SUBJECT: Requiring Dual Plumbing for Future Developments for Reclaimed Water (Study Issue)

REPORT IN BRIEF
The Dual Plumbing for New Developments study issue was ranked by the Council as the Community Development Department’s number two study issue for 2010. The purpose of dual plumbing is to reduce the amount of potable water used by supplying recycled water to certain plumbing fixtures within buildings. Dual plumbing systems provide municipally-supplied recycled water to certain plumbing fixtures within a building. The California Plumbing Code allows recycled water to be used for water closets, urinals, trap primers for floor drains, and floor sinks within a building. Of these fixtures, water closets and urinals are the most water consuming; the other fixtures use a very minimal amount of water.

The City currently has several policies to reduce the usage of potable water. In addition, the California Green Building Code (CALGreen), which will be effective on January 1, 2011, requires that all new construction reduce indoor water use by 20%. This code was adopted as part of the triennial California building code updates and local jurisdictions are required to enforce it on January 1, 2011.

The largest amount of water usage at a property is by far for landscape irrigation. The existing green building ordinance and water efficient landscape ordinance currently mandate water conservation performance goals or measures. Within a building, plumbing fixtures that are permitted to use recycled water account for approximately a quarter of water usage. This is a similar amount of savings that is required by the upcoming CALGreen Building Code.

Staff recommends the following:

1. Introduce an ordinance to require that the following types of projects use the recycled water system for landscape irrigation when available at the project site or when within 300 feet of the project site:
   - New multi-family (3 or more dwelling units) with greater than 1,000 square feet of new or rehabilitated landscaped area; and
- New non-residential buildings and additions greater than 5,000 square feet with greater than 1,000 square feet of new or rehabilitated landscaped area.

The developer/property owner would be responsible for incurring the costs of any extension of the recycled water distribution main lines.

2. Direct staff to further study the most effective way to encourage additional usage and expansion of the recycled water system as part of the upcoming Recycled Water Master Plan.

**BACKGROUND**

Dual Plumbing for New Developments was originally added as a potential Council study issue for 2008; however, it ranked below the line in 2008 and 2009. This item ranked number two for the Community Development Department for 2010. The Study Issue Paper is attached to this report (Attachment 1).

Since this study issue was first proposed, several policies and ordinances have been developed to reduce the use of potable water. These policies include the recently adopted water efficient landscape ordinance requiring reduction in potable water usage for landscape irrigation, staff participation in the County-wide Graywater Working Group, and the upcoming California Green Building Code (CALGreen). These items, as well as other adopted policies, are discussed in further detail in the Existing Policies section of this report.

**Terms**

Following are descriptions of terms that will be used throughout this report.

*Dual plumbing systems* consist of dedicated recycled water supply line for certain fixtures, such as water closets, urinals, trap primers for floor drains, and floor sinks. These lines are in addition to potable water supply lines to the remaining plumbing fixtures within a building.

*Recycled water for landscape irrigation* is the use of municipal-supplied recycled water for outdoor irrigation use. These systems require connecting to the recycled water supply lines, rather than potable water, for the piping supplying landscape irrigation. Although these systems are not typically considered “dual plumbing,” since there is only one set of water supply lines, they are considered as part of this study.

*Graywater* is untreated (or treated on-site) waste water from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs. Graywater can only be re-used on the site where the discharged waste water was generated. Graywater system installation requirements are regulated by
the California Plumbing Code and can only be used for landscape irrigation. These systems are not part of this study as they were reviewed by Council on September 29, 2009 at which time Council directed staff to continue to participate in the County Graywater Working Group. Staff from the Department of Public Works continues to work with this group and are reviewing the current State graywater requirements to determine if local modifications should be made.

**Purpose**

Purpose of dual plumbing is to reduce the amount of potable water used by supplying recycled water to certain plumbing fixtures within buildings. The California Plumbing Code allows recycled water to be used within a building for the water closets, urinals, trap primers for floor drains, and floor sinks. The trap primers and floor sinks are typically found in non-residential kitchens and use a minimal amount of water.

**EXISTING POLICY**

**Community Vision – City-Wide Goal**

III. Environmental Sustainability: To promote environmental sustainability and remediation in the planning and development of the city, in the design and operation of public and private buildings, in the transportation system, in the use of potable water, and in the recycling of waste.

**Water Resources Sub-Element**

Action Strategy A.2d: Pursue developer commitments to provide recycled water facilities in new and redevelopment projects for irrigation and dual plumbing, where feasible.

