



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MAY 11, 2021**
FROM: RIVERSIDE PUBLIC UTILITIES **WARDS: ALL**
SUBJECT: ORDINANCE AMENDING TABLE 6.14.040A and CHAPTER 14.22 OF THE RIVERSIDE MUNICIPAL CODE TO UPDATE THE WATER CONSERVATION ORDINANCE

ISSUE:

Adopt an ordinance amending Table 6.14.040A and Chapter 14.22 of the Riverside Municipal Code to update the Water Conservation Ordinance.

RECOMMENDATION:

That the City Council introduce and subsequently adopt the attached Ordinance amending Table 6.14.040A and Chapter 14.22 of the Riverside Municipal Code.

BOARD RECOMMENDATION:

On April 26, 2021, the Board of Public Utilities recommended the City Council adopt an ordinance amending Chapter 14.22 of the Riverside Municipal Code to update the Water Conservation Ordinance. Subsequent to the approval, staff reviewed the Riverside Municipal Code and determined that an additional revision is recommended to RMC 14.22.020 to reflect the additional stage of water conservation to be consistent with Board's recommendation and an additional proposed amendment to Table 6.14.040A is now also recommended to update sections of the Riverside Municipal Code that reference information that will change if the Water Conservation Ordinance amendments are accepted by the City Council.

LEGISLATIVE HISTORY:

The City of Riverside's Water Conservation Ordinance was first adopted by the City Council on July 26, 2011, as Chapter 14.22 of the Riverside Municipal Code (RMC), in response to a statewide drought emergency issued by the Governor of California in 2009. Though the emergency declaration was rescinded on March 30, 2011, the State adopted Water Code 100 requiring "that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."

Per California Water Code 100, the Water Conservation Ordinance includes a detailed description of unreasonable uses of water as well as Riverside Public Utilities' (RPU) Water Conservation Program, which establishes four stages detailing water shortage levels of increasing severity and demand reduction actions under each stage to address conditions and needs. These stages serve as the City's Water Shortage Contingency Plan, giving City Council the authority to declare water shortage stages.

Since it was first adopted, the Water Conservation Ordinance has been periodically updated as legislation has required urban water suppliers to increase water use efficiency and conservation efforts. The last time the Ordinance was updated was in 2015, in response to the most recent statewide drought emergency declared by Governor Brown in 2014. The Governor's executive order directed the State Water Resources Control Board (SWRCB) to adopt emergency regulations to ensure that urban water suppliers implemented drought response plans. In response, the City Council took action at its June 16, 2015 meeting by adding new restrictions to the Water Conservation Ordinance. Among these were limiting outdoor irrigation to no more than three days per week during the months of April through September and to no more than two days per week during the months of October through March and restricting irrigation to 6:00 p.m. to 10:00 a.m. watering window.

New regulations that emerged from California's 2012-2016 historic drought now require updates to the Water Conservation Ordinance. California Senate Bill 606 – Water Management Planning addresses water conservation and drought resilience across the State. SB 606 contains directives on water shortage planning and reporting for urban water suppliers. One new requirement is that urban retail water systems must either adopt the State's new six standard water shortage levels or align their current shortage levels to the State's based on the supplier's water supply conditions and shortages resulting from catastrophic supply interruptions.

BACKGROUND:

Currently, Riverside's Water Conservation Ordinance describes four water shortage levels and demand management responses triggered under each stage.

RPU is not proposing to change its current Water Conservation Ordinance to match the State's six standard shortage levels. Instead, staff recommends a few modifications to Riverside's Water Conservation Ordinance to better align with the State's new requirements. This includes clarifying the supply reduction percentages that characterize each shortage stage and adding a fifth stage that would correspond to a catastrophic event or emergency water shortage. Other revisions to the Ordinance are suggested to reflect irrigation best practices and promote water use efficiency by RPU's customers. Additionally, the proposed amendment to modify Table 6.14.040A will update a section of the RMC that references four water conservation stages to include a fifth stage, if adopted by the Council.

DISCUSSION:

The following proposed modification (**in bold text**) to the City's existing Water Conservation Stages provides clarification regarding the supply reduction percentage of each shortage stage and its correlation to the State's standard shortage levels.

Stage Two – Section A:

Stage Two applies when the City Council declares, by resolution, a reasonable probability exists that the City will not be able to meet all of its water demands **with its local water supplies**, other regional or statewide conditions warrant implementation, or the State of California orders implementation; **or RPU faces an actual supply shortage of up to 15%, corresponding to CA Water Code section 10632 shortage levels 1 and 2.**

Stage Three – Section A:

Stage Three applies when the City Council declares, by resolution, a reasonable probability exists that the City will not be able to meet all of its water demands **with its local water supplies**, other regional or statewide conditions warrant implementation, or the State of California orders implementation; **or RPU faces an actual supply shortage of 15-20%, corresponding to CA Water Code section 10632 shortage levels 2 and 3.**

Stage Four– Section A:

Stage Four applies when the City Council declares, by resolution, that the City's ability to meet its water demands **with its local water supplies** is seriously impaired; **or RPU faces an actual supply shortage of 20-50%, corresponding to CA Water Code section 10632 shortage levels 3, 4, and 5.**

Water shortage emergency– Section A:

Stage Five Water Shortage Emergency applies when the City Council declares, by resolution, that the City's ability to meet its water demands with its local water supplies is so seriously impaired that RPU faces an actual supply shortage of over 50%, corresponding to CA Water Code section 10632 shortage level 6.

