

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 300

Introduced by Assembly Member Caballero

February 17, 2009

An act to amend, repeal, and add Section 66473.7 of the Government Code, and to amend, repeal, and add Section 10910 of the Water Code, relating to subdivision map approvals.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Caballero. Subdivisions: water supply.

(1) The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.

This bill would require, until January 1, 2020, ~~the legislative body of a city or county or the designated advisory agency to approve or disapprove the public water system, or the local agency if there is no public water system, to review and verify for accuracy, as specified,~~ the subdivider's water savings projections attributable to voluntary demand management measures, as defined, ~~after being reviewed by the retail water supplier and verified for accuracy, as specified, by the public water system or the local agency if there is no public water system.~~ *The*

public water agency would be authorized to collect fees necessary to provide the additional analysis of the voluntary demand management measures. Water savings projections would be authorized to be calculated using the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed, and to provide copies of the report to the project applicant, the city or county that approved the subdivision map, the California Urban Water Conservation Council, and the Department of Water Resources. The bill would also require, at the time of final inspection, that a manual providing directions to the owner or occupant on the proper use of water conservation devices and systems be placed in the dwelling. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

(2) Existing law requires a city or county that determines a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.

This bill would require, until January 1, 2020, *if the project applicant elects to include voluntary demand management measures, any city, county, or public water system preparing a water supply assessment to reduce the projected water demand for the project to an amount below the current statutory and regulatory, and local-ordinance requirements; as defined, based on the project applicant's voluntary water demand management measures, as defined. The bill would authorize the applicant to enter into an agreement with the public water system to mitigate water demand associated with a proposed subdivision by*

depositing funds in a Voluntary Water Demand Mitigation Fund, as defined. The fees paid into the Voluntary Water Demand Mitigation Fund would be prohibited from exceeding the amount necessary to offset the actual or percentage of actual water demand impacts determined according to the agreement between the applicant and the public water system. The fees would be prohibited from exceeding the amount of all capacity charges and other water service fees applicable to the subdivision, and those capacity charges and other water service fees would be required to be reduced to the extent that contributions are made to the Voluntary Water Demand Mitigation Fund. The public water system would be required to expend all funds from the Voluntary Water Demand Mitigation Fund on water conservation measures that will reduce the projected demand associated with the subdivision, and would be prohibited from using any funds from the Water Conservation Mitigation Fund to supplant funding for water conservation programs required by existing law or paid for by existing customers through water rates and surcharges. The bill would require the public water system to choose water conservation measures that are the least expensive and most cost effective means to yield water. The bill would authorize expenditures from the fund to be made within the subdivision or elsewhere within the service area of the public water supplier, at its discretion. Water savings projections would be authorized to be calculated using the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares:
- 2 (a) Current law requires an assessment of how new land use
- 3 proposals will affect water supply without recognizing the potential
- 4 benefits of evolving voluntary water conservation measures.
- 5 (b) Water conservation measures beyond those already required
- 6 by state law should be encouraged by accounting for their use
- 7 when quantifying project water demand.
- 8 (c) The amount of water demand reductions should be confirmed
- 9 by the water agencies responsible for providing water service to
- 10 new development in a cooperative approach with project
- 11 proponents and local governments that ensures projected water
- 12 savings are achieved.
- 13 (d) Water agencies and local government should provide
- 14 flexibility and encourage the development and implementation of
- 15 innovative new water conservation technology, water use
- 16 efficiency, and water management techniques to meet customer
- 17 needs throughout the differing hydrologic regions of the state.
- 18 (e) Encouraging widespread use of voluntary water conservation
- 19 measures will assist water agencies and the state in documenting
- 20 the potential water savings from new water use efficiency projects
- 21 and programs in a manner that will promote successful water
- 22 conservation strategies and discourage ineffective ones.
- 23 (f) There have been numerous water use efficiency technological
- 24 and management developments related to landscape irrigation in
- 25 recent years, and this act will promote the adoption of approaches
- 26 that go beyond the state’s Model Landscape Ordinance.
- 27 (g) More efficient use of water statewide also will reduce the
- 28 energy necessary to pump, transport, and treat water with
- 29 potentially significant corresponding reductions in greenhouse gas
- 30 emissions.

1 SEC. 2. Section 66473.7 of the Government Code is amended
2 to read:

3 66473.7. (a) For the purposes of this section, the following
4 definitions apply:

5 (1) “Subdivision” means a proposed residential development
6 of more than 500 dwelling units, except that for a public water
7 system that has fewer than 5,000 service connections, “subdivision”
8 means any proposed residential development that would account
9 for an increase of 10 percent or more in the number of the public
10 water system’s existing service connections.

11 (2) “Sufficient water supply” means the total water supplies
12 available during normal, single-dry, and multiple-dry years within
13 a 20-year projection that will meet the projected demand associated
14 with the proposed subdivision, in addition to existing and planned
15 future uses, including, but not limited to, agricultural and industrial
16 uses. In determining “sufficient water supply,” all of the following
17 factors shall be considered:

18 (A) The availability of water supplies over a historical record
19 of at least 20 years.

20 (B) The applicability of an urban water shortage contingency
21 analysis prepared pursuant to Section 10632 of the Water Code
22 that includes actions to be undertaken by the public water system
23 in response to water supply shortages.

24 (C) The reduction in water supply allocated to a specific water
25 use sector pursuant to a resolution or ordinance adopted, or a
26 contract entered into, by the public water system, as long as that
27 resolution, ordinance, or contract does not conflict with Section
28 354 of the Water Code.

29 (D) The amount of water that the water supplier can reasonably
30 rely on receiving from other water supply projects, such as
31 conjunctive use, reclaimed water, water conservation, and water
32 transfer, including programs identified under federal, state, and
33 local water initiatives such as CALFED and Colorado River
34 tentative agreements, to the extent that these water supplies meet
35 the criteria of subdivision (d).

36 (3) “Public water system” means the water supplier that is, or
37 may become as a result of servicing the subdivision included in a
38 tentative map pursuant to subdivision (b), a public water system,
39 as defined in Section 10912 of the Water Code, that may supply
40 water for a subdivision.