Action Strategy 3.3C.4c: Market recycled water to potential new customers and maximize the use of recycled water within existing distribution area.

**Moffett Park Specific Plan**

Requires that additions and new developments greater than 10,000 square feet shall incorporate recycled water usage, to the extent feasible, into both landscaping and building operations.

**Municipal Code Section 19.39 – Green Building Standards**

Requires all non-residential construction over 5,000 square feet, non-residential major alterations over 50,000 square feet, new multi-family projects (three or more units), and new single-family/duplex projects over 1,500 square feet to achieve minimum levels of green point ratings (either LEED or Build it Green). The green building point rating systems contain items for reduction in usage of potable water.
Requires new or rehabilitated landscaping of 1,000 square feet or more (except single-family and duplex which is only when in conjunction with construction of a new dwelling unit) to meet water-efficient landscaping and irrigation standards which are designed to reduce potable water usage by 20% to 25%.

2010 California Green Building Code
Effective January 1, 2011, this new code will mandate that all new construction reduce indoor potable water use by a minimum of 20%.

20 by 2020 Statewide Water Conservation
In 2008, the Governor signed into law SBX7 which calls for a 20 percent reduction in statewide gallons per capita per day by 2020. It requires the City, as a retail supplier, to meet this goal.

DISCUSSION
Current Availability of the Recycled Water Distribution System
The City’s current recycled water distribution system primarily provides recycled water to the Moffett Park area with an extension line running south that is located to the east of Fair Oaks Avenue (Attachment 2). All of the current 128 utility accounts that use the recycled water system are for landscape irrigation purposes. The recycled water system is used by many large campus developments in Moffett Park, the Municipal Golf course, Baylands Park, and Lowe’s on E. Arques Avenue (connecting to the extension east of Fair Oaks Avenue). Refer to Attachment 3 for recycled water use for sample projects.

Water Consumption
Following is a summary of average water consumption ratios for residential and non-residential sites. This information is based on research from the US Green Building Council’s LEED program, Alliance for Water Efficiency, East Bay Municipal Utility District, and actual utility billing rates (summary in Attachment 3).
As demonstrated by the table above, the vast majority of water used is for landscape irrigation. Therefore, the most effective use of recycled water would be for landscape irrigation as it would result in the largest reduction in potable water consumption.

Based on the same research noted above, the following graphs show the average amount of indoor water use that is for water closets and urinals. These are the largest water consuming indoor fixtures permitted to be supplied with recycled water.
For both types of uses, about a quarter of indoor water usage is for water closets and urinals. This is the amount of potable water that would be saved if a building were supplied with a dual plumbing system.

**Cost of Dual Plumbing**
Based on information received from several developers who have done work in Sunnyvale in the past few years, following is a summary of the estimated increase in cost for the installation of dual plumbing in new construction:

<table>
<thead>
<tr>
<th>Type of New Building</th>
<th>Increase in Plumbing Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>40%</td>
</tr>
<tr>
<td>Non-Residential up to 3 Stories</td>
<td>20%</td>
</tr>
<tr>
<td>Non-Residential over 3 Stories</td>
<td>30%</td>
</tr>
</tbody>
</table>

These costs are based on the additional on-site costs and assume that municipally provided recycled water distribution pipes are available to the site.

The increased cost of the plumbing for new construction in each example above equals approximately 1% of the overall construction costs. While this may not seem like a significant overall increase, according to the US Green Building Council, to achieve LEED Certification for new buildings an increase of 1% - 2% in construction costs is required. In addition to potable water savings, the LEED Certification includes material conservation, energy savings, and indoor environmental quality.

**Cost of Recycled Water for Landscape Irrigation**
Using the municipally-supplied recycled water system for landscape irrigation has a very minimal cost increase over using potable water. The use of recycled water requires the installation of different materials (i.e. purple water pipe and cautionary signage), a connection to the recycled water system rather than the potable water system, and a separate water meter.

The use of recycled water within a building increases the installation costs due to the two plumbing lines that must be installed; one for potable water at certain fixtures and one for recycled water at other fixtures. With landscape irrigation, there is only one set of water lines for either system.

**2010 California Green Building Code (CALGreen)**
The 2010 CALGreen contains mandatory requirements for new residential and non-residential buildings throughout California beginning on January 1, 2011. The development of CALGreen is intended to (1) cause a reduction in greenhouse gas emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; and (3) reduce energy and water consumption.
CALGreen mandates that all new buildings reduce indoor potable water consumption by 20%. This reduction can be achieved through the use of water conserving plumbing fixtures, high efficiency appliances, dual flush toilets, waterless urinals, or dual plumbing. This mandated reduction amount of 20% is close to the 26% potable water savings that would be realized through a dual plumbing system noted previously in this report.

