

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/25/2014	(3) CONTACT/PHONE Cheryl Cochran, Planner 1 / (805) 781-1366	
(4) SUBJECT Hearing for an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels, and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board reintroduce the ordinance in Attachment 3 (Exhibit LRP2013-00007:l) and direct the Clerk of the Board to set for public hearing and action on January 13, 2015.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 30) { } Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts <input checked="" type="checkbox"/> Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>Introduced 11/4/2014</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cheryl Cochran, Planner 1 / (805) 781-13

DATE: 11/25/2014

SUBJECT: Hearing for an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels, and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. District 2.

RECOMMENDATION

It is recommended that the Board reintroduce the ordinance in Attachment 3 (Exhibit LRP2013-00007:I) and direct the Clerk of the Board to set for public hearing and action on January 13, 2015.

DISCUSSION

Your Board is holding a hearing on the ordinance in Attachment 1. This item was introduced on November 4, 2014 and is described as follows:

County File No. LRP2013-0007F--Hearing to consider a request by the County of San Luis Obispo to amend Section 19.07042 (Water Conservation Provisions) of the Building and Construction Ordinance (Title 19 of County Code) to revise the existing program that requires new homes and businesses in the Los Osos Groundwater Basin to retrofit fixtures in existing homes and businesses to offset new water use. Supervisorial District: 2.

At the November 4 meeting, it was suggested that changes to the ordinance could be discussed at today's hearing regarding the definition of water-efficient urinals in commercial buildings. However, County Counsel has recommended that since specific revisions to the language were not introduced on November 4, the ordinance with revised language would need to be reintroduced at today's hearing. In addition, staff recommends revising the required maximum flow rate for water-efficient showerheads to be consistent with the California Green Building Standards Code (CalGreen). After determining the specific revisions at today's hearing, your Board could set a future public hearing for final action.

The following describes the attached ordinance amendments:

- Attachment 1 shows the proposed ordinance amendment as introduced on November 4.
- Attachment 2 shows the proposed ordinance amendment introduced on November 4 with legislative changes.
- Attachment 3 shows the proposed ordinance amendment with changes to language regarding 1) urinals and 2) restricting the transfer of water conservation certificates in times of a drought emergency. Your Board suggested that these changes could be discussed at today's hearing. Attachment 3 also includes staff-recommended changes to language regarding the maximum flow rate for water-efficient showerheads.
- Attachment 4 is the same as Attachment 3, but it shows the legislative changes.
- Attachment 6 includes the option of requiring even more water-efficient showerheads.

If your Board wishes to adopt the proposed changes in Attachments 3 or 6, the ordinance would need to be reintroduced today and could be heard on January 13, 2015. Your Board also has the option to adopt the ordinance in Attachment 1 as introduced on November 4.

Background

Your Board established the Retrofit-to-Build program on April 22, 2008 by amending the Building and Construction Ordinance (Title 19 of the County Code). The Retrofit-to-Build program requires new development in Los Osos to offset twice the amount of its new groundwater demand.

Since 2008, the community has implemented several successful retrofit programs. The Retrofit-on-Sale program alone is saving an estimated 5,400 gallons per day (about 6 acre-feet per year). For context, this is the average water use of about 36 new homes (built to today's efficiency standards) in Los Osos. The Retrofit-to-Build program (Title 19) is saving an estimated 23,700 gallons per day (about 27 acre-feet per year). This amount is equivalent to the daily usage of 158 new homes (built to today's efficiency standards) in Los Osos. In addition, the rebate program that is run by the Public Works Department in connection with the community sewer project has resulted in the replacement of about 2,500 toilets with water-efficient models. The effect of these successful programs has been to greatly reduce the number of homes that are available for retrofitting, especially in certain areas of the community.

On January 14, 2014, your Board authorized processing of amendments to the Retrofit-on-Sale (Title 8) and the Retrofit-to-Build (Title 19) program to address circumstances that have changed in the 6½ years since the programs' adoption. This staff report addresses the proposed amendments to Title 19. A separate staff report addresses the proposed amendments to Title 8.

Proposed Revisions to the Retrofit-to-Build Program

1. Require that retrofitting occur only in the portion of the groundwater basin that is outside of the Prohibition Zone (PZ).

Residences in the PZ originally served as the main source of retrofit credits due to the age of the housing stock (older homes are more likely to have less water-efficient plumbing fixtures). However, the majority of residences in the PZ have already been retrofitted through the retrofit programs discussed above. In addition, residences in the PZ that have not been retrofitted will be required to retrofit plumbing fixtures prior to hooking up to the new community sewer system. Continuing the retrofit-to-build requirement in the PZ would not result in additional water savings, since those properties are already required to retrofit before hooking up to sewer system. Therefore, the proposed ordinance changes limit the source of retrofit credits to properties outside of the PZ.

2. Require retrofits with construction permits for any remodel

Title 19 requires that an applicant for a remodel of an existing structure retrofit plumbing fixtures in that existing structure before obtaining a building permit when the remodel includes replacement of plumbing fixtures. To be consistent with a new state law requiring low-flow fixtures with any building permit, the proposed ordinance change expands this retrofit requirement to apply to *any* remodel, whether or not it involves plumbing fixtures.

3. Revise the efficiency standard for urinals in commercial units

Since the adoption of the Retrofit-on-Sale program in 2008, staff has received complaints about waterless urinals, mainly related to maintenance issues and odors. Cleaning waterless urinals can require special training and equipment for maintenance staff because too much water flow during cleaning can damage the fixtures. Additionally, lack of flow can lead to long term crystallization of urine in the pipes.

