion of the building official, 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.

§15.72.040 Definitions

A. As used in this Chapter, certain words and phrases shall be defined as follows:

(1) **Certified professional** means a licensed contractor, licensed architect or licensed professional engineer.

(2) **City** means the City of Brisbane.

(3) **Energy Star Qualified** means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.

(4) **Expanded water service** means the installation of a larger meter or addition of a new meter.

(5) **gal/cycle** means gallons per cycle.

(6) **gal/100 lbs ice** means gallons per hundred pounds of ice.

(7) **gpf** means gallons per flush.

(8) **gpm** means gallons per minute.

(9) **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.

(10) **Local water purveyor** means any entity other than the City of Brisbane, including a public agency, city, county, or private water company that provides retail water service.

(11) **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.

(12) **Project applicant** means the individual or entity submitting an Indoor Water Use Efficiency Checklist as required under Section 15.72.070 of this Chapter, and requesting a permit, plan check, design review, or new or expanded water

service application from the City. A Project applicant may be the property owner or his, her or its designee.

(13) **RMF** means residential multi-family.

(14) **sq. ft.** means square feet.

§ 15.72.050 Minimum Indoor Fixture Requirements

All new construction and applicable remodels 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
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Showers	≤ 2.0 gpm	≤ 2.0 gpm
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dishwashers	Energy Star Qualified	Energy Star Qualified
Cooling towers	≥ 5 - 10 cycles, or ≥ 2.5 LSI	≥ 5 - 10 cycles, or ≥ 2.5 LSI
Food steamers	--	Boiler less, or Self-contained
Ice machines	-- --	≤ 25 gal/100 lbs ice, or Air-cooled
Pre-rinse spray valves	--	≤ 1.15 gpm
Automatic vehicle wash facilities	--	≥ 50% of water that is recycled on site
Commercial refrigeration	--	Closed loop, or Air-cooled
Meters	Submeters for RMF, and Separate meter for outdoor if landscape >5000 sq. ft.	Submeters, and Separate meter for outdoor if landscape >5000 sq. ft.

§ 15.72.060 Compliance With Chapter

A. As the approving authority, the City will:

(1) Provide the Project applicant with a copy of this Chapter and the Indoor Water Use Efficiency Checklist requirements when it provides the applicant with the procedures for permits, plan checks, design reviews or 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, issue a permit or approve the plan check, design review or new or expanded water service application for the Project applicant, provided that all other requirements applicable to the issuance or approval of such permit, plan check, or design review or approval of new or expanded water service have been satisfied.

(5) In its discretion, inspect the installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels.

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) Prior to construction, submit all portions of the Indoor Water Use Efficiency Checklist to the City for verification.

§ 15.72.070 Indoor Water Use Efficiency Checklist

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

(1) Project Information;

(2) 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;

(3) 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

(4) Bear the signature of the Project applicant, or that of a certified professional.

§ 15.72.080 Enforcement of Chapter

A. It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Chapter to fail to comply with the provisions of this Chapter or any permit or approval granted pursuant to this Chapter. A violation of this Chapter, or any permit or approval issued pursuant to this Chapter, shall constitute an infraction and a public nuisance. Every day any violation of this Chapter, or any permit or approval issued pursuant to this Chapter, shall continue shall constitute a separate offense.

B. Every violation of this Chapter, or any permit or approval granted pursuant to this Chapter, determined to be an infraction is punishable by a fine not exceeding one hundred dollars ($100.00) for a first violation; a fine not exceeding two hundred dollars ($200.00) for a second violation of the same provision within one year; and a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same provision within one year. In addition, where more than three violations of the same provision occur within one year, the City Attorney may elect to treat the fourth and each subsequent violation as a misdemeanor offense, subject to a fine not exceeding one thousand dollars ($1,000.00), or imprisonment for a period not exceeding six months, or both.

C. In addition to any criminal enforcement proceedings, every violation of this Chapter, or any permit or approval granted pursuant to this Chapter, determined to be a public nuisance may be abated by the City in accordance with the provisions of Chapter 8.36 of the Brisbane Municipal Code.