The adoption of the 2010 California building codes, which include CALGreen, is scheduled to be heard by the Council in November 2010.

**Recycled Water Master Plan**
The Department of Public Works is currently in the beginning stages of updating the 2000 Recycled Water Master Plan and the Plan is scheduled for Council adoption in 2011. The plan will update the issues surrounding the use of recycled water including the regulatory requirements, promoting the use of recycled water, analysis of existing facilities, and the demand for recycled water. It will also include strategies for potential expansion of the recycled water distribution system. Expansion of the system will come at significant cost; however with the price of potable water climbing steeply in the near future, it is likely that it will be cost effective to begin further expansion of the system within the next ten years.

**Policies from Other Jurisdictions**
Based on staff’s research, no other city in the Bay Area requires dual plumbing. The City of San Jose was considering it; however, based on feedback from the community (mostly due to the increased expense), they have deferred the study to at least the end of the year.

**Considerations for Requiring Use of the Recycled Water System**

*Requiring Dual Plumbing within a Building*
Staff will continue to enforce the existing green building ordinance which includes reduction in potable water usage. Additionally, with the upcoming adoption of CALGreen, all new construction will be required to reduce potable water consumption within buildings by 20%. This is very close to the savings that may be achieved through the use of a dual plumbing system, which provides recycled water to water closets and urinals reducing potable water usage by approximately 26% of indoor water usage.

The City’s current green building ordinance and upcoming CALGreen result in a similar amount of indoor potable water savings as a dual plumbing system while still providing the building owner with the flexibility of determining how best to meet the requirement (i.e. through the use of water conserving plumbing fixtures, high efficiency appliances, dual flush toilets, waterless urinals, or dual plumbing, etc.).
Based on these issues, staff does not recommend a requirement for the use of dual plumbing for indoor water usage.

**Requiring Recycled Water for Landscape Irrigation**

As shown in this report, the major source of water consumption is the exterior landscape irrigation. Therefore, staff recommends codifying the current Moffett Park Specific Plan policy and require that the following types of projects use the recycled water system for landscape irrigation when available at the project site or when within 300 feet of the project site.

- New multi-family (3 or more dwelling units) with greater than 1,000 square feet of new or rehabilitated landscaped area; and
- New non-residential buildings and additions greater than 5,000 square feet with greater than 1,000 square feet of new or rehabilitated landscaped area.

The 5,000 square foot threshold for non-residential and multi-family residential projects was selected as they are the current thresholds where the green building ordinance is applicable. Similarly, the 1,000 square feet of landscaping is recommended as it is in line with the thresholds in the water efficient landscape ordinance.

Recycled water used for landscape irrigation has a very minimal increased installation cost (additional cost of a separate water meter) as a “dual” system is not required; all irrigation lines are connected to the recycled water system and non-potable water is used. This recommendation was well received by the development community representatives that provided feedback on this study issue.

**Potential Expansion of Recycled Water Use**

Staff also considered the additional properties that might be required to incorporate recycled water use (beyond Moffett Park per present policy) when new buildings or developments occur near the current recycled water system. Staff reviewed a variety of distances requirements based on development potential, land uses and additional cost to the developers.

Based on these factors, a 300-foot distance is suggested (see map in Attachment 4). This would allow for potential expansion of recycled water use along the easterly line to several public facilities (i.e. San Miguel Elementary School area, King’s Academy at the old Sunnyvale High School Site) and industrial uses (East Sunnyvale industrial area). Several residential uses are located along this distribution line that will be affected if redevelopment projects were to occur. Along the westerly line, potential expansion would be mainly in the Peery Park industrial area.
Most of the properties within 300-feet of the recycled water system would have fairly direct access to the recycled water main. If a water line extension were required, the cost for extension of the recycled water distribution mains would depend on the size of the water main, but would range from approximately $35,000 to $45,000 for a full 300-foot extension.

The 300-foot distance was also generally acceptable to the developers and property owners that provided input; farther distances raised concerns about the increased costs. Therefore, staff recommends that the ordinance require recycled water use for landscape irrigation if the recycled water distribution main is located within 300 feet of the project site.

