



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

TO: Honorable Mayor Powell and Members of the City Council
FROM: Tony Olmos, Public Works Director
SUBJECT: Water Conservation in Manhattan Beach
DATE: April 21, 2015

INFORMATION MEMO

Executive Summary

What follows is an Informational Memorandum about pending increased restrictions on water use within the City of Manhattan Beach following recent actions by Governor Brown in response to severe drought conditions. The Governor issued a State of Emergency in January 2014, asked for a voluntary 20% reduction in water use in April 2014, and then issued an Executive Order on April 1, 2015 setting certain water use restrictions including a 25% reduction in water use. This has led to actions by the State Water Resources Control Board and City's imported water supplier, Metropolitan Water District (MWD), to impose water restrictions, which automatically triggered additional requirements in the City's Water Conservation Ordinance (City Ordinance).

In summary, MWD has declared a Stage 3 Drought that has immediately prompted for the City of Manhattan Beach to also implement Stage 3 water use restrictions identified in the City Ordinance. Detailed restrictions are discussed in this memo, the largest of which will restrict landscape watering to 1 time per week on Wednesday nights after 6:00 PM.

This Informational Memorandum summarizes recent State action regarding the drought, operative provisions of the City's Ordinance, anticipated new restrictions, and planned community outreach.

Recent State Actions

The Governor has taken several actions to date. On January 17, 2014, Governor Brown proclaimed a State of Emergency due to severe drought conditions. This was followed by a proclamation of a Continued State of Emergency on April 25, 2014 due to the ongoing drought and asked for a 20% voluntary reduction in potable water use. On April 1, 2015, the Governor ordered that earlier proclamations remain in full force except as modified through Executive Order B-29-15 (Order). The Water Resource Control Board (Water Board) released a draft regulation on April 17th. Comments to the draft regulation are due by April 28th. The Water Board will adopt the regulation on May 6th and it will become effective on May 15, 2015

The Order outlines 31 directives, of which the following are most relevant to the City of Manhattan Beach:

- Imposes restrictions to achieve a statewide 25% reduction in potable urban water usage through February, 28, 2016. The 25% reduction will be based on 2013 water use. Targets for water use reduction will be assigned by the Water Board based on conservation performance to date
- Prohibits irrigation with potable water of ornamental turf on public street medians
- Prohibits outdoor irrigation of newly constructed homes and buildings that are not delivered by drip or microspray systems
- Requires urban water suppliers to develop rate structures to maximize water conservation

The Order adds to the following previously enacted Water Board directives, all of which the City is compliant with:

- Public Education/Outreach
- Prohibited activities, including use of hose without shut off nozzle to wash cars, causing water to run into streets, use of water for washing sidewalks, use of water decorative feature without recirculating pump
- Mandatory reporting of water use to the Water Board

Consistent with the Order, the Water Board has issued a target “Usage Tier” to each water purveyor in the State. The Order from the State Board will prompt City staff to evaluate the level of additional restrictions that would need to be imposed in order to meet the requirements of the Order. The residents of Manhattan Beach have done a great job in conservation thus far and we expect that water conservation successes achieved to date are properly factored into the “Usage Tier” assigned to the City. Staff is currently working with the State Board to clarify the formula used to set the “Usage Tier” assigned to the City, which can be viewed at the [State Water Resources Control Board](#) website under the Documents tab. An update to this Memo will be provided to outline any additional restrictions, if needed, once staff has received clarification.

City’s Existing Water Conservation Ordinance / New Requirements

In July 2009, the Manhattan Beach City Council approved Water Conservation Ordinance No.2122 (City Ordinance) in response to a past water drought. The City Ordinance is designed to provide an escalation of water use restrictions aligned closely with Metropolitan Water District (MWD) drought declaration levels, i.e. Stage 1, Stage 2, etc... The elevated restrictions would take immediate effect upon an MWD declaration of a stage drought. For your reference, the City Ordinance is attached in its entirety (Attachment 1).

On April 14, 2015, the MWD Board approved and implemented MWD’s Stage 3 Water Shortage Allocation Plan. Accordingly, the City Ordinance is immediately set at Stage 3. Per the City Ordinance, a Stage 3 water conservation level implementation requires the cumulative implementation of each Stage preceding – Permanent and Stages 1-3, inclusive. Permanent Water Conservations Requirements had already been in effect since

July 2009. However, compliance with Stage 3 Requirements is a new requirement as a result of the MWD declaration.

Therefore, effective immediately, the City of Manhattan Beach shall comply with the following requirements per the City Ordinance:

7.44.030 Permanent Water Conservation Requirements (already in effect)

(a) Landscape.