Below is a visual representation of the proposed changes to the Ordinance's Water Conservation Stages, as well as their alignment to the State's six standard shortage levels.

Riverside's Shortage Levels	Supply Condition	Supply Reduction		State's Standard Level	Shortage Level
1	Normal Water Supply	0%		1	≤10%
2	Minimum Water Shortage	15%		2	10-20%
3	Moderate Water Shortage	15-20%			
4	Severe Water Shortage	20-50%		3	20-30%
				4	30-40%
				5	40-50%
5	Emergency Water Shortage	>50%		6	>50%

Additional Proposed Amendments to the Water Conservation Ordinance

Section 14.22.030 (B.1) of the RMC currently reads as follows:

B. Upon declaration of Stage One by the City Council, the following water conservation measures shall apply:

1. Non-agricultural irrigation should be done from 6:00 p.m. to 10:00 a.m. **Pop-up spray type sprinklers are limited to 15 minutes total run-time. Impact rotor sprinklers are limited to 30 minutes total run-time.** Irrigation water cannot leave the landscaped area. **Landscaped areas of properties that are irrigated by drip irrigation or microspray irrigation shall be exempt from these irrigation restrictions.**

The proposed amendments to section 14.22.030(B.1) remove the **bold text** limiting irrigation run-times from this section and all other Water Conservation Stages where this restriction is found. Placing restrictions on irrigation run-times may negatively affect landscapes during drought conditions, particularly trees that benefit from infrequent deep watering. It is recommended that only restrictions on the number of allowed irrigation days be implemented and not run-times.

Section 14.22.040(B.3.c) of the RMC currently reads as follows:

B. Upon declaration of Stage Two by the City Council, the following measures shall apply:

3. Non-agricultural irrigation is limited as follows:
c. Properties may not be irrigated more than **four** times per week.

The proposed amendment to section 14.22.040(B.3.c) is to replace **four** with three times per week. Irrigation best practices recommend even the most water-intensive plant material in residential landscapes (cool-season grass) does not need to be watered more than three days per week.

Section 14.22.060(B.8) of the RMC current reads:

B. Upon declaration of Stage Four by the City Council, the following water conservation measures shall apply:

8. Use of water for cooling mists is prohibited.

The proposed amendment to section 14.22.060(B.8) is to remove this restriction. The use of water for cooling mists is minimal.

Required Changes to Sections of Municipal Code that Reference New Updates

If the proposed amendments described above are accepted by Council, the following sections will need to be updated for consistency to reflect these changes.

Section 14.22.020 - Water Conservation Program

Section 6.14.040 Table A (Landscape Maintenance/Water Shortage Contingency Stage Enforcement)

For the sake of brevity, the updates to these sections will not be described in this report, but can be referenced in the redlined Ordinance and Exhibit A attached to this report.

Summary

Staff recommends updating Riverside's Water Conservation Ordinance to better align with new State water management planning regulations that encourage water suppliers to either adopt California's new six standard water shortage levels or provide a cross-walk demonstrating how a

supplier's local water shortage levels correspond to the State's six standard levels. To do so, RPU recommends that the current four water shortage levels described in the Water Conservation Ordinance be modified to include a fifth shortage level that corresponds to an emergency water shortage. Though a minor change, adding a fifth water shortage stage makes it easier to distinguish and declare a water shortage emergency for the City. Moreover, RPU recommends adding clarifying language to the existing stages to describe the supply reduction percentages that characterize each shortage level and their correlation to the State's new six water shortage levels.

Other proposed amendments remove some water use restrictions for customers and incorporate irrigation best management practices. Eliminating restrictions on irrigation run-times, for example, provides customers with more flexibility in keeping their landscapes alive during water shortages while still retaining restrictions for the elimination of run-off and other wasteful water use practices. Moreover, removing restrictions on the use of cooling misters offers customers the ability to use less resource-intensive strategies to achieve thermal comfort during hot summer months. Cooling mists are not widespread, nor are a significant concern in the amount of water these devices use. Lastly, reducing the number of watering days in Stage 2 from four to three is supported by irrigation best practices for the level of weekly irrigation required for grass in this region--even during the height of summer. Limiting irrigation to just three days per week during a Stage 2 water shortage is mildly constraining, and the cumulative impact of an entire community reducing watering days produces a significant demand reduction that can prevent further escalation in water shortage severity or eliminate the potential need to purchase expensive imported water to augment supplies.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Todd M. Corbin, Utilities General Manager
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Al Zelinka, City Manager
Approved as to form: Kristi J. Smith, Interim City Attorney

Attachments:

1. Draft Ordinance
2. Exhibit A
3. Presentation
4. Minutes