

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO:</b> C.2	<b>SITE LOCATION:</b> Citywide
<b>HEARING DATE:</b> June 1, 2017	<b>GENERAL PLAN:</b> N/A
<b>CASE NO:</b> Amendment No. A-020-2017	<b>ZONE:</b> N/A
<b>APPLICANT:</b> City of Garden Grove	<b>CEQA DETERMINATION:</b> Exempt

**REQUEST:**

A request for the Planning Commission to recommend to the City Council, approval of an Amendment to Title 9 (Zoning Code) of the Garden Grove Municipal Code and adoption of related implementing Guidelines to update the landscape water efficiency requirements in Chapters 9.08 Single-Family Residential, 9.12 Multi-Family Residential, and 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 Brown's Executive Order and corresponding State regulations.

**BACKGROUND:**

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 (MWELo) that established water efficient landscape design standards for urban landscapes. This MWELo served as a template for local agencies to utilize in the development of their own local water efficient landscape ordinance.

In 2004, the California Legislature passed Assembly Bill 2717 establishing a stakeholder-based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscapes and to report their findings to the Governor and Legislature by December 31, 2005. The report, "Water Smart Landscapes for California: AB 2717 Landscape Task Force Findings, Recommendations, & Actions," contained 43 recommendations to achieve greater landscape water use efficiency.

In 2006, Governor Schwarzenegger signed AB 1881, amending the Water Conservation in Landscaping Act. AB 1881 added two new requirements: 1) the DWR was to update the MWELo; and 2) each city and county was to comply with the final State MWELo or update its own landscape ordinance so that it was "at least as effective as" the State's updated MWELo. Due to the new "at least as effective as"

CASE NUMBER: AMENDMENT NO. A-020-2017

clause, meeting the requirements of AB 1881 resulted in significant changes to most landscape ordinances in Orange County.

In 2009, a stakeholder group was formed under the leadership of the Municipal Water District of Orange County and the Orange County Division of the League of California Cities. The stakeholder group included representatives from the County of Orange, cities, local water agencies, Building Industry Association, Orange County Fire Authority, irrigation consultants, landscape architects, and other green industry professionals. The goal of the stakeholder group was to develop a locally-crafted Orange County Model Water Efficient Landscape Ordinance (Countywide Model Ordinance) that would meet the "at least as effective as" requirement of State law, minimize the complexity and cost of compliance, and provide consistency between local jurisdictions. This stakeholder effort resulted in the development of an abbreviated Countywide Model Ordinance and implementing Guidelines for cities across the County to use as a template. In 2010, the City of Garden Grove adopted Ordinance No. 2769 and Resolution No. 8943-10 to amend Title 9 (Zoning Code) of the Garden Grove Municipal Code and to adopt implementing Guidelines to incorporate the updated landscape water efficiency provisions based on the Countywide Model Ordinance and Guidelines. Consistent with the format of the Zoning Code, the City's landscape water efficiency provisions were included in each of Chapters 9.08, 9.12, 9.16, and 9.18.

In response to the rising concerns for California's extended period of drought, on April 1, 2015, Governor Brown signed an Executive Order B-29-15 directing DWR to update the MWELO through expedited regulations. The directive specifically listed five items that were to be addressed in the revised MWELO: (1) more efficient irrigation systems; (2) graywater usage; (3) on-site stormwater capture; (4) limiting the percentage of turf planted in landscapes; and (5) requiring local agency reporting on implementation and enforcement. DWR thereafter adopted new regulations updating the MWELO. Pursuant to these State regulations, local agencies are required to either adopt the updated MWELO or their own local or regional ordinances that are "at least as effective as" the updated MWELO in conserving water.

In response to the new 2015 landscape water efficiency requirements, the Association of California Cities - Orange County (ACC-OC), the Municipal Water District of Orange County, and the Orange County Chapter of the Building Industry Association formed a stakeholder group to develop an updated Countywide Model Ordinance (a model regional ordinance) and set of Guidelines that comply with the new State law requirements. The stakeholder group, made up of representatives from cities, water agencies, and landscape professionals drafted an updated Countywide Model Ordinance and accompanying Guidelines document, which reflect the climactic conditions of Orange County and utilize existing irrigation technologies. The updated Countywide Model Ordinance and Guidelines were reviewed by DWR and found to satisfy the new State requirements.

**DISCUSSION:**

The proposed Zoning Code Amendment A-20-2017 would update Garden Grove's landscape water efficiency provisions to comply with Governor Brown's April 1, 2015 Executive Order and updated MWELo. 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.

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

- Adopt the proposed Resolution recommending approval of Amendment No. A-020-2017 and the Guidelines to the City Council.

Lee Marino  
Planning Services Manager

By: Erin Webb  
Senior Planner

Nancy Mith  
Contract Associate Planner