1. **Watering Hours.** No lawn or landscape area shall be spray irrigated between the hours of 9:00 AM and 6:00 PM on any day. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.
2. **Irrigation Overspray and Runoff.** Water shall not spray or flow to any impermeable private or public surface including but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains.
3. **Water Drift.** No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drifting or wasting.
4. **Over-Irrigation.** It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable public surface, including, but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains as well as private driveways, sidewalks and patios.
5. **Irrigation During Rain.** It is prohibited to water or irrigate any landscaping within 24 hours of measurable rainfall.

(b) Cleaning. No person shall:

1. Use water to wash, clean or clear any sidewalks, streets, walkways, patios, driveways, alleys or parking areas, whether paved or unpaved, with a hose connected to a domestic water source unless through use of a water broom. Exception: Pressure washing may be permitted.
2. Wash or clean with water any vehicle, including, but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or unmotorized, except by use of a hand-held bucket or similar container or a hose equipped with a positive action quick release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility which utilizes a recycling system to capture or reuse water.

(c) Water Features and Water Recreation Facilities. No person shall:

1. Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water recycling system.

2. Fill any water recreation facility such as a hot tub, spa, permanent swimming or wading pool unless the water recreation facility is constructed, installed or equipped with a cover to reduce water loss due to evaporation.

(d) Waste, Ponding and Leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture of any kind whatsoever.
2. Cause, permit or allow water to flow from any source on private or public property into gutters, streets, alleys or storm drains except as a result of rainfall or excessive groundwater from a private sump pump or from a nonpotable source of water.
3. Cause, permit or allow water from any source to pond on private or public property except as a result of rainfall.
4. Cause, permit or allow water to flow from any source on private or public property without beneficial use.

(e) Eating and Drinking Establishments.

1. All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person upon receipt of an express request.
2. All food service businesses shall install water conserving pre-rinse nozzles.

(f) Hotels and Motels. All hotels, motels and bed and breakfast establishments shall provide customers the option of choosing not to have towels laundered daily. Each establishment shall prominently display notice of this option in each bathroom and sleeping room using clear easily understood language. Within five years from the effective date of this ordinance, July 2, 2009, all guest room toilets shall be replaced with the best available technology low flow toilets.

(g) Carwashes. Any new carwash system shall have a water recirculation system. Within five years from the effective date of this ordinance, July 2, 2009, all existing carwash systems shall have installed water recirculation systems.

(h) Commercial Establishments In General. All nonresidential buildings in the City shall within five years from the effective date of this ordinance, July 2, 2009, replace all public toilets and urinals with best available technology low flow toilets and urinals and all dishwashers with water efficient dishwashers. Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

(i) Hoses. No person shall allow water to flow freely from a hose that is not equipped with a positive action quick release shutoff valve or nozzle.

(j) Exceptions. The provisions of this Section are not applicable to the uses of water which are necessary to protect public health and safety or for essential governmental services, such as police, fire and other similar emergency services.

7.44.040 Drought Restrictions (New Restrictions)

In addition to the permanent water restrictions set forth in section 7.44.030 above the following restrictions shall be imposed upon declaration by the Metropolitan Water District of a phased water shortage:

(a) Stage 1 Water Shortage:

A. When the Metropolitan Water District implements its Stage 1 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect:

1. Landscape irrigation using potable water shall be limited to no more than fifteen (15) minutes per watering day;
2. Landscape watering with potable water shall be limited to three (3) times per week on Monday, Wednesday and Saturday nights after 6:00 PM.

(b) Stage 2 Water Shortage:

A. When the Metropolitan Water District implements its Stage 2 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1 restrictions:

1. No landscape watering with potable water unless a timed sprinkler system is installed or watering is done with a handheld device.
2. Landscape watering with potable water shall be limited to two (2) times per week on Wednesday and Saturday nights after 6:00 PM.

(c) Stage 3 Water Shortage:

A. When the Metropolitan Water District implements its Stage 3 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to the Stage 1 and 2 restrictions:

1. Washing of vehicles is prohibited except at commercial car washes or by mobile high pressure/low volume commercial services;
2. Landscape watering with potable water shall be limited to one (1) time per week on Wednesday nights after 6:00 PM.

Water Conservation Success to Date

Implementation of Stage 3 of the City Ordinance in line with the MWD's declaration of a Stage III drought is the first step toward compliance with the Order.

As mentioned, the City of Manhattan Beach community has done a great job of maintaining awareness of drought conditions in the region. In 2012, the City was recognized as a winner of the Wyland Foundation's Mayors Water Challenge for getting the most people in the nation to sign up and pledge to conserve water and natural resources.

