

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: February 16, 2010
Reviewed by: BP

SUBJECT: Ordinance No. 2010-01 – Amendments to the Building & Housing Chapter of the Municipal Code related to Water Efficient Landscape Ordinance

REPORT BY: Jeff Bond, Planning & Building Manager

STAFF RECOMMENDATION

Approve first reading of Ordinance No. 2010-01.

BACKGROUND

The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires the City of Albany to adopt a landscape water conservation ordinance 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. A Department of Water Resources brochure summarizing the program is attached (Attachment 1).

DISCUSSION & ANALYSIS

Under state law, the City is required to adopt an ordinance that is at least restrictive as the “Model Ordinance” prepared by the California Department of Water Resources. The ordinance would function in a manner conceptually similar to energy efficiency calculations currently required as part of the California Energy Code (commonly referred to as “Title 24”). Under the ordinance, an applicant will have to retain a qualified professional to prepare calculations that demonstrate that irrigation requirements of proposed landscaping would meet state standards.

The staff recommendation is to adopt the model ordinance by reference, rather than verbatim, so that no City action is required in the event changes is made in the future by the state (Attachment 2). The ordinance would apply to public projects and private developer-sponsored projects that have more than 2,500 square feet of landscaped area. For landscapes installed by the homeowner, the threshold for application of the ordinance is 5,000 square feet of landscape area. In Albany, because most development proposals have less than 2,500 square feet of landscape area, the ordinance is expected to have limited applicability. In general, the new standard requires that landscaping use approximately 30% less water than traditional turf landscaping would require. The ordinance also requires that audits be conducted to make sure irrigation systems function as designed. A summary of the technical requirement of the state standards is attached (Attachment 3).

In addition to adoption of the state standards, staff has incorporated language into the draft ordinance to allow the City Council, based on a recommendation of the Planning and Zoning Commission, to adopt “Standards of Compliance” that would allow more effective local standards to be established. The standards of compliance are conceptually similar to other green building program standards, and would presumably be incorporated into the City’s green building program. For example, the City could elect to establish minimum size thresholds less than required by the state ordinance.

In order to respond to a State Department of Water Resource inquiry regarding the status of the adoption of the ordinance, it is recommended that the first step of adopting the state ordinance be initiated promptly. The Planning and Zoning Commission is initiating a discussion regarding the standards of compliance, and will make a formal recommendation to the City Council in the near future.

SUSTAINABILITY IMPACT

Increasing demand for water in conjunction with year to year variations in water supply in northern California can have significant impact on the ecological health of the Sacramento-San Joaquin Delta as well as require costly investment in water infrastructure. The implementation of the Water Efficient Landscaping Ordinance will help reduce increase in local demand for potable water.

FINANCIAL IMPACT

No additional cost will be required to implement the required ordinance. The City will utilize outside consultants to perform the technical review of landscape design applications. The cost of outside consultants will be reimbursed by applicants. Staff time will be required, however, to modify forms and handouts and explain application and review process with applicants.

Attachments

1. California Department of Water Resources brochure
2. Proposed ordinance and referenced “Model Ordinance”
3. Summary of Technical Requirements