1 (4) “Projected demand associated with the proposed subdivision”
2 means the anticipated water demand for the project, given current
3 statutory—~~and regulatory~~, *regulatory, and local-ordinance*
4 requirements, reduced by the amount of voluntary demand
5 management measures.

6 (5) “Voluntary demand management measures” means water
7 use efficiency measures that are permanently fixed to residential,
8 commercial, industrial, or other real property that will reduce the
9 subdivision’s water demand below the applicable statutory and
10 regulatory requirements for water conservation, and may include,
11 but are not limited to, all of the following:

12 (A) Smart irrigation controllers.

13 (B) Waterless urinals.

14 (C) Ultralow flow and dual flow toilets.

15 (D) Recycled water facilities.

16 (E) Rainwater capture and reuse facilities.

17 (F) Any other measure that will prevent the waste of water or
18 promote the reasonable and efficient use and reuse of available
19 water supplies by the subdivision or the public.

20 (G) *Voluntary mitigation measures may include, at the*
21 *applicant’s sole discretion, water demand mitigation measures*
22 *which minimize a percentage, as determined by the applicant, of*
23 *a project’s impact to the public water system. The applicant may*
24 *enter into an agreement with the public water system to mitigate*
25 *water demand associated with a proposed subdivision by depositing*
26 *funds into a Voluntary Water Demand Mitigation Fund. The fees*
27 *paid into the Voluntary Water Demand Mitigation Fund shall not*
28 *exceed an amount necessary to offset the actual or percentage of*
29 *actual water demand impacts agreed upon in the agreement*
30 *between the applicant and the public water system. The fees may*
31 *not exceed the amount of all capacity charges and other water*
32 *service fees applicable to the subdivision. All applicable capacity*
33 *charges and other water service fees shall be reduced to the extent*
34 *that contributions are made to the Voluntary Water Demand*
35 *Mitigation Fund. This section shall not be waived or modified by*
36 *contractual agreement, act, or omission of the parties. A tentative*
37 *map that includes a subdivision may not be disapproved due to*
38 *the applicant’s refusal to use voluntary mitigation measures.*

39 (6) “Voluntary Water Demand Mitigation Fund” means the
40 fund used to finance water conservation and water supply

1 *augmentation measures by the public water system that mitigate*
2 *an agreed upon percentage of the projected water demand impacts*
3 *from the subdivision, at the discretion of the applicant.*

4 (b) (1) The legislative body of a city or county or the advisory
5 agency, to the extent that it is authorized by local ordinance to
6 approve, conditionally approve, or disapprove the tentative map,
7 shall include as a condition in any tentative map that includes a
8 subdivision a requirement that a sufficient water supply shall be
9 available. Proof of the availability of a sufficient water supply
10 shall be requested by the subdivision applicant or local agency, at
11 the discretion of the local agency, and shall be based on written
12 verification from the applicable public water system within 90
13 days of a request. The water savings projection attributable to
14 voluntary demand management measures shall be contained in the
15 written verification and verified for accuracy by the public water
16 system, or, if there is no public water system, the local agency.
17 ~~The legislative body of a city or county or the advisory agency~~
18 ~~shall approve or disapprove the subdivider's water savings~~
19 ~~projections attributable to voluntary demand management measures~~
20 ~~after being reviewed by the public water system. The public water~~
21 ~~agency may collect fees necessary to provide additional analysis~~
22 ~~of voluntary demand management measures required by this~~
23 ~~section, pursuant to Section 66014.~~

24 (2) If the public water system fails to deliver the written
25 verification as required by this section, the local agency or any
26 other interested party may seek a writ of mandamus to compel the
27 public water system to comply.

28 (3) If the written verification provided by the applicable public
29 water system indicates that the public water system is unable to
30 provide a sufficient water supply that will meet the projected
31 demand associated with the proposed subdivision, then the local
32 agency may make a finding, after consideration of the written
33 verification by the applicable public water system, that additional
34 water supplies not accounted for by the public water system are,
35 or will be, available prior to completion of the subdivision that
36 will satisfy the requirements of this section. This finding shall be
37 made on the record and supported by substantial evidence.

38 (4) If the written verification is not provided by the public water
39 system, notwithstanding the local agency or other interested party
40 securing a writ of mandamus to compel compliance with this

1 section, then the local agency may make a finding that sufficient
2 water supplies are, or will be, available prior to completion of the
3 subdivision that will satisfy the requirements of this section. This
4 finding shall be made on the record and supported by substantial
5 evidence.

6 (5) Water savings projections may be calculated using the water
7 savings projections adopted by the California Urban Water
8 Conservation Council. Water savings projections for measures for
9 which the California Urban Water Conservation Council does not
10 have adopted findings shall be based on substantial evidence in
11 the record and included in the water supply assessment adopted
12 by the water supplier. If a project applicant proposes to use a new
13 voluntary water reduction demand management measure that is
14 not based on water savings projections adopted by the California
15 Urban Water Conservation Council, the legislative body of a city
16 or county or the advisory agency shall require the project applicant
17 to enter into an agreement with the water utility to implement and
18 monitor the actual water savings over time through conditions of
19 approval for the project, which may include the adoption of legally
20 enforceable mechanisms, ~~such as~~ *including, but not limited to,*
21 inclusion in covenants, conditions, and restrictions. The public
22 water system shall prepare a written report of the projected water
23 demand versus the actual water use five years after the project has
24 been fully developed. *Copies of the report shall be provided to the*
25 *project applicant, the city or county that approved the subdivision*
26 *map, the California Urban Water Conservation Council, and the*
27 *Department of Water Resources. Additionally, at the time of final*
28 *inspection, a manual providing directions to the owner or occupant*
29 *on the proper use of water conservation devices and systems shall*
30 *be placed in the dwelling.*

31 (c) The applicable public water system's written verification of
32 its ability or inability to provide a sufficient water supply that will
33 meet the projected demand associated with the proposed
34 subdivision as required by subdivision (b) shall be supported by
35 substantial evidence. The substantial evidence may include, but is
36 not limited to, any of the following:

37 (1) The public water system's most recently adopted urban water
38 management plan adopted pursuant to Part 2.6 (commencing with
39 Section 10610) of Division 6 of the Water Code.

1 (2) A water supply assessment that was completed pursuant to
2 Part 2.10 (commencing with Section 10910) of Division 6 of the
3 Water Code.

4 (3) Other information relating to the sufficiency of the water
5 supply that contains analytical information that is substantially
6 similar to the assessment required by Section 10635 of the Water
7 Code.

8 (d) When the written verification pursuant to subdivision (b)
9 relies on projected water supplies that are not currently available
10 to the public water system, to provide a sufficient water supply to
11 the subdivision, the written verification as to those projected water
12 supplies shall be based on all of the following elements, to the
13 extent each is applicable:

14 (1) Written contracts or other proof of valid rights to the
15 identified water supply that identify the terms and conditions under
16 which the water will be available to serve the proposed subdivision.

17 (2) Copies of a capital outlay program for financing the delivery
18 of a sufficient water supply that has been adopted by the applicable
19 governing body.

20 (3) Securing of applicable federal, state, and local permits for
21 construction of necessary infrastructure associated with supplying
22 a sufficient water supply.

23 (4) Any necessary regulatory approvals that are required in order
24 to be able to convey or deliver a sufficient water supply to the
25 subdivision.

26 (e) If there is no public water system, the local agency shall
27 make a written finding of sufficient water supply based on the
28 evidentiary requirements of subdivisions (b), (c), and (d) and
29 identify the mechanism for providing water to the subdivision.

30 (f) In making any findings or determinations under this section,
31 a local agency, or designated advisory agency, may work in
32 conjunction with the project applicant and the public water system
33 to secure water supplies sufficient to satisfy the demands of the
34 proposed subdivision. If the local agency secures water supplies
35 pursuant to this subdivision, which supplies are acceptable to and
36 approved by the governing body of the public water system as
37 suitable for delivery to customers, it shall work in conjunction
38 with the public water system to implement a plan to deliver that
39 water supply to satisfy the long-term demands of the proposed
40 subdivision.

1 (g) The written verification prepared under this section also
2 shall include a description, to the extent that data is reasonably
3 available based on published records maintained by federal and
4 state agencies, and public records of local agencies, of the
5 reasonably foreseeable impacts of the proposed subdivision on the
6 availability of water resources for agricultural and industrial uses
7 within the public water system's service area that are not currently
8 receiving water from the public water system but are utilizing the
9 same sources of water. To the extent that those reasonably
10 foreseeable impacts have previously been evaluated in a document
11 prepared pursuant to the California Environmental Quality Act
12 (Division 13 (commencing with Section 21000) of the Public
13 Resources Code) or the National Environmental Policy Act (P.L.
14 91-190) for the proposed subdivision, the public water system may
15 utilize that information in preparing the written verification.

16 (h) Where a water supply for a proposed subdivision includes
17 groundwater, the public water system serving the proposed
18 subdivision shall evaluate, based on substantial evidence, the extent
19 to which it or the landowner has the right to extract the additional
20 groundwater needed to supply the proposed subdivision. Nothing
21 in this subdivision is intended to modify state law with regard to
22 groundwater rights.

23 (i) This section shall not apply to any residential project
24 proposed for a site that is within an urbanized area and has been
25 previously developed for urban uses, or where the immediate
26 contiguous properties surrounding the residential project site are,
27 or previously have been, developed for urban uses, or housing
28 projects that are exclusively for very low and low-income
29 households.

30 (j) The determinations made pursuant to this section shall be
31 consistent with the obligation of a public water system to grant a
32 priority for the provision of available and future water resources
33 or services to proposed housing developments that help meet the
34 city's or county's share of the regional housing needs for lower
35 income households, pursuant to Section 65589.7.

36 (k) The County of San Diego shall be deemed to comply with
37 this section if the Office of Planning and Research determines that
38 all of the following conditions have been met:

39 (1) A regional growth management strategy that provides for a
40 comprehensive regional strategy and a coordinated economic

1 development and growth management program has been developed
2 pursuant to Proposition C as approved by the voters of the County
3 of San Diego in November 1988, which required the development
4 of a regional growth management plan and directed the
5 establishment of a regional planning and growth management
6 review board.

7 (2) Each public water system, as defined in Section 10912 of
8 the Water Code, within the County of San Diego has adopted an
9 urban water management plan pursuant to Part 2.6 (commencing
10 with Section 10610) of the Water Code.

11 (3) The approval or conditional approval of tentative maps for
12 subdivisions, as defined in this section, by the County of San Diego
13 and the cities within the county requires written communications
14 to be made by the public water system to the city or county, in a
15 format and with content that is substantially similar to the
16 requirements contained in this section, with regard to the
17 availability of a sufficient water supply, or the reliance on projected
18 water supplies to provide a sufficient water supply, for a proposed
19 subdivision.

20 (l) Nothing in this section shall preclude the legislative body of
21 a city or county, or the designated advisory agency, at the request
22 of the applicant, from making the determinations required in this
23 section earlier than required pursuant to subdivision (b).

24 (m) Nothing in this section shall be construed to create a right
25 or entitlement to water service or any specific level of water
26 service.

27 (n) Nothing in this section is intended to change existing law
28 concerning a public water system's obligation to provide water
29 service to its existing customers or to any potential future
30 customers.

31 (o) Any action challenging the sufficiency of the public water
32 system's written verification of a sufficient water supply shall be
33 governed by Section 66499.37.

34 (p) (1) *For purposes of a Voluntary Water Demand Mitigation*
35 *Fund held by a public water system, the public water system shall*
36 *be required to expend all funds from the Voluntary Water Demand*
37 *Mitigation Fund on water conservation measures that will reduce*
38 *the projected demand associated with the subdivision. Water*
39 *conservation measures shall be chosen that are the least expensive,*
40 *most cost-effective means to yield water. The expenditure may be*

1 *made within the subdivision or elsewhere within the service area*
2 *of the public water supplier, at its discretion.*

3 *(2) The public water system shall be prohibited from using funds*
4 *from the Water Conservation Mitigation Fund to supplant funding*
5 *for water conservation programs required by existing law or paid*
6 *for by existing customers through water rates and surcharges.*

7 ~~(p)~~

8 *(q) This section shall remain in effect only until January 1, 2020,*
9 *and as of that date is repealed, unless a later enacted statute, that*
10 *is enacted before January 1, 2020, deletes or extends that date.*

11 SEC. 3. Section 66473.7 is added to the Government Code, to
12 read:

13 66473.7. (a) For the purposes of this section, the following
14 definitions apply:

15 (1) "Subdivision" means a proposed residential development
16 of more than 500 dwelling units, except that for a public water
17 system that has fewer than 5,000 service connections, "subdivision"
18 means any proposed residential development that would account
19 for an increase of 10 percent or more in the number of the public
20 water system's existing service connections.

21 (2) "Sufficient water supply" means the total water supplies
22 available during normal, single-dry, and multiple-dry years within
23 a 20-year projection that will meet the projected demand associated
24 with the proposed subdivision, in addition to existing and planned
25 future uses, including, but not limited to, agricultural and industrial
26 uses. In determining "sufficient water supply," all of the following
27 factors shall be considered:

28 (A) The availability of water supplies over a historical record
29 of at least 20 years.

30 (B) The applicability of an urban water shortage contingency
31 analysis prepared pursuant to Section 10632 of the Water Code
32 that includes actions to be undertaken by the public water system
33 in response to water supply shortages.

34 (C) The reduction in water supply allocated to a specific water
35 use sector pursuant to a resolution or ordinance adopted, or a
36 contract entered into, by the public water system, as long as that
37 resolution, ordinance, or contract does not conflict with Section
38 354 of the Water Code.

39 (D) The amount of water that the water supplier can reasonably
40 rely on receiving from other water supply projects, such as

1 conjunctive use, reclaimed water, water conservation, and water
2 transfer, including programs identified under federal, state, and
3 local water initiatives such as CALFED and Colorado River
4 tentative agreements, to the extent that these water supplies meet
5 the criteria of subdivision (d).

6 (3) “Public water system” means the water supplier that is, or
7 may become as a result of servicing the subdivision included in a
8 tentative map pursuant to subdivision (b), a public water system,
9 as defined in Section 10912 of the Water Code, that may supply
10 water for a subdivision.

11 (b) (1) The legislative body of a city or county or the advisory
12 agency, to the extent that it is authorized by local ordinance to
13 approve, conditionally approve, or disapprove the tentative map,
14 shall include as a condition in any tentative map that includes a
15 subdivision a requirement that a sufficient water supply shall be
16 available. Proof of the availability of a sufficient water supply
17 shall be requested by the subdivision applicant or local agency, at
18 the discretion of the local agency, and shall be based on written
19 verification from the applicable public water system within 90
20 days of a request.

21 (2) If the public water system fails to deliver the written
22 verification as required by this section, the local agency or any
23 other interested party may seek a writ of mandamus to compel the
24 public water system to comply.

25 (3) If the written verification provided by the applicable public
26 water system indicates that the public water system is unable to
27 provide a sufficient water supply that will meet the projected
28 demand associated with the proposed subdivision, then the local
29 agency may make a finding, after consideration of the written
30 verification by the applicable public water system, that additional
31 water supplies not accounted for by the public water system are,
32 or will be, available prior to completion of the subdivision that
33 will satisfy the requirements of this section. This finding shall be
34 made on the record and supported by substantial evidence.

35 (4) If the written verification is not provided by the public water
36 system, notwithstanding the local agency or other interested party
37 securing a writ of mandamus to compel compliance with this
38 section, then the local agency may make a finding that sufficient
39 water supplies are, or will be, available prior to completion of the
40 subdivision that will satisfy the requirements of this section. This

1 finding shall be made on the record and supported by substantial
2 evidence.

3 (c) The applicable public water system's written verification of
4 its ability or inability to provide a sufficient water supply that will
5 meet the projected demand associated with the proposed
6 subdivision as required by subdivision (b) shall be supported by
7 substantial evidence. The substantial evidence may include, but is
8 not limited to, any of the following:

9 (1) The public water system's most recently adopted urban water
10 management plan adopted pursuant to Part 2.6 (commencing with
11 Section 10610) of Division 6 of the Water Code.

12 (2) A water supply assessment that was completed pursuant to
13 Part 2.10 (commencing with Section 10910) of Division 6 of the
14 Water Code.

15 (3) Other information relating to the sufficiency of the water
16 supply that contains analytical information that is substantially
17 similar to the assessment required by Section 10635 of the Water
18 Code.

19 (d) When the written verification pursuant to subdivision (b)
20 relies on projected water supplies that are not currently available
21 to the public water system, to provide a sufficient water supply to
22 the subdivision, the written verification as to those projected water
23 supplies shall be based on all of the following elements, to the
24 extent each is applicable:

25 (1) Written contracts or other proof of valid rights to the
26 identified water supply that identify the terms and conditions under
27 which the water will be available to serve the proposed subdivision.

28 (2) Copies of a capital outlay program for financing the delivery
29 of a sufficient water supply that has been adopted by the applicable
30 governing body.

31 (3) Securing of applicable federal, state, and local permits for
32 construction of necessary infrastructure associated with supplying
33 a sufficient water supply.

34 (4) Any necessary regulatory approvals that are required in order
35 to be able to convey or deliver a sufficient water supply to the
36 subdivision.

37 (e) If there is no public water system, the local agency shall
38 make a written finding of sufficient water supply based on the
39 evidentiary requirements of subdivisions (c) and (d) and identify
40 the mechanism for providing water to the subdivision.

1 (f) In making any findings or determinations under this section,
2 a local agency, or designated advisory agency, may work in
3 conjunction with the project applicant and the public water system
4 to secure water supplies sufficient to satisfy the demands of the
5 proposed subdivision. If the local agency secures water supplies
6 pursuant to this subdivision, which supplies are acceptable to and
7 approved by the governing body of the public water system as
8 suitable for delivery to customers, it shall work in conjunction
9 with the public water system to implement a plan to deliver that
10 water supply to satisfy the long-term demands of the proposed
11 subdivision.

12 (g) The written verification prepared under this section also
13 shall include a description, to the extent that data is reasonably
14 available based on published records maintained by federal and
15 state agencies, and public records of local agencies, of the
16 reasonably foreseeable impacts of the proposed subdivision on the
17 availability of water resources for agricultural and industrial uses
18 within the public water system's service area that are not currently
19 receiving water from the public water system but are utilizing the
20 same sources of water. To the extent that those reasonably
21 foreseeable impacts have previously been evaluated in a document
22 prepared pursuant to the California Environmental Quality Act
23 (Division 13 (commencing with Section 21000) of the Public
24 Resources Code) or the National Environmental Policy Act (P.L.
25 91-190) for the proposed subdivision, the public water system may
26 utilize that information in preparing the written verification.