D. This Chapter may be enforced by the City Manager and his authorized representatives (the "Enforcement Official"). The Director of Community Development, the Director of Public Works/City Engineer, and the City Building Inspector are hereby designated as authorized representatives of the City Manager, with full power to enforce the provisions of this Chapter.

E. The Enforcement Official has the authority to conduct such inquiries, audits inspections, or surveys to ensure compliance with the requirements of this Chapter. Whenever the Enforcement Official determines that a violation of this Chapter has occurred, the Enforcement Official may serve a notice of violation on the owner(s) or other person(s) having possession and control of the property on which the violation is situated. The notice shall set forth the nature of the violation and the corrective that must be taken as a result thereof. The owner(s) or occupant(s) shall have ninety (90) days to take the corrective action specified in the notice. If the violation is not corrected to the satisfaction of the Enforcement Official within the ninety (90) day period, or such additional time as the Enforcement Official may allow, the Enforcement Official may commence civil or criminal proceedings, or both, and exercise any other rights and remedies that may be provided by law

§ 15.72.090 Public Education

A. The City will provide information to applicants regarding the installation of water efficient fixtures and appliances.

B. The City will provide information to the public, via the City's website and/or mailings, regarding water conservation, permit requirements for the installation of water efficient fixtures and appliances, and changes in state code regarding water efficient fixtures and appliances.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

INDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Applicant

I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance.

Signature _____ Date _____

Project Information

☐ Single Family ☐ Multi-Family ☐ Commercial ☐ Institutional ☐ Irrigation only ☐ Industrial ☐ Other:

Applicant Name (print): Contact Phone #:

Project Site Address:

Project Area (sq.ft. or acre): # of Units: # of Meters:

Fixture	Requirements			Number of Devices and Unit Water Use	Agency Review	
	Single Family Residential	Multi-Family and Non-Residential	Units		(Pass)	(Fail)
Toilets	< 1.28 and ≥ 350	< 1.28 and ≥ 350	gpf grams		☐	☐
Urinals	--	≤ 0.5	gpf		☐	☐
Showers	≤ 2.0	≤ 2.0	gpm		☐	☐
Bathroom faucets	≤ 1.5	≤ 0.5	gpm		☐	☐
Kitchen faucets	≤ 2.2	≤ 2.2	gpm		☐	☐
Clothes washers	≤ 6.0	≤ 6.0	Water Factor		☐	☐
Dishwashers	Energy Star	Energy Star	gal/cycle		☐	☐
Cooling towers	--	≥ 5 to 10 or ≥ 2.5	cycles LSI		☐	☐
Food steamers	--	Boilerless or Self-Contained	--		☐	☐
Ice machines	--	≤ 25 or Air-cooled	gal/100 lbs ice		☐	☐
Pre-rinse spray valves	≤ 1.15	≤ 1.15	gpm		☐	☐
Automatic vehicle wash facilities	--	> 50% of the water is recycled	--		☐	☐
Commercial refrigeration	--	Closed loop or Air-cooled	--		☐	☐
Meters	--	Submeters	--		☐	☐
	Separate meter for outdoor if landscape is greater than 5,000 sq.ft.	Separate meter for outdoor if landscape is greater than 5,000 sq.ft.	--		☐	☐

INDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Agency

Auditor:

Materials Received and Reviewed:

- ☐ Indoor Water Use Efficiency Checklist
- ☐ Project Plans

Date Reviewed:

- ☐ Follow up required (explain):

Date Resubmitted:

Date Approved:

Material Distributed to Applicant

- ☐ Indoor Water Use Efficiency Ordinance
- ☐ Information on qualifying fixtures and appliances
- ☐ Other:

Measures Recommended to Applicant

- ☐ On-demand/tankless water heater
- ☐ Leak detection methods
- ☐ Water-efficient landscaping
- ☐ Other:

Comments:

Selected Definitons:

gal/100 lbs ice	gallons per hundred pounds of ice
gal/cylce	gallons per cycle
gpf	gallons per flush
gpm	gallons per minute
LSI	Langlier Saturation Index
sq.ft.	square feet
>	greater than
≤	less than or equal to
≥	greater than or equal to

BAWSCA Template Indoor Water Use Efficiency Ordinance
Frequently Asked Questions (FAQs)

Why are the BAWSCA Member Agencies developing an Indoor Water Use Efficiency Ordinance (Ordinance) instead of waiting for the new Plumbing Code or other new state regulations to come into effect?

