

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**SUBJECT:** CONTINUATION OF  
DROUGHT DECLARATION

**FROM:** Kerrie Romanow

**DATE:** October 17, 2022

Approved



Date

**10/27/22**

## **RECOMMENDATION**

Adopt a resolution extending the drought emergency in Resolution No. 80303 through May 31, 2024, continuing the declaration of a water shortage of 15% citywide and limiting the use of potable water for landscape and turf irrigation to two scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants and trees grown for consumption, nursery or garden center plants for sale, and environmental mitigation projects.

## **OUTCOME**

The continued declaration of a 15% water shortage continues an enhanced level of citywide restrictions on potable water use under Chapter 15.10 of the San José Municipal Code, including limitation of outdoor watering.

## **BACKGROUND**

California's Water Year 2020, covering the period October 1, 2019 - September 30, 2020, was dry in the northern two-thirds of the state, and the first six months of Water Year 2021 ranked as the fourth driest on record. On April 21, 2021, California Governor Gavin Newsom declared a drought emergency in two California counties and on May 10, 2021, he expanded the emergency to 39 additional counties for a total of 41 of the state's 58 counties. On June 9, 2021, the Santa Clara Valley Water District (Valley Water) Board of Directors declared a water shortage emergency condition in Santa Clara County and called for a 15% reduction in water usage countywide, as compared to 2019 water usage. On June 22, 2021, the Santa Clara County Board of Supervisors adopted a resolution ratifying a June 15, 2021 proclamation by the County's Director of Emergency Management for a local emergency related to extreme drought conditions. In addition, on July 8, 2021, California Governor Gavin Newsom extended his previous drought proclamation to include Santa Clara County and asked that all Californians

voluntarily reduce water usage by 15% compared to 2020 water usage. Moreover, Executive Order N-10-21 tasked the State Water Resources Control Board with tracking and reporting monthly progress towards the 15% statewide reduction.

On November 30, 2021, City Council adopted Resolution No. 80303 which declared a 15% water shortage enacting a mandatory watering schedule to limit irrigation to two days per week as follows:

- Landscape and turf at properties with addresses ending in odd numbers, (i.e., 1,3,5,7, and 9) shall be irrigated only on Monday and Thursday.
- Landscape and turf at properties with addresses ending in even numbers, (i.e., 0,2,4,6, and 8) shall be irrigated only on Tuesday and Friday.
- Landscape and turf at properties with no address shall be irrigated only on Monday and Thursday.

On March 28, 2022, Governor Newsom's Executive Order N-7-22 called for additional actions and regulations to further address worsening drought conditions within the state. In response, on May 24, 2022, the state adopted emergency regulations which included a ban on irrigation of ornamental turf (grass) in commercial, institutional, and industrial settings.

## **ANALYSIS**

Resolution No. 80303, adopted on November 30, 2021, included an expiration date of October 31, 2022. Due to continued local and state drought conditions, staff recommends that City Council extend the resolution to May 31, 2024 to continue the 15% water shortage and all measures included in the original drought declaration resolution.

Imported water accounts for approximately 55% of Valley Water's supply sources. The State Water Resources Control Board issued warning notices to water rights holders in California, including Valley Water, notifying them to plan for potential shortages. Additionally, Valley Water's largest local surface water reservoir, Anderson Reservoir, is offline for the next 10 years for the duration of the Anderson Dam Seismic Retrofit Project.

Local efforts to mitigate drought conditions have steadily improved since late 2021. In July 2022, Santa Clara County residents reduced water use by 16% and exceeded the state's 15% voluntary water conservation rule. Similarly, the City of San José and San José Municipal Water System residents and businesses made water savings a priority. Altogether, residents attained a savings of 16% citywide: 17% in the San José Municipal Water System; 16% in San José Water Company service area; and 19% in the Great Oaks Water Company service area. The Environmental Services Department and San José Municipal Water System staff continue to make communication a priority for residents and businesses by maintaining a presence on social media, coordinating access to free Home Water reports where residents can see billing and consumption activity for twenty-four hours, seven days a week, providing timely rule and

ordinance updates on its website, organizing mailers, and arranging media advertisement to inform residents and businesses of fast-changing rules and guidelines. Although actions to date have been sufficient to prevent the need for the imposition of additional drought restrictions, there is no guarantee that winter precipitation will alleviate the current drought conditions through spring 2024.

The San José Municipal Code has additional required permanent water conservation measures to promote long-term efficient use of water supplies. These permanent water waste prevention measures include:

- No irrigating landscapes between 10 a.m. and 8 p.m., unless using a bucket, hand-carried container, or a hose with an automatic shut-off nozzle
- Sprinklers cannot run more than 15 minutes per station per day
- No excessive water runoff is allowed
- Leaking or broken water pipes, irrigation systems, and faucets must have repairs initiated within five working days and repaired as soon as practical
- No cleaning of structures or paved surfaces with a hose without a positive shut-off nozzle
- No cleaning of vehicles with a hose without a positive shut-off nozzle
- Commercial car washes must use water recycling equipment, a bucket and hand-washing, or a hose with positive shut-off nozzle
- No serving water in food service establishments unless requested by the customer
- Potable water cannot be used for building or construction purposes, such as dust control, without written exception by the City
- Water cannot be used from a hydrant without prior City approval
- Potable water cannot be used for irrigation purposes where a recycled water service is currently plumbed to the site

## **CONCLUSION**

Continuing the water shortage declaration of 15% allows for continued implementation of water conservation measures such as limiting outdoor irrigation watering to two days per week to address continued drought conditions.

## **EVALUATION AND FOLLOW-UP**

Staff may recommend further action by City Council if needed to address unanticipated or significant changes to local water supply and/or to align with revised local or state drought measures.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH/INTEREST**

This item will be posted on the City's Agenda website for the November 8, 2022 City Council meeting.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Department of Planning, Building, and Code Enforcement.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **COST SUMMARY/IMPLICATIONS**

For the San José Municipal Water System, the calculation of 2022-2023 retail water rates assumed a decrease in water sales, revenue, and costs associated with the ongoing drought and water conservation measures. These items will continue to be monitored throughout the year and any necessary changes to adjust revenue or expenses will be brought forward to City Council as part of the budget process.

### **CEQA**

Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

/s/  
KERRIE ROMANOW  
Director, Environmental Services

For questions, please contact Jeff Provenzano, Deputy Director, Environmental Services Department at (408) 277-3671.