

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 07-21-08

Approved

Date

8/4/08

**COUNCIL DISTRICT:** 2

**SUBJECT: SAN JOSE MUNICIPAL WATER SYSTEM'S WATER SUPPLY  
ASSESSMENT FOR GAVILAN COLLEGE – COYOTE CAMPUS**

## RECOMMENDATION

Approval of San José Municipal Water System's Water Supply Assessment for the Gavilan College Coyote Campus.

## OUTCOME

Council approval of the Water Supply Assessment (WSA) will allow the Municipal Water System (Muni Water) to submit the report to the requestor, Gavilan Joint Community College District, for inclusion in the project's environmental analysis.

## BACKGROUND

Muni Water received a request from the Gavilan Joint Community College District (GJCCD) to provide a WSA for a proposed Gavilan College Coyote Campus. The campus is proposed to be located on Bailey Avenue west of Santa Teresa Boulevard in Muni Water's Coyote Valley service area. The GJCCD, as the lead agency for the project, is preparing an Environmental Impact Report for the project.

California Water Code Section 10910 (Senate Bill 610), which became effective January 1, 2002, requires that a water supply assessment be prepared and provided by any retailer that may serve a project involving the equivalent of 500 or more residential units. The water supply assessment analyses and documents sources of water supply, quantifies water demands, evaluates drought impacts, and provides a comparison of water supply and demand so that a determination of water supply sufficiency can be made for large development projects.

## ANALYSIS

Muni Water retained the services of Todd Engineers to assess whether its existing and future water supplies for the Coyote Valley service area would be adequate to meet the projected water demands associated with the Gavilan Joint Community College District's planned development, and to prepare the required WSA (Attachment). Projected maximum water demands attributable to the campus development are approximately 242 acre-feet per year (AFY), equivalent to approximately 216,000 gallons per day, which is consistent with the projected demands contained in Muni Water's Urban Water Management Plan.

Groundwater is the current supply source for all potable water demands within Muni Water's Coyote Valley service area. Groundwater is managed by the Santa Clara Valley Water District in collaboration with other agencies. Muni Water currently operates three wells, a 3.6 million gallon storage facility, and pipelines in Coyote Valley. The combined capacity of the existing wells is approximately 4,400 AFY. The projected water demands for the area (including the existing demands, entitlements, and the proposed campus project) have been estimated as required by the California Water Code and are well below the capacity of the water supply available from existing groundwater wells. The assessment concludes that Muni Water has sufficient existing water supplies and production capacity to meet projected water demands during normal and dry years.

It should be noted that the demands associated with this project are consistent with and included within the estimated water demands of the Coyote Valley Specific Plan (CVSP) as reported in the Municipal Water System's CVSP Water Supply Assessment (approved by Council on October 17, 2006).

## EVALUATION AND FOLLOW-UP

No additional follow-up action with the Council is expected at this time.

## PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria above. This memorandum will be posted on the City's website for the August 19, 2008 City Council Meeting.

### COORDINATION

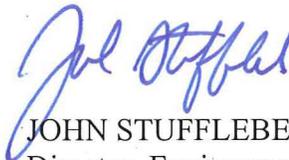
This project was coordinated with the City Attorney's Office.

### COST SUMMARY/IMPLICATIONS

There is no cost associated with approval of the recommendation.

### CEQA

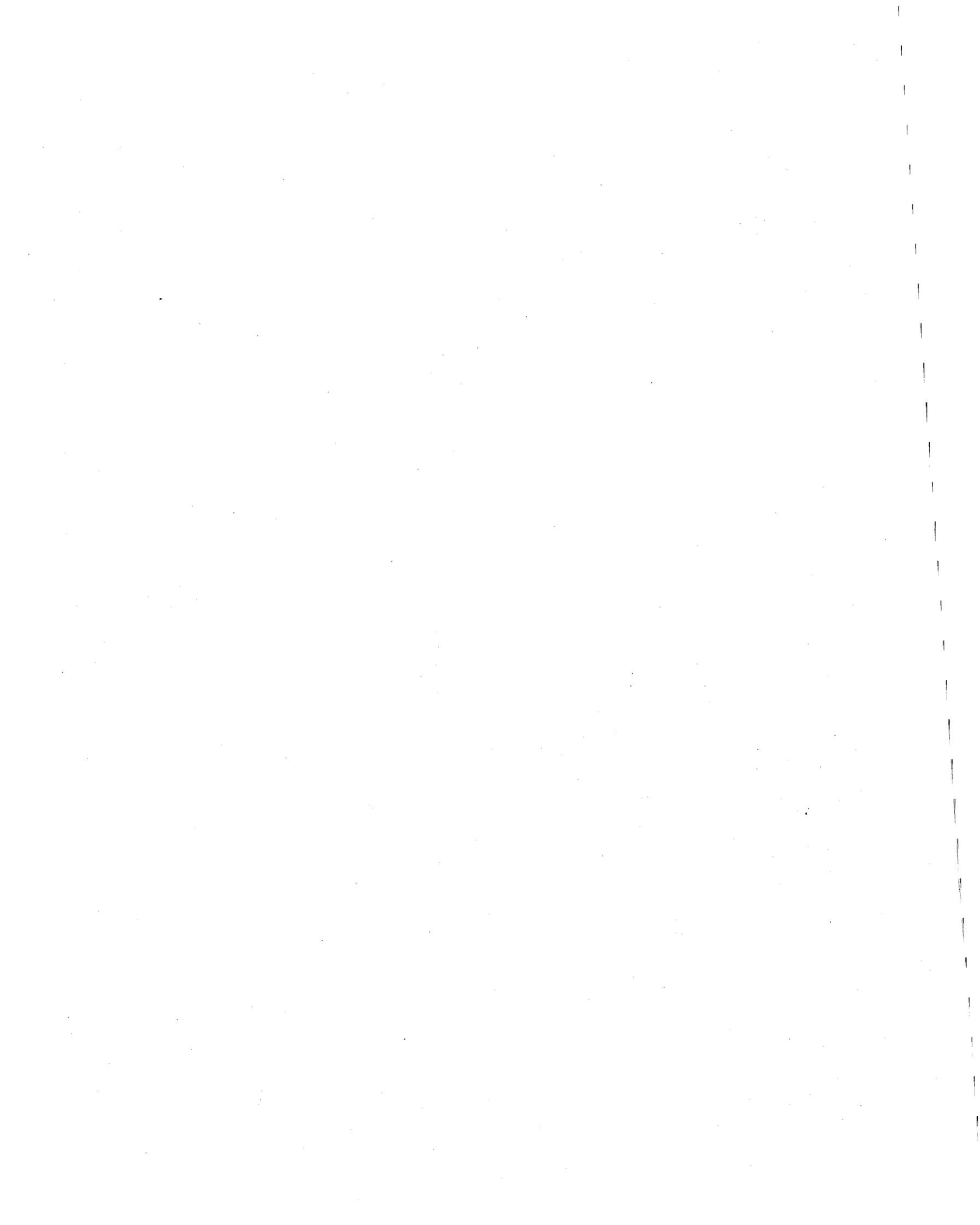
Exempt (PP08-151).



JOHN STUFFLEBEAN  
Director, Environmental Services

For questions please contact Mansour Nasser, Deputy Director, at (408) 277-2558.

Attachment





Water Supply Assessment  
for  
**Gavilan Community College EIR**

**July 2008**

Prepared for  
**CITY OF SAN JOSÉ**  
**MUNICIPAL WATER SYSTEM**  
**ENVIRONMENTAL SERVICES DEPARTMENT**

Prepared by  
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# INTRODUCTION

## Background

For over two decades, the City of San José has planned to provide balanced, long-term growth in Coyote Valley. Coyote Valley is a 7,000-acre valley located 13 miles south of downtown San José, California. The valley trends northwest and is bounded by the Diablo Range in the east, Santa Cruz Mountains in the west, Coyote Narrows in the north, and the City of Morgan Hill in the south. Existing land uses in Coyote Valley include rural residential, industrial, and agricultural uses. Coyote Valley is the area shaded green on **Figure 1**.

Gavilan Joint Community College District serves students in San Benito and southern Santa Clara counties. A new campus is planned for Coyote Valley in the existing service area of the San José Municipal Water System (SJMWS), **Figure 2**. The Coyote Campus will include classrooms, office space, athletic fields, and other landscaping. No residential units are planned for the site. The new campus will be located on 55 acres of parcel APN 712-03-096.

Existing potable water demand in Coyote Valley is satisfied by local groundwater pumped from the Coyote Valley Subbasin. Currently, SJMWS provides potable water for irrigation and industrial water services to Metcalf Energy Center (MEC) and others in the Coyote service area that includes the proposed location of the college. Non-potable water demand for MEC is satisfied by recycled water produced by the San José-Santa Clara Water Pollution Control Plant (WPCP) in Alviso, and provided by SJMWS. The Santa Clara Valley Water District (SCVWD) is the recycled water wholesaler for any future recycled water users beyond MEC. Current residents of Coyote Valley rely on another local water retailer, Great Oaks Water Company, or private domestic and irrigation wells for their water supply.

A diversified portfolio of water supply sources will be essential to satisfying the future water demands of the Coyote Valley region as a whole. In addition to increasing groundwater production from the Coyote Valley Subbasin and continuing non-potable recycled water use, other water supply sources may be needed depending on the extent of development in the area. These alternative sources include continued importation of raw imported water for groundwater recharge surface water by the SCVWD. Implementation of water conservation measures should also be encouraged to extend water supplies during periods of drought and meet the water demands for the entire Coyote Valley.

## Purpose

The California Water Code section 10910 (also termed Senate Bill 610 or SB610) requires that a water supply assessment be provided to cities and counties for a project (meeting certain size criteria) that is subject to the California Environmental Quality Act (CEQA). The cities and counties are mandated to identify the public water system that might provide water supply to the project and then to request a water supply assessment. SJMWS was requested by the Gavilan Joint Community College District to prepare a Water Supply Assessment for the Coyote Campus project, as the SJMWS may be the future retailer. This Water Supply

Assessment documents sources of water supply, quantifies water demands, evaluates drought impacts, and provides a comparison of water supply and demand that is the basis for an assessment of water supply sufficiency. If the assessment concludes that water supplies are or will be insufficient, then the public water system must provide plans for acquiring the additional water. If the lead agency decides that the water supply is insufficient, the lead agency may still approve the project, but must include that determination in its findings for the project and must include substantial evidence in the record to support its approval of the project.

The purpose of this Water Supply Assessment is to document the existing and future water supplies of San José Municipal Water System (SJMWS) for its Coyote service area and compare them to the build-out water demands put forth in the Gavilan College - Coyote Campus EIR. This comparison, conducted for both normal and drought conditions, is the basis for an assessment of water supply sufficiency in accordance with the requirements of California Water Code section 10910 (Senate Bill 610). This Water Supply Assessment focuses only on the supply SJMWS would expect to deliver as the water retailer for the Gavilan College - Coyote Campus.

Previous work on the supply and demand of the Coyote Valley has been performed. As part of the development of the Environmental Impact Report (EIR), the Community College District staff and their consultants, Kier & Wright Civil Engineers, performed an analysis on the anticipated demand. As part of a previously proposed project, City of San José Plan Implementation Division staff consulted with Santa Clara Valley Water District (SCVWD) to aid in the estimation of future water supply to Coyote Valley. SCVWD responded by preparing a memo entitled "Water Supply Availability Analysis for the Coyote Valley Specific Plan" (WSAA). While the development included in the Coyote Valley Specific Plan is not currently approved to be built, the water supply analysis on Coyote Valley, including the yield of the groundwater basin, is still valid. Information provided from the Kier & Wright Civil Engineers and SCVWD have been used to develop this Water Supply Assessment.

Throughout this report, areas are shown to the nearest acre, and water budget items are shown to the nearest acre-foot (AF). As a result, large numbers may appear to be accurate to four or five digits, which is not the case. Future water demand, water supply, and groundwater yield are accurate only to two or possibly three significant digits. All digits are retained in the text and tables to preserve correct column totals in tables and to maintain as much accuracy as possible during subsequent calculations based on the information presented in this report.

## **Acknowledgements**

This assessment was prepared by Iris Priestaf, Maureen Reilly, and Edwin Lin. We appreciate the valuable assistance provided by the City of San José staff including Mansour Nasser, Nicole Quesada, and Robert Wilson of the Environmental Service Department, Municipal Water System.

# WATER DEMAND

This section summarizes water demands for the study area. The first part describes the factors affecting total water demand, including climate, population, and the mix of customer types, such as residential, industrial, commercial, and landscaping. The second part documents water demands not only under normal climatic conditions, but also during drought.

## Climate

Climate has a significant influence on water demand on a seasonal and annual basis. This influence increases with the portion of water demand for outside uses, primarily landscaping or agricultural irrigation. With regard to seasonal influences, rainfall in the winter months fulfills much of the water demand for irrigation, while lack of rainfall during the warm, high-evapotranspiration summer season results in peak monthly water demands that are nearly three times that of winter. With regard to annual influences, the local climate is subject to recurring droughts during which water demands would tend to increase, barring water conservation measures.

**Table 1** summarizes representative climate data for the study area, including average monthly precipitation, temperature, and evapotranspiration (ETO). The City of San José has a semi-arid, Mediterranean climate, characterized by warm dry summers and cool winters. As indicated in the table, precipitation occurs primarily in the winter months (November through April) and averages 14.3 inches per year.

**Figure 3** is a chart of annual rainfall from calendar year 1948 through 2006 for the San José station (DRI 2008). As illustrated in **Figure 3**, San José is subject to wide variations in annual precipitation; an extreme single-year drought occurred in 1976, when annual rainfall amounted to only 7.2 inches, or about one-half of the average rainfall. A severe, prolonged drought occurred in the late 1980s and early 1990s; over a four-year period, annual rainfall averaged only two-thirds of the annual average.

## Population

In general as population increases, so does water demand. The total population in the SJMWS service area in 2007 was 868. The Coyote Campus project will include no residential units, so the population is not expected to increase. However, the Association of Bay Area Governments (ABAG) forecasts additional growth in the Coyote Valley. **Table 2** shows the expected population from 2010 to 2040.

## Water Use Sectors and Water Demand

Currently, SJMWS provides water supply for industrial and irrigation uses, including the Metcalf Energy Center (MEC). SJMWS serves no residential customers in the area. MEC began operation in June 2005 and represents most of the water demand supplied by SJMWS to the Coyote area. Water demand currently served by SJMWS is shown in **Table 3** and includes both

potable and recycled water uses. **Figure 4** shows water use in the Coyote service area from 1999 through 2007. Water supply data are available for 1990, 1995, and from 1999 to present.

In addition to the existing water demand in the SJMWS service area, other planned developments (Coyote Valley Research Park) and existing water demand outside the area are also satisfied by groundwater from the same aquifer, Coyote Valley Subbasin. This demand must be considered when assessing the sufficiency of groundwater as a water supply source. Metcalf Energy Center (MEC) is currently operating in the SJMWS Coyote service area. The total water demand in 2007 was 1,574 AFY (366 AFY potable and 1,208 AFY non-potable). However, under full operation, MEC water demand is expected to exceed 4,481 AFY, with most of the increase to be supplied with non-potable water.

A future development, the Coyote Valley Research Park (CVRP) is expected to develop 680 acres zoned for commercial and industrial uses. The estimated additional water use from this project is expected to be 1,626 AFY (Schaaf and Wheeler, 2001). Total existing water demand from private wells based on land use zoning in the Coyote Valley Subbasin is estimated to be around 6,900 AFY (4,900 AFY in Coyote Valley and 2,000 AFY in areas within the Morgan Hill Sphere of Influence). Existing demand for the entire Coyote Valley Subbasin, including demand that is satisfied by private groundwater wells, is shown in **Table 4**.

The expected demand of the proposed Gavilan College-Coyote Campus was prepared by Kier & Wright Engineers and is summarized in **Table 5**. Kier & Wright estimated the water use of the campus facilities, athletic fields, and other irrigated landscape. Water use coefficients for each category were applied to calculate total water use as shown in **Table 5**. The water use coefficient for campus facilities was estimated at 0.313 gallons per day per square foot based on previous campus EIRs. The memo documenting their analysis is included as Appendix A. The analysis concluded that a total increase in water use of 241.27 AFY would occur with a potential 30.22 AFY that could be met with recycled water.

An independent analysis was prepared as part of this assessment to confirm Kier & Wright's estimates for future water demand in the project area. It was assumed that campus facilities would include classrooms and offices with no residential units. Standard water use rates for commercial and industrial uses were calculated using a rate of 0.073 gallons per day per square footage of space (Todd, 2005). This is consistent with water use data available at other community colleges. For example, Lane Community College in Eugene, Oregon estimates its water use at 27.86 gallons per year per square foot or 0.076 gallons per day per square foot (Lane 2006). Landscape irrigation was estimated at 3.5 AFY per acre. This irrigation estimate was based on monthly potential evapotranspiration less precipitation, and assumes a turf land cover, but does not account for soil moisture storage. This simple analysis probably over-estimates irrigation, especially since the Coyote Campus EIR indicates that the athletic fields and irrigated areas will be partially landscaped with xeriscape and artificial turf. The independent analysis performed for this report is summarized in **Table 6** and results in an estimated total future demand of 160.4 AFY for the Coyote Campus.

**Table 7** provides a comparison of the independent analysis to the respective Kier & Wright values, which are shown in the far right column. The two methods differ in all categories.

However, as the Kier & Wright estimates are more specific to college campuses and estimate a greater total water use, they are used throughout this report to determine the sufficiency of supply for the project. **Table 8** shows the future water demand for the SJMWS Coyote service area including the Coyote Campus.

## Water Demand in Normal and Drought Periods

The Water Supply Shortage Contingency Plan summarized in the SJMWS 2005 Urban Water Management Plan creates stages of action, or in other words, various levels of conservation needed to respond to the severity of the supply reduction. Each stage represents a different level of the demand reduction program to be enforced by the City of San José during a supply shortage, beginning with Stage 1, a mandatory reduction in water use of 10 percent (corresponding to a supply reduction of 10 percent) and proceeding with Stages 2, 3, and 4, which entail mandatory reductions enforced by the City of San José and Santa Clara Valley Water District. These demand reductions and irrigation restrictions apply only to potable water. These stages were codified in the Waste Prevention and Water Shortage Measures Chapter (section 15.10.300) of the City of San José Municipal Code reproduced in **Appendix B**. The four stages of action are briefly described below.

Stage	Program	Demand Reduction	Shortage	Summary of actions taken
1	Mandatory	Up to 19 %	10-19%	<ul style="list-style-type: none"> <li>Irrigation of outdoor landscaping is prohibited during designated daylight hours</li> </ul>
2	Mandatory	Up to 29 %	20-29%	<ul style="list-style-type: none"> <li>Continue and intensify all Stage 1 activities</li> <li>Businesses are required to display “notice of water shortage” information</li> <li>No potable water may be used to clean any exterior surfaces</li> <li>The operation of decorative fountains using potable water is restricted</li> </ul>
3	Mandatory	Up to 39 %	30-39%	<ul style="list-style-type: none"> <li>Continue and intensify all Stages 1-2</li> <li>Irrigation of outdoor landscaping is limited</li> <li>No new outdoor landscaping or plantings shall be installed during the months of May through October</li> <li>Public use of water from hydrants is prohibited</li> </ul>
4	Mandatory	≥ 40%	≥ 40%	<ul style="list-style-type: none"> <li>Continue and intensify all Stages 1-3 activities</li> <li>All irrigation of outdoor landscaping is prohibited</li> <li>Filling of any swimming pool, fountain or spa is prohibited</li> </ul>

**Tables 9 and 10** present an analysis of how water demand will change in response to drought. **Table 9** represents existing land uses and customer types, while **Table 10** represents future water demand, including the CVRP project and MEC fully operational. Water demand in these tables is divided into customer groups. The two columns on the far left show the customer types (water use sectors) and the water demand in a normal rainfall year. Two columns in the

middle present the estimated percent reduction in demand during Stage 2 and 4 droughts, and the four columns on the right apply the reduction to two kinds of drought: an extreme Stage 4 single year drought and a Stage 2 multiple year drought.

In the SCVWD *2005 Urban Water Management Plan*, the reduction in supply during the 1977 drought is used to predict the reduction of supply during a future single year drought and the supply during 1988 to 1992 was used to predict supply in future multiple dry years. The reductions of supply during the 1977 single dry year and the 1988-1992 multiple dry years were 46 percent and 25 percent respectively. The goal of SJMWS during dry years is to reduce demand by the same amount as the reduction in supply. The contingency stages described above are triggered by the decrease in supply. For example, a 25 percent reduction in supply (multiple dry years) would trigger Stage 2 and a 46 percent reduction (single dry year) would trigger Stage 4. The actions taken at each stage are designed to reduce demand to match the reduction in supply.

For this analysis, the predicted demand reduction is conservatively estimated to be less than the supply reduction. As shown in **Tables 9 and 10**, the anticipated reduction for a severe single year is expected to be 30 percent, similar to the response observed in other areas of the SJMWS service areas during the 1977 single year drought. For a multiple year drought, the response is expected to be 20 percent. This response is similar to the response during 1988 to 1992 drought, when a 19 percent reduction was observed in the Evergreen portion of the SJMWS service area. Note in both tables that a zero percent reduction is applied to Metcalf Energy Center; this reflects the extensive use of recycled water, which need not be conserved in drought.