The SFPUC provides water to all of the BAWSCA member agencies. On October 31, 2008 the SFPUC unilaterally made the decision to limit the volume of water that the BAWSCA agencies can purchase from the San Francisco Regional Water System to 184 MGD until at least 2018. As a result, based on current projections, in absence of increased water conservation or the acquisition of other new supplies, water demands within the BAWSCA service area will exceed available supplies by 2015.

BAWSCA, in coordination with its member agencies, prepared a Water Conservation Implementation Plan (WCIP) in 2009 to identify additional water conservation measures that the member agencies could potentially implement to achieve the water savings necessary to maintain water demands within available supplies until at least 2018. Based on the WCIP development and analysis process, BAWSCA and its member agencies identified the adoption of an indoor water use efficiency ordinance as one of five new water conservation measures, which, if fully implemented throughout the BAWSCA service area, could help member agencies reduce future water demands and live within current supply limitations.

There are efforts at the State level to reduce water consumption throughout California. The Governor has called for a 20% reduction in per capita water use by 2020, and recent legislation adopted by the California State Legislature, and changes to the Plumbing and Green Building Codes, target indoor water use efficiency. The Ordinance is consistent with, or exceeds, the standards set forth by these new regulations and provides BAWSCA agencies with a tool that they can use to comply with the new regulations. In addition, as described below, by enacting the Ordinance in 2009/2010 the agencies will achieve much needed water savings sooner than would otherwise occur by simply relying on the scope and timing of the new regulations.

Plumbing Code: While the updates to the 2007 California Plumbing Code are broad in scope, the only changes taking effect in 2014 that will directly impact the water efficiency of indoor fixtures are the modifications to the required efficiency standards for toilets and urinals.

Although the Ordinance will require installation of High-Efficiency Toilets (HETs) and High-Efficiency Urinals (HEUs) in advance of the Plumbing Code changes, the consequences of waiting four more years for the Plumbing Code changes to be adopted represents a large opportunity cost in terms of lost water savings potential. Furthermore, because the Ordinance addresses other indoor fixtures and appliances that are not addressed by the Plumbing Code changes (i.e., high-efficiency showerheads, faucets, washing machines, and selected commercial fixtures and appliances such as food steamers, ice machines, and cooling towers), sole reliance on the Plumbing Code will not achieve the necessary water savings that BAWSCA agencies must achieve to remain within current supplies.

California Green Building Standards Code: The California Green Building Standards Code came into effect in August 2009, with the requirements for water savings becoming mandatory in 2011. The California Green Building Standards Code requires a 20% reduction in potable indoor water use in all

new construction. However, the Green Building Standards Code does not expressly mandate the use of HETs and HEUs, or other high-efficiency fixtures to achieve the 20% water savings obligation.

Because the Green Building Standards Code does not provide concrete, prescriptive mechanisms for compliance with the 20% indoor water savings mandate, implementation of its requirements at the local level may be challenging. By comparison, the Ordinance provides prescriptive mechanisms by which project applicants can achieve the required 20% savings in indoor water use. Therefore, a benefit of adopting the Ordinance in 2010 is that, because it is also designed to achieve a 20% indoor water savings, it provides agencies with a tool that can be used to evaluate an applicant's compliance with the Green Building Standards Code. Moreover, the lessons learned during the first year of implementing the requirements of the Ordinance may provide valuable insights that a local agency could incorporate into the adoption of the Green Building Standards Code, rendering that process more efficient and straightforward.

