

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Ordinance No. 637 - Amending Water Code

DATE: February 7, 2019

City Council Goals:

To provide public service that assures the safety of property and citizens residing, working, or visiting in Brisbane. (#9)

Purpose:

To ensure the city does not overextend its available supply of water, and to ensure that in the event of a future multi-year drought, the required reductions will not impose an unreasonable burden on residents.

Recommendation:

Approve Emergency Ordinance No. 637 amending §13.12.005 of the Brisbane Municipal Code concerning the water system, and approve the Director of Public Works' revisions to Table 4-5 of the City's Water Shortage Contingency Plan.

Background:

With a total allocation of 0.98 million gallons per day (MGD) from a single source (the San Francisco Public Utilities Commission - SFPUC), the city faces three challenges during a multi-year drought. First, our relatively small supply guarantee subjects us to large percentage swings in usage when a single large volume user unexpectedly comes online. As an example, a commercial laundry relocated to Brisbane and came online in 2015; that business now uses approximately 10% of our overall annual supply.

The second challenge is that our contractual reductions during droughts (specified as part of the Water Supply Agreement with SFPUC and the Drought Implementation Plan amongst the SFPUC wholesale agencies) relies heavily on the last three years rolling average. This creates a situation where an agency can be 20% or more away from maxing out its supply guarantee, yet still have to impose a 20% or more reduction on its customers during a drought. This challenge is exacerbated even more by the observation that during

the last drought, the requirements of the State Water Resources Control Board (which were developed during the drought and thus previously unknown to us) took precedence over our contractual arrangements with SFPUC. The ongoing deliberations and decisions by the State Water Board regarding required flows in the Tuolumne River are expected to have a major impact on our drought reductions if those flow requirements are imposed as currently written.

The final challenge, intertwined with the first, is that we are seeing an influx of businesses that were never envisioned as customers; a commercial laundry, multiple biotech production facilities, food preparation customers, and other large water users. The chart below shows the potential impact of continuing to add large volume users to our system:

Citywide Conservation/Reductions during Drought (AFY)



The black line shows the city’s 2015 drought reduction as compared to our usage in 2013 and 2014.¹

The grey line shows how much water we would have had to reduce during a drought in 2018 based on the previous three-year’ rolling average.

¹ NOTE: 1 million gallons per day is approximately 1,120 acre-feet/year. For ease of dealing with large numbers, 1 MGD can be considered as 1,100 or 1,000 AFY.

In future years, the green lines show an achievable amount of required reduction during single year droughts (assuming the SFPUC reduction percentages are applied and no new large users come online).

The yellow lines for multi-year droughts reflect the impact of our citywide consumption approaching our supply guarantee. These reductions would be extremely difficult to obtain.

Lastly, the red lines show a scenario where a large volume user (represented here as “laundry” only because that volume can be reasonably estimated) comes onboard as we approach our supply guarantee. This would result in a mandatory citywide reduction approaching 40%.

General current trends for consumption within the city by category are as follows:

Irrigation	1/3+
Commercial	40%+
Unaccounted for Water - UAFW (leaks, firefighting, etc.)	<10%
Residential	<1/3

In past droughts, the city relied on reducing its irrigation demands to meet required reductions. As we move closer to using our full supply guarantee, reductions in irrigation will no longer satisfy the requirement. Unfortunately, as new businesses come online with strong water conservation measures already implemented, their water use will be nearly inelastic. Businesses that use water for production will have only the limited opportunity to reduce production. Likewise, UAFW is a small amount that we cannot rely on to meet large reductions. Without taking action to address this issue now, the residential accounts may be forced to endure significant reductions during a future multi-year drought.

Discussion:

Except in specified new development scenarios, there is no trigger for companies coming in to Brisbane whose use conforms to zoning codes to demonstrate there is enough water to satisfy their regular, single-year drought, and multi-year drought needs. The proposed ordinance requires that non-residential users proposing to increase the property’s water use by more than 10% over the past two-year average submit information as required by the Director of Public Works. The required information, depending on the proposed total usage, may include a Water Supply Assessment.

The Director may approve, conditionally approve, or deny an application. The applicant may appeal the Director’s decision to the City Manager.

