



**DATE:** February 9, 2016

**CATEGORY:** Public Hearing

**DEPT.:** Community Development/Public Works

**TITLE:** **Water Conservation in Landscaping Regulations**

## **RECOMMENDATION**

1. Introduce an Ordinance Amending Section 36.34.30 of the Mountain View City Code to Update the City of Mountain View Water Conservation in Landscaping Regulations, to be read in title only, further reading waived, and set second reading for February 23, 2016.
2. Adopt a Resolution Approving Amendments to the City of Mountain View Water Conservation in Landscaping Regulations, to be read in title only, further reading waived.

## **BACKGROUND**

### **Current Landscape Regulations**

In an effort to protect the State's limited water supply, the State Legislature passed the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881). The law applied to all local land use agencies. The California Department of Water Resources (DWR) was tasked with developing a model ordinance. DWR issued the Model Water-Efficient Landscape Ordinance (2009 MWELO) in September 2009.

The City adopted the Water Conservation in Landscaping Regulations (Regulations) and associated minor amendments to the Zoning Ordinance (previously Chapter A35.34) on May 25, 2010 to comply with State law. Mountain View's current Regulations are more stringent than the State's 2009 MWELO.

## **2015 State Directive**

In April 2015, California Governor Brown issued an executive order (EO B-29-15) directing DWR to update the State's Model Water-Efficient Landscape Ordinance (CA MWELo) to address the current four-year drought and build resilience for future droughts.

DWR adopted the CA MWELo in July 2015, and on September 15, 2015 the California Secretary of State ordered the regulations to be incorporated into the California Code of Regulations.

### Local Adoption

The State offered three compliance options to local agencies for the adoption of the updates: (1) adopt the CA MWELo; (2) adopt an equally effective local ordinance; or (3) develop and adopt an equally effective regional ordinance. The State requires local ordinances to be adopted by December 1, 2015 and regional ordinances to be adopted by February 1, 2016.

Initially, Mountain View planned to take a regional approach, as it did in adopting its current Regulations in 2010. However, after reviewing the draft regional ordinance prepared by the Bay Area Water Supply and Conservation Agency (BAWSCA) in mid-November, City staff felt amending the current City Regulations would be more appropriate for Mountain View than adopting BAWSCA's.

BAWSCA represents the interests of 26 water retail agencies that purchase water wholesale from the San Francisco regional water system. BAWSCA's 2010 regional ordinance complied with State law while providing a more simplified and regionally appropriate format than the 2009 MWELo. However, the 2015 regional ordinance does not provide the same simplicity as the 2010 version. Staff believes that maintaining the current simplified framework would result in equivalent water savings for the City.

### **Community Outreach**

Notifications regarding the required update to the Water Conservation in Landscaping Regulations were placed in the *Mountain View Voice* and on the City's website and social media accounts. The information was available to the public beginning on December 4, 2015.

## **ANALYSIS**

To comply with State law, the City must either adopt the CA MWELO or an equally effective ordinance. Staff evaluated the CA MWELO and BAWSCA's regional ordinance to prepare regulations tailored to fit local conditions and the City's established review process.

### **Current Water Use in Mountain View**

In addition to existing strict water conservation regulations, drought awareness has contributed greatly to an overall decrease in water use over the past two years. Despite a growing population and increased development, Mountain View decreased its total water use during the first 10 months of 2015 by 27 percent compared to its 2013 usage, exceeding the 16 percent State mandate. The expanded use of recycled water in landscape irrigation has also contributed to water conservation efforts.

### **Proposed Water-Efficient Landscape Ordinance**

Staff has prepared the proposed Water Conservation in Landscaping Regulations (see Attachment 2) as required by DWR. Below is a summary of the main elements of the proposed Regulations and how they differ from the current Regulations. Please see Attachment 3 for a comparison between the CA MWELO, BAWSCA's regional ordinance, current City Regulations, and proposed City Regulations.

#### 1. Applicability

The size of landscapes subject to the Regulations has been lowered from 1,000 square feet to 500 square feet. The size threshold applies only to projects requiring a Zoning Permit. Zoning Permits are required for exterior modifications to multiple-family and nonresidential properties.

Zoning Permits are not typically required for modifications to R1 (single-family) and R2 (one- and two-family) zoned properties. Exceptions include variance requests and modifications to legal nonconforming structures. To consistently apply the proposed Regulations within Zoning Districts R1 (single-family) and R2 (one- and two-family), zoning districts are proposed to be exempt from the Regulations. However, information about conservation methods and Best Practices will continue to be provided to homeowners for voluntary implementation through handouts at the public counter and the City's website.

2. Demonstration of Water Efficiency

The existing Regulations allow two options to demonstrate water efficiency. Both of these options remain in the proposed Regulations with minor modifications that predominantly restrict high-water-use plants to special landscape areas.

Option 1 – Plant-Type Restriction	Option 2 – Water Budget
<p>Landscapes shall not include high-water-use plants.</p> <p>At least 80 percent of the total landscape area shall be native or low-water-use plants.</p>	<p>A water budget is a formula to estimate the water use of a proposed landscape and compare it to the site’s water allowance. Proposed updates to the water budget formula effectively cap ornamental turf (and other high-water-use plants) to no more than 10 percent of the total landscape area.</p>

3. Landscape and Irrigation Design Plan

Staff proposes the following changes to the Landscape Design Plan section:

*Street Medians.* High-water-use plants are prohibited in street medians.

*Compost.* Prior to planting, four yards of compost must be incorporated per 1,000 square feet of permeable area. Compact soil must be transformed to a friable condition (i.e., a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements).

Staff proposes the following changes to the Irrigation Design Plan section:

*Landscape Water Meters.* Dedicated landscape water meters are required for landscapes over 1,000 square feet, rather than the previous 2,500 square foot threshold.

