



STAFF REPORT

Meeting Date: June 8, 2015
To: Honorable Mayor & City Council
From: Trish Rhay, Assistant Director of Public Works Services – Infrastructure & Field Operations 
Michelle Tse, Senior Management Analyst *MST*
Subject: Swimming Pools and Water Conservation Efforts
Attachments: None

INTRODUCTION

During the May 5, 2015 meeting, the City Council adopted a Resolution to declare a Stage D conservation program given continued State drought conditions. Stage D calls for a 30% water use reduction and outlines several water use restrictions in addition to the restrictions imposed by the State Water Resources Control Board (“State Water Board”).

One of the water use restrictions outlined in the City’s Stage D conservation program is prohibiting the refilling of swimming pools except for health or safety reasons. During the May 5, 2015 meeting, the City Council directed staff to develop a more comprehensive policy after raising questions on how to handle situations related to the initial filling of existing and newly constructed swimming pools.

DISCUSSION

Stage D, as currently worded in the Beverly Hills Municipal Code, prohibits the refilling of pools, spas, or ponds except for health or safety reasons. Topping off pools with water to maintain water effectiveness and prevent standing water with breeding insects is considered filling for health reasons. The Municipal Code currently does not include provisions to address the initial filling of newly constructed swimming pools. The following sections outline options for the initial filling of new and existing swimming pools.

Construction and Filling of New Swimming Pools

Option #1: Continue to allow the initial filling of newly constructed swimming pools.

Option 1 would allow the application process, permit issuance, and construction for new swimming pools to continue as usual. There are currently 79 newly permitted pools under construction within the City. Based on the current rate of swimming pool applications, it is projected there will be an additional 30-40 pool applications over the next nine months. The estimated water consumption for current and projected new swimming pools is approximately

2,380,000 gallons, with 800,000 gallons coming from the projected 40 pools which are not yet permitted.

The following table highlights the advantages and disadvantages for Option 1:

Advantages	Disadvantages
<ul style="list-style-type: none"> • No impact to water customers wishing to construct new pools. 	<ul style="list-style-type: none"> • While minimal, discretionary water consumption would be approximately 800,000 gallons. • There may be some potential negative water conservation messaging to our regulators and customers.

Option #2: Adopt an ordinance to prohibit the issuance of permits for the construction of new swimming pools during the State's drought declaration.

Under this approach, new swimming pool projects with a building permit already issued by the City will be allowed to fill when construction is completed. However, customers that have not yet been issued a building permit could still apply for a permit and submit plans for a new pool. The City would approve the plans but not issue a permit to construct the pool until the City rescinded the Stage D water conservation requirements. By not issuing building permits, it would minimize the impact of pools that may need to be filled in order to complete the curing process.

There are currently seven new pool applications that have been submitted to the City and not yet approved. As mentioned in Option #1, staff projects receiving 30-40 additional pool applications over the next nine months. Assuming it takes 20,000 gallons to fill the seven pending pool applications and a projected 40 pools during the next nine months, prohibiting the initial filling of these pools could save approximately 940,000 gallons of water.

There are several cities that have adopted similar policies of restricting the filling of swimming pools, such as the following:

- City of American Canyon
- City of Healdsburg
- City of Windsor
- Menlo Park Water District
- North Tahoe Public Utilities District
- North Marin Water District
- San Jose Water Company
- San Lorenzo Water District
- Santa Clara Valley Water District
- Santa Margarita Water District (but later rescinded)

Furthermore, this option would convey a strong message to the State regulators that the City is moving forward with significant actions to meet compliance with the 36% mandated reductions by February 2016.

The following table highlights the advantages and disadvantages for Option 2:

Advantages	Disadvantages
<ul style="list-style-type: none"> • Other cities have adopted similar policies to limit the filling of pools • Limiting pool filling during drought conditions sends a message to State regulators and residents that the City is committed to conserving water 	<ul style="list-style-type: none"> • Pool construction projects will be put on hold • Lifestyle impacts • Not filling pools may impact property sales and property values

Option #3: Prohibit the filling of new pools, unless the property owner offsets the increased water usage

The filling of newly constructed swimming pools would be prohibited under the current Stage D conservation program. However, customers could be given the option to demonstrate how their water use for pool filling would be offset by water efficient improvements made on the property that are not otherwise required by law. Additionally, customers could be given the option to pay a fee to the City that the City would then use to implement water conservation measures elsewhere in the City that would offset the water used to fill the pool.

If the City Council wishes to pursue this option, staff would develop the framework by which the property owner could demonstrate that he or she will offset the pool water usage or pay a fee to allow the City to do so.

The following table highlights the advantages and disadvantages for Option 3:

Advantages	Disadvantages
<ul style="list-style-type: none">• Customers would have the option to not fill their pool or take other actions to offset water usage or pay a fee to the City to allow the City to offset water usage.• Collected fees could be used to further city conservation programs, leading to water savings elsewhere	<ul style="list-style-type: none">• Additional time is needed to further develop the framework and criteria

Refilling of Existing Swimming Pools

The current Stage D requirements clearly states that existing swimming pools shall only be drained and refilled for health and safety reasons, which includes certain repairs to fix leaks, structural, plumbing, or electrical deficiencies on a case by case basis. For contextual purposes, the City issued 64 permits for repair and/or remodel of existing swimming pools during the period January 1, 2014 through May 5, 2015.

Given the Stage D requirements, staff is recommending customers must submit a permit application to the Community Development department to drain, repair, and refill the pool. The application shall be accompanied by a statement from a licensed pool contractor stating the nature and duration of repairs/safety issue to be made and the date and method by which the pool shall be drained. Additionally, staff is recommending that effective May 5, 2015, which coincides with the City Council approval date to implement Stage D, a pool cover would be a condition for the refilling of pools. Pool covers can reduce evaporation rates by 30-50%. However, it should be noted that pool covers may be difficult for some types of public and private pool configurations.

These options for the filling of new and existing swimming pools were reviewed by the Public Works Liaison Committee during its May 27, 2015 meeting. The Liaison Committee generally favored providing flexibility to property owners to allow the initial filling of pools if the property owner offset the water usage through a fee paid to the City.

FISCAL IMPACT

Option 3 which allows property owners to fill a pool and pay a fee to the City to offset water usage impacts would likely make funds available to promote City water conservation programs.

RECOMMENDATION

The Public Works Liaison Committee generally favored an approach similar to Option 3, although the details of Option 3 were developed in conjunction with the City Attorney's Office after the Committee meeting.

For the refilling of existing swimming pools, staff is recommending existing swimming pools shall only be drained and refilled for health and safety reasons, which includes certain repairs to fix leaks, structural, plumbing or electrical deficiencies to be reviewed on an individual bases. Staff is recommending that permit applications to drain, repair, and refill the pool shall be accompanied by a statement from a licensed pool contractor stating the nature and duration of repairs/safety issue to be made and the date and method of which the pool shall be drained.

All new and refilled swimming pools shall be equipped with a pool cover to the extent feasible.



George Chavez

Approved By