

# Agenda Report

March 15, 2010

**TO:** City Council

**THROUGH:** Municipal Services Committee – March 9, 2010

**FROM:** Planning and Development Department

**SUBJECT: PROPOSED MUNICIPAL CODE AMENDMENTS TO ESTABLISH  
WATER EFFICIENT LANDSCAPE ORDINANCE**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Acknowledge that the State has mandated California cities to establish a water efficient landscape ordinance, or adopt the State's Model Ordinance, in accordance with Senate Bill 1881;
2. Approve a Negative Declaration for the proposed code amendments in compliance with the provisions the California Environmental Quality Act (CEQA);
3. Find that the proposed amendments are in conformance with the goals, policies, and objectives of the General Plan and would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
4. Authorize the City Manager to draft administrative guidelines consistent with the provisions set forth herein; and
5. Direct the City Attorney to draft an ordinance and return within 60 days consistent with the provisions set forth herein.

## **EXECUTIVE SUMMARY:**

In 2006, State Assembly Bill 1881 (AB 1881) was approved that mandates all local governments to follow specific regulations for the efficient use of water in the irrigation of landscapes. In late 2009, the State Department of Water Resources released the final regulation text of a Model Water Efficient Landscape Ordinance that satisfies the requirements of AB 1881. Cities are required to adopt the State Model Ordinance, or a similar ordinance that is as restrictive, to be applied to projects beginning in 2010.

The staff is recommending adoption of the State Model Ordinance by including it in Title 13 (Utilities and Services) of the PMC, where it will be consistent with the Pasadena Water Waste Prohibitions and Water Supply Shortage Plan that became effective last year. The Ordinance will be implemented through a permitting process to be administered by the Planning Division and through the Water Conservation Program that is currently administered by Pasadena Water and Power.

### **COMMISSION COMMENTS:**

Informational presentations explaining the proposed Ordinance were made to the Planning Commission (June 10 and November 11, 2009); Design Commission (June 25, 2009); and the Environmental Advisory Commission (June 16, 2009). Neither the Commissions nor the EAC made formal recommendations in a vote. However, individual members identified issues and made comments. Some persons were concerned that the Ordinance could be too restrictive to property owners, and others suggested exploring the idea of making it more restrictive than the State's model ordinance. Several comments concerned the correct interpretation and applicability of the Ordinance. For a summary of these comments and issues and staff's responses, see Attachment A.

### **APPLICABILITY OF THE ORDINANCE:**

There are three types of projects/properties that subject to the Ordinance:

- 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. These include public and private properties such as schools, golf courses, and institutional uses.

The State Ordinance is generally intended to affect new development projects. These projects will be subject to the Ordinance only 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, a planner will confirm if a project is subject to the Ordinance and then contact the applicant with the necessary information to obtain a permit to comply with the Ordinance.

The Ordinance does not apply to: historic sites (historic *districts* are not exempt); and native vegetation such as hillsides and other non-irrigated areas.

The Ordinance identifies applicable “special landscaped areas” that are 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. Also applicable are water features such as ponds, lakes, waterfalls, fountains, spas and swimming pools where water is artificially supplied. These areas receive a different amount of estimated water need than typical ornamental plants and grass.

### **PERMITTING PROCESS FOR NEW PROJECTS:**

The Planning Division is developing a permitting process for new projects that are subject to the Ordinance. During Design Review and the plan check process, applicants will be informed that they are required to submit a Landscape Documentation package (landscape plan, irrigation plan, soils report, and calculation worksheet) to the Permit Center for review and approval prior to issuance of a Certificate of Occupancy for a project. Applicants will pay a processing fee by the City staff and pay a flat fee for a private consultant (a certified landscape professional) to review the proposal on behalf of the City. The cost of the review for small projects (a new single-family residence) could range from approximately \$1,000 to \$2,000, and large projects (a new commercial development) could cost \$5,000 or more. This permitting process would begin in early 2010. Based on the limited applicability of the Ordinance, staff estimates approximately 12 applications could be received during the calendar year. Staff assumes that the number of applications may vary depending on the amount of new construction and/or reconstruction projects occurring in the City.

### **PUBLIC OUTREACH:**

The staff conducted two public workshops to explain the requirements and to receive comments. The first workshop targeted residential property owners and was conducted on September 15, 2009. Flyers announcing the workshop were mailed to over 400 community organizations and neighborhood groups that are registered with the City’s Neighborhood Connections office. All Commissions and Council persons were also informed of the meeting. One single-family property owner attended the meeting, and the staff answered her questions. The second workshop targeted large commercial and institutional properties and was conducted on October 27, 2009. The major water-using properties (370) in the City were informed of the meeting. There were five attendees: two single-family property owners and representatives from PCC, Art Center, and Pasadena Highlands Assisted Living Facility, respectively. Mainly, property owners wanted to know when large landscapes would be required to comply with the Ordinance. PWP explained that the City will contact the large property owners in the near future by mail informing them about the Ordinance, and PWP will offer some free landscape audits to property owners to help them comply with the water budget calculations of the Ordinance. Those property owners could use the information to reduce their water usage. For additional information regarding potential issues, please the Questions and Answers table in Attachment A.