Since 2012, the City has had over 100 residents complete the "Turfs Up" rebate program offered through the West Basin Municipal Water District and the SoCal Water Smart

program, in an effort to encourage property owners to remove turf and replace with drought tolerant landscape. The City will continue to promote this program in an effort to encourage homeowners to transition away from water-thirsty lawns, and begin installing drought-tolerant gardens.

The City has partnered with the Manhattan Beach Botanical Garden to offer a series of free classes at the Garden which teach individuals about sustainable landscaping (classes run every Saturday through June 20th).

Please see the "Drought" page in the City website (cityymb.info) for more water savings tips and incentives.

Conclusion

Even with all the terrific efforts made by our community to conserve our precious resource, our water use per capita still remains relatively high. Hence, we are mandated to do more. City staff will take the following actions to assure our community is well informed and knows what's expected of them:

- Conduct a Town Hall meeting in early May 2015 to help explain the pending and upcoming actions.
- Monitor compliance with additional water use restrictions as called for at a Stage 3 drought.
- Provide enhanced outreach efforts to keep community informed of any pending changes, which may include but not be limited to: letters to residents, water bill inserts, press releases, updates in community and school newsletters, website, social media, and street banners.
- Enforce City Ordinance

Questions on the City's Water Conservation efforts can be directed to Sona Coffee, the City's Environmental Programs Manager at scoffee@cityymb.info or (310) 802-5341.

ATTACHMENT 1

ORDINANCE NO. 2122

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING MANHATTAN BEACH MUNICIPAL CODE SECTIONS 7.44.030, 7.44.040 and 7.44.050 AND RESCINDING SECTIONS 7.44.010, 7.44.053, 7.44.056 AND 7.44.090 REGARDING WATER CONSERVATION

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council hereby finds as follows:

- a. Judicial rulings have reduced the availability of water from Northern California and the Colorado river to Southern California;
- b. Because of the reduced availability of water it is necessary to change consumption practices in order to reduce water usage on a permanent basis as well as insure that emergency procedures are in place for severe water shortages;
- c. It is therefore necessary and in the best interest of the health and welfare of the residents of Manhattan Beach to amend the City's existing water conservation ordinance to provide for best practices of water conservation to be memorialized as enforceable rules governing the use of water in the City;
- d. This ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15061(b)(3), 15307 and 15308.

SECTION 2. Sections 7.44.010, 7.44.053, 7.44.056 and 7.44.090 of the Manhattan Beach Municipal Code are hereby rescinded in their entirety.

SECTION 3. Section 7.44.030, 7.44.040 and 7.44.050 of the Manhattan Beach Municipal Code are hereby amended in their entirety to read as follows:

7.44.030 Permanent Water Conservation Requirements.

The following water conservation requirements shall apply to all persons within the City of Manhattan Beach:

(a) Landscape.

1. Watering Hours. No lawn or landscape area shall be spray irrigated between the hours of 9:00 AM and 6:00 PM on any day. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.
2. Irrigation Overspray and Runoff. Water shall not spray or flow to any impermeable private or public surface including but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains.

3. Water Drift. No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drifting or wasting.
4. Over-Irrigation. It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable public surface, including, but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains as well as private driveways, sidewalks and patios.
5. Irrigation During Rain. It is prohibited to water or irrigate any landscaping within 24 hours of measurable rainfall.

(b) Cleaning. No person shall:

1. Use water to wash, clean or clear any sidewalks, streets, walkways, patios, driveways, alleys or parking areas, whether paved or unpaved, with a hose connected to a domestic water source unless through use of a water broom. Exception: Pressure washing may be permitted.
2. Wash or clean with water any vehicle, including, but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or unmotorized, except by use of a hand-held bucket or similar container or a hose equipped with a positive action quick release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility which utilizes a recycling system to capture or reuse water.

(c) Water Features and Water Recreation Facilities. No person shall:

1. Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water recycling system.
2. Fill any water recreation facility such as a hot tub, spa, permanent swimming or wading pool unless the water recreation facility is constructed, installed or equipped with a cover to reduce water loss due to evaporation.

(d) Waste, Ponding and Leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture of any kind whatsoever.
2. Cause, permit or allow water to flow from any source on private or public property into gutters, streets, alleys or storm drains except as a result of rainfall or excessive groundwater from a private sump pump or from a nonpotable source of water.
3. Cause, permit or allow water from any source to pond on private or public property except as a result of rainfall.
4. Cause, permit or allow water to flow from any source on private or public property without beneficial use.

(e) Eating and Drinking Establishments.

1. All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or

private, shall only provide drinking water to any person upon receipt of an express request.