SB 407 (Padilla): On October 11, 2009, the Governor signed into law SB 407, a law requiring the retrofit of plumbing fixtures upon remodel after 2014, or in the absence of a remodel, by a specified date (i.e., residential properties must replace all noncompliant plumbing fixtures by 2017 and commercial properties must do the same by 2019).

By specifying the precise water-efficient fixtures that must be installed upon a remodel, the Ordinance provides a simple tool for local agencies to comply with the requirements of SB 407. Moreover, the Ordinance is designed to maximize water savings by addressing other indoor fixtures and appliances that are not addressed in SB 407. However, waiting until 2014 for SB 407 to go into effect will result in four years of forgone water savings. Therefore, as with the Plumbing Code, mere reliance on SB 407 will not achieve the desired water savings.

Senate Bill 7 (Steinberg; 7th Extraordinary Session): Pursuant to SB 7, the state will have to reduce urban per capita water use by 20 percent no later than December 31, 2020, and by at least 10 percent no later than December 31, 2015. These water use reductions will be compared against a 10- to 15-year baseline period that ends between 2004 and 2010.

SB 7 does not require individual urban water suppliers to reduce per capita water usage by more than 20 percent. However, each supplier will have to reduce per capita daily water use by at least 5 percent, unless their baseline water use is less than 100 gallons per capita per day (gpcd). Urban water suppliers will have to meet their own, specified water use targets, which they can establish on an individual or regional basis, using one of four methods: (1) a 20% reduction in baseline per capita water use, (2) compliance with established performance standards (e.g., 55 gpcd for residential indoor water use), (3) a 5% reduction from the applicable state hydrologic region target set in the state's draft 20x2020 Water Conservation Plan , or (4) a method that will be developed by DWR by December 31, 2010.

By requiring new development to have water efficient landscaping, the Ordinance will assist [agency] to comply with the water savings requirements of SB 7.

How much water will the Ordinance save?
The Ordinance has been designed to achieve a 20% savings on indoor water use at applicable projects. Actual water savings will likely vary.

BAWSCA Template Indoor Water Use Efficiency Ordinance
Frequently Asked Questions (FAQs)

Does the Ordinance apply to remodels?
The Ordinance applies to all new development, including redeveloped properties, and those remodels that impact kitchens or bathrooms. In addition, if the size or cost of the remodel exceeds a specific size or cost threshold that is established by an individual agency, the full requirements ordinance would apply.

How will the water savings associated with the Ordinance be measured and tracked?
Because there are many factors that impact water use on a year-to-year basis (e.g., the weather) specific water savings associated with adoption of the Ordinance will be difficult to track on a near-term basis. What will be possible to track in the near-term, however, is the number of permits and approved water service application that are issued by a given agency that were deemed by that agency to comply with the Ordinance requirements. On a longer-term basis, and depending on the sophistication of the metering and billing system and the level of coordination between the agency and the water purveyor, it may be possible for BAWSCA to work with the local agency to quantitatively measure the water savings associated with the implementation and enforcement of the Ordinance. BAWSCA will continue to work with the member agencies on this issue.

Is an agency allowed to modify the BAWSCA Template Ordinance?
Each agency has full latitude to modify the BAWSCA Template Ordinance to suit the particulars of its local jurisdiction. However, the ordinance that an agency adopts must, by state law, be compliant with the water savings requirements of the California Green Building Standards Code, which will become mandatory in 2011.

How will the ordinance that my agency adopts be enforced?
Each agency will decide what level of resources will be assigned to enforcement of that agency's ordinance. The first, and most critical, enforcement step will be when and agency either grants or denies a permit or an application for new or expanded water service based on whether or not the applicant has complied with the terms of the Ordinance.