### **COUNCIL POLICY CONSIDERATIONS:**

Adoption of the proposed Ordinance is set forth in the City's Strategic Plan in furtherance of the stated goal of increasing conservation and sustainability. It is also consistent with General Plan 1.0 - Optimal utilization of local water resources consistent with sound conservation practices.

### **ENVIRONMENTAL ANALYSIS:**

A draft environmental Initial Study was prepared for the proposed Ordinance (Attachment B). The 20-day period to receive comments from the public began on February 8, 2010. Staff recommends adoption of a Negative Declaration for the code amendments. The potential of the Ordinance to impact the City's groundwater supplies and groundwater recharge was thoroughly analyzed. The Ordinance would not involve installation of any groundwater wells, and would not otherwise directly withdraw any groundwater. In time, the water used to irrigate landscape percolates to the groundwater basin, thereby recharging the basin. According to Geoscience Support Services, Inc. in their Baseline Ground Water Assessment Report of the Raymond Basin dated February 2, 2004:

"A portion of water used for irrigation of lawns, gardens, golf courses and landscaped areas percolates into the aquifer system and contributes to Basin recharge. Return flow from applied waters can be calculated as a percentage of the volume of water delivered to customers, and ranges from approximately 10 to 12 percent. Return flow from applied waters is distributed throughout the Basin and may vary seasonally."

The Raymond Basin Management Board (Watermaster) does not credit the City of Pasadena with groundwater recharge due to landscape irrigation because it is considered to have minimal impact at its current level. (In contrast, recharge operations in the Arroyo Seco lead to direct increases in pumping rights from the Raymond Basin, because the City receives 60% credit of the amount spread there.)

With a reduction in volume of water being irrigated, less groundwater recharge is occurring in the long-term. Although the exact number of properties subject to the Water Efficient Landscape Ordinance not possible to determine, the number is limited. The return flow from applied waters is approximately 10 to 12 percent of those limited qualified properties. However, since the Raymond Basin Watermaster considers recharge from current levels of landscape irrigation *throughout the City* to be minimal, to the extent that the City does not receive *any* credit for such recharge, a reduction in recharge will not affect the Watermaster's analysis. Therefore, the overall effect on groundwater recharge reduction is less than significant.

**FISCAL IMPACT:**

The Permit Center will collect application fees for new projects that will be processed and reviewed by for compliance with the Ordinance. Sufficient fees will be collected to pay qualified landscape consultants to complete the detailed review of the applicant's Landscape Documentation Package.

**ADDITIONAL INFORMATION:**

**State Ordinance Web Site:**

<http://www.owue.water.ca.gov/landscape/ord/updatedOrd.cfm#final>

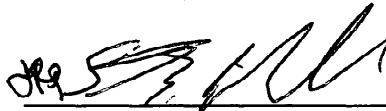
**Final State Ordinance Regulation Text:**

<http://www.water.ca.gov/wateruseefficiency/docs/MWEL09-10-09.pdf>

**PMC Section 13.10: Water Waste Prohibitions and Water Shortage Ordinance:**

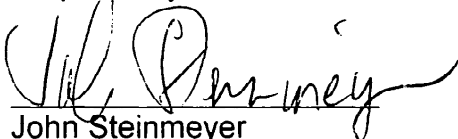
[http://www.cityofpasadena.net/waterandpower/watershortage/CompWaterConsPlan\\_4docs41309.pdf](http://www.cityofpasadena.net/waterandpower/watershortage/CompWaterConsPlan_4docs41309.pdf)

Respectfully submitted,



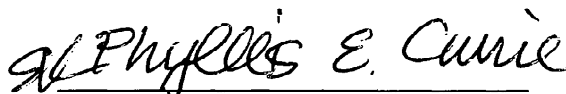
Steve Mermell  
Assistant City Manager

Prepared by:



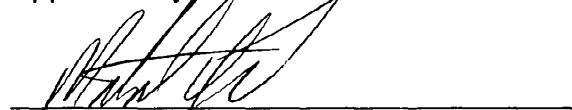
John Steinmeyer  
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Concurred by:



Phyllis E. Currie  
General Manager, Pasadena Water and Power

Approved by:



MICHAEL J. BECK  
City Manager

Attachment A: Summary of Commissions' Issues and Staff Responses

Attachment B: Questions and Answers Table

Attachment C: Environmental Initial Study (on CD)

Attachment D: State of California Model Water Efficient Landscape Ordinance

Attachment E: Single-Family Zoned Parcels 1 Acre or Larger