



# CITY OF WEST HOLLYWOOD

CITY HALL  
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## CITY COUNCIL

LAUREN MEISTER  
*Mayor*

JOHN HEILMAN  
*Mayor Pro Tempore*

JOHN D'AMICO  
*Councilmember*

JOHN J. DURAN  
*Councilmember*

LINDSEY P. HORVATH  
*Councilmember*

May 16, 2016

The Honorable Felicia Marcus, Chair  
c/o Ms. Jeanine Townsend, Clerk  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
Delivered by email to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Chair Marcus and Members of the Board,

The City of West Hollywood appreciates the opportunity to provide comments regarding the Extended Emergency Regulation for Urban Water Conservation.

In line with Governor Brown's Executive Order, the City has taken actions aimed at using water wisely, reducing water waste, and improving water use efficiency.

Enclosed is a copy of a letter the City submitted to the State Water Resources Control Board on May 4, 2016 explaining how the existing water conservation tiers have impacted the City of West Hollywood in an inequitable and disproportionate manner. In short, West Hollywood is served by two different water agencies. About one-third of West Hollywood is served by the City of Beverly Hills Water Department (BHW), while the remainder of the City is served by the Los Angeles Department of Water and Power (LADWP). These two agencies are currently subject to very different conservation standards – BHW at 36%, LADWP at 16%. West Hollywood's water usage is significantly lower than that of the Beverly Hills customers thus, our residents and businesses served by BHW have been disproportionately and unequally impacted by the mandated conservation rates.

West Hollywood residents and businesses are subject to different conservation tiers based on their water supplier, not based on their water usage. The City supports the new Emergency Regulations provided that BHW will have the opportunity to set a new conservation standard applicable for its West Hollywood customers that is appropriate and proportionate to their actual water usage and not based on water usage for the parcels in the City of Beverly Hills. We hope that the SWRCB will work with the City of Beverly Hills to apply a water conservation standard that is more appropriate and equitable going forward.

Thank you in advance for your attention to this pressing matter.

Sincerely,

Lauren Meister  
Mayor





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May 4, 2016

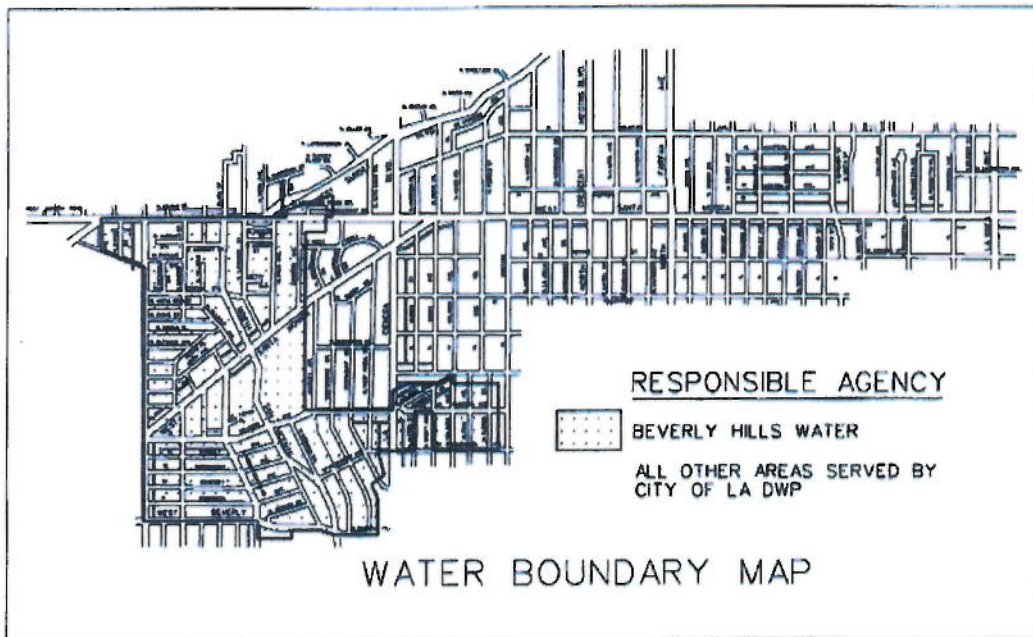
Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Dear Chair Marcus and Members of the State Water Resources Control Board,

The City of West Hollywood embraces the statewide effort to aggressively conserve water during this historic drought. However, the State Water Resources Control Board's conservation tiers for water suppliers have placed an inequitable burden on the City of West Hollywood and its residents and businesses.

West Hollywood is served by two different water agencies. About one-third of West Hollywood is served by the City of Beverly Hills Water Department (BHW), while the remainder of the City is served by the Los Angeles Department of Water and Power (LADWP). These two agencies are subject to very different conservation standards – BHW at 36%, LADWP at 16% – thus, our residents and businesses have been disproportionately and unequally impacted by the mandated conservation rates.

