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ORDINANCE NO. 10-01
AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER XII, BUILDING AND HOUSING
TO INCLUDE REGULATIONS ADOPTING
THE CALIFORNIA WATER EFFICIENT LANDSCAPE ORDINANCE

WHEREAS, landscapes are essential to the quality of life in California. They provide areas for recreation, enhance the environment, clean the air and water, prevent erosion, offer fire protection and replace ecosystems lost to development.

WHEREAS, California's economic prosperity and environmental quality are dependent on an adequate supply of water for beneficial uses. In California, about half of the urban water used is for landscape irrigation. Ensuring efficient landscapes in new developments and reducing water waste in existing landscapes are the most cost-effective ways to stretch our limited water supplies and ensure that we continue to have sufficient water for California to prosper; and

WHEREAS, The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires cities, counties, and charter cities and charter counties, to adopt landscape water conservation ordinances by January 1, 2010. Pursuant to this law, the Department of Water Resources has prepared a Model Water Efficient Landscape Ordinance for use by local agencies.

WHEREAS, the Model Ordinance was approved by the Office of Administrative Law on September 10, 2009; and

WHEREAS, on February 9, 2010, the Planning and Zoning Commission reviewed the draft ordinance and recommended City Council approval of the draft ordinance; and

WHEREAS, the proposed ordinance does not involve a commitment to or require a significant physical change in future projects, and thus is not a "project" as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378; and

WHEREAS, on February 16, 2010, the Albany City Council held a duly noticed public hearing on the draft ordinance to amend Chapter XII adopting the California Building Code; and

1 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**
2 **ORDAIN AS FOLLOWS:**

3
4 **Section 1: Chapter XII of the Albany Municipal Code, Section 12-7 titled**
5 **“Reserved” is hereby amended as follows:**

6
7 **Section 12-7.1 Adoption of California Water Efficient Landscape Ordinance**

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9 A. The California Model Water Efficient Landscape Ordinance, as approved by
10 the California Department of Water Resources, and as may be amended from time to
11 time by the California Department of Water Resources, is hereby adopted as the
12 Water Efficient Landscape Ordinance of the City of Albany, California. A copy of the
13 Water Efficient Landscape Ordinance of the City of Albany shall be available for
14 public review in the office of the Building Official of the City of Albany. The Water
15 Efficient Landscape Ordinance of the City of Albany shall regulate and govern the
16 construction and maintenance of all landscape projects; providing for the issuance of
17 permits and collection of fees therefore; and each and all of the regulations,
18 provisions, penalties, conditions and terms of said Water Efficient Landscape
19 Ordinance are hereby referred to, adopted, and made a part hereof, as if fully set out
20 in this ordinance, with the additions, insertions, deletions and changes, if any,
21 prescribed in this ordinance.

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23 **Section 12-7.2 Definitions**

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25 “Local Agency” means the City of Albany

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27 “Water Purveyor” means the East Bay Municipal Utility District

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29 **Section 12-7.3 Water Efficient Landscape Standards of Compliance**

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31 B. The City Council may establish by resolution, and periodically review and
32 update as necessary, Water Efficient Landscape Standards of Compliance. The
33 Standards of Compliance may include, but not be limited to, the following elements:

- 34
35 a) Types of projects subject to regulation;
36 b) Guidelines, checklists and plant lists to be applied to various types of projects;
37 c) Minimum threshold of compliance for various types of projects;
38 d) Timing and method of verification of compliance with regulations; and
39 e) Definitions of terms used in the Standards of Compliance.

40
41 The Standards of Compliance shall be based on the recommendation of the Planning
42 and Zoning Commission and shall be at least as effective at conserving water as the
43 California Department of Resources Model Water Efficient Landscape Ordinance.
44

1 **Section 12-7.4 Water Efficient Landscape Implementing Procedures**
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3 A. The Community Development Director shall promulgate any rules and
4 regulations necessary or appropriate to achieve compliance with the requirements of
5 the Water Efficient Landscape Ordinance of the City of Albany and associated
6 Standards of Compliance, including application submittal requirements and
7 application review procedures.
8

9 B. Prior to the issuance of a permit for construction of landscape subject to the
10 Water Efficient Landscape Ordinance of the City of Albany:

- 11
- 12 1. The applicant shall submit a project description, construction documents and
13 plans with sufficient detail to determine compliance with the requirements of
14 the Water Efficient Landscape Ordinance and City of Albany Standards of
15 Compliance;
16
 - 17 2. The Community Development Director shall determine whether the proposed
18 landscape improvements are subject to the procedural requirements of
19 Planning and Zoning Code Section 20.100 and the other Sections of this
20 Chapter; and
21
 - 22 3. All necessary fees shall be paid pursuant to City of Albany Master Fee
23 Schedule.
24
 - 25 4. Conditions of approval may be imposed by the City, acting within its police
26 powers, to further a legitimate public purpose.
27

28 C. Penalties for violations shall be established in the City of Albany Master Fee
29 Schedule.
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31 **Section 2: Severability.**
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33 If any section, subsection, sentence, clause or phrase of this ordinance is for
34 any reason held to be invalid, such decision shall not affect the validity of the
35 remaining portions of the ordinance, and each section, subsection, sentence, clause or
36 phrase thereof, irrespective of the fact that any one or more sections, subsections,
37 sentences, clauses or phrases be declared invalid.
38

39 **Section 3: Publication and Effective Date.**
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41 This ordinance shall be posted at three public places within the City of Albany
42 and shall become effective thirty days after the date of its posting.
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44 **PASSED AND ADOPTED** by the City Council of the City of Albany at its
45 meeting on the 1st day of March, 2010, by the following vote:
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