SJMWS's water contingency plan applies only to water users within their service area. In the Coyote Valley, private well owners outside the SJMWS service area. SCVWD acts as the managing agency of the groundwater basin. Although the SCVWD does not have authority to mandate demand reductions, it works with local agencies to reduce pumping and may also apply overproduction charges for groundwater pumping. For this analysis, it is assumed the users outside the SJMWS service area will decrease demand at the same rate as SJMWS customers. Demand reduction during a drought will require a community effort, encouraged through public education and other outreach programs. SCVWD has also adopted an ordinance that gives SCVWD authority to mandate water conservation if water use will cause irrevocable damage to the water supply. This ordinance, 89-1, is included in **Appendix C**. For this analysis, it is assumed that the total water use outside the service area is decreased by 20 percent to 5,520 AFY ( $0.8 * 6,900$  AFY) in the case of a severe single year drought and by 30 percent to 4,830 ( $0.7 * 6,900$  AFY) in a multiple year drought, as shown in **Table 11**.

Installation of water-conserving plumbing and other demand management measures will conserve water overall, but also reduces the ability to save water in the short term, a phenomenon termed "demand hardening." This is not accounted for in **Table 10**.

## **WATER CONSERVATION**

For past projects, the City of San José has encouraged environmental sustainability (San José, 2006). Water use efficiency is a clear part of environmental sustainability. SJMWS is currently working (in cooperation with SCVWD and other agencies) to conserve water and decrease overall system demand. Their ongoing work in conservation includes the following best management practices (BMPs):

- Water Survey Programs for Residential Customers
- Residential Plumbing Retrofit
- System Water Audits, Leak Detection and Repair
- Metering with Commodity Rates for All New Connections and Retrofit Existing
- Large Landscape Conservation Programs and Incentives
- High Efficiency Washing Machine Rebate Program
- Public Information Programs
- School Education Programs
- Conservation Programs for All CII Accounts
- Conservation Pricing
- Conservation Coordinator
- Water Waste Prohibition
- Residential ULF Toilets Replacement Programs

SCVWD also recommends use of fully advanced treated recycled water for all water features and dual plumbing for both interior and exterior recycled water use. However, the cost of treatment for recycled water does not make these measures feasible at this time.

These conservation measures and other future programs will decrease the overall water demand. However, as mentioned previously, the ability for short-term drought reduction would be limited as a result of demand hardening.

# WATER SUPPLY

Drinking water in Coyote Valley is currently supplied by local municipal and private groundwater production. Tertiary-treated recycled water has been used in the area since 2005, but only for non-potable industrial purposes. Proposed sources of future water supply for Coyote Valley include groundwater from the Santa Clara Valley Groundwater Basin (primarily from the Coyote Valley Subbasin), and non-potable recycled water.

**Table 11** provides a summary of all existing and proposed water supply sources. Sources are listed on the left side of **Table 11**. Groundwater use is subdivided into available SJMWS groundwater supply and the groundwater supply needed to meet the existing demand outside the SJMWS service area by private wells. Recycled water is only examined for industrial uses. Full advanced treatment is required by SCVWD for all recycled water that might impact groundwater quality, for example, through return flows from irrigation. Existing industrial use of tertiary-treated recycled water at the Metcalf Energy Center is unlikely to affect groundwater.

The next four columns on the left indicate the status of the source in terms of water rights, entitlements, and contracts. The Coyote Valley Subbasin has not been adjudicated, so no rights or entitlements are indicated. **Table 11** also shows the availability of these supplies for a normal year, single dry year and multiple dry years. As is discussed in the following section, each source varies differently during drought conditions; for example, groundwater is subject to degrees of reduction, while recycled water is not.

## Wholesale Water Supply

### Groundwater Supply (SCVWD)

SJMWS currently operates groundwater production wells in the Coyote and Santa Clara subbasins, which together with the Llagas subbasin, comprise the larger Santa Clara Valley Groundwater Basin (designated by the DWR as groundwater basin number 2-9.02). The locations of the subbasin boundaries are provided on **Figure 1**. As indicated in **Table 11**, groundwater pumped from the Coyote Valley Subbasin is an existing source of water supply for Coyote Valley.

Currently, three production wells constructed in 1987 (SJMWS Wells #21, #22, and #23) provide water supply for SJMWS's Coyote Valley service area. Groundwater pumped from these wells is used for landscaping and industrial purposes. The permit application for these wells is included as Appendix D. The three wells are located along Monterey Highway north of Bailey Road. Each well has a capacity of about 1,850 gpm (representing a total of 5,550 gpm or 8,877 AFY). However, because the wells are located only 600 feet from each other, total well capacity is likely to be less 8,877 AFY, due to likely interference between wells and increased drawdown associated with pumping. A well evaluation report prepared by Schaaf and Wheeler for the Coyote Valley Research Park (CVRP) recommended the installation of a fourth well (Schaaf and Wheeler, 2001) to supply the development. This well would allow easier maintenance of the wells, requiring only three wells to be operation at the same time.

The long-term reliability of groundwater supply for the Coyote Campus is not likely to be predicated on well capacity alone, but rather is likely to be defined by the overall state of the groundwater basin. This is recognized by the SB610 sections of the California Water Code, which require a detailed description and analysis of the location, amount, and sufficiency of groundwater to be pumped. The following sections describe the Coyote Valley Subbasin, its management, and existing conditions in terms of groundwater quantity and quality.

## **Coyote Valley Subbasin**

The Coyote Valley Subbasin is a narrow structural trough bounded by the Diablo Range to the east and the Santa Cruz Mountains to the West. The Coyote Valley Subbasin is bordered by the Santa Clara Valley subbasin to the north and Llagas subbasin to the south. The surface area of Coyote Valley Subbasin is approximately 15 square miles, or just less than 10,000 acres (SCVWD, 2005c). Coyote Valley is drained to the north by two tributaries to San Francisco Bay, Coyote Creek and Fisher Creek. Coyote Creek flows most of the length of the Coyote Valley Subbasin along its eastern extent. Coyote Creek is downstream of and benefits from controlled releases from Anderson and Coyote Reservoirs, which are situated in the Diablo Range. Fisher Creek is an unregulated stream that flows north along the western portion of the Coyote Valley Subbasin. Coyote Creek is a losing stream throughout the year, whereby surface water percolates through the stream bed and recharges local groundwater. Fisher Creek is a variably gaining and losing stream. During conditions of high groundwater, Fisher Creek receives groundwater discharge from much of the Coyote Valley floor. Fisher Creek joins Coyote Creek near Coyote Narrows, where it exits the Coyote Valley Subbasin.

The principal water bearing formations in the Coyote Valley Subbasin are alluvial deposits of unconsolidated and semi-consolidated sediments. The Coyote Valley Subbasin is unconfined and has no significant, laterally extensive clay layers (SCVWD, December 2005). The direction of groundwater flow through Coyote Valley Subbasin is north to northwest towards the Coyote Narrows, where groundwater exits the basin and enters the Santa Clara Subbasin (SCVWD, April 2005). To the south, the Coyote Valley Subbasin extends to the City of Morgan Hill, where it meets the Llagas Subbasin at a dynamic interface defined by a groundwater divide.

### ***Groundwater Quantity***

The alluvial deposits in the Coyote Valley Subbasin range in thickness from about 500 feet in the south to 150 feet in the north near the Coyote Narrows (Iwamura, 1995). Depth to groundwater is commonly less than 20 feet in the subbasin and ranges from about 75 feet in the south to less than 5 feet in the north near the Coyote Narrows. Current groundwater elevations in the subbasin are at least 25 feet above minimum levels recorded in the late 1940s and at least 10 feet below the maximum levels recorded in 1983. These water level trends are illustrated by the hydrographs of three index wells in the Coyote Valley Subbasin monitored by SCVWD, which can be viewed online at the following address:

[http://www.valleywater.org/Water/Where\\_Your\\_Water\\_Comes\\_From/Local\\_Water/Wells/Depth-to-Water\\_Index\\_Well\\_Hydrographs.shtml](http://www.valleywater.org/Water/Where_Your_Water_Comes_From/Local_Water/Wells/Depth-to-Water_Index_Well_Hydrographs.shtml)

Groundwater in Santa Clara County is managed by SCVWD, which works to maintain each subbasin at “full” capacity, banking water locally to protect against drought or emergency water supply interruptions. This strategy allows SCVWD to carry over surplus water in the subbasins from wet to dry periods. SCVWD has defined an operational storage capacity for the Coyote Valley Subbasin, representing the volume of usable groundwater that the subbasin is capable of storing at full capacity; this volume amounts to 25,000 AFY (SCVWD, April 2005). A relatively simple static analysis was used to estimate the operational storage capacity and may overestimate the volume of groundwater that can actually be pumped from the Coyote Valley Subbasin at any given time. In the analysis, SCVWD assumes that the subbasin is a homogeneous, sand-filled reservoir and that hypothetical production wells are optimally located to maximize yield while minimizing negative impacts. These conditions are highly idealized. In reality, heterogeneity in the hydraulic conductivity of the aquifer and non-uniform distribution of groundwater production are likely to reduce the operational storage capacity of the subbasin.

It is important to understand that the operational storage capacity (even after non-ideal subbasin performance is addressed) does not represent the perennial yield of the aquifer. SCVWD recently developed a transient, numerical (MODFLOW) groundwater flow model of the Coyote Valley Subbasin to assess the local groundwater supply. The model simulates groundwater pumping, areal recharge, managed recharge, interaction between groundwater and Coyote and Fisher Creeks, and groundwater outflow through the Coyote Narrows. Using the model, SCVWD estimated that the Coyote Valley Subbasin can reliably supply on average 8,000 AFY. Pumping 8,000 AFY would result in manageable groundwater storage declines in dry years and groundwater storage gains in wet years. Pumping in excess of 8,000 AFY (assuming current artificial recharge operations) would result in negative environmental impacts, including declining yields in production wells, decreased groundwater flow to the Santa Clara subbasin, and reductions in groundwater storage and stream discharge (SCVWD, April 2005).

The perennial yield of Coyote Valley Subbasin could be increased from 8,000 AFY to 13,000 AFY, if an additional 6,000 AFY of imported water were available for managed recharge, and new recharge facilities were constructed. Pumping in excess of 13,000 AFY (assuming enhanced artificial recharge) would lead to negative impacts, even if additional water beyond the 6,000 AFY of water were available for recharge. Specifically, the model showed that pumping in excess of 13,000 AFY would result in drying of the southwestern portion of the Coyote Valley Subbasin, due to high bedrock elevations and limited saturated thickness of the aquifer in this area. SCVWD recognizes that perennial yield estimates are likely conservative. In the model, the southern boundary between Coyote and Llagas subbasins is represented as a static divide, although this boundary is known to be a dynamic interface, and groundwater pumping is concentrated along Monterey Highway near the location of the existing SJMWS wells. Further optimization of groundwater resources in the Coyote Valley Subbasin could be achieved with improved subbasin management.

Anderson Reservoir and San Felipe Division imports from the USBR’s Central Valley Project were identified as possible water supply sources that could be used to provide the additional 6,000 AFY of water for recharge operations (see SCVWD WSAA). Water from both sources could be delivered through the Cross Valley Pipeline. SCVWD concluded that the additional 6,000 AFY of water would be available during normal to wet years. However, water

from these two sources would be limited or unavailable during dry years, such as the period between 1988 and 1994. Consequently, this additional 6,000 AFY of water is assumed to only be available to replenish the Coyote Valley Subbasin after (but not during) dry years (SCVWD April 2005).

As discussed above, there are currently existing uses of groundwater outside of the SJMWS service area. Private groundwater pumping is expected to be 6,900 AFY in a normal year, and to be 5,520 AFY and 4,830 AFY in single and multiple dry years, respectively. **Table 11** shows the amount of groundwater available for SJMWS water supply in dry years, computed as the total groundwater supply (basin perennial yield) less the expected pumping for private wells.

### *Groundwater Quality*

Protection of the Coyote Valley Subbasin from contamination and the threat of contamination is a crucial component of ensuring a reliable water supply for Coyote Valley as a whole. Currently, groundwater quality in the Coyote Valley Subbasin is good and is in compliance with primary drinking water standards, as defined by the US EPA and Title 22 of the California Code of Regulations, with the exception of nitrate. The drinking water maximum contaminant level (MCL) for nitrate is 45 mg/L. Nitrate levels in Coyote Valley Subbasin range from 10 to 47 mg/L with higher concentrations associated with the southern half of the Coyote Valley Subbasin, where nitrate sources associated with agriculture and septic systems are concentrated. In areas with elevated nitrate concentrations, drinking water standards are satisfied through blending and treatment. In addition, since 1992 SCVWD has provided free nitrate testing to all private water supply well owners and implemented a nitrate monitoring program to reduce exposure to nitrate (SCVWD, December 2005).

Significant perchlorate concentrations have not been observed in the Coyote Valley Subbasin. However, SCVWD is actively investigating a perchlorate contamination plume located in the northern portion of the Llagas subbasin, south of existing production wells operated by the City of Morgan Hill. These wells are estimated to pump about 2,000 AFY from the southern portion of the Coyote Valley Subbasin. Although groundwater in the vicinity of the perchlorate plume flows south away from the Morgan Hill production wells and the Coyote Valley Subbasin, this assessment recognizes potential indirect impacts in the future. For example, redistribution of pumping from impacted production wells in the Llagas subbasin could affect the southern portion of the Coyote Valley Subbasin.

As required by the California Department of Public Health for the Drinking Water Source Assessment and Protection (DWSAP) Program, drinking water source assessments have been conducted for the three municipal production wells (Wells 21, 22, and 23) serving Coyote Valley. The assessments were conducted by SJMWS staff and included information collected from City records, databases and staff, the Regional Water Quality Control Board, and field surveys. The assessments found that none of the three production wells are contaminated. Currently, land use in the valley is predominantly rural and is thus generally protected against most commercial and industrial sources of pollution. However, as an unconfined aquifer with no significant separation between the land surface and groundwater table, all of the existing production wells are classified as “moderately vulnerable” to potentially contaminating activities

(PCAs), which include agricultural drainage, sewer collection systems, and leaking underground storage tanks. As Coyote Valley becomes more urbanized, new PCAs (e.g. urban runoff, gas stations, dry cleaners, leaking sewer lines, etc.) will be concentrated in the region and pose a significant threat to groundwater quality (SCVWD April 2005). To address these concerns, SCVWD (WSAA) recommends taking steps above and beyond those required by state and federal law to protect groundwater resources, including the following:

- Avoid high-risk land uses such as underground chemical storage. If such uses cannot be avoided, establish a strict water quality monitoring program and response plan;
- Establish wellhead protection zones and locate the most hazardous PCAs far away from and down-gradient of drinking water supply wells;
- Implement best management practices with respect to collection, conveyance, and treatment of urban stormwater runoff;
- Enforce rigorous commercial and industrial pre-treatment programs to minimize discharges to the sanitary sewer system;
- Construct deep excavations and facilities to standards that prevent hydraulic connection between surface water and groundwater.

### *Water Resources Management*

SCVWD is the groundwater management agency in Santa Clara County (as authorized by the California legislature under the Santa Clara Valley Water District Act) and has the primary responsibility for managing the Coyote Valley Subbasin. SCVWD has worked to protect groundwater resources through artificial recharge of the groundwater basin, water conservation, acquisition of surface water and imported water supplies, and prevention of water waste.

SCVWD's principal water supply planning documents are the Draft Integrated Water Resources Plan 2003 (IWRP) and the 2005 Urban Water Management Plan. SCVWD uses ABAG projections to forecast water demand through 2040. The IWRP identified risk and uncertainty that may affect the District's future management. These risks include random occurrences of hazards and extreme events, climate change, more stringent water quality standards, and demand growth greater than projected. The District is dedicated to providing a reliable water supply to the people and businesses of Santa Clara County. In order to meet these water needs in the future and manage potential risk, SCVWD maintains a flexible management of the water resources. SCVWD prepared their 2005 Urban Water Management Plan, which summarizes its groundwater supply management, groundwater monitoring, and groundwater quality management programs (SCVWD 2004, December 2005).

In its Integrated Water Resources Plan, SCVWD has analyzed the reliability of its water supplies in very wet years, average years, and dry years, including successive dry years (SCVWD, June 2004). The IWRP concludes that SCVWD water supplies are sufficient for very wet years and normal years. In addition, the IWRP states that SCVWD will be able to meet the water needs of Santa Clara County during single dry years, even with increasing demand. However, SCVWD is challenged to meet demands in multiple dry years, when water supplies become increasingly reliant upon storage reserves, including groundwater storage. The IWRP

states that additional water supply management activities must be developed to meet the water demands of Santa Clara County businesses and residents.

The groundwater supply management program aims to replenish the groundwater basin, sustain the basin's water supplies, mitigate groundwater overdraft, and maintain storage reserves for use during dry periods. SCVWD operates artificial recharge systems to augment groundwater supply, including groundwater in the vicinity of Coyote wells. SCVWD also conserves local surface water, provides imported water, operates water treatment plants, maintains water conveyance systems, supports water recycling, and encourages water conservation.

## **Recycled Water**

The City of San José operates the San José-Santa Clara Water Pollution Control Plant (WPCP) located in Alviso. This plant currently produces tertiary-treated recycled water that is appropriate for most non-potable uses. As described in the North San José DEIR (City of San José, 2005), the WPCP currently treats an average of 116.8 MGD and discharges 100 MGD (dry weather peak) into San Francisco Bay. There are concerns over the environmental impacts of wastewater discharge to San Francisco Bay. In response, the City has developed the Clean Bay Strategy and a South Bay Action Plan, which aim to maintain wastewater discharge below a level of 120 MGD. Expansion of water recycling, including provision of recycled water to Coyote Valley, is an important part of this effort.

The Silver Creek Pipeline runs from the San José Reclamation Plant in Alviso to Metcalf Energy Center (MEC) for use in their cooling tower. In 2007, recycled water deliveries totaled 1,208 AFY; these are expected to increase to 3,920 AFY (City of San José, 2006). As the water is not being used for irrigation and will not affect the groundwater quality, the recycled water currently served to MEC has been treated to the tertiary (non-potable) level. SJWMS provides recycled water to MEC for their uses. The Santa Clara Valley Water District (SCVWD) is the recycled water wholesaler for any future recycled water uses beyond MEC.

As discussed in the groundwater source section, the Coyote Valley Subbasin is an unconfined aquifer system, where surface water can readily percolate and recharge groundwater. SCVWD found that tertiary-treated recycled water use for irrigation may negatively impact groundwater quality and recommends that "recycled water used in Coyote Valley that could percolate into the groundwater subbasin be fully advanced treated" (SCVWD, April 2005). Full advanced treatment includes both reverse osmosis (RO) and ultraviolet (UV) light treatment, or similarly effective treatment options.

To meet the stringent recycled water standards for irrigation in Coyote Valley, SJWMS would need to build a new treatment facility in Coyote Valley at the cost of \$33 million. The current recycled water system could be expanded by up to 5 MGD (5,600 AFY) beyond MEC demand (SCVWD, December 2005). As the estimated demand for non-industrial recycled water for this project is only 30.22 AFY, advanced treated recycled water is not a viable option. However, if the demand increases due to future development, the need for advanced treated recycled water can be reevaluated.

Water recycling is an element of SCVWD planning for future water supplies (SCVWD, 2004). Water recycling is part of SCVWD's baseline projection, which envisions recycled water use throughout Santa Clara County of 16,000 AFY by 2010, including recycled water from the WPCP. SCVWD also considers water recycling as a building block with an estimated potential future use of 33,000 AFY in the Santa Clara subbasin. SJMWS will work with SCVWD to increase recycled water usage in the Santa Clara subbasin in other portions of their service area including North San José and Evergreen (SCVWD, 2004).

## **Water Supply in Normal and Drought Periods**

**Table 12** summarizes historic and current water supply sources under normal conditions for SJMWS' Coyote Valley service area. Data are reported in five-year increments in order to provide a long-term overview, and the most recent year, 2007, was added to show recent changes in recycled water use. Currently, groundwater from the Coyote Valley Subbasin contributes 24 percent (373 AF in 2007) of the total water supply to the SJMWS Coyote service area, while 76 percent (1,208 AFY in 2007) is supplied by recycled water. Prior to 2005, all Coyote demand was met with groundwater from the Coyote Valley Subbasin.

**Table 13** shows the current supply in the SJMWS Coyote service area for normal, single-dry and multiple-dry years. No decrease is indicated for the current recycled or potable water supply. Under current conditions, groundwater supply is sufficient for current groundwater demands even in drought. While groundwater levels decline during drought (for example, the recent drought of the late 1980s), stored groundwater supply is available and is recharged in subsequent wet years. Projected water supply is expected to increase significantly, and given the fact that SCVWD already is challenged by multiple-year droughts, is likely to be significantly affected by drought.

The California Water Code section 10910 (also termed Senate Bill 610 or SB610) requires a discussion of how supply will meet demand during a normal, single dry, and multiple dry water years during at least 20-year projection. To ensure adequate supply and to be consistent with previous Water Supply Assessments prepared in the area, the projected water supply availability over the next 30 years was examined. SCVWD is the wholesale supplier of groundwater. It should be recognized that SCVWD will be challenged to supply additional recharge to the basin during drought conditions. SCVWD will need to remain flexible to ensure that treated water is distributed to local retailers to manage groundwater pumping so that increases in pumping do not cause seawater intrusion or land subsidence. SCVWD will work with SJMWS to provide the needed supply to meet demand during drought conditions. Demand reduction due to conservation is also an alternative to ensure that the water supply is both adequate and reliable.

**Table 14** shows the expected future demand for the SJMWS Coyote service area during normal years, as well as the expected decrease in demand during drought conditions, as discussed in previous sections. Note in **Table 14** that a zero percent reduction is applied to Metcalf Energy Center; this reflects the extensive use of recycled water, which need not be conserved in drought. **Table 15** shows the water supply by source during normal years in five

year steps from 2010 to 2040 for the SJMWS service area.