27 (h) Where a water supply for a proposed subdivision includes
28 groundwater, the public water system serving the proposed
29 subdivision shall evaluate, based on substantial evidence, the extent
30 to which it or the landowner has the right to extract the additional
31 groundwater needed to supply the proposed subdivision. Nothing
32 in this subdivision is intended to modify state law with regard to
33 groundwater rights.

34 (i) This section shall not apply to any residential project
35 proposed for a site that is within an urbanized area and has been
36 previously developed for urban uses, or where the immediate
37 contiguous properties surrounding the residential project site are,
38 or previously have been, developed for urban uses, or housing
39 projects that are exclusively for very low and low-income
40 households.

1 (j) The determinations made pursuant to this section shall be
2 consistent with the obligation of a public water system to grant a
3 priority for the provision of available and future water resources
4 or services to proposed housing developments that help meet the
5 city’s or county’s share of the regional housing needs for lower
6 income households, pursuant to Section 65589.7.

7 (k) The County of San Diego shall be deemed to comply with
8 this section if the Office of Planning and Research determines that
9 all of the following conditions have been met:

10 (1) A regional growth management strategy that provides for a
11 comprehensive regional strategy and a coordinated economic
12 development and growth management program has been developed
13 pursuant to Proposition C as approved by the voters of the County
14 of San Diego in November 1988, which required the development
15 of a regional growth management plan and directed the
16 establishment of a regional planning and growth management
17 review board.

18 (2) Each public water system, as defined in Section 10912 of
19 the Water Code, within the County of San Diego has adopted an
20 urban water management plan pursuant to Part 2.6 (commencing
21 with Section 10610) of the Water Code.

22 (3) The approval or conditional approval of tentative maps for
23 subdivisions, as defined in this section, by the County of San Diego
24 and the cities within the county requires written communications
25 to be made by the public water system to the city or county, in a
26 format and with content that is substantially similar to the
27 requirements contained in this section, with regard to the
28 availability of a sufficient water supply, or the reliance on projected
29 water supplies to provide a sufficient water supply, for a proposed
30 subdivision.

31 (l) Nothing in this section shall preclude the legislative body of
32 a city or county, or the designated advisory agency, at the request
33 of the applicant, from making the determinations required in this
34 section earlier than required pursuant to subdivision (b).

35 (m) Nothing in this section shall be construed to create a right
36 or entitlement to water service or any specific level of water
37 service.

38 (n) Nothing in this section is intended to change existing law
39 concerning a public water system’s obligation to provide water

1 service to its existing customers or to any potential future
2 customers.

3 (o) Any action challenging the sufficiency of the public water
4 system's written verification of a sufficient water supply shall be
5 governed by Section 66499.37.

6 (p) This section shall become operative on January 1, 2020.

7 SEC. 4. Section 10910 of the Water Code is amended to read:

8 10910. (a) Any city or county that determines that a project,
9 as defined in Section 10912, is subject to the California
10 Environmental Quality Act (Division 13 (commencing with Section
11 21000) of the Public Resources Code) under Section 21080 of the
12 Public Resources Code shall comply with this part.

13 (b) The city or county, at the time that it determines whether an
14 environmental impact report, a negative declaration, or a mitigated
15 negative declaration is required for any project subject to the
16 California Environmental Quality Act pursuant to Section 21080.1
17 of the Public Resources Code, shall identify any water system that
18 is, or may become as a result of supplying water to the project
19 identified pursuant to this subdivision, a public water system, as
20 defined in Section 10912, that may supply water for the project.
21 If the city or county is not able to identify any public water system
22 that may supply water for the project, the city or county shall
23 prepare the water assessment required by this part after consulting
24 with any entity serving domestic water supplies whose service
25 area includes the project site, the local agency formation
26 commission, and any public water system adjacent to the project
27 site.

28 (c) (1) The city or county, at the time it makes the determination
29 required under Section 21080.1 of the Public Resources Code,
30 shall request each public water system identified pursuant to
31 subdivision (b) to determine whether the projected water demand
32 associated with a proposed project was included as part of the most
33 recently adopted urban water management plan adopted pursuant
34 to Part 2.6 (commencing with Section 10610).

35 (2) If the projected water demand associated with the proposed
36 project was accounted for in the most recently adopted urban water
37 management plan, the public water system may incorporate the
38 requested information from the urban water management plan in
39 preparing the elements of the assessment required to comply with
40 subdivisions (d), (e), (f), and (g).

1 (3) If the projected water demand associated with the proposed
2 project was not accounted for in the most recently adopted urban
3 water management plan, or the public water system has no urban
4 water management plan, the water supply assessment for the project
5 shall include a discussion with regard to whether the public water
6 system's total projected water supplies available during normal,
7 single dry, and multiple dry water years during a 20-year projection
8 will meet the projected water demand associated with the proposed
9 project, in addition to the public water system's existing and
10 planned future uses, including agricultural and manufacturing uses.

11 (4) If the city or county is required to comply with this part
12 pursuant to subdivision (b), the water supply assessment for the
13 project shall include a discussion with regard to whether the total
14 projected water supplies, determined to be available by the city or
15 county for the project during normal, single dry, and multiple dry
16 water years during a 20-year projection, will meet the projected
17 water demand associated with the proposed project, in addition to
18 existing and planned future uses, including agricultural and
19 manufacturing uses.

20 (5) ~~The~~ *If an applicant elects to include voluntary demand*
21 *management measures, the projected water demand shall be*
22 *reduced for the project to an amount below the current statutory*
23 ~~and regulatory requirements, as defined in Section 10912,~~
24 *regulatory, and local-ordinance requirements, based on the project*
25 *applicant's voluntary water demand management measures. The*
26 *public water system, or, if there is no public water system, the*
27 *local agency, shall quantify the reduction of anticipated water*
28 *demand attributable to the voluntary demand management*
29 *measures. For purposes of this section, "voluntary water demand*
30 *management measures" means water use efficiency measures*
31 ~~below statutory and regulatory requirements that~~ *that exceed*
32 *current statutory and regulatory requirements, and that are*
33 *permanently fixed to residential, commercial, industrial, or other*
34 *real property that will reduce projected water demand, and may*
35 *include, but are not limited to, all of the following:*

- 36 (A) Smart irrigation controllers.
- 37 (B) Waterless urinals.
- 38 (C) Ultralow flow and dual flow toilets.
- 39 (D) Recycled water facilities.
- 40 (E) Rainwater capture and reuse facilities.

