
OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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Proposed Amendments to the City's Landscape Regulations

The proposed amendments to the City's Landscape Regulations, as required by the California State Water Conservation in Landscaping Act (2006), were presented to the Natural Resources and Culture (NR&C) Committee in May and June 2009. At the May meeting, the Committee directed the IBA to examine potential enforcement costs related to the proposed regulations, particularly with respect to the Maximum Allocated Water Allotment (MAWA), or water budget, requirements. In response, the IBA issued Report No. 09-54 (attached), which was presented at the NR&C meeting in June.

As explained in the report, under the City's proposal only new development projects requiring 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. However, as a result of this enforcement approach, the landscape regulations as presented to the NR&C Committee did not impose the MAWA requirement on the development of new single-family dwelling units, as landscaping for these units is typically the responsibility of the homeowner, which would not require a permit.

While the proposal currently before the City Council still relies on the permitting process as the enforcement mechanism, it has been modified slightly with respect to single family dwelling units. The proposed regulations now make a distinction between single-family landscapes that are developer-installed and those that are homeowner-installed. While homeowner-installed landscapes – still anticipated to be the majority – are still exempt from the MAWA requirements, all developer-installed landscapes will be subject to the MAWA requirement, regardless of size.

The following table shows the landscapes that would be subject to the MAWA, and reflects an update to the same table in Report No. 09-54 based on the revised proposal.

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
Developer-installed single-family landscape, including model homes and common areas*	Any size

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

[SIGNED]

Tom Haynes
Fiscal & Policy Analyst

[SIGNED]

APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachment