
OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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Water Efficient Landscape Ordinance

OVERVIEW

On May 27, proposed amendments to the City's landscape regulations pursuant to State law were presented to the Natural Resources and Culture Committee. At that meeting, several questions were raised about the financial impact of the proposed amendments, particularly with regard to enforcement costs, and referred to the IBA for further analysis. Since the May 27 meeting, the IBA has met with staff from the Mayor's Office and the Development Services Department to gain a better understanding of the proposed amendments. This report provides additional information on the proposed landscape regulations, and the means by which compliance will be enforced.

FISCAL/POLICY DISCUSSION

In 2006, the California State Water Conservation in Landscaping Act was adopted by the Legislature in order to promote conservation and efficient water use in landscape design, installation, maintenance and management. The Act requires the Department of Water Resources to develop an updated Model Water Efficient Landscape Ordinance (Model Ordinance). By January 1, 2010, all local agencies must adopt either the Model Ordinance, or a different water efficient landscape ordinance that is "at least as effective" in conserving water as the Model Ordinance.

As indicated in the staff report, many elements of the State Model Ordinance are already addressed by the City's existing Landscape Ordinance, the Landscape Standards Manual, or other project submittal requirements. Three significant components of the Model Ordinance that will need to be addressed in the City's landscape regulations include water budgets, landscape irrigation audits, and dedicated water meters.

One of the more significant new regulations under State law will be the establishment of water budgets, or a Maximum Allocated Water Allotment (MAWA), for certain development projects. The MAWA defines the maximum amount of water that may be used on a landscape based on certain factors such as climate, landscape size, irrigation efficiency and plant needs. The table below reflects the landscape projects that would be subject to the MAWA under the State Model Ordinance.

Projects Subject to Water Budget – State Model Ordinance

Project Type	Landscape Area
Public agency or private (commercial) development or rehabilitation*	≥ 2,500 square feet
Multi-family residential development or rehabilitation*	≥ 2,500 square feet
Single-family residential development or rehabilitation*	≥ 2,500 square feet
Homeowner-provided development*	≥ 5,000 square feet
Existing landscapes (installed before January 1, 2010)**	≥ 1 acre (43,560 sq. ft.)

* Projects that require a building or landscape permit, plan check or design review.

** MAWA for existing landscapes differs from that for new development.

Under the Model Ordinance, the project applicant for all development projects subject to the MAWA must also submit a landscape irrigation audit to the City, to be completed by a certified irrigation auditor.

As discussed in the staff report, the proposed amendments to the City’s landscape regulations differ from the Model Ordinance with regard to applicability of the MAWA. The table below shows the landscape projects that would be subject to the MAWA under the proposed amendments.

Projects Subject to Water Budget – City Proposal

Project Type	Landscape Area
New industrial or commercial development*	≥ 1,000 square feet
New multi-family residential development*	≥ 1,000 square feet
Common landscape areas within new single-family residential development*	≥ 1,000 square feet

* Projects that require a building or landscape permit, plan check or design review.

Under the City proposal, only development projects that require a permit would be subject to the MAWA requirements. As such, compliance with the provisions of the Landscape Ordinance can be effectively enforced through the permit review process, with no additional cost to the City. Prior to occupancy, development projects will be required to submit a landscape irrigation audit to the City certifying that, among other things, the estimated total water use of the landscape is equal to or less than the MAWA for that project.

As shown in the previous tables, new single-family development (with the exception of common areas and model homes) and existing development would not be subject to the MAWA or landscape irrigation audit requirements under the City's proposal. While various reasons for these exclusions are provided in the staff report, from a practical perspective, enforcement of MAWA requirements would be problematic for these landscapes, since no permit review is required. Extending the MAWA to new single family development and existing landscapes would require additional code enforcement efforts to ensure compliance.

To compensate for the exclusion of these landscape types, the City is proposing to lower the square footage thresholds for other development projects in order to achieve a level of water conservation that is at least as effective as the State Model Ordinance. In addition, it should be noted that the excluded landscape types would still be subject to other citywide water use restrictions such as the current Drought Level 2 restrictions, or potential future water allocations.

CONCLUSION

The California State Water Conservation in Landscaping Act requires that by January 1, 2010 all local agencies adopt either the Model Water Efficient Landscape Ordinance, developed by the Department of Water Resources, or another ordinance that is at least as effective in achieving water conservation. While many of the elements in the Model Ordinance are already addressed by the City's existing landscape regulations, one of the significant new elements will be the development of a water budget, or Maximum Applied Water Allowance (MAWA) for certain development projects. Under the City's proposed amendments to the landscape regulations, only development projects requiring a permit will be subject to the MAWA requirements. While this differs from the Model Ordinance, it would allow the City to ensure compliance with the MAWA requirements through the permitting process, with no additional cost to the City.

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Tom Haynes
Fiscal & Policy Analyst

[SIGNED]

APPROVED: Andrea Tevlin
Independent Budget Analyst