

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

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 2/10/2015	(3) CONTACT/PHONE Cheryl Cochran, Planner / 805-781-1366	
(4) SUBJECT Hearing to consider an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water - efficient fixtures at the time of sale. Continued from November 25, 2014. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the ordinance in Attachment 1 (Exhibit LRP2013-00007:D) based on the findings in Attachment 3 (Exhibit LRP2013-00007:F).			
(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 <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>20min</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>4/28/08, 11/4/14, 11/25/14</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cheryl Cochran, Planner

VIA: Trevor Keith, Division Manager

DATE: 2/10/2015

SUBJECT: Hearing to consider an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water -efficient fixtures at the time of sale. Continued from November 25, 2014. District 2.

## **RECOMMENDATION**

It is recommended that the Board adopt the ordinance in Attachment 1 (Exhibit LRP2013 -00007:D) based on the findings in Attachment 3 (Exhibit LRP2013-00007:F).

## **DISCUSSION**

Your Board is holding a hearing on the ordinance in Attachment 1. This item was introduced on November 4, 2014 and reintroduced on November 25, 2014. The item is described as follows:

County File No. LRP2013-00007 -- Hearing to consider a request by the County of San Luis Obispo to amend Section 8.91 (Retrofit of Plumbing Fixtures Upon Sale in the Los Osos Groundwater Basin) of the Health and Sanitation Code (Title 8 of the County Code) to revise the existing program that requires homes and businesses in the Los Osos Groundwater Basin to retrofit plumbing fixtures prior to transfer of title. Supervisorial District: 2.

## **Background**

Your Board established the Retrofit-on-Sale program on April 22, 2008 by amending the Health and Sanitation Code (Title 8 of the County Code). The Los Osos Retrofit-on-Sale program requires sellers of real property within the Los Osos Groundwater Basin to replace existing plumbing fixtures in homes and businesses with water-efficient plumbing fixtures prior to transfer of title.

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.

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

The proposed amendment was introduced on November 4, 2014 and reintroduced with additional changes on November 25, 2014. The proposed ordinance in Attachment 1 is now before your Board for final adoption. Attachment 2 shows the proposed ordinance amendment with legislative changes.

## **Proposed Revisions to the Retrofit-on-Sale Program**

### **1. 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 introduced at the November 25, 2014 meeting address these complaints and comply with the California Green Building Standards Code (Cal Green) requirements by requiring that urinals in commercial remodels, additions and new construction use no more than 0.5 gallons per flush (gpf) instead of 0 gallons per flush (waterless urinals). This change will allow builders and building owners to 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.

### **2. Revise the Efficiency Standard for Showerheads**

Title 8 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 amendment in Attachment 1 requires that showerheads be retrofitted upon sale to use no more than 2 gpm.

### **3. Clarifications**

Staff recommends making additional changes to the Retrofit-on-Sale program to clarify language that was unclear in the original text. The following should be exempt from program requirements:

- Existing 1.6 gallon-per-flush toilets
- Homes built after January 1, 1994, because federal and state law required water-efficient plumbing fixtures in all new construction after that date
- Historic facilities when approved by the Planning and Building Director

## **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 Community Advisory Council on September 25, 2014. 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**

Adopting this amendment will amend the water efficiency standards for showerheads and urinals and will clarify exemptions to the ordinance.

### **ATTACHMENTS**

1. Attachment 1 Exhibit LRP2013-00007:D: Amendment to Title 8 of the County Code
2. Attachment 2 Exhibit LRP2013-00007:E: Amendment to Title 8 of the County Code Legislative Changes
3. Attachment 3 Exhibit LRP2013-00007:F: Findings