

ORDINANCE NO. 2010-384

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PORTOLA VALLEY ADDING CHAPTER 15.30 [INDOOR WATER
CONSERVATION] TO TITLE 15 [BUILDINGS AND
CONSTRUCTION] OF THE PORTOLA VALLEY MUNICIPAL CODE**

WHEREAS, the Town of Portola Valley ("Town") desires to add Chapter 15.30 [Indoor Water Conservation] to Title 15 [Buildings and Construction] of the Portola Valley Municipal Code to establish indoor water conservation regulations.

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Town. The adoption and enforcement of this Ordinance is necessary to manage the Town's potable water supply in the short- and long-term and to avoid or minimize the effects of drought and shortage within the Town.

WHEREAS, San Mateo County, in which the Town is located, is 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 the region's water reliability and make it highly susceptible to water supply challenges.

WHEREAS, 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.

WHEREAS, 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.

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") member agencies, including the Town, 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.

WHEREAS, 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.

WHEREAS, 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 requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting Senate Bill 7.

WHEREAS, 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, 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 the Town 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. This Ordinance is consistent with the mandates of Senate Bill 407 and will result in water savings.

WHEREAS, the Town's local water purveyor, California Water Service Company has a long-standing policy of promoting efficient water management measures and practices and will work cooperatively with the Town to maximize effectiveness of the Ordinance.

NOW, THEREFORE, THE COUNCIL DOES ORDAIN AS FOLLOWS:

1. Addition to Code. Chapter 15.30 [Indoor Water Conservation] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code is hereby added to read as follows:

**CHAPTER 15.30
INDOOR WATER CONSERVATION**

15.30.010	Applicability
15.30.020	Definitions
15.30.030	Minimum Indoor Fixture Requirements
15.30.040	Application Requirements
15.30.050	Enforcement

15.30.010 Applicability

A. The provisions of this Ordinance 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 Ordinance will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled.

B. This provisions of this Ordinance shall not apply to:

1. Existing buildings not requiring a building permit, plan check or design review.

2. Registered local, state or federal historical sites.

15.30.020 Definitions

A. "Certified professional" means a licensed contractor, architect or professional engineer.

B. "Energy Star Qualified" means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.

C. "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.

D. "Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

E. "Project applicant" means the individual or entity submitting a project application which requires an Indoor Water Use Efficiency Checklist pursuant to this chapter.

F. "Water factor" means the number of gallons per cycle per cubic foot that a clothes washer uses.

15.30.030 Minimum Indoor Fixture Requirements

All new construction and applicable remodels will have, at a minimum, fixtures that comply with the efficiency standards listed below in 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	≤ 6.5 gal/cycle, or 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
Water 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.

"gal/cycle" means gallons per cycle; "gal/100 lbs ice" means gallons per hundred pounds of ice; "gpf" means gallons per flush; "gpm" means gallons per minute

15.30.040 Application Requirements

A. The Town shall:

1. Provide the project applicant with the Indoor Water Use Efficiency Checklist when it provides project 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;

5. 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; and

6. Submit a copy of the complete Indoor Water Use Efficiency Checklist to the local water purveyor.

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. Submit all portions of the Indoor Water Use Efficiency Checklist to the local agency for approval that includes, at a minimum:

a. Project information;

b. 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;

c. Contains 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

d. Bears the signature of the project applicant, or that of a certified professional.

15.30.050 Enforcement

Compliance with this chapter shall be conducted in accordance with chapter 1.12.

2. Environmental Review. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 and Section 15378(b)(2) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because 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.

3. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected

thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

4. Effective Date; Posting. This Ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town in three (3) public places.

INTRODUCED: February 24, 2010

PASSED: March 10, 2010


AYES: Councilmember Derwin, Vice Mayor Driscoll, Councilmember Richards,
Mayor Toben and Councilmember Wengert

NOES: None

ABSTENTIONS: None


ABSENT: None

ATTEST:

By: 

Mayor

ATTEST:



Town Clerk

APPROVED AS TO FORM:



Town Attorney