**Table 16** shows the expected supply by source for the SJMWS service area during normal, single dry and multiple dry years. In all years, groundwater is used as the primary source. Recycled water is recognized for its reliability during dry conditions. Accordingly, in **Table 16**, the water supply from recycled water remains constant during normal, single dry, and multiple dry years. **Table 17** shows that the expected supply would meet the demand.

## **COMPARISON OF SUPPLY AND DEMAND**

**Table 17** compares water supplies and demands in 2040 for the service area including the Coyote Campus project.

The proposed increase in demand due to the Coyote Campus project is expected to be 241.3 AFY. The estimated perennial yield of the Coyote Valley subbasin is estimated to be 13,000 AFY in a normal year (6,100 AFY available to SJMWS) and the yield during a single year drought is estimated to be 8,000 AFY (2,480 AFY available to SJMWS). The total demand from the SJMWS service area, 2,246 AFY (MEC potable demand, CVRP, and the proposed project demand) can be satisfied by the groundwater subbasin. In case of drought, conservation will be relied on to reduce demand as needed. In addition to groundwater, recycled water will continue to be used for industrial purposes at the Metcalf Energy Center. Overall, the water supply of the SJMWS Coyote service area is sufficient to meet the proposed demand of the Gavilan College Coyote Project.

Water supply will be challenged to meet water demand during drought conditions, especially during multiple year droughts. There are options for supply sources to meet demand including increased encouragement and enforcement of water conservation during drought. The City's Water Supply Shortage Contingency Plan allows SJMWS to mandate demand reduction based on the reduction of water supply during dry conditions. During all hydrologic periods, water use efficiency in the SJMWS service area and areas in the Coyote Valley outside of the SJMWS service area should be encouraged.

Effective management of the groundwater is fundamental to achieve environmental sustainability and to ensure that groundwater will continue to be a reliable water supply source during all hydrologic conditions. By using additional water sources during wet and normal years to recharge the groundwater subbasin, the subbasin can serve as a reserve during drought conditions. Ongoing management and monitoring in the basin may increase the understanding of the basin, and the available yield during drought conditions may be augmented.

## CONCLUSIONS

1. The proposed project results in increased water demands; this report addresses the Coyote service area of the City of San José Municipal Water System (SJMWS). Consideration of all future pumping in Coyote Valley Subbasin is included.
2. Proposed sources of water supply for the area include groundwater from the Coyote Valley groundwater subbasin, which is managed by SCVWD, and recycled water.
3. In the SJMWS Coyote service area, water demand could increase from the current (2007) 1,581 AFY to 6,166 AFY at full buildout of the Gavilan College-Coyote Campus and proposed CVRP.
4. Groundwater has been identified as a source of water supply for the project. The City has three wells supplying the Coyote service area and has used groundwater in the past as supply.
5. Groundwater is actively managed by SCVWD to replenish the groundwater basin, sustain the basin's water supplies, help mitigate groundwater overdraft, and sustain storage reserves for use during dry periods.
6. Recycled water has been identified as a water supply source for non-potable industrial demands in the Coyote Valley area.
7. Groundwater and recycled water for industrial uses are sufficient to meet the area's proposed demands.

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# **TABLES**

**Table 1. Average Climate Data**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Precip, in	3.06	2.53	2.30	1.07	0.39	0.09	0.04	0.08	0.20	0.72	1.74	2.32	14.30
Temp, °F	56.00	59.22	62.78	65.89	71.45	75.69	78.76	78.75	77.63	71.20	61.43	55.70	67.88
ETO, in	1.35	1.87	3.45	5.03	5.93	6.71	7.11	6.29	4.84	3.61	1.8	1.36	49.35

Sources: Precipitation and temperature from the NOAA NCDC San José station, and evapotranspiration from CIMIS San José station

**Table 2. Population Projections**

	2005	2010	2015	2020	2025	2030	2035	2040
CVSP	690	1,222	3,299	3,812	3,612	4,067	4,486	4,486

Source: ABAG 2007

**Table 3. Existing Water Demand by Water Use Sectors, AFY**

Customer Type	1990	1995	2000	2005	2007
Residence - Single	0	0	0	0	0
Residence - Multi	0	0	0	0	0
Irrigation	0	0	51	6	12
Commercial/Industrial	0	0	0	0	0
Metcalf Energy Center*	0	0	0	1,224	1,574
Temporary	0	0	10	2	1
Unspecified	50	55	0	0	0
<b>TOTAL</b>	<b>50</b>	<b>55</b>	<b>61</b>	<b>1,232</b>	<b>1,587</b>

\* Includes potable and recycled water demand

**Table 4. Summary of Existing Water Demand in Coyote Groundwater Subbasin**

Area	Water Demand (AFY)
Domestic Wells - Coyote Valley	4,900
Outside Planned Area (Morgan Hill SOI)	2,000
<b>TOTAL</b>	<b>6,900</b>

**Table 5. Water Use Coefficients for Kier & Wright Analysis**

<b>Water Use</b>	<b>Square Feet</b>	<b>Acres</b>	<b>Gpd/sq ft</b>	<b>AF/Ac</b>	<b>AFY</b>
College Facilities	601,792	13.8	0.313	15.3	211.1
Athletic Fields	391,647	9.0	0.0195	1.0	8.6
Landscape Area	991,647	22.8	0.0195	1.0	21.7

**Table 6. Water Use Coefficients for Independent Analysis**

<b>Water Use</b>	<b>Square Feet</b>	<b>Acres</b>	<b>Gpd/sq ft</b>	<b>AF/Ac</b>	<b>AFY</b>
College Facilities	601,792	13.8	0.073	3.6	49.2
Athletic Fields	391,647	9.0	0.072	3.5	31.5
Landscape Area	991,647	22.8	0.072	3.5	79.7

**Table 7. Comparison of Water Demand Estimates**

<b>Water Use</b>	<b>Independent</b>	<b>Kier &amp; Wright</b>
College Facilities	49.2	211.1
Athletic Fields	31.5	8.6
Landscape Area	79.7	21.7
<b>Campus Total</b>	<b>160.4</b>	<b>241.3</b>

**Table 8. Proposed Water Demand, AFY**

Customer type	2010	2015	2020	2025	2030	2035	2040
Residence - Single	0	0	0	0	0	0	0
Residence - Multi	0	0	0	0	0	0	0
Irrigation	42	42	42	42	42	42	42
Commercial/Industrial	1,837	1,837	1,837	1,837	1,837	1,837	1,837
Metcalf Energy Center*	4,481	4,481	4,481	4,481	4,481	4,481	4,481
Temporary	1	0	0	0	0	0	0
<b>TOTAL</b>	<b>6,361</b>	<b>6,360</b>	<b>6,360</b>	<b>6,360</b>	<b>6,360</b>	<b>6,360</b>	<b>6,360</b>

\* Includes potable and recycled water demand

**Table 9. Existing Water Demand in Normal and Dry Years (SJMWS Service Area), AFY**

Customer type	Normal (2007)	Estimated Drought		Stage 4	Stage 2		
		Stage 2	Stage 4	Single dry	Multiple Dry Year 2	Multiple Dry Year 3	Multiple Dry Year 4
Residence - Single	0	20.0%	30.0%	0	0	0	0
Residence - Multi	0	20.0%	30.0%	0	0	0	0
Irrigation	12	20.0%	30.0%	8.4	9.6	9.6	9.6
Commercial/Industrial	0	20.0%	30.0%	0	0	0	0
Metcalf Energy Center*	1,574	0.0%	0.0%	1,574.2	1,574	1,574	1,574
Unspecified	1	20.0%	30.0%	0.8	0.9	0.9	0.9
<b>TOTAL</b>	<b>1,587</b>	<b>16.7%</b>	<b>25.0%</b>	<b>1,583.4</b>	<b>1,584.7</b>	<b>1,584.7</b>	<b>1,584.7</b>

\* Includes potable and recycled water demand

**Table 10. Future Water Demand in Normal and Dry Years, AFY**

Customer type	Normal (2040)	Estimated Drought		Stage 4	Stage 2		
		Stage 2	Stage 4	Single dry	Multiple Dry Year 2	Multiple Dry Year 3	Multiple Dry Year 4
Residence - Single	0	20.0%	30.0%	0	0	0	0
Residence - Multi	0	20.0%	30.0%	0	0	0	0
Irrigation	42	20.0%	30.0%	30	34	34	34
Commercial/Industrial	1,837	20.0%	30.0%	1,286	1,470	1,470	1,470
Metcalf Energy Center*	4,481	0.0%	0.0%	4,481	4,481	4,481	4,481
Unspecified	0	20.0%	30.0%	0	0	0	0
<b>TOTAL</b>	<b>6,360</b>	<b>16.7%</b>	<b>25.0%</b>	<b>5,797</b>	<b>5,984</b>	<b>5,984</b>	<b>5,984</b>

\* Includes potable and recycled water demand

**Table 11. Water Supply Sources and Total Available Supply**

**TOTAL AVAILABLE**

Supply	Entitlement	Right	Contract	Ever used	TOTAL AVAILABLE		
					Normal Year	Single Dry Year	Multiple Dry Years
Groundwater* - Total				yes	13,000	8,000	8,000
Groundwater - Coyote (SJMWS wells)				yes	6,100	2,480	3,170
Groundwater - Coyote (non-SJMWS wells)				yes	6,900	5,520	4,830
Recycled Water - Industrial Uses <sup>†</sup>			x	yes	4,836	4,836	4,836
<b>TOTAL</b>					<b>27,356</b>	<b>27,356</b>	<b>27,356</b>

\*Total available supply assumes effective basin management

<sup>†</sup> Reflects the total demand for non-potable/non-irrigation water

**Table 12. Past and Present Water Supply in a Normal Year (SJMWS Service Area), AFY**

<b>Water Supply Sources</b>	<b>1980</b>	<b>1985</b>	<b>1990</b>	<b>1995</b>	<b>2000</b>	<b>2005</b>	<b>2007</b>
Groundwater - Coyote (SJMWS wells)	0	0	50	55	61	349	373
Recycled Water - Industrial Uses	0	0	0	0	0	883	1,208
Recycled Water - Irrigation Uses	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>55</b>	<b>61</b>	<b>1,232</b>	<b>1,581</b>

**Table 13. Current Supply Available by Source for Single-dry and Multiple-dry Years, AFY**

<b>Source</b>	<b>Normal*</b>	<b>Single Dry</b>	<b>Multiple Dry Years</b>		
			<b>2</b>	<b>3</b>	<b>4</b>
Groundwater - Coyote (SJMWS wells)	373	373	373	373	373
Recycled Water - Industrial Uses	1,208	1,208	1,208	1,208	1,208
Recycled Water - Irrigation Uses	0	0	0	0	0
<b>TOTAL</b>	<b>1,581</b>	<b>1,581</b>	<b>1,581</b>	<b>1,581</b>	<b>1,581</b>

\* Current supply in a normal year is based on 2007.

**Table 14. Future Water Demand in Normal and Dry Years at Buildout, AFY**

Customer type	Normal (2040)	Estimated Drought Reduction		Stage 4	Stage 2		
		Stage 2	Stage 4	Single dry	Multiple Dry Year 2	Multiple Dry Year 3	Multiple Dry Year 4
Residence - Single	0	20.0%	30.0%	0	0	0	0
Residence - Multi	0	20.0%	30.0%	0	0	0	0
Irrigation	42	20.0%	30.0%	30	34	34	34
Commercial/Industrial	1,837	20.0%	30.0%	1,286	1,470	1,470	1,470
Temporary	1	0.0%	0.0%	1	1	1	1
Metcalf Energy Center*	4,481	0.0%	0.0%	4,481	4,481	4,481	4,481
<b>TOTAL</b>	<b>6,361</b>	<b>13.3%</b>	<b>20.0%</b>	<b>5,798</b>	<b>5,986</b>	<b>5,986</b>	<b>5,986</b>

\* Includes potable and recycled water demand

**Table 15. Future Water Supply in a Normal Year (SJMWS Service Area Only), AFY**

Water Supply Sources	2010	2015	2020	2025	2030	2035	2040
Groundwater - Coyote (SJMWS wells)	2,246	2,246	2,246	2,246	2,246	2,246	2,246
Recycled Water - Industrial Uses*	4,115	4,115	4,115	4,115	4,115	4,115	4,115
<b>Total</b>	<b>6,361</b>						

\*Industrial uses include the fully operational MEC

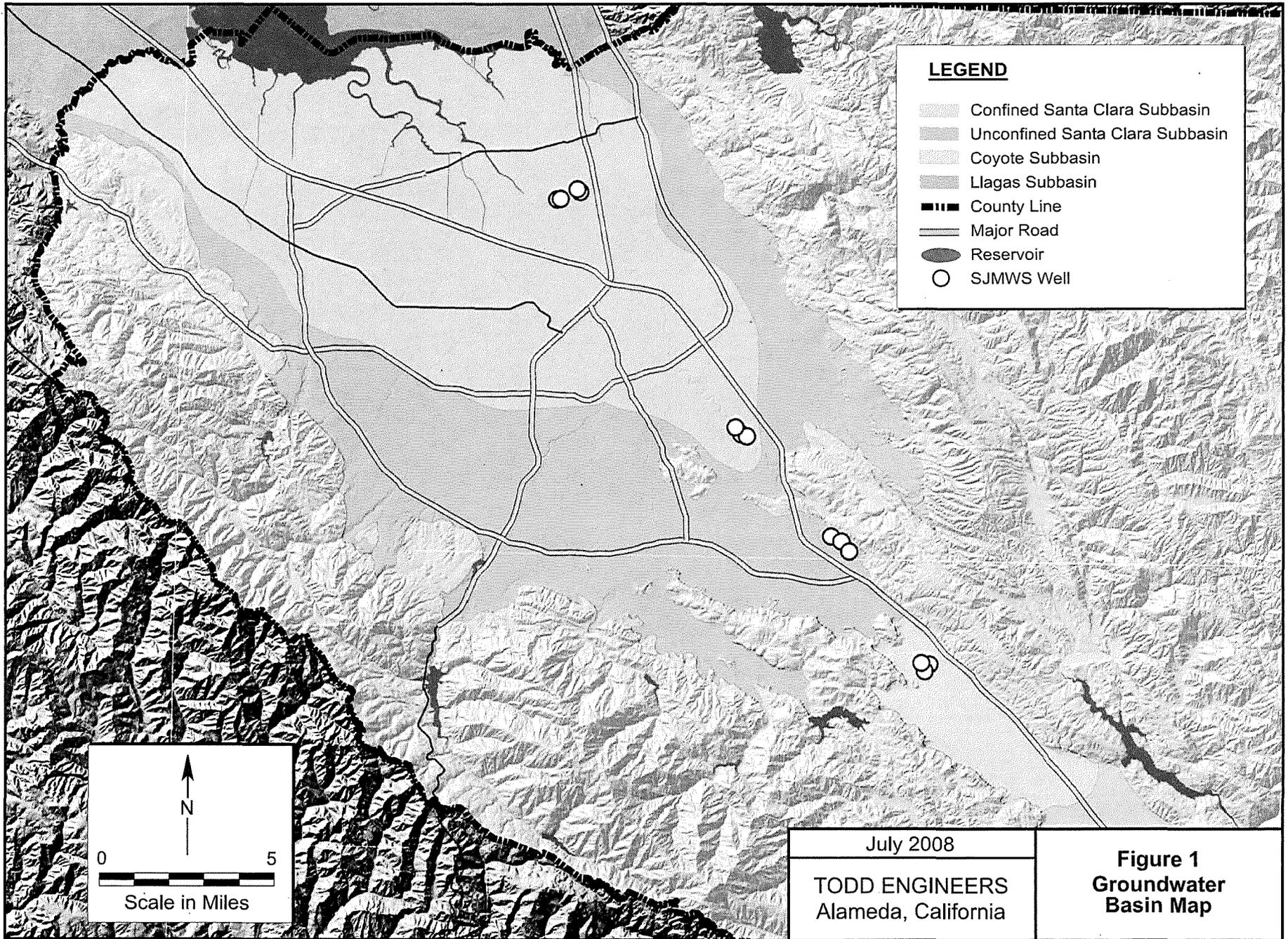
**Table 16. Projected Supply Available by Source for Single-dry and Multiple-dry Years at Buildout, (SJMWS Service Area Only), AFY**

Source	Normal (2040)	Single Dry	Multiple Dry Years		
			2	3	4
Groundwater - Coyote (SJMWS wells)	2,246	1,682	1,870	1,870	1,870
Recycled Water - Industrial Uses	4,115	4,115	4,115	4,115	4,115
<b>TOTAL</b>	<b>6,361</b>	<b>5,798</b>	<b>5,986</b>	<b>5,986</b>	<b>5,986</b>

**Table 17. Comparison of Projected Supply and Demand for Normal, Single-dry and Multiple-dry Years at Buildout, (SJMWS Service Area Only), AFY**

2040 Supply and Demand with Project	Normal	Single Dry	Multiple Dry Years		
			2	3	4
Supply total	6,361	5,798	5,986	5,986	5,986
Demand total	6,361	5,798	5,986	5,986	5,986
Difference	0	0	0	0	0

# FIGURES



**LEGEND**

- ☐ Confined Santa Clara Subbasin
- ☐ Unconfined Santa Clara Subbasin
- ☐ Coyote Subbasin
- ☐ Llagas Subbasin
- ▬▬▬ County Line
- ▬▬▬ Major Road
- Reservoir
- SJMWS Well

N  
↑

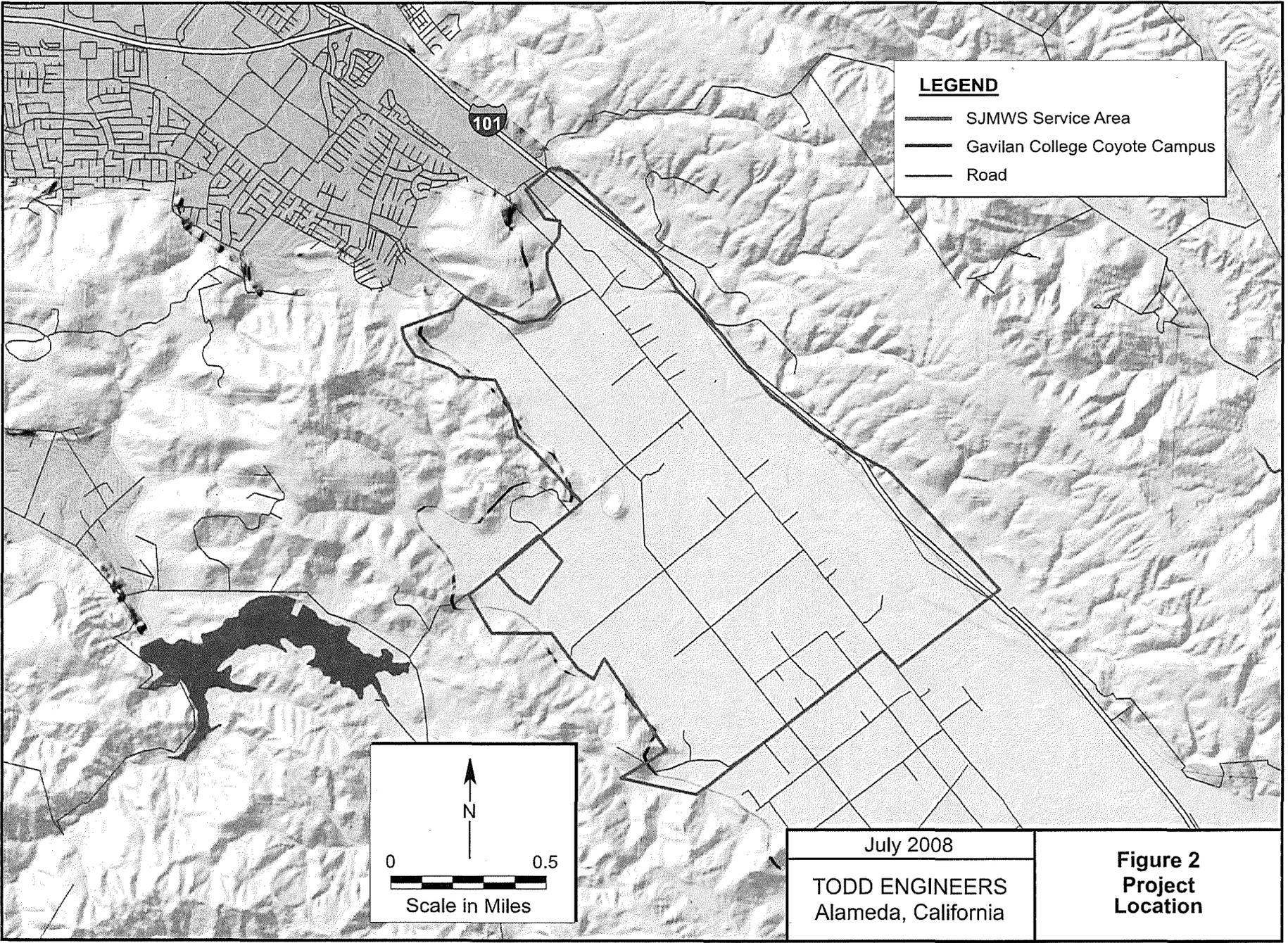
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Scale in Miles