1 (F) Any other measure that will prevent the waste of water or
2 promote the reasonable and efficient use and reuse of available
3 water supplies by the subdivision or the public.

4 (G) *Voluntary mitigation measures may include, at the*
5 *applicant's sole discretion, water demand mitigation measures*
6 *that reduce a project's impact to the public water system, as*
7 *determined by the applicant. The applicant may enter into an*
8 *agreement with the public water system to mitigate water demand*
9 *associated with a proposed subdivision by depositing funds into*
10 *a Voluntary Water Demand Mitigation Fund. The fees paid into*
11 *the Voluntary Water Demand Mitigation Fund shall not exceed*
12 *an amount necessary to offset the actual or percentage of actual*
13 *water demand impacts agreed upon in the agreement between the*
14 *applicant and the public water system. The fees may not exceed*
15 *the amount of all capacity charges and other water service fees*
16 *applicable to the subdivision. All applicable capacity charges and*
17 *other water service fees shall not be waived or modified by*
18 *contractual agreement, act, or omission of the parties. A project*
19 *may not be disapproved due to the applicant's refusal to use*
20 *voluntary mitigation measures.*

21 (6) *"Voluntary Water Demand Mitigation Fund" means the*
22 *fund used to finance water conservation and water supply*
23 *augmentation measures by the public water system that mitigate*
24 *an agreed upon percentage of the projected water demand impacts*
25 *from the subdivision, at the discretion of the applicant.*

26 ~~(6)~~

27 (7) Water savings projections may be calculated using the water
28 savings projections adopted by the California Urban Water
29 Conservation Council. Water savings projections for measures for
30 which the California Urban Water Conservation Council does not
31 have adopted findings shall be based on substantial evidence in
32 the record and included in the water supply assessment adopted
33 by the water supplier. If a project applicant proposes to use a new
34 voluntary water reduction demand management measure that is
35 not based on water savings projections adopted by the California
36 Urban Water Conservation Council, the legislative body of a city
37 or county or the advisory agency shall require the project applicant
38 to enter into an agreement with the water utility to implement and
39 monitor the actual water savings over time through conditions of
40 approval for the project, which may include the adoption of legally

1 enforceable mechanisms, ~~such as~~ *including, but not limited to,*
2 inclusion in covenants, conditions, and restrictions. The public
3 water system shall prepare a written report of the projected water
4 demand versus the actual water use five years after the project has
5 been fully developed. *Copies of the report shall be provided to the*
6 *project applicant, the city or county that approved the subdivision*
7 *map, the California Urban Water Conservation Council, and the*
8 *Department of Water Resources. Additionally, at the time of final*
9 *inspection, a manual providing directions to the owner or occupant*
10 *on the proper use of water conservation devices and systems shall*
11 *be placed in the dwelling.*

12 (d) (1) The assessment required by this section shall include
13 an identification of any existing water supply entitlements, water
14 rights, or water service contracts relevant to the identified water
15 supply for the proposed project, and a description of the quantities
16 of water received in prior years by the public water system, or the
17 city or county if either is required to comply with this part pursuant
18 to subdivision (b), under the existing water supply entitlements,
19 water rights, or water service contracts.

20 (2) An identification of existing water supply entitlements, water
21 rights, or water service contracts held by the public water system,
22 or the city or county if either is required to comply with this part
23 pursuant to subdivision (b), shall be demonstrated by providing
24 information related to all of the following:

25 (A) Written contracts or other proof of entitlement to an
26 identified water supply.

27 (B) Copies of a capital outlay program for financing the delivery
28 of a water supply that has been adopted by the public water system.

29 (C) Federal, state, and local permits for construction of necessary
30 infrastructure associated with delivering the water supply.

31 (D) Any necessary regulatory approvals that are required in
32 order to be able to convey or deliver the water supply.

33 (e) If no water has been received in prior years by the public
34 water system, or the city or county if either is required to comply
35 with this part pursuant to subdivision (b), under the existing water
36 supply entitlements, water rights, or water service contracts, the
37 public water system, or the city or county if either is required to
38 comply with this part pursuant to subdivision (b), shall also include
39 in its water supply assessment pursuant to subdivision (c), an
40 identification of the other public water systems or water service

1 contractholders that receive a water supply or have existing water
2 supply entitlements, water rights, or water service contracts, to the
3 same source of water as the public water system, or the city or
4 county if either is required to comply with this part pursuant to
5 subdivision (b), has identified as a source of water supply within
6 its water supply assessments.

7 (f) If a water supply for a proposed project includes
8 groundwater, the following additional information shall be included
9 in the water supply assessment:

10 (1) A review of any information contained in the urban water
11 management plan relevant to the identified water supply for the
12 proposed project.

13 (2) A description of any groundwater basin or basins from which
14 the proposed project will be supplied. For those basins for which
15 a court or the board has adjudicated the rights to pump
16 groundwater, a copy of the order or decree adopted by the court
17 or the board and a description of the amount of groundwater the
18 public water system, or the city or county if either is required to
19 comply with this part pursuant to subdivision (b), has the legal
20 right to pump under the order or decree. For basins that have not
21 been adjudicated, information as to whether the department has
22 identified the basin or basins as overdrafted or has projected that
23 the basin will become overdrafted if present management
24 conditions continue, in the most current bulletin of the department
25 that characterizes the condition of the groundwater basin, and a
26 detailed description by the public water system, or the city or
27 county if either is required to comply with this part pursuant to
28 subdivision (b), of the efforts being undertaken in the basin or
29 basins to eliminate the long-term overdraft condition.

30 (3) A detailed description and analysis of the amount and
31 location of groundwater pumped by the public water system, or
32 the city or county if either is required to comply with this part
33 pursuant to subdivision (b), for the past five years from any
34 groundwater basin from which the proposed project will be
35 supplied. The description and analysis shall be based on
36 information that is reasonably available, including, but not limited
37 to, historic use records.