**FISCAL IMPACT**
The change to the Municipal Code would have a minimal fiscal impact; however, depending on the alternatives selected, there may be some fiscal impact to the Building Division as additional plan review and inspection resources may be needed if extensive new requirements are implemented.

**PUBLIC CONTACT**
A notice of this study was mailed to over 160 property owners, developers, architects, and other interested parties (i.e. Chamber of Commerce, Moffett Park Business Group, etc.) who have worked on development projects in Sunnyvale over the past several years. A notice has also been available at the One-Stop permit Center for over three months.

A community meeting was held on Tuesday, August 17, 2010 to receive input from the community regarding a potential dual plumbing requirement. Staff also spoke with many members of the development community regarding this issue. The input received was consistent in expressing concern about the increased cost to provide dual plumbing and the limited availability of recycled water in the City.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

**ALTERNATIVES**
1. Introduce an ordinance to require that the following types of projects use the recycled water system for landscape irrigation when available at the project site or when within 300 feet of the project site:
   - New multi-family (3 or more dwelling units) with greater than 1,000 square feet of new or rehabilitated landscaped area; and
New non-residential buildings and additions greater than 5,000 square feet with greater than 1,000 square feet of new or rehabilitated landscaped area.

The developer/property owner would be responsible for incurring the costs of any extension of the recycled water distribution main lines.

2. Introduce an ordinance to require the use the recycled water system for landscape irrigation per Alternative 1 with modifications.

3. Direct staff to further study the most effective way to encourage additional usage and expansion of the recycled water system as part of the upcoming Recycled Water Master Plan.

4. Direct staff to return with an amendment to the Municipal Code to initiate specific changes regarding dual plumbing for indoor water use.

5. Take no action.

**RECOMMENDATION**
Staff recommends alternatives 1 and 3.

As shown by the information provided in this report, the largest amount of water used on a site is for landscape irrigation. Additionally, with the upcoming CALGreen code, indoor water reductions will be required. Therefore, staff recommends an ordinance (Attachment 5) to require that specific projects use recycled water for landscape irrigation. Staff believes this is the most effective use of the recycled water system to reduce potable water usage.

Additionally, staff recommends continued consideration of this issue as part of the updated Recycled Water Master Plan. As this plan is updated and a strategy for possible expansion of the recycled water distribution system is developed, staff can continue to study potential future private development requirements for the usage of the system.

Reviewed by:

Hanson Hom, Director, Community Development Department
Reviewed by: Ali Fatapour, Chief Building Official
Prepared by: Diana Perkins, Acting Permit Center Coordinator
Reviewed by:

Marvin Rose, Director, Public Works Department

Approved by:

Gary M. Luebbers
City Manager

**Attachments**
1. Study Issue Paper
2. Map of Existing Recycled Water Distribution System
3. Summary of 2-Year Water Consumption for Sample Projects
4. Map of 300’ Boundary Around Existing Recycled Water Distribution System
5. Draft Ordinance
CDD 09-02 Requiring Dual Plumbing for Future Developments for Reclaimed Water

Lead Department: Community Development
Element or Sub-element: Water Resources Sub-Element
New or Previous: Previous
Status: Pending

1. What are the key elements of the issue? What precipitated it?

Currently, the City generally provides recycled water to areas in Moffett Park, north of SR 237. Redeveloped properties in areas that are supplied with recycled water are required to connect the landscape irrigation to the recycled water system. There are currently no requirements for properties to use the recycled water system for other non-potable water uses.

The City does not have any current plans or projects to extend the reclaimed water network to other areas of the city. Funding for such an expansion could be provided by raising water rates throughout the city.

The adopted 2007 California Plumbing Code allows, but does not require, the use of reclaimed water in non-residential buildings for water closets, urinals, trap primers, floor drains, floor sinks, and outside irrigation.

This study would examine the feasibility of requiring new buildings to contain dual plumbing systems, one for potable water and one that could potentially be connected to the City's recycled water system, should the system be expanded in the future.

2. How does this relate to the General Plan or existing City Policy?

Water Resources Sub-Element
Policy D.1 - Provide for an on-going potable water conservation program.

3. Origin of issue

Council Member(s): Moylan, Whittum
General Plan
City Staff
Public
Board or Commission: none

4. Multiple Year Project? No  Planned Completion Year: 2010

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? No
If so, which?
Is a Council Study Session anticipated? No
What is the public participation process?
Notification to non-residential developers and the public of any community meeting or public hearing.