July 2008

TODD ENGINEERS  
Alameda, California

**Figure 1**  
**Groundwater**  
**Basin Map**



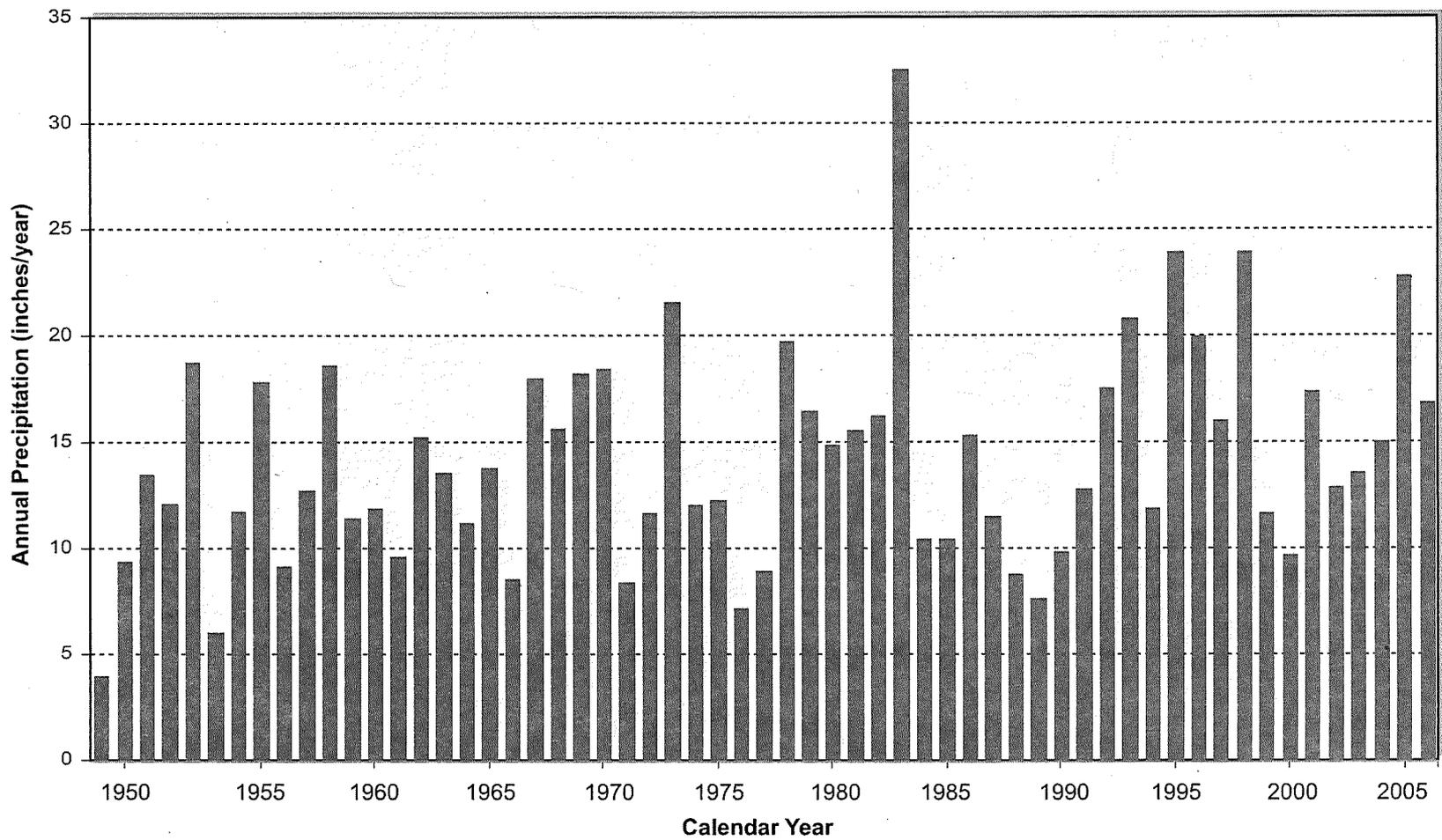
**LEGEND**

- SJMWS Service Area
- Gavilan College Coyote Campus
- Road

0 0.5  
Scale in Miles

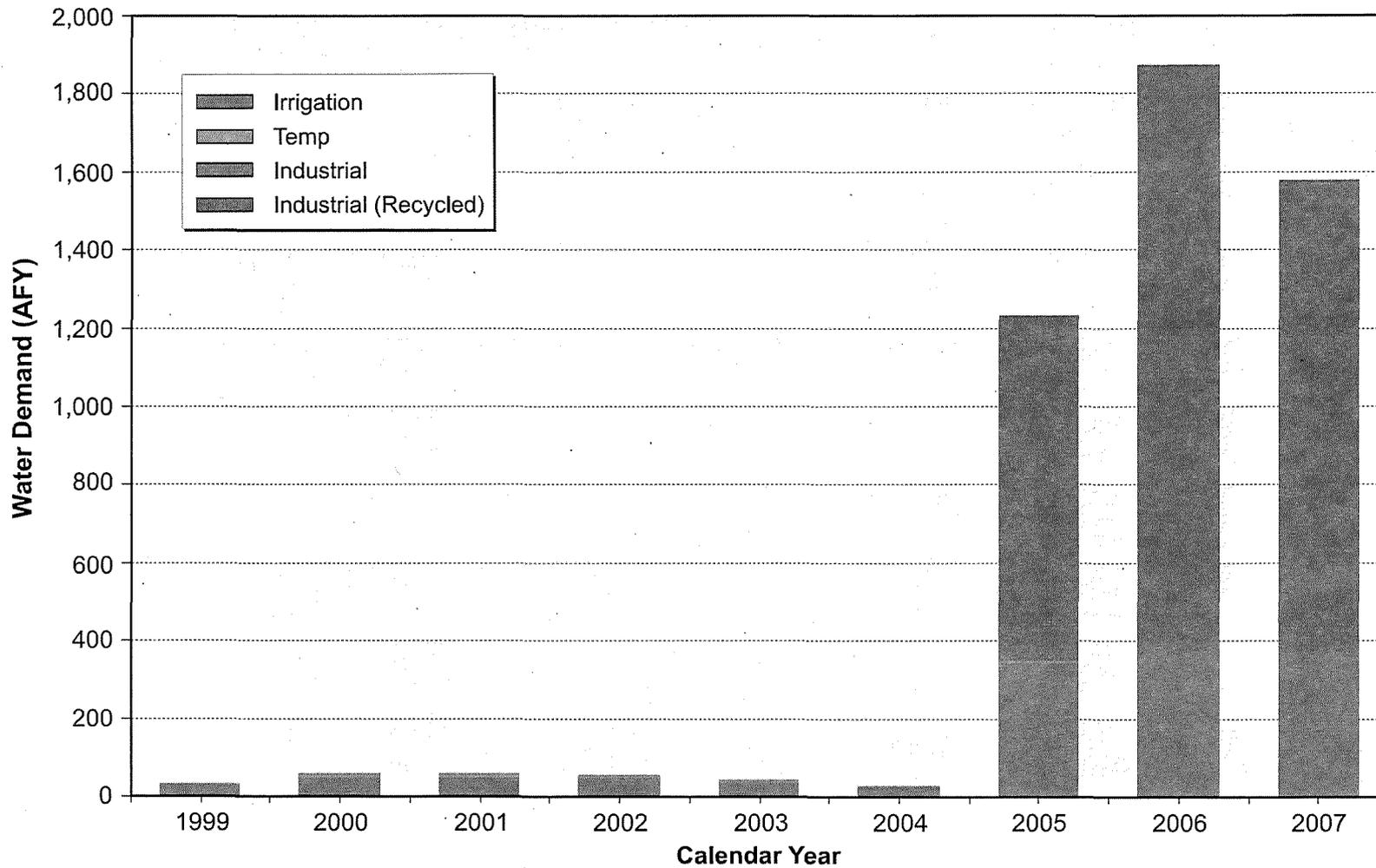
July 2008  
TODD ENGINEERS  
Alameda, California

**Figure 2**  
**Project**  
**Location**

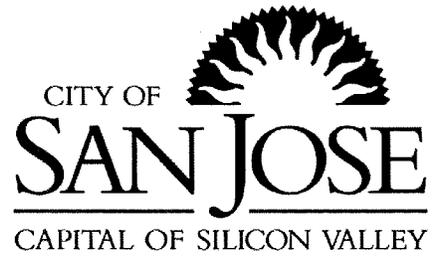


Source: NOAA NCDC Summary of the Day, 2002.

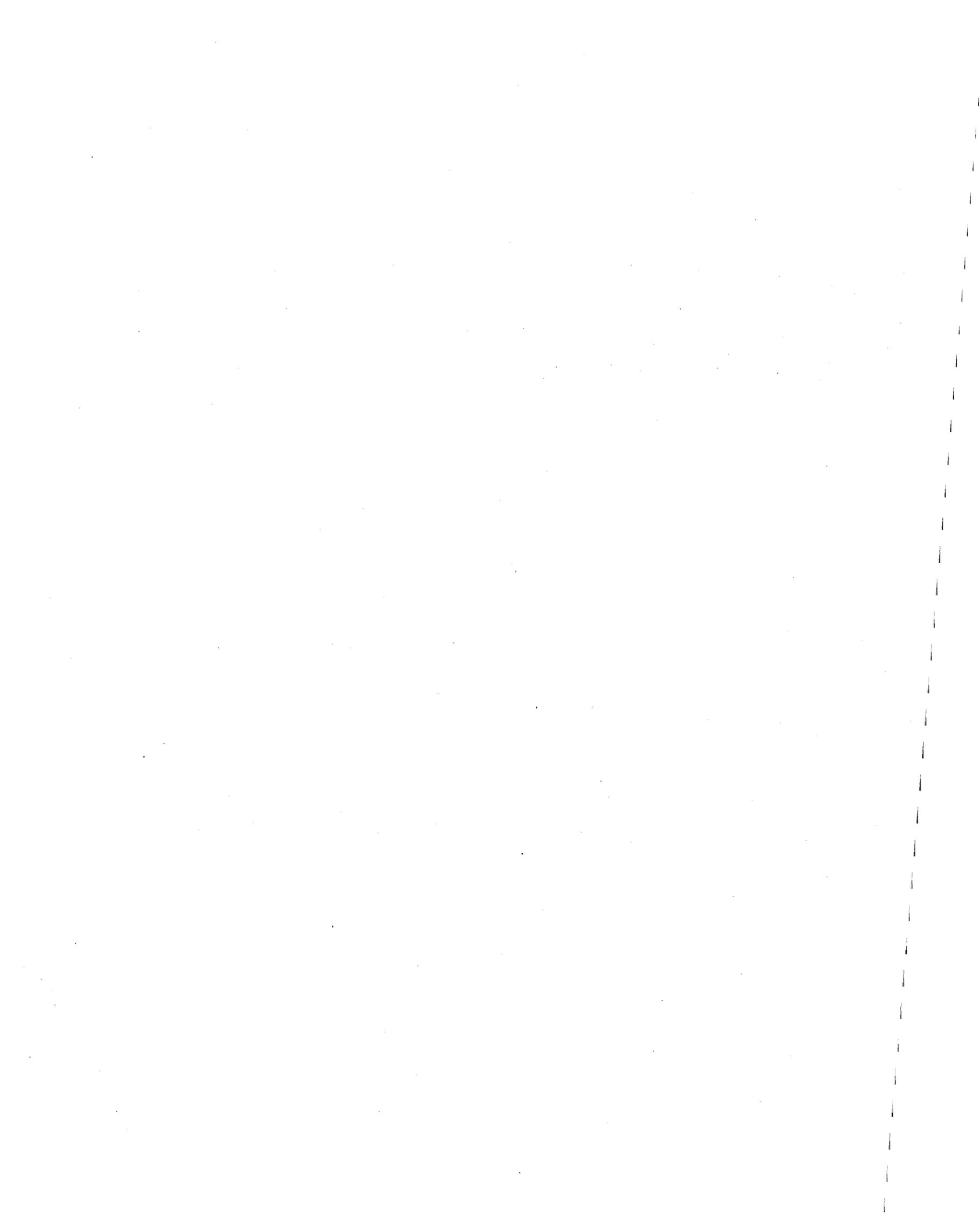
July 2008	<b>Figure 3</b> <b>Annual Precipitation,</b> <b>San Jose, California</b>
<b>TODD ENGINEERS</b> <b>Alameda, California</b>	



July 2008	<b>Figure 4</b> <b>SJMWS Coyote</b> <b>Service Area Water</b> <b>Demand, 1999 - 2007</b>
TODD ENGINEERS Alameda, California	



# APPENDIX A



## **Memorandum**

**To:** Julie Mier, David Powers & Associates, Inc.  
**From:** Mike Lesar  
**Date:** May 19, 2008  
**Re:** Gavilan Community College EIR/ Coyote Valley Site - Water Demand Estimates

### **Estimated Demand**

The overall estimate for water demand from the proposed development is 241.27 acre-feet per year (AFY)<sup>a</sup>. This is for potable water demand using specific assumptions and published use rates based on the various uses of the proposed development. Of this demand, a total of 30.22 AFY could be served by future reclaimed water service to the site. The methodology for these assumptions and use rates is described below. A breakdown of the individual use demands is presented in Table 1.

### **Methodology Used**

Rates are based on the types of uses shown on the Site Plan provided by BFGC Architecture, dated May 01, 2008.

For the college campus we used an average use rate of 0.313 gpd/sf. The Coyote Valley Campus has a net building square footage of 601,792 square feet and a total water demand of 188,400 gpd (Coyote Campus DEIR). This translates to 0.313<sup>b</sup> gallons per day per square foot, yielding a water use estimate of 211.05 AFY.

For the college athletic fields and landscape areas we are using the consumption rates for xeriscape or artificial turf demands, which are much more efficient and consume significantly less water than standard landscape planting. Based on the 2<sup>nd</sup> Edition of the Land Development Handbook, the water use rate for xeriscape or artificial turf is 850 gallons per day per acre. This translates to 0.0195<sup>c</sup> gallons per day per square foot. For a total irrigated area of 1,383,294 sf the water demand would be 30.22 AFY.

### **Calculation Footnotes**

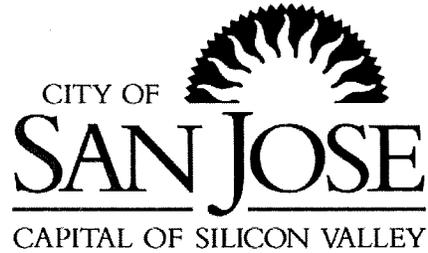
- a) Gallons per day times 365 (days per year) divided by 325,851 (gallons in one acre-foot of water) equals AFY.
- b)  $188,400 \text{ (gpd)} / 601,792 \text{ (sf)} = 0.313 \text{ gpd/sf}$ .
- c)  $850 \text{ (gpd/acre)} / 43,560 \text{ (sf in one acre)} = 0.0195 \text{ gpd/sf}$ .

**KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.**

3350 Scott Boulevard, Bldg. 22 • Santa Clara, California 95054 • 408-727-6665 • 408-727-5641

**Table 1 – Summary of Water Use Estimates**

College Campus	Square Feet	Area (acres)	GPD/SF	WU Coefficient (AFY/unit)	Water Use Estimate (AFY)
Campus Facilities	601,792	13.82	0.3130	15.27236	211.05
Athletic Fields	391,647	9.00	0.0195	0.95147	8.56
Landscape Area	991,647	22.77	0.0195	0.95147	21.66
Project Total Potable Water Demand					241.27
Possible Reclaimed Water Allocation (currently included in Total Potable Demand)					30.22



# APPENDIX B

**Chapter 15.10**  
**WATER WASTE PREVENTION AND**  
**WATER SHORTAGE MEASURES**

---

**Parts:**

- 1** General Provisions
- 2** Water Waste Prevention
- 3** Water Shortage Measures
- 4** Water Management

**Part 1**  
**GENERAL PROVISIONS**

**Sections:**

- 15.10.010** Purpose.
- 15.10.020** Definitions.
- 15.10.030** Potable water.
- 15.10.040** Gray water.
- 15.10.050** Reclaimed water.
- 15.10.060** Water from dewatering operations.
- 15.10.070** Syringing.
- 15.10.080** Landscape irrigation audit.
- 15.10.090** Automatic positive self-closing valve.
- 15.10.095** Director.

**15.10.010 Purpose.**

The city of San José is dedicated to long-term water conservation to address the chronic water shortage, to protect the aquifers of the city, and to prevent land surface subsidence. Moreover, the city is subject to periodic droughts, a circumstance which requires the city council to take steps to protect the health, safety and general welfare of the public. (Ord. 24600.)

**15.10.020 Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter. (Ord. 24600.)

**15.10.030 Potable water.**

A. "Potable water" means water of a quality which meets California Department of Health Services and San Francisco Bay Regional Water Quality Control Board requirements for water suitable for human consumption.

B. "Potable water" does not include bottled drinking water; reclaimed water; recycled or so-called "gray water"; water brought into the County of Santa Clara by truck; water from dewatering operations; water pollution control plant effluent; or water pumped for remediation purposes pursuant to a permit from the Santa Clara Valley Water District or the San Francisco Bay Regional Water Quality Control Board. (Ord. 24600.)

**15.10.040 Gray water.**

"Gray water" means water which is collected and recycled or reused after its original use. (Ord. 24600.)

**15.10.050 Reclaimed water.**

“Reclaimed water” means water which, as a result of treatment of domestic wastewater, or groundwater cleanup discharge, is suitable for direct beneficial use or a controlled use that would not otherwise occur. (Ord. 24600.)

**15.10.060 Water from dewatering operations.**

“Water from dewatering operations” means water which is extracted from the ground or a sump to prevent the flooding of a building, structure, or excavation. (Ord. 24600.)

**15.10.070 Syringing.**

“Syringing” means the watering of golf course greens, golf course tees, lawn bowling greens, or tennis greens, for a period not to exceed ten minutes per hour. (Ord. 24600.)

**15.10.080 Landscape irrigation audit.**

“Landscape irrigation audit” means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules. (Ord. 24600.)

**15.10.090 Automatic positive self-closing valve.**

“Automatic positive self-closing valve” is a valve that requires a person using a hose to apply and maintain pressure at the outlet end of the hose to activate the flow of water. (Ord. 24600.)

**15.10.095 Director.**

Except as otherwise explicitly stated, “director” means the director of the environmental services department. (Ord. 24600.)

**Part 2  
WATER WASTE PREVENTION**

**Sections:**

- 15.10.200 Water waste prevention.**
- 15.10.210 Repair of plumbing, sprinkler and irrigation systems.**
- 15.10.220 Water run-off prohibited.**
- 15.10.230 Restaurants, banquet facilities, hotels and dining facilities.**
- 15.10.240 Cleaning of structures and surfaces.**
- 15.10.250 Washing of vehicles.**
- 15.10.255 Commercial car washes.**
- 15.10.260 Building and construction.**
- 15.10.270 Hydrants.**
- 15.10.290 Landscape irrigation.**
- 15.10.295 Use of reclaimed water.**

**15.10.200 Water waste prevention.**

A. The regulations in this part are intended to be permanent water conservation measures and to apply to the use of water from all sources on an on-going basis.

- B. No person shall waste water from any source nor shall any person allow such water wastage.
- C. No person shall use any water from any source, or continue the use of any water from any source, in any way prohibited by this chapter. (Ord. 24600.)

**15.10.210 Repair of plumbing, sprinkler and irrigation systems.**

- A. No owner or manager or other person responsible for the day-to-day operation of any premises shall fail to initiate repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems within five (5) working days after the owner, manager or other responsible person knew or should have known of such leaks, breaks or defects.
- B. No owner or manager or other person responsible for the day-to-day operation of any premises shall fail to complete repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, as soon as practical after initiation of such repair. (Ord. 24600.)

**15.10.220 Water run-off prohibited.**

- A. No person shall use any water in any manner which results in run-off onto sidewalks, driveways, gutters or streets, except for water used in accordance with Sections 15.10.240 or 15.10.250.
- B. No person shall use any water in any manner which results in run-off beyond the immediate area of use, or the pooling or puddling of water, except for water used in accordance with Sections 15.10.240 or 15.10.250. (Ord. 24600.)

**15.10.230 Restaurants, banquet facilities, hotels and dining facilities.**

No person shall provide any water to any customer at any restaurant, banquet facility, hotel or commercial dining facility unless and until the customer requests water. (Ord. 24600.)

**15.10.240 Cleaning of structures and surfaces.**

No person shall use water through a hose to clean the exterior of any building or any structure or to clean sidewalks, driveways, patios, decks, tennis courts, parking lots or any other exterior paved or hard-surfaced areas, unless such hose is equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.250 Washing of vehicles.**

No person shall use any water through a hose to wash any car, truck, boat, trailer, bus, recreational vehicle, camper, or any other vehicle, or any portion thereof, unless such hose is equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.255 Commercial car washes.**

No owner, manager or employee of a commercial car wash facility shall use any water to wash, or allow or permit the use of any water to wash, any car, truck, boat, trailer, bus, recreation vehicle, camper or any other vehicle, or any portion thereof, except if such person can demonstrate that such washing is exclusively by one of the following methods:

- A. Use of mechanical automatic car wash facilities utilizing water recycling equipment.
- B. Use of a bucket and handwashing.
- C. Use of a hose equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.260 Building and construction.**

No person shall use, permit or allow the use of potable water for building or construction purposes, such as consolidation of backfill or dust control, without a prior approved written exception from the city. (Ord. 24600.)

**15.10.270 Hydrants.**

No person, except a water company for the purpose of necessary hydrant or water distribution system maintenance, or under the direction of the city's fire chief for firefighting or fire sprinkler maintenance, shall use, permit or allow the use of any water or flushing of any water from any fire hydrant, without a prior approved written exception from the city. (Ord. 24600.)