38 (4) A detailed description and analysis of the amount and
39 location of groundwater that is projected to be pumped by the
40 public water system, or the city or county if either is required to

1 comply with this part pursuant to subdivision (b), from any basin
2 from which the proposed project will be supplied. The description
3 and analysis shall be based on information that is reasonably
4 available, including, but not limited to, historic use records.

5 (5) An analysis of the sufficiency of the groundwater from the
6 basin or basins from which the proposed project will be supplied
7 to meet the projected water demand associated with the proposed
8 project. A water supply assessment shall not be required to include
9 the information required by this paragraph if the public water
10 system determines, as part of the review required by paragraph
11 (1), that the sufficiency of groundwater necessary to meet the initial
12 and projected water demand associated with the project was
13 addressed in the description and analysis required by paragraph
14 (4) of subdivision (b) of Section 10631.

15 (g) (1) Subject to paragraph (2), the governing body of each
16 public water system shall submit the assessment to the city or
17 county not later than 90 days from the date on which the request
18 was received. The governing body of each public water system,
19 or the city or county if either is required to comply with this act
20 pursuant to subdivision (b), shall approve the assessment prepared
21 pursuant to this section at a regular or special meeting.

22 (2) Prior to the expiration of the 90-day period, if the public
23 water system intends to request an extension of time to prepare
24 and adopt the assessment, the public water system shall meet with
25 the city or county to request an extension of time, which shall not
26 exceed 30 days, to prepare and adopt the assessment.

27 (3) If the public water system fails to request an extension of
28 time, or fails to submit the assessment notwithstanding the
29 extension of time granted pursuant to paragraph (2), the city or
30 county may seek a writ of mandamus to compel the governing
31 body of the public water system to comply with the requirements
32 of this part relating to the submission of the water supply
33 assessment.

34 (h) Notwithstanding any other provision of this part, if a project
35 has been the subject of a water supply assessment that complies
36 with the requirements of this part, no additional water supply
37 assessment shall be required for subsequent projects that were part
38 of a larger project for which a water supply assessment was
39 completed and that has complied with the requirements of this part
40 and for which the public water system, or the city or county if

1 either is required to comply with this part pursuant to subdivision
2 (b), has concluded that its water supplies are sufficient to meet the
3 projected water demand associated with the proposed project, in
4 addition to the existing and planned future uses, including, but not
5 limited to, agricultural and industrial uses, unless one or more of
6 the following changes occurs:

7 (1) Changes in the project that result in a substantial increase
8 in water demand for the project.

9 (2) Changes in the circumstances or conditions substantially
10 affecting the ability of the public water system, or the city or county
11 if either is required to comply with this part pursuant to subdivision
12 (b), to provide a sufficient supply of water for the project.

13 (3) Significant new information becomes available which was
14 not known and could not have been known at the time when the
15 assessment was prepared.

16 (i) (1) *For purposes of a Voluntary Water Demand Mitigation*
17 *Fund held by a public water system, the public water system shall*
18 *be required to expend all funds from the Voluntary Water Demand*
19 *Mitigation Fund on water conservation measures that will reduce*
20 *the projected demand associated with the subdivision. Water*
21 *conservation measures shall be chosen that are the least expensive,*
22 *most cost effective means to yield water. The expenditures may be*
23 *made within the subdivision or elsewhere within the service area*
24 *of the public water supplier at its discretion.*

25 (2) *The public water system shall be prohibited from using funds*
26 *from the Water Conservation Mitigation Fund to supplant funding*
27 *for water conservation programs required by existing law or paid*
28 *for by existing customers through water rates and surcharges.*

29 (i)

30 (j) This section shall remain in effect only until January 1, 2020,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2020, deletes or extends that date.

33 SEC. 5. Section 10910 is added to the Water Code, to read:

34 10910. (a) Any city or county that determines that a project,
35 as defined in Section 10912, is subject to the California
36 Environmental Quality Act (Division 13 (commencing with Section
37 21000) of the Public Resources Code) under Section 21080 of the
38 Public Resources Code shall comply with this part.

39 (b) The city or county, at the time that it determines whether an
40 environmental impact report, a negative declaration, or a mitigated

1 negative declaration is required for any project subject to the
2 California Environmental Quality Act pursuant to Section 21080.1
3 of the Public Resources Code, shall identify any water system that
4 is, or may become as a result of supplying water to the project
5 identified pursuant to this subdivision, a public water system, as
6 defined in Section 10912, that may supply water for the project.
7 If the city or county is not able to identify any public water system
8 that may supply water for the project, the city or county shall
9 prepare the water assessment required by this part after consulting
10 with any entity serving domestic water supplies whose service
11 area includes the project site, the local agency formation
12 commission, and any public water system adjacent to the project
13 site.

14 (c) (1) The city or county, at the time it makes the determination
15 required under Section 21080.1 of the Public Resources Code,
16 shall request each public water system identified pursuant to
17 subdivision (b) to determine whether the projected water demand
18 associated with a proposed project was included as part of the most
19 recently adopted urban water management plan adopted pursuant
20 to Part 2.6 (commencing with Section 10610).

21 (2) If the projected water demand associated with the proposed
22 project was accounted for in the most recently adopted urban water
23 management plan, the public water system may incorporate the
24 requested information from the urban water management plan in
25 preparing the elements of the assessment required to comply with
26 subdivisions (d), (e), (f), and (g).

27 (3) If the projected water demand associated with the proposed
28 project was not accounted for in the most recently adopted urban
29 water management plan, or the public water system has no urban
30 water management plan, the water supply assessment for the project
31 shall include a discussion with regard to whether the public water
32 system's total projected water supplies available during normal,
33 single dry, and multiple dry water years during a 20-year projection
34 will meet the projected water demand associated with the proposed
35 project, in addition to the public water system's existing and
36 planned future uses, including agricultural and manufacturing uses.

37 (4) If the city or county is required to comply with this part
38 pursuant to subdivision (b), the water supply assessment for the
39 project shall include a discussion with regard to whether the total
40 projected water supplies, determined to be available by the city or

1 county for the project during normal, single dry, and multiple dry
2 water years during a 20-year projection, will meet the projected
3 water demand associated with the proposed project, in addition to
4 existing and planned future uses, including agricultural and
5 manufacturing uses.

