



# City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director  
Karen Falk, Principal Engineer  
Kseniia Izgarskaia, Management Analyst  
Via Ashley Jones, City Manager

DATE: June 20, 2022

SUBJECT: Introduction of an Ordinance Amending Sections 21.70.110 and 21.70.120 of the Del Mar Municipal Code to Revise Emergency Water Management Requirements for Drought Watch Conditions

## REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council hold a public hearing and introduce an Ordinance (Attachment A) amending the Del Mar Municipal Code (DMMC) Section 21.70.110 and Section 21.70.120 to revise water consumer demand reduction measures in accordance with recent State regulations.

## BACKGROUND:

The State of California has experienced three consecutive years of drought, and many water reservoirs are currently at record low levels. California Governor Gavin Newsom has responded by issuing multiple emergency orders and directives over the last year including the following:

1. On April 21, 2021, Governor Newsom proclaimed a drought emergency for the Russian River watershed in Sonoma and Mendocino counties. He also directed state agencies to bolster drought resilience and prepare for additional impacts if dry conditions extended into a third year. Water suppliers were encouraged to implement Water Shortage Contingency Plans (WSCP) and increase conservation levels.
2. Unanticipated reductions in the amount of water flowing into the State's major reservoirs continued. On July 8, 2021, Governor Newsom issued Executive Order N-10-21 calling on all Californians to voluntarily reduce their water use by 15% compared to the 2020 levels. The executive order applied to 50 of the State's 58 counties and excluded San Diego County.
3. On October 19, 2021, Governor Newsom issued a proclamation extending the drought emergency statewide and expanding the drought proclamation to all 58 of the State's

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City Council Action:

counties, including San Diego County, repeating the request for voluntary conservation.

4. On March 28, 2022, Governor Newsom issued Executive Order N-7-22, directing the State Water Resources Control Board to consider requiring urban water suppliers to activate, at a minimum, Level 2 of their water shortage contingency plans and provide emergency regulations for urban water conservation by May 25, 2022.

On May 24, 2022, the State Water Resources Control Board adopted emergency regulations that require water suppliers to implement Level 2 Demand Reduction Measures as identified in the supplier's Water Shortage Contingency Plans (WSCP) for a shortage level of 10-20% percent. The emergency regulation does not require formally moving into Level 2 or implementing any water supply augmentation measures. In response, the San Diego County Water Authority (Water Authority) and its member agencies, which includes Del Mar, are implementing Level 2 Demand Reduction Measures of their WSCP on a voluntary basis without formally moving to Level 2 at this time.

#### DISCUSSION/ANALYSIS:

The Water Authority and its member agencies have reduced per capita water use by nearly 50% since 1990 through water-efficient practices and measures. In addition, the San Diego Region, which was once reliant on imported water supplies from the Metropolitan Water District of Southern California, has expanded its portfolio of water supplies to include a variety of new resilient water supply sources. These actions have eliminated any water supply shortages to the San Diego region. Nonetheless, the Water Authority and its member agencies are committed to supporting Governor Newsom's executive order that seeks a 20% reduction in water use across California.

In support of the State's declared emergency, the Water Authority Board of Directors formally activated its WSCP Level 1 on October 28, 2021. Level 1 response actions include voluntary water-use efficiency measures and implementation of the WSCP's communication plan. Storage withdrawals are included as a potential action but are not needed at this time due to the availability of sufficient water supplies. The City of Del Mar has been in a Stage 1 – Drought Watch Condition since 2016, which currently remains in effect.

Section 21.70.110 of the DMMC, Drought Response Stage 1 (Level 1) – Drought Watch Condition, encourages voluntary water conservation. As written, this section of the Code is in need of revision to add specific water consumer demand reduction measures that would help decrease water consumption with a goal of up to 15%. The required revisions to this section add the demand reduction measures as voluntary in Stage 1. Section 21.70.112 of the DMMC, Drought Response Stage 2 (Level 2) – Drought Alert, is also inconsistent with the State's recent emergency regulations and is in need of revision. The required revisions to this section change the voluntary demand reduction measures included in Stage 1 to mandatory in Stage 2, requiring a water demand reduction up to 20% and implementing a modified surcharge rate structure. Approval of the attached ordinance is required to amend the DMMC to comply with recent State actions. DMMC Sections 21.70.110 and 21.70.112, with the

proposed redlined changes, are included in this report for the Council's reference as Attachment B.