The Alliance for Water Efficiency acknowledges these concerns on their website, citing "issues of maintenance requirements (labor and materials), questions about the life expectancy of the liquid seal (or cartridge), concerns over build-up of urine solids (struvite) in the drain lines behind these fixtures, the undefined environmental impacts of disposed chemicals and cartridges, and, finally, issues with the economics or cost-effectiveness of non-water

urinals...” While newer technology might help remedy these issues, the alliance for Water Efficiency recommends further research on this topic.

The proposed changes to Title 19 as introduced at the November 4, 2014 meeting address these complaints by requiring that urinals in commercial remodels, additions and new construction use no more than 1.0 gallons per flush (gpf) instead of 0 gallons per flush (waterless urinals). However, CalGreen requires that urinals in new construction use no more than 0.5 gpf. To be consistent with that requirement, the proposed amendments in Attachment 3 require that urinals in commercial remodels, additions and new construction use no more than 0.5 gpf. This would also address the complaints received about waterless urinals. Owners could select urinals certified through the US EPA’s WaterSense Program. WaterSense-labeled urinals use no more than 0.5 gpf and comply with existing standards for flushing urinals. To ensure adequate performance, urinals must also be independently certified to ensure that they flush effectively and have properly functioning drain traps before they can earn the WaterSense label.

4. Allow a one-time transfer of previously-issued water conservation certificates from a vacant PZ lot to a vacant lot outside of the PZ

Since the inception of the Retrofit-to-Build program in 2008, 10 of the 27 water conservation certificates have been issued to vacant properties in the PZ. Property owners stated that the primary reason for obtaining certificates was to ensure that they have water for their vacant lots at the time the wastewater project is completed. Some property owners have expressed concern that the certificates will not be valid in the future on PZ lots. Additionally, with adoption and implementation of the Basin Management Plan, lots in the PZ would benefit from increased water supply and might not need a water conservation certificate. The proposed amendments give these property owners the option of a one-time transfer of a previously-issued water conservation certificate to a specific property or land use permit outside of the PZ until January 1, 2019. These certificates represent completed retrofit work that has saved water but has not yet been applied toward a new building permit.

When this item was introduced on November 4th, your Board suggested discussing the question of whether the transfer of water conservation certificates should be tied to a declaration of drought. If your Board wishes to include such a provision in the ordinance, it is important to identify which definition of drought should be used. For example, a definition could be based on the U.S. Drought Monitor Report, on your Board’s declaration of a drought emergency, or on the Governor’s declaration of a state of emergency for California.

The U.S. Drought Monitor Report contains five designations:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The county is currently designated at level D4 – Exceptional Drought. Additionally, your Board declared the County to be in a drought emergency on March 11, 2014.

The amendment language in Attachment 3 allows the transfer of water conservation certificates inside the PZ to lots outside the PZ only when the county is not in a drought emergency as declared by your Board. An option would be to allow this transfer of water conservation certificates only when the county is not in a drought as determined by the U.S. Drought Monitor Report. Under that option, Section (e)(10) of the ordinance could read as shown below.

(10) Water Conservation Certificates that were issued for vacant parcels inside the Prohibition Zone prior to the effective date of this ordinance may be transferred to specified vacant parcels or land use permits for vacant parcels outside the Prohibition Zone one time before January 1, 2019, except when the County is in a D4 Exceptional Drought as designated by the U.S. Drought Monitor Report. These water conservation certificates are encouraged to be transferred to vacant parcels with approved Minor Use Permits.

5. Revise the Efficiency Standard for Showerheads

Title 19 currently requires that showerheads use no more than 2.5 gallons per minute (gpm). CalGreen requires that showerheads in new construction use no more than 2 gpm. To be consistent with this requirement, the proposed amendments in Attachment 3 require that showerheads in remodels, additions and new construction use no more than 2 gpm. Your Board also has the option of requiring that showerheads use only 1.5 gpm as shown in Attachment 6, consistent with the rebate program for the community sewer project. In order to adopt that standard, special findings would need to be made. Staff will provide those findings on November 25 if your Board wants to pursue this option.

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendment was referred to the Los Osos Community Advisory Council and the Los Osos Community Services District. Staff presented the proposed changes to the Los Osos Advisory Council on September 25th. This ordinance amendment has been reviewed by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

No financial impacts to the current County budget.

RESULTS

Reintroduction of this amendment today will allow it to be heard on January 13, 2015, and if adopted, to become effective on February 12, 2015. If the amendment is adopted, new development must retrofit plumbing fixtures in existing buildings outside the Prohibition Zone to obtain a water conservation certificate before a building permit can be issued. This will enable continued water conservation in the groundwater basin.

ATTACHMENTS

1. Attachment 1. Exhibit LRP2013-00007:G: Amendment to Title 19 of the County Code
2. Attachment 2. Exhibit LRP2013-00007:H: Amendment to Title 19 of the County Code – Legislative Changes
3. Attachment 3. Exhibit LRP2013-00007:I: Revised Amendment to Title 19 of the County Code
4. Attachment 4. Exhibit LRP2013-00007:J: Revised Amendment to Title 19 of the County Code - Legislative Changes
5. Attachment 5. Exhibit LRP2013-00007:K: Findings
6. Attachment 6. Exhibit LRP2013-00007:L: Revised Amendment to Title 19 of the County Code, 1.5 gpm Showerheads – Legislative Changes