**15.10.290 Landscape irrigation.**

A. No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping at any time between the hours of 8:00 a.m. and 6:00 p.m. during Pacific Daylight Savings Time, or between the hours of 10:00 a.m. and 3:00 p.m. during Pacific Standard Time, unless the person using or allowing the use of the water is using a bucket, hand-carried container, or a hose equipped with an automatic positive self-closing valve.

B. The restrictions on landscape irrigation contained in this section do not apply to the following activities:

- 1. Syringing of golf course greens, golf course tees, lawn bowling greens or lawn tennis courts;
- 2. The conduct of a landscape water management audit to provide for the evaluation and adjustment of a landscape irrigation system. (Ord. 24600.)

**15.10.295 Use of reclaimed water.**

No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping, where an irrigation system has been installed to allow for use of reclaimed water and reclaimed water is available to the property for irrigation use. (Ord. 24600.)

**Part 3  
WATER SHORTAGE MEASURES**

**Sections:**

- 15.10.300 Water shortage measures.**
- 15.10.310 Landscape irrigation restrictions.**
- 15.10.320 Restaurants.**
- 15.10.325 Hotels, motels and other lodgings.**
- 15.10.330 Public restrooms.**
- 15.10.340 Cleaning of structures and surfaces.**

- 15.10.350**    **Operation of decorative fountains.**
- 15.10.360**    **New landscape installation.**
- 15.10.365**    **Hydrants.**
- 15.10.370**    **Prohibition on landscape irrigation.**
- 15.10.375**    **Filling pools, spas and fountains.**
- 15.10.380**    **Exception requests.**
- 15.10.390**    **Fee for placards.**

**15.10.300    Water shortage measures.**

- A.    The city council may, by resolution, declare a state of water shortage whenever it finds that water supplies are expected to be inadequate to meet at least ninety percent of projected water demand, or whenever a minimum conservation level of ten percent or more has been established by the Santa Clara Valley Water District.
- B.    In adopting such a resolution, the city council may declare whether the water shortage is a ten percent shortage; a twenty percent shortage; a thirty percent shortage; or a forty percent shortage. In the event that a water shortage resolution adopted by the city council fails to declare the level of water shortage, the resolution shall be deemed to be a resolution of a ten percent water shortage.
- C.    In addition to the requirements of Part 2 of this chapter, the provisions of this Part 3 shall apply to all uses of water for such period of time as a water shortage resolution adopted by the council remains in effect. (Ord. 24600.)

**15.10.310    Landscape irrigation restrictions.**

- A.    After adoption by the city council of a resolution declaring a ten percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any outdoor landscaping at any time between the hours of 8:00 a.m. and 6:00 p.m. during Pacific Daylight Savings Time, or between the hours of 10:00 a.m. and 3:00 p.m. during Pacific Standard Time, except for the purpose of syringing of golf course greens, golf course tees, lawn bowling greens or lawn tennis courts.
- B.    After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any landscaping, except for the purpose of syringing golf course greens, or golf course tees, lawn bowling greens or lawn tennis courts.
- C.    The restrictions on landscape irrigation contained in subsections A. and B. above do not apply to the use of water for the purpose of conducting a landscape water management audit to provide for the evaluation and adjustment of a landscape irrigation system. (Ord. 24600.)

**15.10.320    Restaurants.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every restaurant, banquet facility or dining facility shall display "NOTICE OF WATER SHORTAGE" information in conspicuous places upon such premises, including every restroom. The information shall be conveyed by placard, menu message, decal or other form approved or provided by the director. (Ord. 24600.)

**15.10.325 Hotels, motels and other lodgings.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and every other short-term commercial lodging shall post "NOTICE OF WATER SHORTAGE" information in every guest room, in a form approved or provided by the director. (Ord. 24600.)

**15.10.330 Public restrooms.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every facility with a restroom on the premises open to the public shall post in every such public restroom a placard or decal with "NOTICE OF WATER SHORTAGE" information in a form approved or provided by the director. (Ord. 24600.)

**15.10.340 Cleaning of structures and surfaces.**

After adoption by the city council of a resolution declaring a twenty percent or greater water shortage, it shall be unlawful for any person to:

A. Use potable water, except by the use of a bucket, to clean sidewalks, driveways, patios, decks, tennis courts, parking lots or any other exterior paved or hard-surfaced areas, without a prior approved written exception from the director.

B. Use potable water, except by the use of a bucket, to clean the exterior of any building or structure, except as surface preparation for the application of any architectural coating, or in connection with waxing, without a prior approved written exception from the director. For purposes of this section, "structures" includes mobile homes and manufactured homes. (Ord. 24600.)

**15.10.350 Operation of decorative fountains.**

After the adoption by the city council of a resolution declaring a twenty percent or greater water shortage, it shall be unlawful for any person to operate any decorative fountain with potable water unless such decorative fountain is recirculating, non-misting and fully lined. (Ord. 24600.)

**15.10.360 New landscape installation.**

After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person to install new outdoor landscaping, or plantings, during the months of May through October. (Ord. 24600.)

**15.10.365 Hydrants.**

After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person, except a water company for the purpose of necessary hydrant or water distribution system maintenance, or under the direction of the city's fire chief for firefighting or fire sprinkler maintenance, to use or allow the use of any water or flushing of any water from any fire hydrant. (Ord. 24600.)

**15.10.370 Prohibition on landscape irrigation.**

After adoption by the city council of a resolution declaring a forty percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any outdoor landscaping. (Ord. 24600.)

**15.10.375 Filling pools, spas and fountains.**

After adoption by the city council of a resolution declaring a forty percent or greater water shortage, it shall be unlawful for any person to fill any swimming pool, fountain or spa. (Ord. 24600.)

**15.10.380 Exception requests.**

A. Any person seeking an exception to the use of potable water under any provision of this chapter shall file a written request for exception on a form provided by the city, documenting the reasons why there is no other alternative to the use of potable water for the specified purpose, and why no other source of water, such as reclaimed water or water from dewatering operations, can be used.

B. Any request for exception filed under this section shall be accompanied by an exception review fee. The amount of the exception review fee shall be as set forth in the schedule of fees established by resolution of the city council.

C. No request for an exception shall be accepted for review until the fee has been paid.

D. Requests for exceptions shall be filed with the director of environmental services, except that requests under Section 15.10.260 shall be filed with the director of public works.

E. No exception shall be granted unless the director of the department with which it is required to be filed determines that there is no other alternative to potable water reasonably available for the specified purpose, and that no other source of water, such as reclaimed water or water from dewatering operations, can reasonably be used.

F. The directors of environmental services and public works are authorized to promulgate joint guidelines for determining when other alternative sources of water will be considered reasonably available. (Ord. 24600.)

**15.10.390 Fee for placards.**

Whenever the director provides placards or decals to businesses for use in compliance with this chapter, the director shall first collect from such businesses a fee as set forth in the schedule of fees adopted by resolution of the city council. (Ord. 24600.)

**Part 4  
WATER MANAGEMENT**

**Sections:**

- 15.10.400 Landscape irrigation audit required.**
- 15.10.410 Certificate in lieu of landscape irrigation audit.**
- 15.10.420 Format and filing of audits and certificates.**
- 15.10.430 Due date for audits and certificates.**

**15.10.400 Landscape irrigation audit required.**

The owner of any property that is subject to the requirements of Chapter 15.11 of this code, and any owner of property having a landscaped area (as defined in Section 15.11.126) of one acre or more, including golf courses, green belts, common areas, multifamily housing, schools, businesses, parks, cemeteries, and publicly owned landscapes, shall cause a landscape irrigation audit of the property to be performed at least every five years. (Ord. 24600.)

**15.10.410 Certificate in lieu of landscape irrigation audit.**

A. If a landscaped area is using no more than twenty-two and one-half gallons of water per year per square foot, in lieu of an audit, the owner of the property may file a certificate, under penalty of perjury, stating that the area is using no more than twenty-two and one-half gallons of water per square foot per year.

B. The certificate shall be supported by a calculation of the average annual water usage for the area, based on water bills, covering at least one year, and no more than five years, immediately preceding the date on which a landscape irrigation audit would otherwise be due. (Ord. 24600.)

**15.10.420 Format and filing of audits and certificates.**

Landscape irrigation audits and certificates shall be filed with the director. The form of the audit and certificate and the information and data to be provided thereby shall be as prescribed by the director. (Ord. 24600.)

**15.10.430 Due date for audits and certificates.**

A. For landscaped areas in existence on January 1, 1993, landscape irrigation audits shall be due on June 1, 1998, and every five years thereafter.

B. For landscaped areas installed after January 1, 1993, audits shall be due sixty-six months after installation of the landscaped area, and every five years thereafter. (Ord. 24600.)

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# APPENDIX C



ORDINANCE NO. 89-1

PROVIDING FOR THE REGULATION OF GROUNDWATER EXTRACTION  
WITHIN SANTA CLARA VALLEY WATER DISTRICT

The Board of Directors of Santa Clara Valley Water District do hereby enact as follows:

ARTICLE I

Sec. 1. Pursuant to grant of authority by the Santa Clara Valley Water District Act of the State of California, the Board of Directors, in order to conserve water for present and future use within the District, to prevent damaging diminution in the subterranean supply of water useful and of common benefit to the lands and people of the District, and in particular to prevent the occurrence of land surface subsidence and other permanently injurious consequences of groundwater overdraft in periods of drought, the following rules shall be in force from and after the effective date of this Ordinance.

ARTICLE II

Sec. 1. To establish a program of regulation of groundwater extraction, the Board of Directors shall adopt a resolution specifying its intention to undertake such a program, describing the same with reasonable particularity, together with the perceived ground or grounds requiring its imposition, and fixing a time and place for public hearing thereof. Notice shall be given by publication of said resolution pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the District. The publication of said notice shall be at least seven days before said hearing. Said resolution shall designate at least one public place where a copy or copies of the program of regulation may be seen by any interested person. The copy or copies shall be so available at least one week prior to said hearing.

ARTICLE III

Sec. 1. At the time and place fixed for said hearing or at any time to which said hearing may be continued, the Board must receive and make a record of substantial evidence tending to show that the underlying source of groundwater of the District is immediately endangered and that regulation in the form, manner and degree and for the period proposed is necessary to avoid permanent damage thereto in the form of diminution, contamination, pollution or compaction of the soils of said underlying source of groundwater.

Sec. 2. At said hearing, or at any time to which said hearing may be continued, the Board shall consider all written and oral objections to the proposed program. Upon the conclusion of the hearing and upon the basis thereof and not otherwise, the Board may abandon the proposed program or adopt the same.

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ARTICLE IV

Sec. 1. A program of regulation of groundwater extraction shall not be adopted except upon a formal finding by the Board that a source of groundwater of the inhabitants of the District is in immediate danger as aforesaid and such a program shall not extend beyond five (5) years from its effective date unless reenacted upon the same proceedings, including notice and public hearing, as specified herein. Such a program may include authority to require a license to (a) use all water wells and/or (b) construct any new water well; to require reporting to the District of water well production; and to control and suspend groundwater extractions at a designated point or points to the extent reasonably calculated and appropriate to meet or reduce the danger so found.

ARTICLE V

Sec. 1. Any program adopted pursuant to this Ordinance is effective upon adoption. Within ten days after its adoption, the program shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation which is printed, published and circulated in the District.

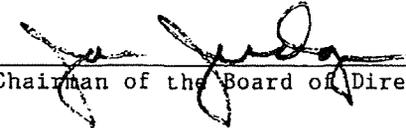
ARTICLE VI

Sec. 1. From and after the publication of a program pursuant to this Ordinance, violation of a requirement of the program of regulation adopted pursuant to this Ordinance is a misdemeanor pursuant to Section 9 of the Santa Clara Valley Water District Act.

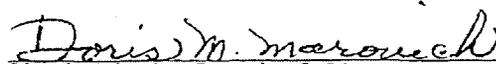
PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District on February 21, 1989, by the following vote:

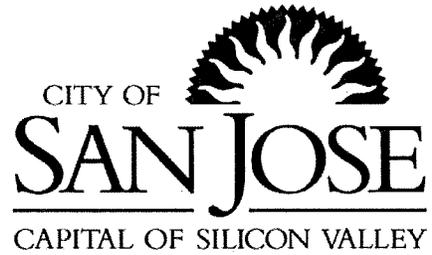
AYES:	Directors	<del>J. DONOHUE</del> P. T. FERRARO R. W. GROSS J. JUDGE J. L. LENIHAN J. PANDIT <del>S. SANCHEZ</del>
NOES:	Directors	S. Sanchez
ABSENT:	Directors	J. Donohue

SANTA CLARA VALLEY WATER DISTRICT

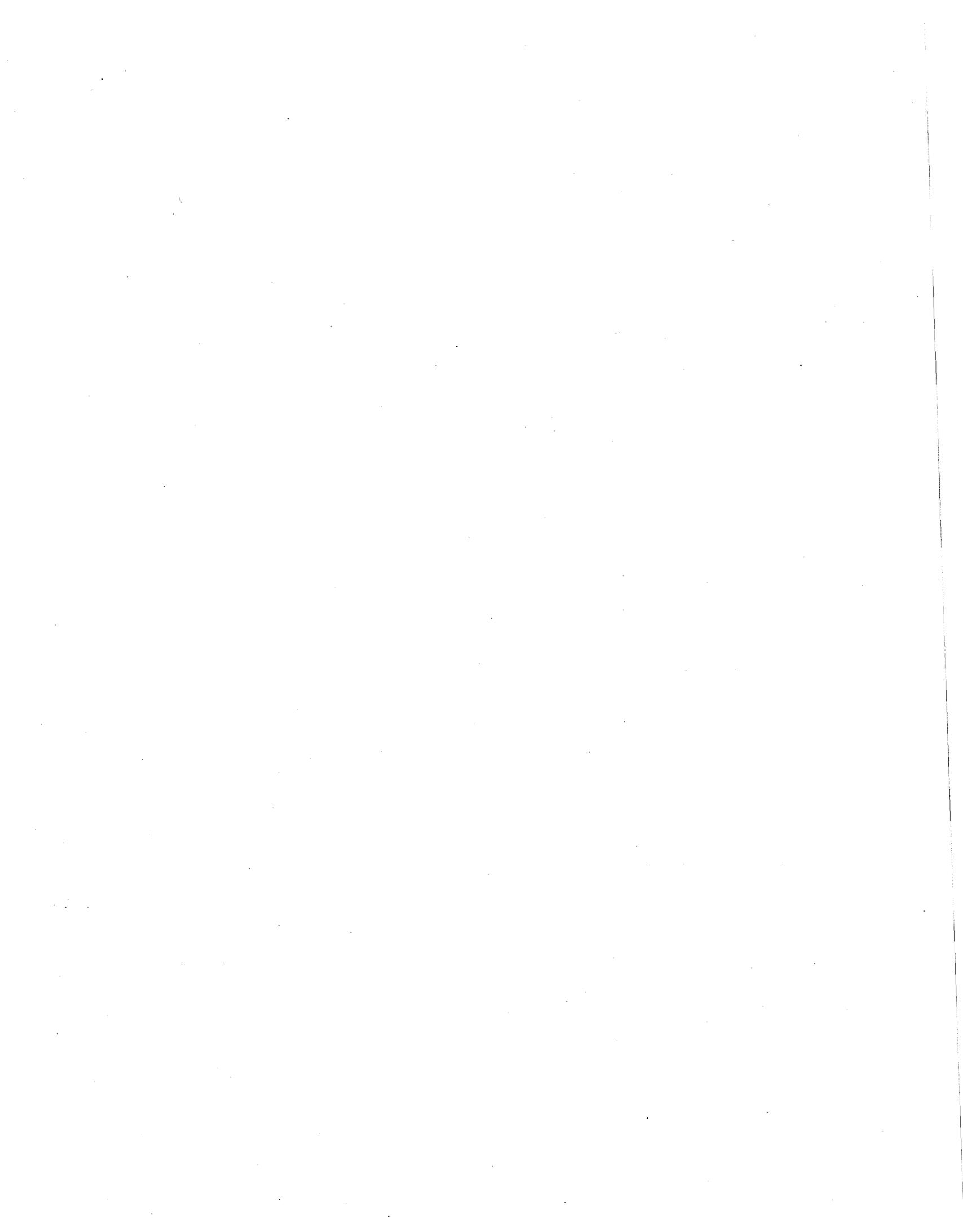
By:   
Chairman of the Board of Directors

ATTEST: SUSAN A. PINO

  
Clerk of the Board of Directors  
ProTem



# APPENDIX D





*Environmental Services Department*  
MUNICIPAL WATER SYSTEM DIVISION

September 9, 2003

Adelio Quiogue  
Department of Health Services  
Drinking Water Field Operations Branch  
2151 Berkeley Way, Room 458  
Berkeley, CA 94704-1011

**Subject: Permit Amendment, San Jose Municipal Water System No. W 4310020  
North Coyote Valley Wells C-21, C-22 and C-23**

Dear Mr. Quigue:

In reference to Permit Amendment for San Jose Municipal Water System No. W4310020 dated June 17, 1988 and following your telephone conversation with Mansour Nasser on August 28, 2003, please find enclosed a copy of plans and specifications for North Coyote Valley Well Facilities. A copy of the Permit Amendment is also enclosed for your reference.

Please note that there is no permanent Chlorination System proposed for these wells. However, should there be a need to chlorinate, SJMWS has included provisions for temporary Chlorination. It should also be noted that there is an existing pump at Well C-23. Presently all services connected to the existing system are non-potable. The proposed well facilities at C-21 and C-22 will supply potable water along with existing Well C-23 to existing and future services. As part of pumping facilities, check valves are installed prior to discharge into the distribution system for all three wells. Furthermore, please note that SJMWS requires all its non-residential customers to install back flow at each metered service point, thus protecting the water mains and water wells from possible cross-connections.

As previously discussed, DSWAP documentation will be forwarded to you once it is completed. In addition, SJMWS will provide you the reports of water quality analysis once the pump stations are built and we can take samples.

Should you have any questions or require further information, please contact Jessica Zadeh or me at (408) 277-3671.

Sincerely,  
  
Robert C. Wilson, P.E.  
Senior Civil Engineer  
San Jose Municipal Water System

Post-It® Fax Note	7671	Date	5-16	# of pages	7
To	maureen reilly	From	MANSOUR NASSER		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	1-510-545-2112	Fax #			

## DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY  
BERKELEY, CALIFORNIA 94704  
(415) 540-2158



June 17, 1988

City of San Jose  
Municipal Water System  
801 North First Street  
San Jose, CA 95110

## PERMIT AMENDMENT

Application of the City of San Jose, filed April 20, 1988, to construct three new municipal water supply wells, in the North Coyote Valley service area of the City's Evergreen System, has been considered by the State Department of Health Services. The application was made in accordance with Section 4019 of the California Health and Safety Code. Enclosed is a copy of an engineering report, dated April 1988, prepared by our Public Water Supply Branch regarding your application.

It is the Finding of the State Department of Health Services that Sections 4010 to 4039.5, inclusive, of the Health and Safety Code can be met by the City of San Jose-Evergreen System with the proposed improvements. This finding is based on the above-cited report. The domestic water supply permit granted to the City of San Jose-Evergreen System on December 20, 1962, is hereby amended to allow use of the new wells, subject to the following conditions:

1. Plans and specifications for the chlorination systems shall be submitted to the Department for review and approval prior to construction.
2. The Department shall be notified of the completion of the new wells and their chlorination systems to determine conformance with approved plans and specification.
3. Reports of complete water quality analyses shall be submitted for approval prior to the use of well water for domestic purposes.
4. The operation of the treatment systems shall be under the direct supervision of a Grade 2 or higher Water Treatment Operator.

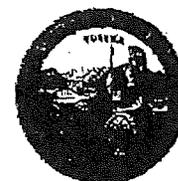
RECEIVED

State of California—Health and Human Services Agency  
Department of Health Services



California  
Department of  
Health Services

**SANDRA SHEWRY**  
Director



**ARNOLD SCHWARZENEGGER**  
Governor

February 14, 2005

Ms. Mary Hoang, P.E.  
Operations and Maintenance Manager  
City of San Jose  
3025 Tuers Road  
San Jose, CA 95121

**RECEIVED**  
FEB 16 2005  
CITY OF SAN JOSE  
MUNICIPAL WATER SYSTEM

Dear Ms. Hoang:

**COYOTE WELL C-23 USE APPROVAL  
CITY OF SAN JOSE, EVERGREEN/EDENVALE WATER SYSTEM (W4310020)**

This is to notify the City of San Jose's (City) Evergreen/Edenvale water system of the results of our review Coyote Well C-23 for use approval.

Pursuant to the conditions of the permit amendment to the Domestic Water Supply Permit of the City, dated June 17, 1988, for the addition and operation of the Coyote wells, the City has submitted the plans and specifications and water quality test results for the Coyote Well C-23. The Department has reviewed these documents and finds that Coyote Well C-23 conform to the accepted plans and specifications for this water facility. In addition, the results of the water quality tests for the wells were found meeting the drinking water standards for regulated and unregulated water constituents. Based on these, the Department hereby allows the use of Coyote Well C-23.

Please note that use approval for the other components of the Coyote improvement project, namely, Coyote Wells C-21 and C-22 and Coyote Water Tank., was granted by the Department through a letter dated October 25, 2004. As is indicated in that Department letter, non-chlorination of the Coyote wells, including Well C-23, was allowed for the present time. However, the letter also indicated that future application of chlorination (disinfection) to the wells, voluntary or as required by the Department, would require the City to formally apply for a permit amendment to its Domestic Water Supply Permit.

