

RESOLUTION NO. 5886-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-020-2017, TO AMEND PORTIONS OF CHAPTERS 9.08, 9.12, 9.16, AND 9.18 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE PERTAINING TO LANDSCAPE WATER EFFICIENCY STANDARDS, AND ADOPT RELATED IMPLEMENTING GUIDELINES.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on June 1, 2017, does hereby recommend the the City Council approve Amendment No. A-020-2017 and adopt the draft ordinance attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-020-2017 the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing to amend portions of Title 9 (Zoning) of the Garden Grove Municipal code and adopt related implanting Guidelines to update the landscape water efficiency requirements in Chapter 9.08 (Single-Family Residential), 9.12 (Multi-Family Residential), 9.16 (Commercial, Office Professional, Industrial, and Open Space), and 9.18 (Mixed-Use), to provide new standards for water efficient landscapes in conformance with Governor Executive Order B-29-15 and corresponding State regulations.
3. The Planning Commission recommends the City Council find that adoption of the proposed Code amendment and updated Guidelines is exempt from environmental review under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), because pursuant to Section 15307 of the State's CEQA Guidelines (14 Cal. Code Regs., § 15307), the project is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for the protection of the environment. The adoption of the proposed Ordinance and Guidelines will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environmental impacts. It is therefore exempt from the provisions of CEQA.
4. Pursuant to legal notice, a public hearing was held on June 1, 2017, and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of June 1, 2017.

BE IT FURTHER RESOLVED, FOUND, AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.04.030 are as follows:

FACTS:

In 1992, the State of California enacted the Water Conservation in Landscaping Act, (AB 325) requiring the adoption of water efficient landscape ordinances by cities and counties throughout the state. To assist local agencies, The California Department of Water Resources (DWR) developed a Model Water Efficient Landscape Ordinance that established water efficient landscape design standards for urban landscapes.

In 2006, Governor Schwarzenegger signed Assembly Bill 1881 amending the Water Conservation in the Landscape Act (Act). The bill required two things: 1) DWR to update the original Model Water Efficient Landscape Ordinance; and 2) cities and counties to update local Landscape Ordinances so that they are "at least as effective as" DWR's updated Model Ordinance by January 1, 2010.

A stakeholder group was formed under the leadership of the Municipal Water District of Orange County (MWDOC) and the Orange County Division of the League of California Cities. The stakeholder group developed a locally crafted Orange County Model Water Efficient Landscape Ordinance. The intent in writing a local version of a Model Water Efficient Landscape Ordinance was to meet the "at least as effective as" requirement by the State, minimize the complexity and cost of compliance, and provide consistency between the local jurisdictions.

In 2015, Governor Brown issued an Executive Order directing the Department of Water Resources to update the State Model Water Efficient Landscape Ordinance through Expedited Regulation. Like AB 1881, Executive Order No. B-29-15 is also requiring that Local Agencies either adopt the updated State's MWELO or update an existing Local Ordinance. In response to the mandate, the City of Garden Grove has chosen to amend portions of Title 9 (Zoning) of the Garden Grove Municipal code and adopt related implanting Guidelines to update the landscape water efficiency requirements in the applicable Chapters. These changes are based on the updated Countywide Model Ordinance and Guidelines, which DWR has found to "at least as effective as" the State MWELO. Significant changes are discussed below and are summarized as follows:

The most significant changes contained in the DWR's updated MWELO include the following: 1) the threshold size of landscaped area has been reduced, resulting in an increase in applicability of the landscape water efficiency provisions; 2) the Maximum Applied Water Allowance (MAWA) has been lowered from 70% to 55% for residential landscape projects and 45% for non-residential landscape projects; and 3) local agencies are now required to annually report to DWR on the implementation and enforcement of their local water efficient landscape ordinances.

Currently, the City's existing water efficient landscape standards are applicable to landscape areas that are 2,500 square feet or larger for new and rehabilitated landscape projects, except that the existing threshold for new landscape projects by individual homeowners on residential lots is 5,000 square feet, and there is no water efficiency requirement for rehabilitated landscape projects by individual homeowners.

The proposed changes, which are mandated by the State, will require new landscape projects as small as 500 square feet and landscape rehabilitation projects as small as 2,500 square feet to comply with the revised water efficiency requirements. The size threshold applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. A good example of applicable projects include single family homeowners who rehabilitate 2,500 square feet or more of their existing landscaping; the homeowner will be required to submit plans for a building or landscape permit and will also be required to provide landscape certifications with their plans, demonstrating that their proposed landscape rehabilitation projects meet the City's updated water efficiency requirements. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 2.9 and 2.10 of Appendix 1, Title 9. Projects that have new landscape area between 500 to 2,500 square feet can comply either through meeting the water calculation approach or through the prescriptive approach. The prescriptive approach includes, but is not limited to, the following:

- Incorporation of compost to a depth of 6 inches of the landscape area
- Use of climate adapted plants
- Providing a minimum of 3 inches of mulch
- Turf area to not exceed 25 percent of landscape area
- Installation of automatic irrigation controller with evapotranspiration or soil moisture sensing data.

FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

The requested Amendment is internally consistent with the goals, objectives and the elements of the General Plan. The proposed Amendment will provide specific requirements for water conservation in proposed landscape areas. These requirements will implement the "Water Resource" goal and policies in the Conservation Element of General Plan 2030.

2. The Amendment is deemed to promote the public interest, health, safety and welfare.

The Amendment will promote the public interest, health, safety, and welfare, as water conservation through reduced use and efficiency is critical for the

entire region. Reduced water consumption lessens reliance on potentially unreliable foreign water supplies and, locally, leaves more water in natural systems to benefit the local environment. Maintaining and improving water quality is essential to protect public health, wildlife and the local watershed.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-020-2017 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-020-2017 and adopt the draft Ordinance attached hereto as Exhibit "A" and the Guidelines attached hereto as Exhibit "B."

Adopted this 1st day of June, 2017

ATTEST: /s/ ANDREW KANZLER
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on June 1, 2017, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, KANZLER, LAZENBY, LEHMAN, NGUYEN, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	SALAZAR

/s/ JUDITH MOORE
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is June 22, 2017.