Pursuant to the Water Authority's Communication Plan, the City will increase public communication activities by publishing electronic newsletters, periodically updating the website's drought information, administering water waste reporting applications, and providing educational information to encourage water conservation. Following approval of recommended changes to DMMC, City staff will update the website with specific demand reduction measures and include information on water bill inserts.

While the City will encourage Stage 2 water demand reduction measures to promote water conservation, the City will not be formally moving into a Stage 2 drought response at this time. A resolution reaffirming the City's intent to remain in Stage 1 but encouraging voluntary Stage 2 water demand reduction measures will be brought back for Council's consideration at the next Council meeting on July 11, 2022.

The City's Public Works Department will immediately implement all the Stage 2 water demand reduction measures. These measures include reducing park watering frequencies to three times per week and eliminating washing down hardscape areas at Shores Park, Powerhouse Park, Seagrove Park and all beach access walkways and showers. Unfortunately, these activities will result in visual impacts to vegetation and green spaces and areas of sand accumulation, which will need to be hand swept moving forward. The only exception will be hosing down of restrooms as need for public health and safety reasons.

PRIOR CITY COUNCIL REVIEW:

On December 13, 2021, the City Council adopted Ordinance No. 984, to revise emergency water management requirements for drought watch conditions.

On July 5, 2016, the City Council adopted Resolution No. 2016-42, declaring Drought Response Stage 1 – Drought Watch to be in effect, but urging citizens and businesses to continue voluntary efforts to conserve water by following measures adopted during the Stage 2 response in 2015-2016.

FISCAL IMPACT:

There is no fiscal impact or action to be taken by the Council related to this agenda item.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

ATTACHMENTS:

- Attachment A – Ordinance Amending DMMC Sections 21.70.110 and 21.70.120
- Attachment B – Redlined changes in DMMC Sections 21.70.110 and 21.70.120

## ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING DEL MAR MUNICIPAL CODE SECTIONS 21.70.110 (DEMAND MANAGEMENT/DROUGHT RESPONSE STAGE 1 — DROUGHT WATCH CONDITION) AND 21.70.120 (DEMAND MANAGEMENT/DROUGHT RESPONSE STAGE 2 — DROUGHT ALERT CONDITION) TO REVISE EMERGENCY WATER MANAGEMENT REQUIREMENTS FOR DROUGHT WATCH AND ALERT CONDITIONS

WHEREAS, water supply conditions have been challenged statewide in California for several years; and

WHEREAS, Chapter 21.70 of the Del Mar Municipal Code establishes an emergency water management program in order to conserve water supplies, minimize the effects of water supply shortages, and allow the City to respond to water emergency conditions; and

WHEREAS, Section 21.70.110 of the Del Mar Municipal Code establishes emergency water conservation requirements for Drought Response Stage 1 – Drought Watch Condition; and

WHEREAS, Section 21.70.120 of the Del Mar Municipal Code establishes emergency water conservation requirements for Drought Response Stage 2 – Drought Alert Condition; and

WHEREAS, on July 21, 2014, the City Council adopted Resolution No. 2014-64, declaring Drought Response Stage 2 – Drought Alert to be in effect advising all customers to increase water conservation; and

WHEREAS, on June 1, 2015, the City Council adopted Ordinance No. 907 as an urgency ordinance to implement drought measures issued by the State and authorizing the City Manager to implement and enforce the urgency drought measures, including restrictions on outdoor irrigation; and

WHEREAS, on July 5, 2016, the City Council adopted Resolution No. 2016-42, declaring Drought Response Stage 1 – Drought Watch Conditions to be in effect, reducing the drought response stage, but urging citizens and businesses to continue voluntary efforts to conserve water by following measures adopted during the Stage 2 response in 2015-2016 and continuing the mandatory water use prohibitions of the urgency drought measures; and

WHEREAS, on July 8, 2021, California Governor Newsom issued Executive Order N-10-21 calling on all Californians to voluntarily reduce their water use by 15% compared to 2020 levels, with the order applying to 50 of the state's 58 counties and excluded San Diego County; and