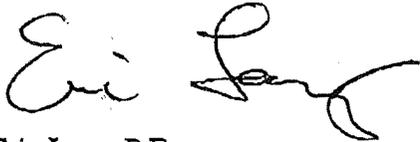
Ms. Mary Hoang, P.E.

Page 2

February 14, 2005

If you have any questions regarding this letter, please contact Adelio B. Quiogue at (510) 540-3100.

Sincerely,



Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Drinking Water Field Operations Branch

cc: Santa Clara County Health Department  
Environmental Health Division

Ms. Jessica Zadeh, P.E.  
City of San Jose  
3025 Tuers Road  
San Jose, CA 95121

Mr. Robert Wilson, P.E.  
City of San Jose  
3025 Tuers Road  
San Jose, CA 95121

State of California—Health and Human Services Agency  
Department of Health Services



California  
Department of  
Health Services  
**SANDRA SHEWRY**  
Director



**ARNOLD SCHWARZENEGGER**  
Governor

RECEIVED  
DEC 3 - 2004

CITY OF SAN JOSE  
MUNICIPAL WATER SYSTEM

Coy 21 & 22  
Permit

December 1, 2004

Ms. Jessica K. Zadeh, P.E.  
Associate Civil Engineer  
San Jose Municipal Water System  
3025 Tuers Road  
San Jose, CA 95121

Dear Ms. Zadeh:

**COYOTE WELL SOURCE AND TCR MONITORING PLANS APPROVAL  
CITY OF SAN JOSE – EVERGREEN WATER SYSTEM (No. 4310020)**

The City of San Jose-Evergreen Water System (City) has submitted, through its letter dated November 8, 2004, the source monitoring plans for its Coyote Wells (Nos. 21, 22, and 23) and a revision to the City's Total Coliform Rule (TCR) monitoring plan for the addition of the Coyote service area for Department review. The use of Coyote Well Nos. 21 and 22 was recently approved by the Department. The use approval for Coyote Well No. 23 remains under consideration by the Department as the City has yet to submit the complete initial water quality test results for the well.

Upon review, the Department finds the source monitoring plans for Coyote Well Nos. 21, 22, and 23 acceptable. Each plan presents the monitoring schedule for the regulated primary and secondary drinking water constituents including general minerals, general physical, inorganic chemicals, volatile and synthetic organic chemicals, and the radionuclides including Ra-228. Further, the Department finds the revised TCR monitoring plan as acceptable. The revised plan covers the Coyote service area through the collection of one routine sample from a designated site every month. The plan also presents the associated set of repeat sampling sites.

With this review and acceptance, implementation of the Coyote Wells' source monitoring plans and the revised TCR monitoring plan shall be effective immediately.

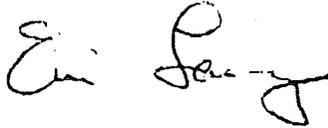
Ms. Jessica K. Zadeh, P.E.

Page 2.

December 1, 2004

If you have any questions, please contact Adelio B. Quiogue at (510) 540-3100.

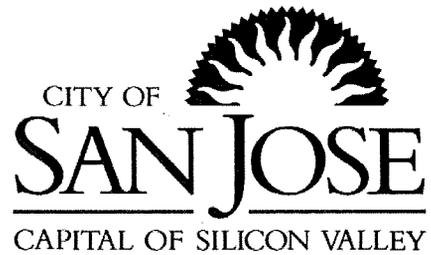
Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy". The signature is written in a cursive style with a long horizontal stroke at the end.

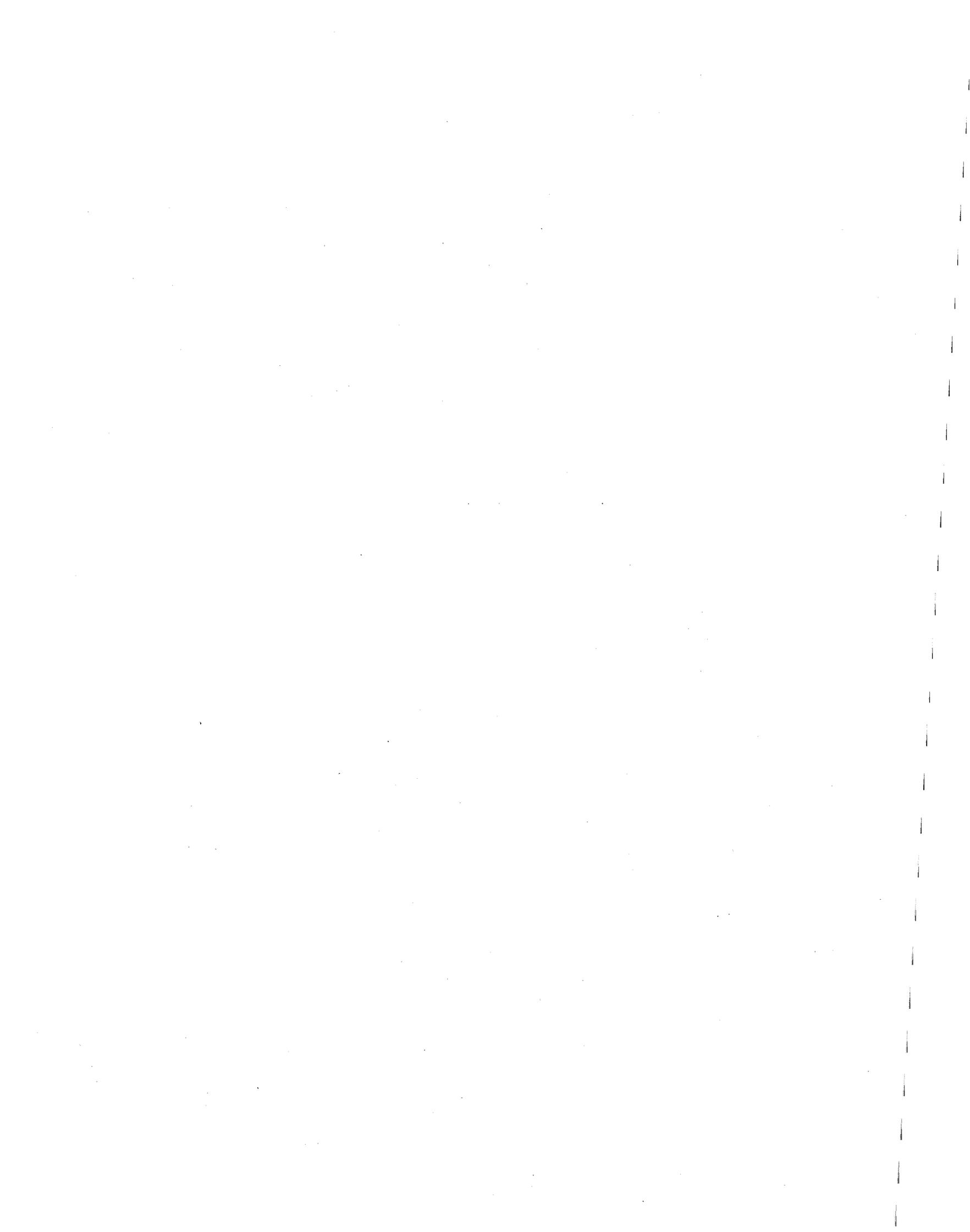
Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Drinking Water Field Operations Branch

cc: Ms. Mary Hoang, P.E.  
San Jose Municipal Water System  
3025 Tuers Road  
San Jose, CA 95121

Santa Clara County Health Department  
Environmental Health Division



# APPENDIX E



Search:

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San José Municipal Code

Title 15 PUBLIC UTILITIES

Chapter 15.08 MUNICIPAL WATER SYSTEM 1

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# Chapter 15.08 MUNICIPAL WATER SYSTEM 1

## Parts:

- [1](#) Definitions
- [2](#) Service Areas
- [2.5](#) Rates and Charges for Potable Water Service
- [3](#) Description of Service
- [4](#) Application for Connection
- [5](#) Fire Hydrants
- [6](#) Service Connections
- [7](#) Fees and Charges
- [8](#) Main Extensions
- [9](#) Water Main Reimbursement Funds
- [10](#) Municipal Water System Major Water Facilities Fee

## Part 1 DEFINITIONS

### Sections:

- [15.08.010](#) Definitions generally.
- [15.08.020](#) Actual costs.
- [15.08.030](#) Applicant.
- [15.08.040](#) Backup facilities.
- [15.08.050](#) City.
- [15.08.060](#) Department.
- [15.08.070](#) Director.

- 15.08.080** Engineering costs.
- 15.08.085** Equivalent dwelling unit.
- 15.08.090** Fiscal year.
- 15.08.100** Land and interest in land.
- 15.08.110** Main extension.
- 15.08.115** Major water facility.
- 15.08.120** Municipal water system.
- 15.08.130** Person.
- 15.08.140** Premises.
- 15.08.150** Private fire protection service.
- 15.08.160** Private fire protection service connection.
- 15.08.165** Projected average daily water use.
- 15.08.170** Public fire hydrants.
- 15.08.180** Public fire hydrant service connection.
- 15.08.190** Rules and regulations.
- 15.08.200** Service area.
- 15.08.205** Special assessment proceeding.
- 15.08.210** Standard service connection.
- 15.08.220** Water mains.
- 15.08.230** Water main area charge and frontage charge.

**15.08.010** Definitions generally.

Unless the context otherwise requires, the words and phrases in this Part 1 shall have the following meanings and shall govern the construction of this Chapter 15.08.

(Prior code § 7600.)

**15.08.020** Actual costs.

“Actual costs” means the cost of labor and materials of installing water mains and service connections and all costs incidental thereto other than engineering costs.

(Prior code § 7600.1.)

**15.08.030 Applicant.**

“Applicant” means a person applying for water service.

(Prior code § 7600.2.)

**15.08.040 Backup facilities.**

“Backup facilities” means sources of water supply, wells, storage reservoirs, standby facilities, meters and meter facilities (excluding individual customer meters), office equipment, operating vehicles, tools and special equipment, water treatment facilities, communication facilities, lands and interests in land.

(Prior code § 7600.3.)

**15.08.050 City.**

“City” means the city of San José, a municipal corporation of the state of California.

(Prior code § 7600.4.)

**15.08.060 Department.**

“Department” means the department of public works of the city.

(Prior code § 7600.5.)

**15.08.070 Director.**

“Director” means the director of public works of the city.

(Prior code § 7600.6.)

**15.08.080 Engineering costs.**

“Engineering costs” as used in this chapter means the costs of preparing detailed plans and specifications for water facilities, inspecting the construction of water facilities, and all overhead and administrative charges attributable to these actions.

(Prior code § 7600.7; Ord. 23975.)

**15.08.085. Equivalent dwelling unit.**

“Equivalent dwelling unit” (EDU) as used in this chapter means any use of land which is projected to use an average of four hundred gallons of water per day from the municipal water system.

(Ord. 23975.)

**15.08.090 Fiscal year.**

“Fiscal year” means a period of twelve months commencing July 1st and ending

June 30th.

(Prior code § 7600.8.)

**15.08.100 Land and interest in land.**

“Land and interest in land” means land owned in fee by the city and used for water facilities, and rights, interests and privileges held by the city such as leaseholds, easements, water rights, diversion rights, subversion rights-of-way, and other like interests in land for the production or transmission of water.

(Prior code § 7600.9.)

**15.08.110 Main extension.**

“Main extension” means the extension of water mains beyond existing facilities.

(Prior code § 7600.10.)

**15.08.115 Major water facility.**

“Major water facility” for purposes of Part 10 of this chapter means any improvement to the municipal water system of the city including, but not limited to, any installation that is used to store, transmit, purify, treat, pressurize, measure, pump or extract water, such as reservoirs, storage tanks, groundwater wells, pump stations, turnout connections to water supply sources, transmission mains, site improvement or appurtenant installations to accommodate growth and development.

(Ord. 23975.)

**15.08.120 Municipal water system.**

“Municipal water system” means the water system consisting of backup facilities, water mains and service connections owned and operated by the city.

(Prior code § 7600.11.)

**15.08.130 Person.**

“Person” means any individual, corporation, association, partnership, or any other private entity, or any governmental agency or body including the federal government, the state, the county, a city (excluding the city of San José), or any of their subdivisions.

(Prior code § 7600.12.)

**15.08.140 Premises.**

“Premises” means the integral property or area, including improvements thereon, to which water service is or is to be provided; and which is undivided by public streets or water mains of the municipal water system, except that such division may be permitted in the case of industrial, agricultural and public or quasi-public institutions, and where all parts of the premises are operated under the same management and for the same purpose.

(Prior code § 7600.13.)

**15.08.150 Private fire protection service.**

“Private fire protection service” means fire protection facilities not owned or operated by a public agency, located on private property, and used solely for the purpose of fire protection and which are regularly inspected by underwriters and which are installed in accordance with specifications approved by the department and which are maintained to the satisfaction of the department.

(Prior code § 7600.14.)

**15.08.160 Private fire protection service connection.**

“Private fire protection service connection” means the pipe or tubing and fittings necessary to conduct water from the water main to the customer's property line for private fire protection service. No meter is included in such service connection, but it does include a detector check meter for the determination of leakage and/or wrongful use of water from the private fire protection facilities.

(Prior code § 7600.15.)

**15.08.165 Projected average daily water use.**

“Projected average daily water use” means the estimate of the likely total annual water use of a premises divided by three hundred sixty-five days. The likely total annual water use shall be determined based on all information provided to the director as well as the use of standardized water use calculations as applied in San José Municipal Code Section 15.16.180 for the treatment plant connection fees. Due consideration shall be given by the director to the use of water conservation measures or devices proposed for use within the structure or development.

(Ord. 23975.)

**15.08.170 Public fire hydrants.**

“Public fire hydrants” means fire hydrants located in public streets or public easements or rights-of-way and which are owned, operated or controlled by a public agency and are connected to the municipal water system.

(Prior code § 7600.16.)

**15.08.180 Public fire hydrant service connection.**

“Public fire hydrant service connection” means the pipe or tubing and fittings necessary to conduct water from the water main to the public fire hydrant. No meter is included in such service connection.

(Prior code § 7600.17.)

**15.08.190 Rules and regulations.**

“Rules and regulations” means rules and regulations for the municipal water system established, adopted or approved by resolution of the city council.

(Prior code § 7600.18.)

#### **15.08.200 Service area.**

“Service area” means the Evergreen Water Service Area, the North San José Water Service Area, or the Alviso Water Service Area described in Part 2 of this chapter.

(Prior code § 7600.19.)

#### **15.08.205 Special assessment proceeding.**

“Special assessment proceeding” shall mean a proceeding whereby real property is made subject to an assessment or special tax, whether contingent or otherwise, which constitutes a lien on the property and which is used to finance public water facilities benefitting the property assessed.

(Ord. 23471.)

#### **15.08.210 Standard service connection.**

“Standard service connection” means the pipe or tubing, fittings, valves, meter and meter boxes necessary to conduct water from the water main to and through the meter or to the curb stop or shut-off valve on an unmetered service connection, to the point where connection is made to facilities of the customer other than public fire hydrant service connections and private fire protection service connections.

(Prior code § 7600.20.)

#### **15.08.220 Water mains.**

“Water mains” means all water lines owned by the city, including necessary appurtenances such as fittings, valves, valve housings, anchors, air vents, vacuum breakers, and blowoff facilities, but excluding backup facilities and service connections.

(Prior code § 7600.21.)

#### **15.08.230 Water main area charge and frontage charge.**

“Water main area charge and frontage charge” means the charge established by this chapter for the privilege of connecting premises to the municipal water system. Such charges may from time to time be increased or decreased by amendment of this chapter.

(Prior code § 7600.22.)

## **Part 2 SERVICE AREAS**

### **Sections:**

#### **15.08.250 Service areas generally.**

**15.08.260** Alviso water service area.

**15.08.265** Edenvale water service area.

**15.08.270** Evergreen water service area.

**15.08.275** Coyote water service area.

**15.08.280** North San José water service area.

**15.08.290** Change in size of areas.

**15.08.300** Connections for property located outside water service area.

**15.08.250** Service areas generally.

The service areas of the municipal water system consist of those areas described in Sections 15.08.260 through 15.08.280.

(Prior code § 1607(part).)

**15.08.260** Alviso water service area.

The Alviso water service area consists of all that territory situate within the boundaries of the former city of Alviso as said boundaries existed immediately prior to the consolidation of said city of Alviso with the city of San José, but only so long as said territory remains part of the city of San José.

(Prior code § 7601(3).)

**15.08.265** Edenvale water service area.

The Edenvale water service area consists of all that territory situated within the boundaries of the city, as said boundaries now exist or may be changed, which lies within the boundaries of that area designated "Edenvale Water Service Area" shown on that certain map entitled, "San José Municipal Water System-Edenvale Water Service Area-Coyote Water Service Area," on file in the office of the city clerk.

(Ord. 22278.)

**15.08.270** Evergreen water service area.

The Evergreen water service area consists of all that territory situate within the boundaries of the city, as said boundaries now exist or may be changed, which lies within the boundaries of that area designated "Evergreen Water Service Area" shown on that certain map entitled "San José Municipal Water System-Evergreen Water Service Area," on file in the office of the city clerk, and all that territory situate within the service area of the Evergreen Water Co., Inc., a California corporation, at the time of acquisition thereof by the city.

(Prior code § 7601(1).)

**15.08.275** Coyote water service area.

The Coyote water service area consists of all that territory situated within the boundaries of the city, as said boundaries now exist or may be changed, which lies within the boundaries of that [area] designated "Coyote Water Service Area" shown on that certain map entitled, "San José Municipal Water System-Edenvale Water Service Area-Coyote Water Service Area," on file in the office of the city clerk.

(Ord. 22278.)

#### **15.08.280 North San José water service area.**

The North San José water service area consists of all that territory situate within the boundaries of the city, county of Santa Clara, as said boundaries exist now or may be changed, which lies within the hereinafter described area:

Generally the area north of Brokaw Road, between Guadalupe River and Coyote Creek, to the northerly boundary of Santa Clara County, more particularly described as follows:

Beginning at a point where the Guadalupe River crosses the Bayshore Freeway (101), said point being the point of beginning of this description; thence continuing generally northerly along said centerline of the Guadalupe River to a point southerly of the Mountain View-Alviso Road, where the city of San José city limit line intersects the Guadalupe River; thence along the city of San José city limit line generally north and northwest to a point in the centerline of Coyote Creek which is a common point in the boundaries of the city of San José, city of Sunnyvale, county of Santa Clara, and county of Alameda; thence generally easterly along the centerline of Coyote Creek being also the common boundary between the county of Santa Clara and the county of Alameda to a point which is a common point in the boundaries of the county of Santa Clara, county of Alameda, the city of Fremont, and the city of Milpitas; thence generally southerly along the centerline of Coyote Creek to a point in the centerline of Nimitz Freeway; thence along the centerline of Nimitz Freeway to the centerline of Brokaw Road; thence generally west along centerline of Brokaw Road westerly to the true point of beginning, excepting therefrom all that territory located within the boundaries of the former city of Alviso as said boundaries existed immediately prior to the consolidation of said city of Alviso with the city of San José.

(Prior code § 7601(2).)

#### **15.08.290 Change in size of areas.**

The city council may from time to time enlarge or reduce the size of said water service areas by amendment of the provisions set forth in this Part 2.

(Prior code § 7601.1.)

#### **15.08.300 Connections for property located outside water service area.**

A. Notwithstanding any other provisions of Chapter 15.08 to the contrary, the provisions of this section shall apply to and control applications to connect property located outside the boundaries of the service area of the San José municipal water system.

B. Application to connect property located outside the boundaries of the service area of the San José municipal water system, and outside the boundaries of the city, may be granted only if all of the following conditions exist:

1. There is a failure of an existing water supply to the property and there is no other source of water supply available to the property; and
2. The applicant is the owner of the property to be served or a duly organized mutual water company that is a state small water system, as defined in the California Water Code; and
3. The applicant will own and be responsible for all costs of construction, operation and maintenance of facilities located outside the service area of the San José municipal water system.
4. If the property to be served is located adjacent to or coterminous to the boundaries of the city, the applicant has filed an application for annexation of the property to be served into the city of San José, and the applicant has waived any and all rights to a San José municipal water system water connection in the event annexation of applicant's property does not take place.
5. Water served by the municipal water system will only be used to serve uses existing on the property at the time of commencement of the service.

C. Application to connect property located outside the boundaries of the service area of the San José municipal water system, and within the boundaries of the city, may be granted only if all of the following conditions exist:

1. There is a failure of an existing water supply to the property or there is no other source of water supply available to the property; and
2. The applicant is the owner of the property to be served or a duly organized mutual water company that is a state small water system, as defined in the California Water Code; and
3. The applicant will own and be responsible for all costs of construction, operation and maintenance of facilities located outside the service area of the San José municipal water system.

D. The granting of a water connection to property located outside the service area of the San José municipal water system is hereby declared to be a mere privilege revocable at the pleasure of the council, and this privilege may be granted or withheld in the absolute discretion of the city council.

E. Nothing contained herein shall be construed as limiting the discretionary power of the city. The council, in the exercise of its discretion, specifically reserves the right to require the fulfillment of conditions in addition to those specified herein. The council expressly reserves the right to withhold permission in any case where in its opinion the best interests of the people of the city will be served thereby.

(Prior code § 7601.2; Ords. 18670, 25962.)