In addition to the ordinance, the Director is also proposing to add the following language to Drought Stage 4 (20% minimum reduction) of the City’s Water Shortage Contingency Plan (WSCP):

Proposed New Implementation Procedure:

- Terminate water deliveries to customers outside the City of Brisbane and GVMID Water District Boundaries.

Proposed New Consumption Reduction Measure:

- The Director of Public Works may, after providing 30 days written notice to the account holder on record in the City's Finance Department, terminate water service to customers outside the city's two service areas.

At present, the only customer that would be impacted by this change to the WSCP is the Quarry.

Fiscal Impact:

The cost of any additional studies to be completed by non-residential applicants for increased water use would be borne by the applicant. The cost associated with review of the applications would be taken out of existing staff resources.

Measure of Success

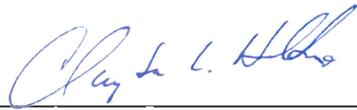
A well-managed balance of demand versus supply of water that does not result in an unreasonable burden of reductions on residential customers during future multi-year droughts.

Attachments:

- Ordinance No. 637
- Redline of revised BMC §13.12.005
- Existing Table 4-5, Drought Stage 4 (20% Reduction) Water Shortage Contingency Plan



Director of Public Works/City Engineer



City Manager

ORDINANCE NO. 637

**AN URGENCY ORDINANCE OF THE CITY OF BRISBANE TO TAKE EFFECT
IMMEDIATELY UPON ITS ADOPTION
AMENDING SECTION 13.12.005 OF CHAPTER 13.12
OF THE BRISBANE MUNICIPAL CODE
CONCERNING WATER SYSTEM**

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

**SECTION 1: Section 13.12.005 of Chapter 13.12 “Water System” of Title 13 of the
Municipal Code is hereby amended to read as follows:**

§13.12.005 - Application requirements.

A. Applications for connection to the city's water system shall be made by the property owner or the owner's authorized agent on a form furnished by the city. Each application shall be supplemented by such plans, specifications, analyses, or other information as may be required by the director of public works. The director of public works may approve, conditionally approve or deny an application.

B. Where a private easement is required in order to connect the owner's property to the water system, a copy of the existing or proposed grant of easement together with a proper legal description and drawings, including a diagram plan and profile, shall be submitted with the application.

C. In the case of every non-residential service connection, irrespective of whether a new physical connection is to be made, a new or amended application shall be submitted upon any change in the occupancy or activity conducted upon the premises that results in the installation of a larger size water meter or proposes to increase the average daily demand for water by 10% or more when compared to the average daily demand for water in the most recent 24 months.

D. Applications for fire hydrant meters shall be filed on a form furnished by the city. The applicant shall provide a security deposit for the meter in an amount determined by the director.

E. Any applicant whose application has been conditionally approved or denied may appeal such conditions or denial by filing such appeal with the City Manager within 10 days of the decision of the public works director to conditionally approve or deny the application. The City Manager may affirm, modify or reverse the decision of the public works director. The decision of the City Manager shall be final.

SECTION 2. This Ordinance is adopted as an urgency Ordinance to take effect immediately upon its adoption based on the following: Recent growth/new businesses in the City's commercial water customer accounts are high demand water uses that were never envisioned in past water supply and capacity planning efforts. In addition, pending/anticipated applications if approved without conditions will demand more water than is available to the City from its Individual Supply Guarantee (ISG) with the San Francisco Public Utilities Commission, and no other source of potable water has been identified. In the absence of this Ordinance, there is no tool for the director of public works (Director) to review the full effects of a requested increase in water supply, and to either place conditions upon or to deny such an application. In addition to reviewing availability of supply under the ISG, this Ordinance will also allow the Director to examine the impacts of a requested increase during one-year and multi-year droughts, to ensure that anticipated systemwide water consumption reductions can be accomplished.

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 3: This Ordinance shall be in full force and effect immediately upon its adoption.

Madison Davis, Mayor

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The above and foregoing Ordinance was regularly was passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

Michael Paul

- **Chapter 13.12 - WATER SYSTEM**

Sections:

- **13.12.005 - Application requirements.**

A.

