



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT  
COMMITTEE

**FROM:** Mayor Sam Liccardo  
Councilmember Jimenez  
Councilmember Peralez  
Councilmember Carrasco  
Councilmember Davis

**SUBJECT:** WATER SHORTAGE  
DECLARATION

**DATE:** October 08, 2021

---

**Approved:**

**Date:** 10/08/21

---

## RECOMMENDATION

Direct the City Manager to:

1. Pursuant to San Jose Municipal Code Section 15.10.300, et seq, declare by resolution a state of water shortage at the 15% level, requiring the imposition of restrictions, including the use of water for outdoor landscape irrigation to no more than two days a week, and any other restrictions deemed appropriate by the City Manager to simplify and make uniform any conflicting restrictions imposed by Valley Water District and the three water retailers that operate in San Jose.
  - a. Return to Council with a specific watering schedule that will facilitate ease of compliance, and where necessary, enforcement—for example, prohibiting landscape watering on Tuesdays, Wednesdays, and Thursdays.
  - b. Decline to cite or fine anyone for a first violation, reserving sanctions for repeat offenders who have received multiple notifications of violations, as deemed appropriate by Staff.
  - c. Return to Council with an outreach strategy, such as a proposed deployment of Resilience Corps members, including multilingual outreach--using the additional

funding allocated through the state budget to California's largest 13 cities—who can notify residents about:

1. the City's restrictions,
  2. turf replacement and greywater rebates and other incentives,
  3. free water-saving devices and services available through water retailers and Valley Water District,
  4. free water-wise surveys,
  5. how to reset devices for landscape irrigation;
  6. and inform residents with door-drop hangers or flyers about their noncompliance and provide information to City Staff.
- d. Return to Council to discuss alternatives for imposing more restrictive rules during the winter when watering is less necessary for landscape--i.e., restrictions of 1 or even 0 days per week—to better buttress our water supply for an uncertain 2022.
- e. Among other rules the City Manager should consider for a recommendation, where any nonuniformity exists among various water retailers and wholesalers, to include restrictions on:
1. the use of potable water for filling or refilling decorative fountains and ponds more than one foot deep;
  2. washing vehicles, except at commercial businesses using recycled water;
  3. hosing down buildings, sidewalks, driveways, patios, tennis courts, or other hard surfaces, except to protect health and safety.
  4. Restaurants serving water only upon request, and hotels notifying guests they can choose not to have towels and sheets washed every day.
- f. Allow the mandate to expire in October 2022, if not revoked or extended by Council.
2. Send a Council resolution urging the Federal Energy Regulatory Commission's Division of Dam Safety and Inspections with a temporary variance from the Anderson Reservoir drawdown level allowing a maximum reservoir elevation of 544 feet, allowing for additional storage of up to 20,000 acre-feet, through November 2022, to enable Valley Water to better manage water supplies.
  3. Direct staff to revise the City's existing Water Efficient Landscape Ordinance (WELO) to require only planting drought-tolerant landscapes in new developments, effectively ending the planting of new lawns in the city of San Jose. This should not impede ongoing efforts to "green" areas of San Jose that have suffered from a historic lack of natural investment — prioritizing planting drought tolerant plants and increasing overall tree canopy to blunt urban heat island impacts.

4. Conduct and report on an internal review of City departments to ensure that every department has exceeded our goals of 15% reduction in potable water consumption.

## **BACKGROUND**

Over the past year, San Jose received the lowest rainfall in its 128 years of record-keeping, tallying only 5.33 inches from July to June, and the past two winters in California have been the driest since 1976-77. More than 88% of California persists in “extreme drought.” According to *Mercury News* reporter Paul Rogers, Santa Clara County is in worse shape than many other counties, because our largest reservoir, Anderson Dam, remains in deadpool during construction, and the county’s 10 reservoirs [are collectively just 15% full](#). San Jose’s groundwater levels have fallen 45 feet since 2017, and continued reductions of more than 25 feet could pose risks of subsidence.

The good news is that we have options, if we act now. We effectively reduced our water consumption before, and our own San Jose Municipal customers—comprising about 10% of our city—have already reduced consumption about 14% relative to 2019. The rest of the City lags behind, however, at about 8%, but a single homeowner can meet the 15% statewide reduction goal by merely cutting lawn watering from three days to two days. Residents can obtain free water-saving devices—such as shower heads, faucet aerators, and toilet flappers—for free from Valley Water and water retailers. By leveraging the energy and talents of our Resilience Corps members, and using digital tools and social media, we can better inform residents about this low-hanging fruit, and dramatically expand our least expensive source of water supply: the water we don’t consume.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member’s staff, concerning any action discussed in the memorandum, and that each signer’s staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*