



## Recommendation for Action

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**File #:** 21-2933, **Agenda Item #:** 117.

9/30/2021

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### **Posting Language**

Conduct a public hearing and consider an ordinance amending City Code Chapter 25-9 (Water and Wastewater) relating to establishing new requirements for water conservation in the implementation of the Water Forward Plan, including expansion of the reclaimed water connection requirement, water benchmarking, and mandatory onsite water reuse for certain new developments and requiring an affordability report.

### **Lead Department**

Austin Water.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

November 29, 2018 - City Council approved the Water Forward Plan on a 10-0 vote.

December 11, 2019 - City Council approved an ordinance on first reading adopting a comprehensive revision to the Land Development Code on a 7-4 vote.

February 13, 2020 - City Council approved an ordinance on second reading adopting a comprehensive revision to the Land Development Code on a 7-4 vote.

May 20, 2021 - City Council adopted a resolution directing staff to prepare an ordinance amending City Code Chapter 25-9 (Water and Wastewater) establishing water benchmarking, expanding reclaimed water connection requirements, and adding onsite reuse requirements, on an 11-0 vote.

June 10, 2021 - City Council adopted an ordinance waiving Planning Commission review of Land Development Code amendments in order to expedite implementation of water conservation strategies in the Water Forward Plan.

### **For More Information:**

Inquiries should be directed to the City Manager's Agenda Office at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov) or to Kevin Critendon, Austin Water Assistant Director at 512-972-0191 or Marisa Flores-Gonzalez, Austin Water Program Manager at 512-972-0194.

### **Council Committee, Boards and Commission Action:**

November 12, 2019 - Planning Commission adopted Planning Commission Land Development Code amendments.

### **Additional Backup Information:**

City Council adopted a resolution on May 20, 2021, directing staff to prepare an ordinance amending City Code Chapter 25-9 (Water and Wastewater) establishing water benchmarking, expanding reclaimed water connection requirements, and adding onsite reuse requirements.

These proposed amendments are needed to implement certain water conservation and reuse strategies in the Water Forward plan. The amendments were included in the proposed Land Development Code revisions recommended by the Planning Commission on November 12, 2019. They were also included in Land Development Code revisions that City Council approved on first reading on December 11, 2019, and on second reading on February 13, 2020.

### **Water Benchmarking Applications**

The proposed ordinance specifies that all new commercial, multi-family, and mixed-use site plan applications submitted as of December 1, 2021, will require a water benchmarking application to be submitted to and approved by Austin Water. A water benchmarking application is a web-based form that uses standard site plan information provided by an applicant to calculate a development project's anticipated water needs by source, and that provides information to the applicant about water efficiency measures and alternative water supplies available to the project. Additionally, development projects with a gross floor area of 250,000 square feet or greater will be required to meet with Austin Water prior to site plan release to discuss water efficiency measures, water use benchmarking data, and incentives and rebates for alternative water use.

### **Reclaimed Water Connection Requirements**

Austin Water continues to expand its centralized reclaimed water infrastructure (known as "purple pipe") throughout Austin. This system delivers non-potable water for irrigation, cooling towers, and virtually any use not requiring higher-quality drinking water. Reclaimed water is a renewable resource that is less expensive to treat and users are charged lower rates.

Current City Code requires new commercial developments or redevelopments within 250 feet of a reclaimed water main to connect to Austin Water's reclaimed water system for irrigation, cooling, and other significant non-potable water uses. The proposed ordinance moves the current mandatory connection requirement for reclaimed water from the Water Conservation Code to the Land Development Code. Additionally, effective December 1, 2023, the mandatory connection distance will increase from 250 feet to 500 feet for development projects with a gross floor area of 250,000 square feet or larger, and a financial hardship variance will no longer be available for these large developments. The proposed ordinance will also require developments that fall within the mandatory reclaimed water connection range to use reclaimed water for toilet flushing, which will require dual plumbing.

### **Onsite Water Reuse Requirements**

In December 2020, Council adopted the onsite water reuse systems ordinance to regulate the collection, treatment, and use of alternative water sources for non-potable uses in multi-family and commercial buildings. Onsite water sources include rainwater, condensate from heating/air conditioning systems, drain water and graywater from certain sinks, bathing, and laundry. The proposed ordinance requires an onsite water reuse system for all new commercial, multi-family and mixed-use site plan applications submitted on or after December 1, 2023, for development projects with a gross floor area of 250,000 square feet or greater.

### **Affordability Report**

The proposed ordinance requires that on or before September 28, 2023, the City Manager shall provide a report concerning the impact of these requirements on housing affordability. The formal affordability impact statement required by law (Ordinance No. 20071129-100) for the Onsite Water Reuse System mandate and the extension of the Reclaimed Water Connection requirement will be included in that report.

### **Strategic Outcome(s):**

Government that Works for All.