*Irrigation Hardware.* Irrigation systems are required to utilize additional hardware that conserves water. This includes flow sensors, master shut-off valves, swing joints, check valves, and pressure regulators in specified situations.

*Turf Area.* The minimum width of turf areas using overhead irrigation was increased from 8’ to 10’; areas less than 10’ wide must be irrigated with subsurface irrigation or other low-volume irrigation technology.

4. Graywater Systems

The proposed Regulations encourage the use of graywater systems.

5. Rainwater Retention

The proposed Regulations require landscape areas to have friable soil to maximize stormwater infiltration. Additional stormwater measures are recommended but not required.

6. Minor Amendments

Additional minor amendments are proposed to the Regulations and the Zoning Code to comply with State law and improve the format and clarity of these existing documents.

*Zoning Code Amendment.* Minor changes are proposed to the language in Section 36.34.30 of the Zoning Code to reflect the amendment of the Water Conservation in Landscaping Regulations. Please see Attachment 1 for the proposed amendments.

*Regulations*

- *Pool and Spa Covers.* Pool and spa covers are required in the proposed Regulations.
- *Definitions.* The definitions section of the Regulations has been expanded to include applicable terms and concepts incorporated in the CA MWELo.
- *Cover Photo.* The cover photo of the Regulations has been replaced.

7. Reporting

Executive Order B-29-15 and the revised CA MWELo require that local agencies report on the implementation and enforcement of their single-agency local ordinances to DWR by December 31, 2015. Staff will submit the City's report to DWR once adopted by Council. Ongoing reporting is due by January 31 of each year thereafter.

## **Impact to the Community**

The proposed Regulations would benefit the community by requiring new landscape projects to incorporate water-efficient design elements. The proposed Regulations only apply to multi-family residential and nonresidential properties that submit landscape and irrigation design plans as part of a requested Zoning Permit. Reductions in water usage in projects with larger landscape areas will have the most impact on water savings.

For projects affected by the Regulations, the main economic impacts would be the cost of irrigation system controllers and a cost savings from the reduced water usage. There are no anticipated additional costs incurred with the preparation of the landscape and irrigation plans.

To help offset any additional costs incurred as part of the implementation of water conservation regulations, landscape rehabilitation projects may be eligible for rebates from the Santa Clara Valley Water District, including for turf removal and the installation of high-efficiency irrigation equipment.

## **Permit Process for New Regulations**

The City already has an established permit review process to accommodate the proposed Regulations. The Regulations require submittal of a landscape plan that demonstrates compliance with the Regulations as part of a Zoning Permit submittal. Irrigation plans are submitted with the Building Permit Plan Check as these plans are developed later in the process than landscape plans.

## **Environmental Planning Commission Meeting**

The Environmental Planning Commission (EPC) reviewed the proposals at their meeting on December 16, 2015 (see Attachment 4 – December 16, 2015 EPC Staff Report and Meeting Minutes). The EPC recommended approval of the proposed Zoning Ordinance and Water Conservation in Landscaping Regulations amendments, with the following recommended revisions and/or comments. Staff's response to the request is in italics.

- The inclusion of language regarding the exemption of R1 and R2 zoning districts in both Chapter 2.A.1 and Chapter 2.B.2 of the Regulations is redundant. *Staff reviewed this language and believes the redundancy provides more clarity to the applicability of the Regulations.*

- The requirement of “pressure regulators” in Chapter 4.B.9 of the Regulations is unclear as pressure regulators are only used when water pressure exceeds the recommended pressure of the specified irrigation devices. *Staff has clarified the language to require “pressure regulators or booster pumps” when the water pressure is below or exceeds the recommended pressure of the specified irrigation devices.*

## **Environmental Review**

The proposed project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15307 (“Actions by Regulatory Agencies for the Protection of Natural Resources”). Adoption of the Regulations is covered by the CEQA categorical exemption for actions taken to ensure the maintenance, restoration, enhancement, or protection of natural resources where the regulatory process involves procedures for protection of the environment. The adoption of the Regulations will result in the enhancement and protection of water resources in the City and is, therefore, exempt from the provisions of CEQA.

**FISCAL IMPACT** – Minor costs to update documents.

## **CONCLUSION**

The proposed Water Conservation in Landscaping Regulations are being amended to comply with amendments required by the California Department of Water Resources. The update will further the effort to protect the State’s limited water supply. The Regulations have been tailored to fit into Mountain View’s Development Review Permit process and reflects the City’s current and future goals for water conservation.

## **ALTERNATIVES**

1. Modify the proposed Regulations or Zoning Ordinance amendments.
2. Refer the project back to the EPC for additional consideration.
3. Deny the proposed Regulations and Zoning Ordinance amendments.

## **PUBLIC NOTICING**

The City Council’s agenda is advertised on Channel 26, and the agenda and this report appear on the City’s Internet website. Notice of the public hearing was published in the newspaper pursuant to Government Code Section 65090 and mailed to over 50 interested stakeholders.

Notifications regarding the required update to the Regulations were placed in the *Mountain View Voice* and on the City's website and social media accounts. The information was available to the public beginning on December 4, 2015.

Prepared by:

Clarissa Burke  
Assistant Planner

Elizabeth Flegel  
Water Conservation Coordinator

Martin Alkire  
Principal Planner

Approved by:

Randal Tsuda  
Community Development Director

Michael A. Fuller  
Public Works Director

Daniel H. Rich  
City Manager

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- Attachments:
1. Ordinance for Zoning Ordinance Amendment
  2. Resolution and Draft Amendments to the Water Conservation in Landscaping Regulations
  3. Comparison of Amendments to State, Regional, and Local Landscape Regulations
  4. [December 16, 2015 Environmental Planning Commission Staff Report](#)