

ATTACHMENT A
SUMMARY OF COMMISSIONS' ISSUES AND STAFF RESPONSES
[PLANNING COMMISSION (PC), DESIGN COMMISSION (DC),
ENVIRONMENTAL ADVISORY COMMISSION (EAC)]

- The Ordinance could be too restrictive for some property owners. (DC, PC) – *AB 1881 is primarily intended to affect new development. In new developments, the cost to a developer of obtaining a permit showing compliance with the Ordinance will be a fraction of the cost of the overall budget for a new landscape plan. The requirements of AB 1881 have been in the development stages since the late 1990s. The landscaping industry is familiar with the model ordinance, and most substantial residential and commercial landscape plans in recent years have incorporated landscape elements and native plant palettes that are designed to reduce water consumption.*
- Has the staff considered ways to make the City's ordinance more restrictive than the State's Model Ordinance? (PC, EAC) – *Staff has analyzed the details of the Ordinance and consulted with other cities prior to recommending adoption of the State's Model Ordinance. Since AB 1881 is primarily designed to affect new development, making the Ordinance more restrictive and thus impacting existing, older developments a built-out urban area may be burdensome to property owners. Staff recommends monitoring the implementation of the model Ordinance for one to two years and then analyzing its citywide impacts to determine if revisions should be made, especially since the City recently adopted a Water Supply Shortage Plan and is further refining its water rate structure, which will have noticeable affects on some property owners.*
- Community outreach is important. (EAC, PC, DC). *The staff conducted public workshops on the draft Ordinance on September 15 and October 27, 2009. All large water users (schools, churches, institutions, etc.) with landscape areas of one acre or larger have received notification from the City that the Ordinance will be adopted soon.*
- The staff should develop model projects/demonstration projects showing typical kinds of landscapes that comply with the Ordinance. This would be illustrative to the community and commissions/Council. (DC) – *Staff has prepared illustrative site plans and PowerPoint graphics showing how the Ordinance is applied to different kinds of properties. These illustrations were shown at public workshops.*
- The staff should develop procedure for "expedited review" for projects that would clearly comply with the Ordinance so that a property owner could avoid having to hire a landscape architect to prepare a full landscape submittal package. (DC) – *The State's submittal requirements (landscape plan, irrigation plan, and required worksheets with calculations) are very specific. After many discussions with the City Attorney, there does not appear to be any significant changes to the*

Ordinance that could be made to expedite reviews and still comply with the Ordinance. However, the review and permitting process can occur concurrently with during plan check reviews and during the processing of land use entitlements, which will save time for property owners and developers.

- *Are only landmarks, or whole landmark districts, exempted from the Ordinance. (DC) - The State has confirmed that only designated sites (National Register and Local Landmarks, and Historic Monuments) are exempt. By extended the exemption to entire districts, the Ordinance would become less restrictive than allowed by the State, and the City would be there be in non-compliance with AB 1881.*
- *PWP should install water meters for auditing. Auditing is important (DC) – PWP requires the installation of meters for new, substantial projects that use large amounts of water, including large landscaped areas. PWP currently administers a comprehensive water auditing program.*
- *The City should offer financial incentives to property owners and businesses. (DC) – PWP offers some items (low-flow shower heads, information materials, etc.) to residents to reduce general water consumption. PWP's water auditing program is free of charge to City residents and businesses.*
- *The use of synthetic turf should be explored/clarified. (DC) – The Ordinance considers synthetic turf to be a “special landscaped” area that has a water allowance (for cleaning and cooling) that is different from standard turf and planted areas. Considering the expensive cost of installation and the impractical active use aspect of synthetic grass (e.g., heat, abrasion, etc.) for users of typical single-family properties, it is unlikely that the Ordinance will result in a substantial increase in the installation of synthetic turf in yards.*
- *The Ordinance should not encourage excessive use of paving in order to avoid water usage. (DC) – The Ordinance is unlikely to result in a substantial increase in paving if one agrees with the reasoning for “synthetic turf” above. Currently, the Zoning Code limits front yard paving to 30 percent in single-family zoning districts. There are no rear yard restrictions on paving.*

**DRAFT Water Efficient Landscape Ordinance
Questions and Answers
Municipal Services Committee – March 9, 2010**

Attachment B

	Question / Issue	Answer
1	What kinds of properties and projects are subject to the Ordinance?	<p>There are <u>three</u> types of projects/properties that subject to the Ordinance:</p> <ol style="list-style-type: none"> 1) Single-family properties that propose new landscape or re-landscaping of 5,000 square feet or more of a yard. 2) All other multi-family residential, commercial, institutional, and industrial properties that propose new landscape or re-landscaping of 2,500 square feet or more of a yard. 3) All existing properties that currently have one acre (43,000 square feet) or more of landscaped areas. <p>The State Ordinance is generally intended to target new development projects. These projects will be subject to the Ordinance <u>only</u> if: a building permit, plan check, or design review is required for an associated project on the property. Re-landscaping or new landscape projects by themselves do not require compliance with the Ordinance. During plan check or design review, the planner will confirm if a project is subject to the Ordinance and contact the application with further information.</p>
2	What is the review procedure for projects that are subject to the Ordinance?	<p>For the projects (#1 & #2 above), a permit will be required for new landscape/re-landscaped projects. A property owner will be required to submit an application form and a fee at the Permit Center. The landscape documentation package must be prepared by a certified professional. The application submittals require substantial technical information, and the application will need assistance from a water engineer, landscape professional, or other similar professional.</p> <p>For existing landscapes of one acre or more, Pasadena Water and Power will contact the property owners for further information. PWP is already has a landscape audit program that targets large landscapes.</p> <p>Recommendations: Develop and implement Permit Center application/permit process for new construction projects that are subject to the Ordinance. For existing 1 acre landscapes, PWP will be modify its existing landscape audit program to be consistent with the standards of the State Ordinance, and if funding permits, offer free audits to some large landscape property owners.</p>
3	How will the City conduct the review procedure?	<p>The Permit Center will receive the application and fee. The application will be forwarded to a planner (Current Planning, Community Planning, or Design & Historic Preservation). The planner will review the application for completeness within 10 working days. If the application is complete, the planner will forward the application to the private consultant for review. This review shall be completed within 30 days. After the consultant's review is complete, the planner will contact the applicant. The project is required to show compliance with the Ordinance prior to issuance of a building permit for a project.</p>