## **Part 2.5**

### **RATES AND CHARGES FOR POTABLE WATER**

## SERVICE

### Sections:

**15.08.310 Purpose of rates and charges.**

**15.08.320 Establishment of potable rates and charges.**

### **15.08.310 Purpose of rates and charges.**

The purpose of the provisions of this Part 2.5, and the potable water rates and charges to be established pursuant to this Part 2.5, is to generate revenue sufficient to make the expenditures required under subsections A., B. and C. of Section 4.80.630 of this code and to generate such additional revenue as may be allowable under subsection D. of Section 4.80.630 of this code. Any rate increase for the express purpose of increasing transfers to the general fund to meet the maximum amounts allowed in Section 4.80.630D.2. is prohibited.  
(Ord. 26903.)

### **15.08.320 Establishment of potable rates and charges.**

A. Rates and charges for potable water service, including meter charges and quantity rates, shall be established from time to time by resolution of the city council.

B. Rates and charges for potable water service may vary by water service area, and by zone within a water service area.

C. Written notice of any proposed increase in rates and charges for potable water services shall be provided in advance of approval of any rate or charge increase, as follows:

1. Notice shall be published in a newspaper of general circulation at least fifteen days in advance of city council consideration of such increase.

2. Notice shall be sent directly to the customer with the customer's regular water bill if a bill is due to be sent to the customer between the time an increase is proposed and the increase is scheduled to be considered by the city council.

(Ord. 26903.)

## **Part 3 DESCRIPTION OF SERVICE**

### Sections:

**15.08.350 Quality of water.**

**15.08.360 Quantity of supply - Continuity.**

**15.08.370 Quantity of supply - Measurement.**

**15.08.380 Normal operating pressure.**

**15.08.390 Apportionment of supply during times of shortage.****15.08.400 Scheduled interruptions.****15.08.410 Emergency interruptions.****15.08.350 Quality of water.**

Whenever furnished for human consumption or for domestic uses, the city will endeavor to provide water that is wholesome, potable, in no way harmful or dangerous to health and, insofar as practicable, free from objectionable odors, taste, color and turbidity.

(Prior code § 7602.2.)

**15.08.360 Quantity of supply - Continuity.**

The city will endeavor to supply water dependably and safely in adequate quantities to meet the reasonable needs and requirements of customers. It cannot, however, guarantee complete freedom from interruption.

(Prior code § 7602.)

**15.08.370 Quantity of supply - Measurement.**

All water supplied to customers will be measured by means of suitable standard water meters, unless flat rates are in effect. A cubic foot will be the unit of measurement.

(Prior code § 7602.3.)

**15.08.380 Normal operating pressure.**

The city will endeavor to maintain normal operating pressures in the municipal water system of not less than twenty-five pounds per square inch nor more than one hundred fifty pounds per square inch at the service, except that during periods of maximum demand the pressure may be less than twenty-five pounds per square inch and during periods of minimum demand pressures may exceed one hundred fifty pounds per square inch. Additionally, in certain areas of the municipal water system where full development of the system has not occurred, pressures of less than twenty-five pounds per square inch may be encountered. It shall be the applicant's responsibility to obtain information from the department concerning the water pressures to be encountered in the area to be served. It shall also be the applicant's responsibility to provide and maintain any pressure-reducing devices required.

(Prior code § 7602.1.)

**15.08.390 Apportionment of supply during times of shortage.**

During times of threatened or actual water shortage, the city will apportion the available water supply among its customers in the manner that appears most equitable under circumstances then prevailing, and with due regard to public health and safety.

(Prior code § 7602.6.)

**15.08.400 Scheduled interruptions.**

Whenever it is necessary to schedule an interruption to its service, the department will, where feasible, notify all customers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide least inconvenience to the customers consistent with reasonable water service operation.

(Prior code § 7602.5.)

**15.08.410 Emergency interruptions.**

The city will make all reasonable efforts to prevent interruptions to service and when such interruptions occur will endeavor to reestablish service with the shortest possible delay consistent with the safety to its customers and the general public.

(Prior code § 7602.4.)

**Part 4  
APPLICATION FOR CONNECTION**

**Sections:**

**15.08.450 Connection without permit or agreement prohibited.**

**15.08.460 Contents of application.**

**15.08.470 Permit - Issuance conditions.**

**15.08.480 Individual service connections required when.**

**15.08.490 Service to multiple units on same premises.**

**15.08.500 Resale of water.**

**15.08.450 Connection without permit or agreement prohibited.**

A. No person shall make connection, either directly or indirectly, to the municipal water system without first making an application therefor and either obtaining a permit from the director or making such connection pursuant to a main extension agreement.

B. Only premises located within the water service areas may be served from the municipal water system.

(Prior code § 7603.)

**15.08.460 Contents of application.**

Applications for connection to the municipal water system shall be made in writing to the department, shall be signed by the applicant, and shall contain the

following:

- A. Date of application;
- B. Location and description of premises to be served;
- C. Date applicant will be ready for service;
- D. Purpose for which service is to be used;
- E. Address of applicant;
- F. Whether applicant is owner, tenant or agent;
- G. Such other information as the department may reasonably require.

(Prior code § 7603.1.)

#### **15.08.470 Permit - Issuance conditions.**

Except in those instances where an agreement is required by other provisions of this chapter, and except where the director determines that there is insufficient water supply to provide adequate service to premises or that the water system master plans do not provide for the requested service to such premises, if the applicant has paid all fees and charges and done all other things required by the rules and regulations and by this chapter, the director shall issue a written permit for such connection.

(Prior code § 7603.2.)

#### **15.08.480 Individual service connections required when.**

Separate premises under a single control or management will be provided water service through separate individual service connections unless the department in its sole discretion elects otherwise.

(Prior code § 7603.3.)

#### **15.08.490 Service to multiple units on same premises.**

A. Separate houses, buildings or living or business quarters on the same premises or on adjoining premises under a single control or management may be served at the option of the department in its sole discretion by either of the following methods:

1. Through separate service connections to each or any such separate house, building, or living or business quarters;
2. Through a single service connection to supply the entire premises.

B. The responsibility for payment of charges for all service furnished to combined units through a single service connection, in accordance with these rules, must be assumed by the applicant.

(Prior code § 7603.4.)

**15.08.500 Resale of water.**

Except by special agreement with the city upon such terms as the city elects, no person shall resell any of the water provided from the municipal water system nor shall such water be transmitted to premises or used upon premises other than those specified in such person's application for service.

(Prior code § 7603.5.)

**Part 5  
FIRE HYDRANTS****Sections:**

**15.08.550 Taking water from public fire hydrants - Permit and other requirements.**

**15.08.550 Taking water from public fire hydrants - Permit and other requirements.**

No person shall take water from a public fire hydrant connected to the municipal water system, except a public agency, charged with the duty of providing fire protection service, within whose geographical jurisdiction such fire hydrant is located, without first obtaining a permit, paying all fees and charges, and otherwise complying with applicable rules and regulations therefor.

(Prior code § 7603.20.)

**Part 6  
SERVICE CONNECTIONS****Sections:**

**15.08.600 Standard service connections - Fees and charges -Installation time.**

**15.08.610 Public fire hydrants - Fees and charges - Installation by city when - Location.**

**15.08.620 Private fire protection service connection - Fees and charges - Installation by city.**

**15.08.630 Private fire protection service connection - Using water for other purposes prohibited.**

**15.08.640 Location of service connections.**

**15.08.650 Location for delivery of water.**

**15.08.660 Connection remains city property when.**

**15.08.670 Customer responsibilities.**

**15.08.680 City access to customer premises.**

**15.08.690 Loss or damage - City and customer responsibility.**

**15.08.600 Standard service connections - Fees and charges - Installation time.**

A. An applicant for a standard service connection, other than an applicant who installs a standard service connection pursuant to a main extension agreement, shall pay to the city the following:

1. The area charge and frontage charge prescribed by Part 7 of this chapter;
2. The cost of installation of each standard service connection including the actual cost of the service lateral and the cost of restoration of roadway and sidewalks, plus fifteen percent thereof for engineering services, plus the applicable charges as set forth in subsection A. of Section 15.08.820 for the meter.
3. The major water facilities fee described in Part 10 of this chapter.

B. Prior to installation of the standard service connection, the applicant shall deposit a sum sufficient to pay the costs described in paragraph A.2. of this section as estimated by the director. Upon completion of installment, any funds remaining from the deposit shall be returned to the applicant. If during installation the director determines that funds in addition to the initial deposit are required, notice of the additional funds required shall be sent to the applicant. The applicant shall pay to the city within ten days of dispatch of the notice such additional funds as are set forth in the notice.

C. In areas within a service area which do not have dedicated front or rear streets or appropriate easements, standard service connections and private fire protection service connections shall be installed at a convenient point at or near the applicant's property.

(Prior code § 7604; Ord. 23975.)

**15.08.610 Public fire hydrants - Fees and charges - Installation by city when - Location.**

A. Any person who is obligated by any law or ordinance, resolution, rule or regulation to provide a public fire hydrant, or who requests that such public fire hydrant be provided, or requests the relocation of an existing public fire hydrant (other than an applicant who is required to install a public fire hydrant service connection pursuant to a main extension agreement) shall pay to the city the following:

1. For the public fire hydrant service connection (which does not include a meter) actual cost plus fifteen percent thereof for engineering costs incurred by city;
2. For the public fire hydrant installed, actual cost incurred by the city plus ten percent thereof for handling and installation, or if relocation of an existing hydrant actual cost of installation of the fire hydrant.

B. The public fire hydrant and service connection shall be installed by city.

C. Payment for the service connection and fire hydrant shall be made in advance of installation on the basis of estimates prepared by the department. At the completion of the installation, if the amount paid exceeds the cost of installation and engineering fees, such excess shall be refunded to the person who made payment; if the cost of installation plus engineering exceeds the amount deposited, such person shall upon demand pay such excess to the city.

D. Public fire hydrants shall be located and installed, maintained and inspected in accordance with the requirements of the department. The location of all public fire hydrants shall be approved by the chief of the fire department of the city.

(Prior code § 7604.1.)

**15.08.620 Private fire protection service connection -Fees and charges - Installation by city.**

A. An applicant for a private fire protection service connection, other than an applicant who installs a private fire protection service connection pursuant to a main extension agreement, shall pay to the city the following fees and charges:

1. The area charge and frontage charge prescribed by Part 7, if not paid pursuant to other provisions of this chapter;
2. The actual cost of installation of the service connection plus fifteen percent thereof for engineering costs incurred by city.

B. Payment for said service connection shall be made in advance of installation on the basis of estimates prepared by the department. At the completion of the installation, if the amount paid exceeds the cost of installation and engineering fees, such excess shall be refunded to the person who made payment; if the cost of installation plus engineering exceeds the amount deposited, such person shall upon demand pay such excess to city.

C. The city shall furnish and install such private fire protection service connections within a reasonable time after the payment of said fees and charges and issuance of a connection permit, and subject to the availability of materials.

(Prior code § 7604.2.)

**15.08.630 Private fire protection service connection -Using water for other purposes prohibited.**

No person shall use water from a private fire protection service connection except for fire protection purposes.

(Prior code § 7604.3.)

**15.08.640 Location of service connections.**

A. In urban areas within a service area, and with dedicated front or rear streets, or appropriate easements, standard service connections and private fire protection service connections will be installed at a convenient place within such roadway or easement or inside the customer's property line, as specified by the department.

B. In areas within a service area which do not have dedicated front or rear streets or appropriate easements, standard service connections and private fire protection service connections shall be installed at a convenient point at or near the applicant's property.

C. All service connections shall be readily accessible from the public street and no service connection shall be installed such that the meter will be more than twenty-five feet from a traveled way over which water system maintenance vehicles can traverse without difficulty or damage to property. If any encroachment permit is needed to install such service connection, the applicant shall obtain such encroachment permit or assist the city in obtaining such encroachment permit. All installations shall be approved as to type, size and location by the director.

(Prior code § 7604.4.)

#### **15.08.650 Location for delivery of water.**

The service connection will determine the point of delivery of water service to the customer.

(Prior code § 7604.5.)

#### **15.08.660 Connection remains city property when.**

Whenever a service connection is installed wholly or partially upon a customer's premises, the service connection shall remain the property of city. No rent or other charge will be paid by the city where such service connections are located on a customer's premises.

(Prior code § 7604.7.)

#### **15.08.670 Customer responsibilities.**

A. It shall be an applicant's responsibility to furnish and install the necessary piping to make the connection from a standard service connection or a private fire protection service connection to the place of consumption, and applicant shall keep such piping in good repair and in accordance with any requirements imposed by this chapter or by rules and regulations adopted by city. In addition, applicant shall furnish and install a main valve on the piping between such service connection and the point of customer's use.

B. The customer shall not install any quick-closing valve or other equipment or devices upon his premises which will cause excessive pressure surges in the water mains.

C. The customer shall notify the department in writing upon making any change in the area being serviced or upon making any material change in the size, character or extent of the equipment or operations for which the water service is utilized.

D. The customer shall be responsible for obtaining from the city information concerning the water pressures to be encountered in the area to be served, and for providing and maintaining any pressure-controlling devices required. If a customer receiving service at the city main or service connection must by means of a pump of any kind elevate or increase the pressure of the water received, the pump shall not be

attached to any pipe directly connected to the city's main or service pipe. Such pumping or boosting of pressure shall be done from a sump, cistern or storage tank which may be served by, but not directly connected with the city's distribution facilities.

(Prior code § 7604.6.)

**15.08.680 City access to customer premises.**

The city and its authorized representatives shall at all reasonable hours have access to meters, service connections and other water facilities owned by city which may be located on customer's premises for purposes of installation, maintenance, operation, removal and other purposes incidental to the operation of the municipal water system. The customer's water system shall be open for inspection at all reasonable times to authorized representatives of city.

(Prior code § 7604.8.)

**15.08.690 Loss or damage - City and customer responsibility.**

- A. The city will not be responsible for any loss or damage caused by any negligence or wrongful act of a customer or of a customer's authorized representatives in installing, maintaining, operating or using any or all appliances, facilities or equipment for which service is supplied.
- B. The customer will be held responsible for damage to the city's meters and other property resulting from the use or operation of appliances and facilities on customer's premises, including but not limited to damage caused by steam, hot water or chemicals.

(Prior code § 7604.9.)

**Part 7  
FEES AND CHARGES**

**Sections:**

**15.08.700 Water main area charge and frontage charge - Designated - Procedure for determination.**

**15.08.710 Adjustments and exceptions.**

**15.08.720 Amendment of fees and charges.**

**15.08.700 Water main area charge and frontage charge -Designated - Procedure for determination.**

Any person who makes application for water service from the municipal water system, and other than in situations requiring extension of water mains, shall as a condition precedent to the issuance of a connection permit, or if made pursuant to a main extension agreement as a condition of such agreement, and if the main extension is needed to serve a proposed subdivision as a condition precedent to the recordation of a final subdivision map, pay to city the following water main area

charge and frontage charge:

A. Area charge: Five hundred dollars per acre for premises to be served other than public school, three hundred seventy-five dollars per acre for public school premises.

B. Frontage charge:

1. In areas where the city of San José fire department has determined fire flows required under Chapter 17.16, Fire Protection for New Construction to be four thousand gallons per minute (GPM) or less:

a. Existing six-inch diameter or smaller water lines, four dollars and fifty cents per front foot of premises fronting on existing lines.

b. Existing eight-inch diameter or larger water lines, six dollars per front foot of premises fronting on existing lines.

2. In areas where the city of San José fire department has determined fire flows as under Chapter 17.16, Fire Protection for New Construction to be over four thousand gallons per minute (GPM):

a. Existing six-inch diameter or smaller water lines, four dollars and fifty cents per front foot of premises fronting on existing lines.

b. Existing eight-inch diameter, six dollars per front foot of premises fronting on existing lines.

c. Existing ten-inch diameter water lines, seven dollars per front foot of premises fronting on existing lines.

d. Existing twelve-inch diameter or larger water lines, ten dollars per front foot of premises fronting on existing lines.

(Prior code § 7605; Ords. 20229, 21620, 21754.)

#### **15.08.710 Adjustments and exceptions.**

Whenever the city council finds that the application of the area and frontage charges established by this part to a given premises to be unfair or inequitable or would result in unnecessary hardships because of the unusual circumstances peculiar to such premises, the council may, by resolution, grant an adjustment to or exception from the area and frontage charge applicable to such premises which would be fair and equitable for land concerned.

(Prior code § 7605.01.)

#### **15.08.720 Amendment of fees and charges.**

The city reserves the right to increase or decrease or otherwise alter or amend the fees and charges set forth in this part by amendment hereof without liability to any applicant or other person and further reserves the right to impose additional and different fees and charges.

(Prior code § 7605.2.)

## **Part 8**

### **MAIN EXTENSIONS**

#### **Sections:**

- 15.08.750**    **Limitations on extensions.**
  - 15.08.760**    **Preparation of cost estimates, plans and specifications.**
  - 15.08.770**    **Costs - Responsibility of applicant - Deposit required when.**
  - 15.08.780**    **Contract provisions designated.**
  - 15.08.790**    **Ownership, design and construction of facilities.**
  - 15.08.800**    **Area and frontage charges for extensions - Excess costs.**
  - 15.08.810**    **Engineering costs.**
  - 15.08.820**    **Charges for service connections - Where applicant installs main extension.**
  - 15.08.830**    **Charges for service connections - Where city installs main, applicant paying actual cost.**
  - 15.08.840**    **Reimbursement - Amounts credited.**
  - 15.08.850**    **Reimbursement credits for city work authorized when.**
  - 15.08.860**    **Adjustments and exceptions - Council authority.**
  - 15.08.870**    **Credits for assessments.**
- 15.08.750**    **Limitations on extensions.**

Extensions of the water mains in the water service areas of the municipal water system shall be limited to those main extensions which conform to the master plans for water service for the respective water service area, and further to those main extensions which will provide sufficient and adequate water service to premises proposed to be served. Such extensions shall be further limited if the city council shall determine that the proposed extension is not currently feasible for construction and operation as part of the municipal water system.

(Prior code § 7606.)

**15.08.760**    **Preparation of cost estimates, plans and specifications.**

A. Upon written request of an applicant for water service, in those situations where a water main extension is required to serve the applicant's premises, the department shall prepare and provide to such applicant, without charge, a preliminary layout of the main extension, showing sizes and location and rough estimates of the costs of installation and applicable charges and fees.

B. Upon written request of each applicant therefor, the department will prepare detailed plans and specifications for such main extensions. Such written request must be accompanied by a deposit in an amount equal to the cost of preparation of such plans and specifications as estimated by the department. The department shall make such plans and specifications and cost estimates available to such applicant within a reasonable time after such written request is made and said sum is so deposited, and after such plans and specifications have been approved by the city council. If the extension is to include oversized facilities, appropriate details shall be set forth in the plans, specifications and cost estimates.

C. In the event a main extension contract is executed by the applicant and the city within one hundred eighty days after the city council has approved such detailed plans and specifications, said deposit shall be credited against costs of engineering required to be paid pursuant to Section 15.08.810.

D. When detailed plans, specifications and cost estimates are requested from the department, the applicant for a main extension shall furnish three copies of a map to a suitable scale showing the street and lot layouts and, when requested by the department, contours or other indication of the relative elevation of the various parts of the area to be developed. If changes are made subsequent to the presentation of this map by the applicant, and these changes require additional expense in revising plans, specifications and cost estimates, this additional expense shall be borne by the applicant, and he shall deposit an additional sum to cover the cost thereof, which additional sum shall not be credited against any payment required to be made by Section 15.08.810.

E. In lieu of the preparation of detailed plans and specifications by the department, an applicant may submit to the department plans and specifications prepared by licensed engineers (at applicant's sole cost and expense) conforming to the preliminary layout prepared by the department, provided that such plans shall be subject to the approval of the department and the city council.

(Prior code § 7606.1.)

**15.08.770 Costs - Responsibility of applicant - Deposit required when.**

A. If a water main extension is required, as determined by the department, to serve the premises of an applicant for water service, the city may in its sole discretion require such main extension and shall require the applicant to pay the cost of service connections. Such main extensions and installation of service connections may be accomplished in city's sole discretion either:

1. By contract between the city and applicant whereby applicant installs all such water mains and service connections (except meters) and pays the engineering costs and the fees and charges hereinafter prescribed; or
2. By contract between applicant and city whereby city agrees to install the main extensions and service connections and applicant pays to city the actual cost of installation of said water mains and of said service connections and engineering costs, together with the fees and charges hereinafter prescribed.

B. The city may, but will not be required to, make extensions under this rule in easements or rights-of-way where final grades have not been established, or where street grades have not been brought to those established by the city. If extensions are

made when grades have not been established and there is a reasonable probability that the existing grade will be changed, the department shall require that the applicant for the main extension deposit, at the time of execution of the main extension agreement, the estimated net cost of relocating, raising or lowering facilities upon establishment of final grades. Adjustment of any difference between the amount so deposited and the actual cost of relocating, raising or lowering facilities shall be made within ten days after the department has ascertained such actual cost. The net deposit representing actual cost is not subject to refund. The entire deposit related to the proposed relocation, raising or lowering shall be refunded when such displacements are determined by the department to be not required.

(Prior code § 7606.2.)