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B.

Where a private easement is required in order to connect the owner's property to the water system, a copy of the existing or proposed grant of easement together with a proper legal description and drawings, including a diagram plan and profile, shall be submitted with the application.

C.

In the case of every non-residential service connection, irrespective of whether a new physical connection is to be made, a new or amended application shall be submitted upon any change in the occupancy or activity conducted upon the premises that results in the installation of a larger size water meter or proposes to increase the average daily demand for water by 10% or more when compared to the average daily demand for water in the most recent 24 months.

D.

Applications for fire hydrant meters shall be filed on a form furnished by the city. The applicant shall provide a security deposit for the meter in an amount determined by the director.

E.

Any applicant whose application has been conditionally approved or denied may appeal such conditions or denial by filing such appeal with the City Manager within 10 days of the decision of the public works director to conditionally approve or deny the application. The City Manager may affirm, modify or reverse the decision of the public works director. The decision of the City Manager shall be final.

**TABLE 4-5
REQUESTED AND MANDATORY WATER USE PROHIBITIONS AND CONSUMPTION REDUCTION METHODS
City of Brisbane/ GVMID WSCP**



Drought Stage	Implementation Procedures	City / Customer Consumption Reduction Measures
<p>Stage 4- Severe Water Shortage</p> <p>Goal: Mandatory 20% Reduction</p>	<ul style="list-style-type: none"> • Continue with actions and measures from Stages 1, 2 and 3. • Increase public outreach, including establishment of a dedicated customer service hotline. • Schedule staff for enforcement and customer service, including on weekends. May include hiring additional, temporary staff. • Convert to more frequent meter reading and billing for all customers. • Develop allotments for all accounts and notice those accounts appropriately. 	<ul style="list-style-type: none"> • Continue with actions and measures from Stages 1, 2 and 3 except where superseded by more stringent requirements. • Landscape irrigation with potable water, except crops and landscape products of commercial growers and nurseries is prohibited. This restriction shall not apply to the following categories of use unless the Director has determined that recycled water is available and may be lawfully applied to the use. <ol style="list-style-type: none"> 1. Maintenance of trees and shrubs located on residential and commercial properties, no more than one (1) time per week by using a bucket, hand-held hose with an automatic shut-off nozzle, or low-volume non-spray irrigation on a schedule established by the Director and posted on the City's website 2. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated; 3. Maintenance of existing landscaping for erosion control; 4. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals; 5. Maintenance of landscaping within active public parks and playing fields, daycare centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established by the Director and posted on the City's website; 6. Watering of livestock; and 7. Public works projects and actively-irrigated environmental mitigation projects. • Repair all water leaks within twenty-four (24) hours of notification by the Director unless another schedule is approved by the Director. • Water use, by individual water service account, shall be reduced to the following allotments: <ol style="list-style-type: none"> 1. For dedicated irrigation accounts: Fifty percent (50%) of all other water used during the average monthly usage over the three (3) calendar years preceding the effective date of the Drought Response Measures implementation. 2. For all non-dedicated irrigation accounts: Ninety percent (90%) of the water used during the average monthly usage over the three (3) calendar years preceding the effective date of the Drought Response Measures implementation. 3. For new single-family residential accounts: The allotment for single-family residences shall be thirteen (13) units per billing period. This allotment is calculated based on 40 gallons per capita per day (GPCPD) and an assumed four (4) persons per residence. Water customers may petition the Director for an increased allotment based on more than four persons residing full-time at the residence. No allotment for a single-family residence shall exceed twenty-six (26) units per billing period. 4. For new multi-family residential accounts: The allotment for each multiple-family dwelling unit or secondary dwelling unit shall be seven (7) units per billing period. This allotment is calculated based on 40 gallons per capita per day (GPCPD) and an assumed two (2) persons per residence. Water customers may petition the Director for an increased allotment based on more than two persons residing full-time at the residence. No allotment for a multi-family residence shall exceed twenty-six (26) units per billing period. 5. Any new residential accounts that had no water service in the prior year shall be assigned a minimum allotment based on the allocation formulas presented in (1) and (3), above.