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4	Is a public hearing required?	The application process is an administrative procedure conducted by City staff. No public hearing or public notification is required.
5	Who will conduct the final inspection and/ sign-off of the approved landscape plan?	The State Ordinance does not require that follow-up audits are performed by a licensed professional. For small projects, audits probably won't be necessary. In large projects, auditing should be performed by a professional.
6	Is long-term monitoring/auditing required?	<p>The State Ordinance requires that after a landscape plan is approved, the City shall administer programs that may include, but not limited to, irrigation water use analysis and irrigation surveys to ensure that a landscape project complies with its approved water limit. The Ordinance does not mandate audits or recommend the specific the duration or frequency of the audits.</p> <p>The industry standard cost of an irrigation auditor is approximately \$100 per hour. It is likely that a consultant will charge a minimum of \$1,000 for a small audit, and more for larger projects. The Ordinance does not require long-term auditing.</p>
7	What is the cost of application fees?	The fee will be based on: 1) Permit Center processing requirements and processing time by City staff (to be determined); and 2) the cost of the review that will be conducted by the private consultant. Estimates from consultants suggest a \$1,000 deposit to review the plans <u>only</u> for small single family projects; and between \$1,800 and \$3,500+ for larger residential and commercial projects. The final inspection would be a minimum of \$1,000. Follow-up auditing would cost an additional \$1,000 +. Based on these estimates, the minimum cost for a small single-family project to the applicant would be \$3,000 plus the Permit Center fee.
8	What if the private consultant determines that the landscape plan in the application does not comply with the Ordinance?	The applicant will have to revise the application until compliance is achieved.

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9	Where in the Municipal Code will the regulations of the Ordinance be located?	The actual Ordinance will be in Title 13, which complements PWP's Comprehensive Water Conservation Plan. Minor changes to the Zoning Code (Title 17) will be made in the near future which cross reference the Ordinance in Title 13.
10	How many applications are expected to be submitted to the Permit Center annually?	The State Ordinance is intended to regulate landscape irrigation for new construction projects. Pasadena is an urbanized area with minimal land for new construction. Based on research of average lot sizes, amount of existing lot coverage by structures and pavement, and building permit activity, a minimal number of applications are expected to be submitted. Staff estimates that approximately one application per month would be submitted to the Permit Center for processing, which is equivalent to approximately 12 annually. PWP's existing landscape audit program does not rely on a permitting process. It is part comprehensive plan to create water budgets for the City's largest water users.
11	Are historic properties subject to the Ordinance?	Historic sites (individual landmarks) are exempt from the Ordinance. All other historic districts are subject to the Ordinance.
12	Are parks subject to the Ordinance?	All private and public parks are subject to the Ordinance. Also, all active turf areas (ball fields, passive areas, etc.) are included as "landscape" areas.
13	Are schools, churches, and non-profit organizations subject to the Ordinance?	Yes.
14	What is a "special landscape area"?	This includes an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface. Such an area receives a different, amount of estimated water need than other plants and other grass.
15	Are swimming pools and other water features included in the landscape area?	Yes. Such "water features" design elements where open water performs an aesthetic or recreational include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). They receive a different, lower amount of estimated water need than plants and grass.
16	Is artificial turf included as landscape area?	Yes. The calculation of its required water use (rinsing it to keep it clean) is different from natural turf.

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17	Is the parkway (the landscape area between the curb and the sidewalk) included?	Yes. Parkway are required to be maintained by the property owner and they are included in landscape area.
18	What incentives exist for complying with the Ordinance?	PWP has some rebate programs and free items that save water. The majority of these are unrelated to landscaping.
19	What penalties exist for non-compliance or exceeding my water allowance?	The State Ordinance does not determine specific penalties. Cities can impose penalties or fines at their own discretion.
21	Will the Ordinance encourage property owners to add more paving in yards?	Currently, the Zoning Code does not regulate paving in rear yards. Regardless of the Ordinance, single-family property owners can pave any portion of the rear yard (without permit) to reduce landscape maintenance. Since relatively few properties will be affected by the Ordinance, no increase in paving in rear yards is expected. The Zoning Code limits paving to 30% of the front yard for single-family properties. Therefore, 70% of the front yard, including the parkway, must remain landscaped. Recommendation: Maintain existing Zoning Code regulations concerning front yard paving. Rear yard areas shall remain unregulated.
22	Are natural areas (hillsides, for example) that are not planted or irrigated subject to the Ordinance?	No. Existing areas with native vegetation such as hillsides that are non-irrigated are not considered "landscape area".