#### **15.08.780 Contract provisions designated.**

The main extension contract referred to in this part shall provide for the following:

- A. Payment by applicant to city of all applicable fees and charges and deposits specified in this part. If the fees and charges required to be paid by an applicant are on an actual cost basis, he shall deposit the amount of such cost as estimated by the department, plus applicable engineering fees, with provision made for adjustment upon completion of the installation and determination of actual cost.
- B. Conveyance to city by the owner of the premises to be served of all rights vested in such owner to take water from any source, including but not limited to the underground basin and authorization to city to take such water from said source.
- C. The purchase by city at any time at city's option of all rights of an applicant, its successors or assigns, in and to any reimbursement provided for in any main extension contract, by paying to applicant, its successors or assigns, any amount remaining to be reimbursed to said applicant.
- D. Where an applicant is required to install the main extension, filing by applicant with the city of a good and sufficient bond, securing the faithful performance by the applicant of all work and improvements shown on the plans and specifications, and also a good and sufficient bond securing the payment by the applicant of all bills for labor and materials incurred in the construction of any and all of said improvements, the amount of said bonds to equal the estimated cost of said work and improvements. In the event the applicant is, concurrently with the agreement for water main extensions, required to contract with the city to make other public improvements, city may permit applicant to file with city a single faithful performance bond and a single labor and material bond covering the improvements required by the contract required by this section and such other improvements. Said bonds shall be filed with city prior to the release of a subdivision map which includes the premises for which service is requested.
- E. Furnishing by applicant of a policy or policies of liability insurance, paid for by applicant, which policy or policies shall meet the requirements for insuring the city of San José, its officers and employees, which are established by resolution of the city council. In the event the applicant is concurrently with the agreement for water main extensions required to contract with the city to make other public improvements, city may permit a single policy of insurance covering all of said work to be filed. Said policy shall be filed prior to the release of any subdivision map

which includes the premises for which service is requested.

F. That all water mains and service connections installed pursuant to any main extension agreement shall be the property of the city.

G. That it shall be applicant's responsibility to provide city, in such form as approved by city, with easements, rights-of-way, encroachment permits or other rights in real property necessary, as determined by city, for the construction of main extensions, service connections and their appurtenances.

(Prior code § 7606.3; Ord. 19637.)

**15.08.790 Ownership, design and construction of facilities.**

All main extensions and service connections installed pursuant to a main extension agreement shall be the sole property of the city. The size, type, quality and location of water mains shall be as specified by the city, and shall be installed to the satisfaction of the director of public works.

(Prior code § 7606.4.)

**15.08.800 Area and frontage charges for extensions -Excess costs.**

Applicants for water service who are required by contract between the applicant and the city to construct or pay for the cost of construction of water main extensions shall pay the area charges and frontage charges prescribed in Section 15.08.700, less excess costs, if any, computed by application of the following designated unit prices to the quantities of water mains shown on the plans and specifications theretofore approved by the city council:

I. In areas where the city of San José fire department has determined fire flows required under Chapter 17.16, Fire Protection for New Construction to be four thousand gallons per minute (GPM) or less:

A. Excess costs for water mains constructed from existing system to applicant's premises, the following unit prices:

1. 6" diameter pipelines-\$9.00 per lineal foot of pipe.
2. 8" diameter pipelines-\$12.00 per lineal foot of pipe.
3. 10" diameter pipeline-\$16.00 per lineal foot of pipe.
4. 12" diameter pipeline-\$20.00 per lineal foot of pipe.
5. 18" diameter pipeline-\$30.00 per lineal foot of pipe.

B. Excess costs for water mains constructed along the boundaries of the land proposed to be served and designed and intended to have service connections attached directly to them not only from applicant's premises, but also from other premises abutting the street, right-of-way or easement in which said water lines are to be installed:

1. 6" diameter pipelines-\$4.50 per lineal foot of pipe.

2. 8" diameter pipelines-\$6.00 per lineal foot of pipe.
3. 10" diameter pipeline-\$10.00 per lineal foot of pipe.
4. 12" diameter pipeline-\$14.00 per lineal foot of pipe.
5. 18" diameter pipeline-\$24.00 per lineal foot of pipe.

C. Excess costs for water mains in excess of eight inches in diameter to be constructed to serve applicant's premises on both sides of said pipelines:

1. 10" diameter pipelines-\$4.00 per lineal foot of pipe.
2. 12" diameter pipelines-\$8.00 per lineal foot of pipe.
3. 18" diameter pipeline-\$18.00 per lineal foot of pipe.

II. In areas where the city of San José fire department has determined fire flows as required under Chapter 17.16, Fire Protection for New Construction to be over four thousand gallons per minute (GPM):

A. Excess costs for water mains constructed from existing system to applicant's premises, the following unit prices:

1. 6" diameter pipelines-\$9.00 per lineal foot of pipe.
2. 8" diameter pipelines-\$12.00 per lineal foot of pipe.
3. 10" diameter pipeline-\$16.00 per lineal foot of pipe.
4. 12" diameter pipeline-\$20.00 per lineal foot of pipe.
5. 18" diameter pipeline-\$30.00 per lineal foot of pipe.

B. Excess costs for water mains constructed along the boundaries of the land proposed to be served and designed and intended to have service connections attached directly to them not only from applicant's premises, but also from other premises abutting the street, right-of-way or easement in which said water lines are to be installed:

1. 12" diameter pipeline-\$10.00 per lineal foot of pipe.
2. 18" diameter pipeline-\$20.00 per lineal foot of pipe.

C. Excess costs for water mains in excess of twelve inches in diameter to be constructed to serve applicant's premises on both sides of said pipelines:

1. 18" diameter pipeline-10.00 per lineal foot of pipe.

(Prior code § 7606.5; Ords. 20229, 20953, 21620.)

#### **15.08.810 Engineering costs.**

Engineering costs for main extensions required to be paid by an applicant

pursuant to the provisions of this part shall be fifteen percent of the cost (computed in accordance with the following unit prices) of the main extension installed or paid for by applicant in accordance with Section 15.08.770; provided, that if the applicant shall submit plans and specifications pursuant to subdivision E of Section 15.08.760, the engineering costs required to be paid by applicant to city shall be 6.5 percent of the cost computed in accordance with the following unit prices of said main extension. Costs of the main extension for the purpose of computing engineering costs payable by such applicants shall be determined by application of the following unit prices to the quantities of main extension shown on the plans and specifications approved by the city council:

- A. 6" diameter pipelines-\$9.00 per lineal foot of pipe;
- B. 8" diameter pipelines-\$12.00 per lineal foot of pipe;
- C. 10" diameter pipelines-\$16.00 per lineal foot of pipe;
- D. 12" diameter pipelines-\$20.00 per lineal foot of pipe;
- E. 18" diameter pipelines-\$30.00 per lineal foot of pipe.

(Prior code § 7606.9; Ord. 20953.)

**15.08.820 Charges for service connections - Where applicant installs main extension.**

An applicant who is required by the terms of a main-extension agreement to install water mains and service connections (except meters) shall pay to city as a condition to commencement of construction of the main extension, or if the main extension is needed to serve a proposed subdivision, as a condition precedent to the recordation of a final subdivision map, pay the city the following:

- A. For water meters in standard service connection:
  - 1. For each  $\frac{3}{4}$  inch by  $\frac{3}{4}$  inch meter-\$40.00
  - 2. For each  $\frac{3}{4}$  inch meter-\$60.00
  - 3. For each 1 inch meter-\$90.00
  - 4. Meters larger than one inch-Actual cost of meter plus ten percent for handling and installation. The city shall install such water meters subject to the availability of materials when premises are ready for water service.
- B. For fire hydrants: The same charges as prescribed by Section 19.32.070 of this code for installation of hydrants in subdivisions: applicant shall obtain hydrants from the city of San José corporation yard, and shall install hydrants in conformance with the plans approved by the director.
- C. For detector check meter in private fire service connection: Actual cost of meter plus ten percent for handling and installation; the city will install the detector check meter when premises are ready for service.

(Prior code § 7606.10.)

**15.08.830 Charges for service connections - Where city installs main, applicant paying actual cost.**

An applicant who is required by the terms of a main-extension agreement to pay to the city the actual cost of installation of water mains shall, as a condition precedent to the construction by city of such main extension, or if the main extension is needed to serve a proposed subdivision, as a condition precedent to the recordation of a final subdivision map, pay the city the following:

- A. For each standard service connection, the charges prescribed by subdivision 2 of Section 15.08.600;
- B. For each public fire hydrant service connection and fire hydrant, the charges prescribed by Section 15.08.610;
- C. For each private fire protection service connection, including detector check meter, the charges prescribed by Section 15.08.620.

(Prior code § 7606.11.)

**15.08.840 Reimbursement - Amounts credited.**

- A. If the excess costs computed as provided in Section 15.08.800 exceed the area charges and frontage charges prescribed in Section 15.08.700, the amount of such excess shall, upon completion of the improvements required by the main-extension agreement and acceptance thereof by the city, be credited in the name of the applicant in the appropriate water main reimbursable fund established by Sections 15.08.900, 15.08.910 and 15.08.920.
- B. No credits for excess costs shall be credited in the name of the applicant pursuant to Subsection A of this section if the improvements required by the main-extension agreement are of a size and capacity no greater than that needed to serve the lands to be connected.

(Prior code § 7606.7; Ord. 23471.)

**15.08.850 Reimbursement credits for city work authorized when.**

If the city shall construct or pay for any main extension from funds other than those advanced and paid to the city by an applicant for the construction by city of a main extension pursuant to a main-extension agreement, upon completion and acceptance of such water main, the entire cost of the main extension computed in accordance with subsection A of Section 15.08.800 shall be credited in the name of the city in the appropriate water main reimbursable fund established by Part 9 of this title, and the city shall be reimbursed from such funds at the same time and in the same manner as an applicant.

(Prior code § 7606.8; Ord. 22278.)

**15.08.860 Adjustments and exceptions - Council authority.**

Whenever the city council finds that the application of the area and frontage charges established by this part to a given premises to be unfair or inequitable or would result in unnecessary hardships because of the unusual circumstances peculiar

to such premises, the council may, by resolution, grant an adjustment to or exception from the area and frontage charge applicable to such premises which would be fair and equitable for the land concerned.

(Prior code § 7606.6.)

### **15.08.870 Credits for assessments.**

Notwithstanding anything in this chapter to the contrary:

A. Whenever land connected to the city water system after June 22, 1990, has been assessed pursuant to special assessment proceedings to pay for the cost of permanent public water facilities, an amount of money based on the cost of water facilities constructed and installed and the amount assessed against such land for the facilities, shall be credited against the area and frontage charges applicable to such land under Section 15.08.700 of this chapter.

B. If the amount of credits for assessments exceeds the applicable area and frontage charges for such land, all such excess credits shall be extinguished and shall not be applied against future area and frontage charges or otherwise be credited in the name of the applicant. The amounts to be credited pursuant to this section shall be calculated as provided by Section 15.08.800 of this Part 8.

C. In no event shall credit for assessments be given for any type of facilities other than those described in Section 15.08.800 of this Part 8.

(Ord. 23471.)

## **Part 9**

### **WATER MAIN REIMBURSEMENT FUNDS**

#### **Sections:**

**15.08.900 Alviso water service area water main reimbursable fund.**

**15.08.910 Consolidated water service area water main reimbursable account.**

**15.08.900 Alviso water service area water main reimbursable fund.**

There is established the Alviso water service area water main reimbursable fund. Said fund shall be administered as follows:

A. All water main area charges and frontage charges received from applicants for water service within the Alviso water service area shall be deposited in said fund. No other moneys shall be deposited in said fund.

B. There shall be no obligation, except as provided in this section, on behalf of the city of San José in favor of said fund or in favor of the beneficiaries thereof to reimburse or make any deposits in said fund whether or not the fund at any given time is sufficient to meet the demands made upon it.

C. Annually, within a reasonable time after the thirtieth day of June of each year,

all moneys deposited in the Alviso water service area water main reimbursable fund during the twelve months preceding such June 30th, and any surplus remaining from any years prior thereto, shall be distributed to applicants who as of said June 30th have credits to their accounts in said fund. The amount of payment to each said applicant shall be in the same ratio to the total amount contained in such fund as such applicant's credit (without reduction for partial reimbursement) bears to the total credits (without reduction for partial payment) carried in the fund as of said date and which on said date have not been terminated by full reimbursement, provided that no applicant shall be entitled to reimbursement for an amount in excess of his credit in such fund. No portion of such moneys shall be distributed until such time as all those persons referred to in Section 15.08.950 have had an opportunity to enter into reimbursement contracts in accordance with the terms of the main-extension agreements referred to in said Section 15.08.950.

D. 1. An applicant entitled to reimbursement shall be carried on the reimbursable account until one of the following shall first occur:

a. Full reimbursement is made in accordance with the contract between the city and the applicant;

b. Twenty years have elapsed from June 30th of the final year in which the applicant's account has been credited;

c. Upon purchase by the city of the right to reimbursement pursuant to subsection C. of Section 15.08.780.

2. Upon occurrence of a or b in subsection D.1. above, the city shall succeed to the reimbursable credit of the applicant in the Alviso water service area water main reimbursable fund, and shall be entitled to all payments due thereon until the total reimbursable amount has been discharged.

(Prior code § 7607.2.)

### **15.08.910 Consolidated water service area water main reimbursable account.**

There is hereby established the consolidated water service area water main reimbursable account. The purpose of the account is to facilitate the imposition of charges and reimbursement of an applicant for water main installation costs when the applicant installs main capacity in excess of necessary main capacity or performs other related services when approved by the city. Said account shall be administered as follows:

A. All water main area and frontage charges received from applicants for water service within the Edenvale water service area, the Evergreen water service area, the Coyote water service area and the North San José water service area (collectively the "consolidated water service area") shall be deposited in the consolidated water utility fund and accounted for separately within said fund.

B. The consolidated water service area water main reimbursable account shall be the sole source for payment of reimbursements to or credits made in favor of applicants. No obligation is imposed upon any other funds of the city of San José.

C. Annually, within a reasonable time after the thirtieth day of June of each year, all moneys deposited in the consolidated water service area water main reimbursable

account during the twelve months preceding such June 30th, and any surplus remaining from any years prior thereto, shall be distributed to applicants who, as of said June 30th, have credits to their accounts in said account. The amount of payment to each said applicant shall be in full or in the same ratio to the total amount contained in such account as such applicant's credit (without reduction for partial reimbursement) bears to the total credits (without reduction for partial payment) carried in the account as of said date and which on said date have not been terminated by full reimbursement, provided that no applicant shall be entitled to reimbursement for an amount in excess of applicant's credit in such account.

D. 1. An applicant entitled to reimbursement shall be carried on the reimbursable account until one of the following shall first occur:

a. Full reimbursement is made in accordance with the contract between city and the applicant;

b. Twenty years have elapsed from June 30th of the final year in which the applicant's account has been credited;

c. Upon purchase by the city of the right to reimbursement pursuant to subsection C. of Section 15.08.780.

2. The reimbursable credit of any applicant who has sold the right of reimbursement to the city shall be immediately transferred to the city's credit in the consolidated water service area water main reimbursable account.

3. The reimbursable credit of any applicant who has not been reimbursed within twenty years from June 30th following the year in which the applicant's account has been credited shall be transferred to the city's credit in the consolidated water service area water main reimbursable account without payment of compensation to the applicant.

4. Any applicant's credits transferred to the city's credit pursuant to this subsection D. shall remain in the city's credit until such time as required for reimbursement of other applicants.

(Prior code § 7607; Ord. 22847.)

## **Part 10 MUNICIPAL WATER SYSTEM MAJOR WATER FACILITIES FEE**

### **Sections:**

- 15.08.1100 Imposition of fees.**
- 15.08.1110 Collection of fees.**
- 15.08.1120 General provisions.**
- 15.08.1130 Determination of fees.**
- 15.08.1140 Nonapplicability.**

**15.08.1150 Rates - Review requirements.**

**15.08.1160 Methods of measurement and analysis.**

**15.08.1200 Disputed bills.**

**15.08.1210 Refunds.**

**15.08.1220 Special funds created - Restricted use.**

**15.08.1230 Inspection of premises authorized.**

**15.08.1100 Imposition of fees.**

A. After the effective date of this part, no person shall make any connection, either directly or indirectly, to the municipal water system without first paying the major water facilities fee in accordance with this part.

B. No person shall build any additional structure or enlarge any existing structure, the use of which will result in an increase in the projected average daily water use, without first paying the major water facilities fee in accordance with this part.

(Ord. 23975.)

**15.08.1110 Collection of fees.**

A. Payment of the major water facilities fee shall be a condition of connection to the water system on any project. It is to be paid at the earliest of the following:

1. Prior to the approval of any final subdivision or parcel map for any project;
2. The issuance of any building permit; or
3. At the time the premises connects to the municipal water system.

No fee shall be due and owing for any project undertaken by the city.

B. Any person requesting approval of any final subdivision or parcel map, the issuance of a building permit or connection to the municipal water system shall submit an application obtained from the department of public works for that purpose.

(Ord. 23975.)

**15.08.1120 General provisions.**

A. The major water facilities fee shall be in addition to all other fees imposed pursuant to this code.

B. The director of public works shall determine the projected average daily water use for each premises and convert that amount into equivalent dwelling units (EDU). The director shall then determine the fee to be collected for each premises in accordance with the schedule of major water facilities fee resolution adopted by the city council.

C. Upon determining the fee to be collected, the director shall notify the person to be charged, by mail or personal delivery at that person's last known address, of the amount of the fee.

D. The major water facilities fee is applicable to public as well as private users of the municipal water system.

(Ord. 23975.)

#### **15.08.1130 Determination of fees.**

A. A separate fee shall be established for each service area as defined in Part 2 of Chapter 15.08.

B. The major water facilities fee shall be established at a level such that the cost of major water facilities necessary to accommodate growth and development, and which are planned over the succeeding twenty-year period, will be recovered.

C. The major water facilities fee will be based on each premises projected average daily water use expressed in equivalent dwelling units (EDU). Each premises shall share the cost for planned major water facilities to be constructed in its service area based on the relationship between its projected average daily water use and the total projected additional water use for all other undeveloped or underdeveloped premises located within that service area.

(Ord. 23975.)

#### **15.08.1140 Nonapplicability.**

The major water facilities fee is not applicable to the following:

A. Any nonresidential premises for which a building permit was issued prior to December 10, 1991.

B. Any residential premises that is part of a project that received a planned development permit prior to December 10, 1991, and received final subdivision or parcel map approval from the director of public works prior to July 1, 1992.

C. Any projects in which water system improvements for major facilities are separately paid for or financed by the developer or by an assessment district. The director of public works shall determine which water system major facilities have been so constructed or financed.

D. Any residential premises that is part of a project which received planned development zoning prior to December 10, 1991, only if such project is subject to an affordability agreement pursuant to Health and Safety Code Section 33413(b)(2) with the city and if such project receives final subdivision or parcel map approval prior to July 1, 1993.

E. Any residential premises for which a tentative map was filed prior to December 10, 1991, and which receives final subdivision or parcel map approval prior to April 1, 1992.

(Ords. 23975, 24039.)

**15.08.1150 Rates - Review requirements.**

The council shall periodically review and adjust the major water facilities fee if necessary.

(Ord. 23975.)

**15.08.1160 Methods of measurement and analysis.**

A. Written procedures for the calculation of average daily water use will be established by the director of public works and made available for review by any interested party at the director's office. Such procedures may be amended by the director from time to time as necessary to fairly implement this calculation.

(Ord. 23975.)

**15.08.1200 Disputed bills.**

A. Any person may dispute the amount of the major water facilities fee by filing a petition with the director accompanied by detailed factual data in support of the claim.

B. Such petition must be filed within thirty days after the date the notice of such fee was deposited in the mail or personally delivered.

C. It shall be the responsibility of the person filing the petition to prove to the satisfaction of the director that such major water facilities fee calculation is in error.

D. If the director determines that the major water facilities fee calculation was made in error, the director shall correct the fee calculation.

E. Failure to dispute the amount of the major water facilities fee in accordance with this section shall be deemed acceptance of the correctness of the fee calculation.

(Ord. 23975.)

**15.08.1210 Refunds.**

Whenever the director determines that money should be refunded pursuant to Section 15.08.1200, the director is authorized to make such refunds from the account in the major water facilities fund for that service area. The city shall not be liable for interest on any amount determined to be refundable. The city shall not make a refund when there is insufficient money in the account to make the refund or any part thereof.

(Ord. 23975.)

**15.08.1220 Special funds created - Restricted use.**

A. Any fees collected pursuant to the provisions of this Part 10 shall be placed in a separate fund, with a separate account for each service area as defined in Part 2 of Chapter 15.08.

B. A fund is hereby created for such purpose and shall be known as the "major

water facilities fees fund.”

C. Such accounts shall be used only for: 1) the acquisition, construction and reconstruction of that portion of the municipal water system of the city of San José within the service area for which the account was created; 2) the repayment of principal and interest on any bonds which may hereafter be issued for the acquisition, construction or reconstruction of the facilities within the service area for which the account was created; 3) the repayment of loans or advances which may hereafter be made for the acquisition, construction or reconstruction of facilities within the service area for which the account was created; and 4) engineering, direct and administrative costs of the city in collecting the fee imposed by this part and for direct and indirect overhead costs of the city in performing any such tasks including, but not limited to, calculation of the benefits received.

D. As used in this section, “direct costs” means the cost of hiring consultants, employee wages and salaries and costs of employee fringe benefits incurred by the city, and mileage reimbursement attributable to any activities related to the collection of the major water facilities fee. As used in this section, “administrative costs” includes, but is not limited to, all costs for computer service, materials, postage, supplies and equipment.

(Ord. 23975.)

#### **15.08.1230 Inspection of premises authorized.**

Authorized representatives of the department of public works, after displaying proper identification, shall have the right of entry in and upon all buildings and premises in the city of San José for the purpose of making inspections, reinspections or otherwise performing such duties as may be necessary for the enforcement of the provisions of this Part 10. Such entry shall be subject to the provisions of Section 1822.50 et seq. of the California Code of Civil Procedure when necessary.

(Ord. 23975.)

#### **Endnotes**

1 . For statutory provisions on municipal water systems, see Gov. Code § 38730 et seq.

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