6. Cost of Study

Operating Budget Program covering costs
243 - Construction Permitting
Project Budget covering costs
Budget modification $ amount needed for study
Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
Operating expenditure range None
New revenues/savings range None
Explain impact briefly

8. Staff Recommendation

Staff Recommendation None
If 'For Study' or 'Against Study', explain

9. Estimated consultant hours for completion of the study issue

Managers

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<th>Mgr CY2:</th>
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<th>Staff CY2:</th>
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Total Hours CY1: 315
Total Hours CY2:  0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

Department Director

10/15/09

Date

Approved by

City Manager

10/15/07

Date
Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

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<th>Board or Commission</th>
<th>Rank 1 year ago</th>
<th>Rank 2 years ago</th>
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<td>Board of Building Code Appeals</td>
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Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Start Date (blank)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

## Actual Water Usage for FY 08/09 and FY 09/10

Updated 8/11/2010

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<tr>
<th>Type of Building</th>
<th>Recycled Water</th>
<th>Water Service</th>
<th>% of Total Water Used That is Recycled</th>
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<tbody>
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<td>100,000 Square Foot Office Building</td>
<td>1,860</td>
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</table>
Council Study Issue: Requiring Dual Plumbing for Future Developments for Reclaimed Water Properties Within 300 feet of the Existing Reclaimed Water System

Legend is provided on the following page.
Council Study Issue: Requiring Dual Plumbing for Future Developments for Reclaimed Water Properties Within 300 feet of the Existing Reclaimed Water System

LEGEND
- Existing Reclaimed Water (RW) System
- 300-ft Distance from RW System
- Parcels within 300 ft of RW System

Zoning Districts
- R1 - Low Density Residential
- R0 - Low Density Residential
- R1.5 - Low Medium Density Residential
- R1.7 - Low Medium Density Residential
- R2 - Low Medium Density Residential
- R3 - Medium Density Residential
- R4 - High Density Residential
- R5 - High Density Residential and Office District
- RMH - Residential Mobile Home
- MS - Industrial and Service
- M3 - General Industrial
- MPT - Moffett Park TOD
- MPI - Moffett Park Industrial
- MPC - Moffett Park Commercial
- O - Administrative and Professional Office
- C1 - Neighborhood Business
- C2 - Highway Business
- C3 - Regional Business
- C4 - Service Commercial
- PF - Public Facilities
- DSP - Downtown Specific Plan
- LSP - Lakeside Specific Plan
- PD - Planned Development
- S - Single Story
- O - Office
- O-PD - Office/Planned Development
- ECR - El Camino Real
- POA - Places of Assembly
- POA/PD - Places of Assembly/Planned Development
- FAR50 - 50% FAR
- FAR55 - 55% FAR
- FAR70 - 70% FAR
- PD70 - 70% FAR/PD
- FAR100 - 100% FAR
- PD100 - 100% FAR/PD
- ITRR1.7 - Industrial to Residential (Low-Medium)
- ITRR3 - Industrial to Residential (Medium)
- ITRR4 - Industrial to Residential (High)
- Mixed Use
- Specific Plan Boundaries
- City Boundary
- Sphere of Influence
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING SECTION 19.37.140 (RECYCLED WATER FOR LANDSCAPE IRRIGATION) TO CHAPTER 37 (TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE)

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 19.37.140 here is added to the Sunnyvale Municipal Code as follows:

19.37.140. Recycled water for landscape irrigation.
(a) Applicability. This section shall apply to the following types of projects:
(1) new multi-family projects with greater than one thousand square feet of landscaped area; and
(2) new non-residential buildings and additions greater than five thousand square feet with greater than 1,000 square feet of landscaped area.

(b) Use of recycled water. Recycled water shall be used for landscape irrigation if a recycled water supply is available within 300 feet of the project site boundaries. The property owner shall be responsible for extending the recycled water supply lines across the entire project site frontage.

(c) If a project applicant believes that circumstances exist presenting an unreasonable hardship to meet the requirements of this chapter, the applicant may apply for an exemption as set forth 19.39. In applying for an exemption, the burden is on the applicant to show significant hardship. Acceptance or denial of an exemption is at the discretion of the director of community development. Hardship exemptions will only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not served by compliance or other compelling circumstances.

An unreasonable hardship shall be defined as practical infeasibility, difficulties, or results inconsistent with the general purposes of this section or harms designated heritage resources.

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.
SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on __________ 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on __________ 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:                APPROVED:

__________________________________________
City Clerk
Date of Attestation:

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

__________________________________________
David E. Kahn, City Attorney

City Clerk
Date of Attestation:

(SEAL)