ATTACHMENT D

Indoor Water Efficiency Standards

Fixture	Residential	Non-Residential
Toilets	≤ 1.28 gpf, and ≥ 350 grams	≤ 1.28 gpf, and ≥ 350 grams
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Showers	≤ 2.0 gpm	≤ 2.0 gpm
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dishwashers	Energy Star Qualified	Energy Star Qualified
Cooling towers	≥ 5 – 10 cycles, or ≥ 2.5 LSI	≥ 5 – 10 cycles, or ≥ 2.5 LSI
Food steamers	--	Boiler less, or Self-contained
Ice machines	-- --	≤ 25 gal/100 lbs ice, or Air-cooled
Pre-rinse spray valves	--	≤ 1.15 gpm
Automatic vehicle wash facilities	--	≥ 50% of water that is recycled on site
Commercial refrigeration	--	Closed loop, or Air-cooled
Meters	Submeters for RMF, and Separate meter for outdoor if landscape >5000 sq.ft.	Submeters, and Separate meter for outdoor if landscape >5000 sq.ft.

OPEN SPACE AND ECOLOGY COMMITTEE

ACTION MINUTES

April 14, 2010 7:00PM
Main Conference Room
Brisbane City Hall
50 Park Place, Brisbane, CA 94005

Call to order

Chair Fieldman called the meeting to order at 7:05pm.

Committee members present:
Gutekanst, Miller, Whitten-Greenlee and Chair Fieldman
Committee members absent:
None
Staff members present:
Assistant to the City Manager Smith
Associate Planner Ken Johnson

1. Adoption of the agenda.

Chair Fieldman noted that staff had requested that the Water Conservation Ordinances item be move up to item 4 on the Agenda. MC Miller moved and MC Gutekanst seconded to adopt the agenda as amended. The motion passed unanimously.

2. Oral Communications for items not on the agenda.

There were no public comments under Oral Communications.

3. Recognition of former Committee member, Lori Liu.

Chair Fieldman thanked former MC Liu for her service on the Committee. MC Whitten-Greenlee read a letter of appreciation to former MC Liu from the Open Space and Ecology Committee and presented her with a gift.

MC Whitten-Greenlee left the meeting at 7:30PM.

4. Water Conservation Ordinances.

Chair Fieldman introduced Associate Planner Ken Johnson who summarized the proposed indoor and outdoor water conservation ordinances and answered questions from the

Committee members. Following a discussion, MC Miller made and MC Gutekanst seconded a motion stating that "the Open Space and Committee has reviewed the two water conservation ordinances and offers its support for passage of the ordinances. The Open Space and Ecology Committee has offered a number of suggested changes and also recommends that the next phase of the water conservation effort give further consideration to how the ordinances can be enforced." The motion passed unanimously.

MC Whitten-Greenlee returned to the meeting at 8:15PM.

5. Brisbane Energy Strategy.

a. Subcommittee report

Assistant to the City Manager Smith summarized the March 31st meeting of the Energy Strategy subcommittee

b. Resource Management and Climate Protection Committee

Assistant to the City Manager Smith relayed to the Committee the information that Management Analyst Pontecorvo had received on the mission of the newly named C/CAG Resource Management and Climate Protection Committee.

MC Miller moved and Chair Fieldman seconded that the Committee invite Council member Sepi Richardson to a future Open Space and Ecology Meeting to report on the efforts of the Resource Management and Climate Protection Committee, particularly integrating transportation issues and the use of Federal Stimulus funds received by the County. CM Richardson is a member of the Resource Management and Climate Protection Committee. The motion passed unanimously.

c. Forum on energy efficiency and renewables

The Committee discussed the suggestion of holding a community forum on energy efficiency and renewables and agreed that the best way to proceed with this is to coordinate with the upcoming community forum to be held by the County in Brisbane on the CaliforniaFIRST and ABAG Retrofit Bay Area retrofit programs. The Committee agreed to table this item until the County forum has been scheduled.

6. Other Committee Matters.

a. Status of Committee vacancies

Assistant to the City Manager Smith reported that there are three applicants for the two open Committee seats and that the City Council will interview the applicants on April 26th.

b. CAG update

MC Gutekanst reported on the March 16th CAG meeting.