WHEREAS, on October 19, 2021, Governor Newsom issued a proclamation extending the drought emergency statewide and further urging Californians to step up their water conservation efforts as the western United States faces a potential third dry year; and

WHEREAS, on October 28, 2021, the San Diego County Water Authority adopted a resolution to activate Level 1 of its Water Shortage Contingency Plan and encourage its member agencies to activate the appropriate voluntary provisions of their shortage contingency plans; and

WHEREAS, on December 13, 2021, the City Council adopted Ordinance No. 984 revising the emergency water conservation requirements for Drought Response Stage 1 – Drought Watch Condition of Section 21.70.110 of the Del Mar Municipal Code; and

WHEREAS, on March 28, 2022, Governor Newsom issued Executive Order N-7-22 directing the State Water Resources Control Board to provide emergency regulations for urban water conservation by May 25, 2022; and

WHEREAS, on May 24, 2022, the State Water Resources Control Board adopted a resolution to adopt emergency regulations that require certain water suppliers to implement Level 2 demand reduction measures as identified in the supplier's water shortage contingency plans for a shortage level of ten to twenty percent; and

WHEREAS, the emergency regulations adopted by the State Water Resources Control Board's May 24, 2022 resolution went into effect on June 10, 2022; and

WHEREAS, the City of Del Mar is not required to implement Level 2 demand reduction measures but nonetheless desires to continue to encourage reduced demand in response to the State Water Resources Control Board's action; and

WHEREAS, in order to implement demand reduction measures, Section 21.70.110 of the Del Mar Municipal Code is in need of revision to add specific water consumer demand reduction measures that would help decrease water consumption of up to 10% (generally mirroring measures adopted as part of the June 1, 2015 urgency ordinance) and Section 21.70.112 of the Del Mar Municipal Code requires revisions to change the voluntary demand reduction measures included in Stage 1 to mandatory in Stage 2, encouraging a water demand reduction between 10 to 20%.

NOW THEREFORE, the City Council of the City of Del Mar, California, hereby ordains as follows:

**SECTION ONE:**

That Section 21.70.110 of Chapter 21.70 of the Del Mar Municipal Code relating to Emergency Water Management of the City of Del Mar is amended to read as follows:

**21.70.110 Demand Management/Drought Response Stage 1 - Drought Watch Condition.**

- A. A Demand Management/Drought Response Stage 1 condition is also referred to as a "Drought Watch" condition. A Stage 1 shall be declared to encourage voluntary water conservation. This Stage 1 condition applies when the Water Authority notifies its member agencies to activate the appropriate voluntary provisions of the water shortage contingency plan.
- B. When Stage 1 is declared and in effect, all persons shall be urged to comply, on a voluntary basis, with the water usage reduction and other conditions as may be identified by the Governor, State of California, or San Diego County Water Authority.
- C. In addition to the water usage reductions and other conditions referenced in subsection B above, when Stage 1 is declared and in effect all persons are requested to comply with the following demand reduction measures;
  1. Irrigating "Non-Functional Turf" at commercial, industrial, and institutional sites is prohibited. "Non-Functional Turf," as defined in section 996 of title 23 of the California Code of Regulations, as may be amended from time to time, is defined as any turf (grass) that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. "Non-Functional Turf" does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.
    - a. Notwithstanding subsection (C)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
    - b. Notwithstanding subsection (C)(1), the City may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
  2. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
  3. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
  4. Irrigate residential and commercial landscape before 10 AM or after 6 PM; limited to three applications per week. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain.
  5. Use a handheld hose equipment with positive shut-off nozzle and bucket to wash vehicles.
  6. Serve and re-fill water in restaurants, bars, and other food service establishments only upon request.
  7. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

8. Repair all water leaks within 72 hours of notification by the City.
9. Use re-circulated water to operate ornamental fountains.
10. Use non-potable water for construction purposes when available.

Additional Conditions on Uninterrupted Delivery: None.