2. All food service businesses shall install water conserving pre-rinse nozzles.

(f) Hotels and Motels. All hotels, motels and bed and breakfast establishments shall provide customers the option of choosing not to have towels laundered daily. Each establishment shall prominently display notice of this option in each bathroom and sleeping room using clear easily understood language. Within five years from the effective date of this ordinance, July 2, 2009, all guest room toilets shall be replaced with the best available technology low flow toilets.

(g) Carwashes. Any new carwash system shall have a water recirculation system. Within five years from the effective date of this ordinance, July 2, 2009, all existing carwash systems shall have installed water recirculation systems.

(h) Commercial Establishments In General. All nonresidential buildings in the City shall within five years from the effective date of this ordinance, July 2, 2009, replace all public toilets and urinals with best available technology low flow toilets and urinals and all dishwashers with water efficient dishwashers. Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

(i) Hoses. No person shall allow water to flow freely from a hose that is not equipped with a positive action quick release shutoff valve or nozzle.

(j) Exceptions. The provisions of this Section are not applicable to the uses of water which are necessary to protect public health and safety or for essential governmental services, such as police, fire and other similar emergency services.

7.44.040 Drought Restrictions

In addition to the permanent water restrictions set forth in section 7.44.030 above the following restrictions shall be imposed upon declaration by the Metropolitan Water District of a phased water shortage:

(a) Stage 1 Water Shortage:

A. When the Metropolitan Water District implements its Stage 1 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect:

1. Landscape irrigation using potable water shall be limited to no more than fifteen (15) minutes per watering day;
2. Landscape watering with potable water shall be limited to three (3) times per week on Monday, Wednesday and Saturday nights after 6:00 PM.

(b) Stage 2 Water Shortage:

A. When the Metropolitan Water District implements its Stage 2 Shortage allocation

reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1 restrictions:

1. No landscape watering with potable water unless a timed sprinkler system is installed or watering is done with a handheld device.
2. Landscape watering with potable water shall be limited to two (2) times per week on Wednesday and Saturday nights after 6:00 PM.

(c) Stage 3 Water Shortage:

A. When the Metropolitan Water District implements its Stage 3 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to the Stage 1 and 2 restrictions:

1. Washing of vehicles is prohibited except at commercial car washes or by mobile high pressure/low volume commercial services;
2. Landscape watering with potable water shall be limited to one (1) time per week on Wednesday nights after 6:00 PM.

(d) Stage 4 Water Shortage:

A. When the Metropolitan Water District implements its Stage 4 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage, 1, 2 and 3 restrictions:

1. Home reverse osmosis treatment units and water softeners shall be disconnected or turned off;
2. Watering of nonpublic playing fields with potable water is prohibited;
3. Landscape watering with potable water shall be limited to one (1) time per week on Wednesday nights after 6:00 PM only drip irrigation or hand held hoses are permitted.

(e) Stage 5 Water Shortage or above:

A. When the Metropolitan Water District implements its Stage 5 through 10 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1, 2, 3, and 4 restrictions:

1. Filling of residential swimming pools or spas with potable water is prohibited.
2. Landscape irrigation with potable water is prohibited except with a watering can using water reclaimed from indoor use;
3. Any additional water conservation measures adopted by the Director of Public Works or his or her designee deemed necessary for the preservation of public health, safety and welfare.

7.44.050 Penalties and Remedies.

(a) Violation of this section shall constitute an infraction and shall be punishable as described in Section 1.04.010(B) of this Code. Any offense which would otherwise constitute an infraction shall be deemed a misdemeanor if a defendant has been convicted of two (2) or more prior violations of this chapter within the twelve (12) month period immediately preceding the commission of the offense. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. Each day that a violation occurs shall constitute a separate offense.

(b) In addition to any other surcharge or penalty as may be provided for in this Chapter or Code, any customer who fails to comply with any provision of Section 7.44.030 or 7.44.040 may be assessed a surcharge of seventy-five dollars (\$75) or two hundred percent (200%) of the customer's total water bill for the most recent billing period, whichever is greater. Any customer against whom this fine is assessed shall be entitled to prior notice and may request a hearing regarding imposition of the fine.

(c) It shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment for a period not to exceed six months or both, for any person to knowingly misrepresent any material fact to any employee, agent or representative of the City in any attempt or effort to circumvent or otherwise diminish the effectiveness of any of the requirements imposed by any part of this Chapter.

(d) A violation of any provision of this Chapter is declared to be a public nuisance and the City Attorney is authorized to abate such violation(s) by means of a civil action.

(e) The penalties and remedies established by the Chapter shall be cumulative.”

SECTION 4. Each and every other provision of Chapter 7.44 shall continue in full force and effect.

SECTION 5. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 6. This notice shall be published by one insertion in The Beach Reporter, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 7. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in The Beach Reporter, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.