The figure below shows the water boundary. As you can see, the western side of the City is primarily served by Beverly Hills Water.





Governor Brown's April 1, 2015 Executive Order directed the State Water Board to consider the relative per capita usage of each urban water supplier's service area and require that areas with high per capita use achieve proportionally greater reductions than areas with low per capita use.

Based on water usage data, BHW, designated Tier 9, requires its customers to cut water usage by 30%, while the LADWP, designated Tier 4, requires its customers to cut water usage by 16%. The West Hollywood residents and businesses served by BHW are required to reduce their water usage by double the amount of the West Hollywood residents and businesses served by LADWP. This inequitable situation is occurring only because two different water suppliers serve the City.

Equally troubling is the fact that the residents and businesses served by BHW are subject to *severe* financial penalties<sup>1</sup> for failure to cut water usage by 30%, when the same size parcel with the same water usage across the street that is served by LADWP would be in compliance with conservation rates and not subject to penalties.

This differential within our City is not only confusing and unequal, it is also unjustified. The average water usage of West Hollywood customers is about half that of Beverly Hills customers, yet West Hollywood customers must abide by the same conservation rate (30%).

The average gallons per capita used by BHW's residential customers in West Hollywood was 86 gallons per day in 2015, compared to 173 gallons per day for residents in Beverly Hills. The average gallons per capita for BHW's business customers in West Hollywood was 893 gallons per day in 2015 compared to 2,046 gallons per day in Beverly Hills. Considering the differences in water usage, the Tier 9 conservation standard is disproportionately punitive to West Hollywood residents and businesses served by BHW.

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<sup>1</sup> The BHW penalties are as follows:

Customers who consume more water than the 2013 baseline consumption target can expect to pay the following amounts:

1. For customers who use between 71% and 87% of their 2013 baseline consumption target, the penalty is 0.25 times the base water rate.
2. For customers who use 88% or more of their 2013 baseline consumption target, the penalty is 1.85 times the base water rate. This includes the first level penalty for usage between 71% and 87% PLUS an additional 1.60 times the base water rate for water usage that is 88% or more.

Source: [beverlyhills.org/living/recyclingandconservation/waterconservation/penaltysurchargeappeals/](http://beverlyhills.org/living/recyclingandconservation/waterconservation/penaltysurchargeappeals/)





Further, the West Hollywood parcels served by BHW are much smaller in size and, generally speaking, have smaller homes and smaller landscaped areas than the parcels in Beverly Hills. These residents do not typically have large landscaped areas from which to reduce water use. This means that these residents (who are not being wasteful) are being asked to reduce *indoor daily water use* in an amount that is disproportionate to their actual water usage.

As noted above, the City of West Hollywood fully embraces the statewide effort to aggressively conserve water. The City has launched a water conservation campaign aimed at encouraging residents and businesses to make adjustments in their daily routines. As part of the campaign, the City produced a 60-second public service announcement (PSA) video: *Winter is Coming! But the Drought is Far From Over*, designed as a mock TV-series preview trailer showing what a fictional West Hollywood may look like if the drought continues. The video is designed to engage communities in understanding how daily choices affect our water footprint and to inspire people to take action in their own lives and pledge to conserve water. The campaign also features a comprehensive advertising (print, online and outdoor advertising) and social media campaign.

The City has also hosted community conservation workshops, where attendees received free rain barrels. In addition, West Hollywood has required hotels to make daily linen service optional, prohibited watering of certain landscapes following precipitation, prohibited using potable water to mitigate construction and demolition air quality impacts, and the City meets monthly with LADWP, Beverly Hills and West Basin Municipal Water District to collaborate on conservation strategies. The City is fully committed to achieving equitable water conservation goals.

I ask that you consider amending the tier system to establish a single conservation rate for the City of West Hollywood that is based on the City's actual water usage, not the water usage of residents and businesses of Beverly Hills. This could be accomplished by bifurcating BHW's conservation tier into two categories, or by reducing BHW's conservation rate (tier) in a proportional manner so that the City of Beverly Hills can apply a more appropriate conservation rate to its West Hollywood customers.





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In summary, West Hollywood residents and businesses are subject to different conservation tiers based on their water supplier, not based on their water usage. Perhaps West Hollywood's issue of having two water suppliers is fairly unique. Regardless, there should be some accommodation for this type of situation – otherwise, conservation rates for our City are arbitrary, unjustified, and inequitable.

Thank you in advance for your attention to this pressing matter.

Sincerely,

Lauren Meister  
Mayor  
City of West Hollywood

cc:

Tom Howard, SWRCB Executive Director  
John Laird, California Secretary for Natural Resources  
Mayor John Mirisch and the Members of the Beverly Hills City Council