6 (d) (1) The assessment required by this section shall include
7 an identification of any existing water supply entitlements, water
8 rights, or water service contracts relevant to the identified water
9 supply for the proposed project, and a description of the quantities
10 of water received in prior years by the public water system, or the
11 city or county if either is required to comply with this part pursuant
12 to subdivision (b), under the existing water supply entitlements,
13 water rights, or water service contracts.

14 (2) An identification of existing water supply entitlements, water
15 rights, or water service contracts held by the public water system,
16 or the city or county if either is required to comply with this part
17 pursuant to subdivision (b), shall be demonstrated by providing
18 information related to all of the following:

19 (A) Written contracts or other proof of entitlement to an
20 identified water supply.

21 (B) Copies of a capital outlay program for financing the delivery
22 of a water supply that has been adopted by the public water system.

23 (C) Federal, state, and local permits for construction of necessary
24 infrastructure associated with delivering the water supply.

25 (D) Any necessary regulatory approvals that are required in
26 order to be able to convey or deliver the water supply.

27 (e) If no water has been received in prior years by the public
28 water system, or the city or county if either is required to comply
29 with this part pursuant to subdivision (b), under the existing water
30 supply entitlements, water rights, or water service contracts, the
31 public water system, or the city or county if either is required to
32 comply with this part pursuant to subdivision (b), shall also include
33 in its water supply assessment pursuant to subdivision (c), an
34 identification of the other public water systems or water service
35 contractholders that receive a water supply or have existing water
36 supply entitlements, water rights, or water service contracts, to the
37 same source of water as the public water system, or the city or
38 county if either is required to comply with this part pursuant to
39 subdivision (b), has identified as a source of water supply within
40 its water supply assessments.

1 (f) If a water supply for a proposed project includes
2 groundwater, the following additional information shall be included
3 in the water supply assessment:

4 (1) A review of any information contained in the urban water
5 management plan relevant to the identified water supply for the
6 proposed project.

7 (2) A description of any groundwater basin or basins from which
8 the proposed project will be supplied. For those basins for which
9 a court or the board has adjudicated the rights to pump
10 groundwater, a copy of the order or decree adopted by the court
11 or the board and a description of the amount of groundwater the
12 public water system, or the city or county if either is required to
13 comply with this part pursuant to subdivision (b), has the legal
14 right to pump under the order or decree. For basins that have not
15 been adjudicated, information as to whether the department has
16 identified the basin or basins as overdrafted or has projected that
17 the basin will become overdrafted if present management
18 conditions continue, in the most current bulletin of the department
19 that characterizes the condition of the groundwater basin, and a
20 detailed description by the public water system, or the city or
21 county if either is required to comply with this part pursuant to
22 subdivision (b), of the efforts being undertaken in the basin or
23 basins to eliminate the long-term overdraft condition.

24 (3) A detailed description and analysis of the amount and
25 location of groundwater pumped by the public water system, or
26 the city or county if either is required to comply with this part
27 pursuant to subdivision (b), for the past five years from any
28 groundwater basin from which the proposed project will be
29 supplied. The description and analysis shall be based on
30 information that is reasonably available, including, but not limited
31 to, historic use records.

32 (4) A detailed description and analysis of the amount and
33 location of groundwater that is projected to be pumped by the
34 public water system, or the city or county if either is required to
35 comply with this part pursuant to subdivision (b), from any basin
36 from which the proposed project will be supplied. The description
37 and analysis shall be based on information that is reasonably
38 available, including, but not limited to, historic use records.

39 (5) An analysis of the sufficiency of the groundwater from the
40 basin or basins from which the proposed project will be supplied

1 to meet the projected water demand associated with the proposed
2 project. A water supply assessment shall not be required to include
3 the information required by this paragraph if the public water
4 system determines, as part of the review required by paragraph
5 (1), that the sufficiency of groundwater necessary to meet the initial
6 and projected water demand associated with the project was
7 addressed in the description and analysis required by paragraph
8 (4) of subdivision (b) of Section 10631.

9 (g) (1) Subject to paragraph (2), the governing body of each
10 public water system shall submit the assessment to the city or
11 county not later than 90 days from the date on which the request
12 was received. The governing body of each public water system,
13 or the city or county if either is required to comply with this act
14 pursuant to subdivision (b), shall approve the assessment prepared
15 pursuant to this section at a regular or special meeting.

16 (2) Prior to the expiration of the 90-day period, if the public
17 water system intends to request an extension of time to prepare
18 and adopt the assessment, the public water system shall meet with
19 the city or county to request an extension of time, which shall not
20 exceed 30 days, to prepare and adopt the assessment.

21 (3) If the public water system fails to request an extension of
22 time, or fails to submit the assessment notwithstanding the
23 extension of time granted pursuant to paragraph (2), the city or
24 county may seek a writ of mandamus to compel the governing
25 body of the public water system to comply with the requirements
26 of this part relating to the submission of the water supply
27 assessment.

28 (h) Notwithstanding any other provision of this part, if a project
29 has been the subject of a water supply assessment that complies
30 with the requirements of this part, no additional water supply
31 assessment shall be required for subsequent projects that were part
32 of a larger project for which a water supply assessment was
33 completed and that has complied with the requirements of this part
34 and for which the public water system, or the city or county if
35 either is required to comply with this part pursuant to subdivision
36 (b), has concluded that its water supplies are sufficient to meet the
37 projected water demand associated with the proposed project, in
38 addition to the existing and planned future uses, including, but not
39 limited to, agricultural and industrial uses, unless one or more of
40 the following changes occurs:

1 (1) Changes in the project that result in a substantial increase
2 in water demand for the project.

3 (2) Changes in the circumstances or conditions substantially
4 affecting the ability of the public water system, or the city or county
5 if either is required to comply with this part pursuant to subdivision
6 (b), to provide a sufficient supply of water for the project.

7 (3) Significant new information becomes available which was
8 not known and could not have been known at the time when the
9 assessment was prepared.

10 (i) This section shall become operative on January 1, 2020.

11 SEC. 6. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.