**SECTION TWO:**

That Section 21.70.120 of Chapter 21.70 of the Del Mar Municipal Code relating to Emergency Water Management of the City of Del Mar is amended to read as follows:

**21.70.110 Demand Management/Drought Response Stage 2 - Drought Alert Condition.**

- A. Demand Management/Drought Response Stage 2 condition is also referred to as a "Drought Alert" condition. A Stage 2 shall be declared when the City determines that water usage should be reduced up to 20 percent from the ordinary demand requirement, as determined by the City.
- B. When Stage 2 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified surcharge rate structure set as follows:

Meter Size	Bimonthly Fixed Surcharge During Demand Management/Drought:					
	7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
5/8"	\$2.98	\$3.14	\$3.26	\$3.40	\$3.64	\$3.84
3/4"	4.48	4.70	4.90	5.10	5.46	5.76
1"	7.46	7.84	8.16	8.50	9.10	9.58
1 1/2"	14.90	15.68	16.30	17.00	18.20	19.14
2"	23.84	25.08	26.08	27.20	29.10	30.64
3"	47.68	50.14	52.16	54.40	58.20	61.26
4"	74.48	78.32	81.48	84.98	90.94	95.70
22nd DAA*	953.24	1,002.48	1,042.94	1,087.64	1,163.98	1,224.84
One 8" meter and two 10" meters						

Volumetric Surcharge applied to all units of usage by all customer classes.

Volumetric Surcharge During Demand Management/Drought Periods:					
7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
\$0.23	\$0.25	\$0.26	\$0.27	\$0.29	\$0.30

C. When Stage 2 is declared and in effect, the demand reduction measures listed in Stage 1 shall become mandatory.

**SECTION THREE:**

This Ordinance was introduced by the City Council on June 20, 2022.

**SECTION FOUR:**

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**SECTION FIVE:**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION SIX:**

The Ordinance shall take effect and be in full force thirty (30) days after the date of adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held this 11<sup>th</sup> day of July, 2022.

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Dwight Worden, Mayor  
City of Del Mar

**APPROVED AS TO FORM:**

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Leslie E. Devaney, City Attorney  
City of Del Mar



ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. XXX which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 11th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Sarah Krietor, City Clerk/Administrative  
Services Manager  
City of Del Mar

## Chapter 21.70 EMERGENCY WATER MANAGEMENT

### 21.70.110 Demand Management/Drought Response Stage 1—Drought Watch Condition.

- A. A Demand Management/Drought Response Stage 1 condition is also referred to as a "Drought Watch" condition. A Stage 1 shall be declared to encourage voluntary water conservation. This Stage 1 condition applies when the Water Authority notifies its member agencies to activate the appropriate voluntary provisions of the water shortage contingency plan.
- B. When Stage 1 is declared and in effect, all persons shall be urged to comply, on a voluntary basis, with the water usage reduction and other conditions as may be identified by the Governor, State of California, or San Diego County Water Authority.

C. In addition to the water usage reductions and other conditions referenced in subsection B above, when Stage 1 is declared and in effect all persons are requested to comply with the following water demand reduction measures:;

1. Irrigating "Non-Functional Turf" at commercial, industrial, and institutional sites is prohibited. "Non-Functional Turf," as defined in section 996 of title 23 of the California Code of Regulations, as may be amended from time to time, is defined as any turf (grass) that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. "Non-Functional Turf" does not include sports fields and turf that is regularly used for human recreational purposes of for civic or community events.
  - a. Notwithstanding subsection (C)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
  - b. Notwithstanding subsection (C)(1), the City may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
2. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
3. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
4. Irrigate residential and commercial landscape before 10 AM or after 6 PM; limited to three applications per week. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain.

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5. Use a handheld hose equipment with positive shut-off nozzle and bucket to wash vehicles.
  6. Serve and re-fill water in restaurants, bars, and other food service establishments only upon request.
  7. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
  8. Repair all water leaks within 72 hours of notification by the City.
  9. Use re-circulated water to operate ornamental fountains.
  10. Use non-potable water for construction purposes when available.

Additional Conditions on Uninterrupted Delivery: None.

**21.70.120 Demand Management/Drought Response Stage 2—Drought Alert Condition.**

[No changes to Sections A and B]

- C. When Stage 2 is declared and in effect, the demand reduction measures listed in Stage 1 shall become mandatory.