



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 17, 2015

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: PLANNING CASE P15-0824 - ZONING CODE TEXT AMENDMENT TO TITLE
19 OF THE RIVERSIDE MUNICIPAL CODE TO UPDATE TO CHAPTER 19.570
– WATER EFFICIENT LANDSCAPING AND IRRIGATION – ORDINANCE

ISSUE:

The issue for City Council consideration is a proposal to amend Zoning Code Chapter 19.570 – Water Efficient Landscaping and Irrigation, to comply with Governor Brown's Executive Order of April 1, 2015 (EO B-29-15). The proposed amendment complies with EO B-29-15 by being at least as effective in conserving water as the Model Water Efficient Landscape Ordinance approved by the California Water Commission on July 15, 2015.

RECOMMENDATIONS:

That the City Council:

1. Determine the proposal is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to Sections 15307 and 15308 of the CEQA Guidelines as the proposed project consists of Actions by Regulatory Agencies for the Protection of Natural Resources and Actions by Regulatory Agencies for the for the Protection of the Environment; and exempt per Section 15061 (B)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule);
2. Approve Planning Case P15-0824, based on the findings found in the attached staff report; and
3. Introduce and subsequently adopt the proposed Ordinance amending Title 19 of the Riverside Municipal Code.

STAFF AND PLANNING COMMISSION RECOMMENDATIONS:

On October 22, 2015, City staff presented the proposed Ordinance to the City Planning Commission. The Planning Commission recommended approval of the Ordinance, Planning Case P15-0824, by a vote of 6 ayes, 0 noes and 0 abstentions, with recommendations that staff coordinate with Riverside Public Utilities and other agencies such as Western and Eastern Municipal Water Districts that fall within the scope of the amendment. This recommendation was made to allow for resolution of concern related to a new requirement for residential meters (Section 19.570.030.E – Irrigation Design Plan Requirements of the proposed Ordinance) and

so that any changes to this provision to address this concern are reflected in the City Council Ordinance.

BACKGROUND:

In response to severe drought conditions, on April 1, 2015, Governor Brown issued Executive Order EO B-29-15 (EO B-29-15) to mandate water conservation efforts, which included directing the Department of Water Resources to update the State's Model Water Efficient Landscape Ordinance. An updated State Model Water Efficient Landscape Ordinance was subsequently approved by the California Water Commission on July 15, 2015. The State's Model Water Efficient Landscape Ordinance effectively increases water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, on-site storm water capture, and by limiting the portion of landscapes that can be covered in turf.

The State has mandated that local cities and counties adopt the State Model Ordinance by December 1, 2015, or adopt their own ordinance, provided it is at least as effective in conserving water. If a local agency does not take action on a water efficient landscape ordinance by the specified date, the State's Ordinance becomes effective by default. The following outlines the reasons why amending the City's Ordinance to be consistent with the State efficiencies is more advantageous:

- The City avoids having an outdated Water Efficient Landscape Ordinance Chapter in the Zoning Code that is inconsistent with the State Model Water Efficient Landscape Ordinance. By amending the City Code to comply with the State regulations, it avoids customer confusion, misinformation, and the application of outdated provisions.
- Amending the City's Code so that it is consistent with the State Model Water Efficient Landscape Ordinance provides convenience to the public as the provisions are easily accessible and are maintained in the same formatting that contractors and architectures are familiar with. Having a singular location within the City's zoning regulations avoids the inconvenience of having to search elsewhere (i.e. State webpage) to find and interpret the State Model Water Efficient Landscape Ordinance, which is less user friendly than the City's Code.
- The City has the opportunity to retain some Riverside-specific provisions of the current Water Efficient Landscape Ordinance that supplement and do not conflict with the State Model Water Efficient Landscape Ordinance. For instance, the City's Water Efficient Landscape Ordinance references the requirements of Title 17 (Grading) of the Riverside Municipal Code under the grading design plan requirements.
- Staff anticipates additional changes to the City Code that can improve conservation and customer service, and which have not been included in the State's Model Water Efficient Landscape Ordinance. As outlined below, staff anticipates working with our community partners and frequent users (contractors, architects, designers, etc.) to draft regulations that better achieve our local priorities and provide more clarity to our customers. The current proposal serves as a better placeholder than the State Model Water Efficient Landscape Ordinance, as it is more familiar to our customers.

There is an immediate need to adopt an updated ordinance as mandated by the State. The proposed amendments to Chapter 19.570 – Water Efficient Landscaping and Irrigation of the Zoning Code, Title 19 of the Riverside Municipal Code (RMC) make the City's Code compliant with, and at a minimum, at least as effective in conserving water as the State Model Ordinance.

Staff anticipates the proposed Water Efficient Landscape Ordinance to be a temporary solution to accommodate the State's mandate. City staff, including the Community & Economic Development and Riverside Public Utilities, believe the State's minimum standards do not fully address the unique character and objectives of the City, and that the existing format of both codes (City and State Model Water Efficient Landscape Ordinances) are not as "user friendly" as they need to be. Staff believes the proposed Water Efficient Landscape Ordinance will be a short-term document to meet the needs of the mandate. After adoption, the Community & Economic Development and Riverside Public Utilities would work together to develop a Water Efficient Landscape Ordinance that meets the City's long-term objectives.

While staff would have preferred to develop a City Ordinance that is in compliance with the State Model Ordinance and is aligned with the City's character, objectives and customer service directive; adopting such a document by December 1, 2015 is not feasible. This is because the creation of a Water Efficient Landscape Ordinance that meets our needs requires a stakeholder input process to develop a Water Efficient Landscape Ordinance and water efficient landscape design guidelines that are tailored to the needs of the City, and that dovetail with Riverside Public Utilities "Less Water More Color" campaign effort. Staff anticipates stakeholder input will begin in the coming months; and that a revised Water Efficient Landscape Ordinance and water efficient landscape design guidelines will be ready for review by the Planning Commission in the summer of 2016.

Overview of the Significant Changes

Perhaps the most significant change from the current Water Efficient Landscape Ordinance is that new development projects with 500 square feet or more of landscape area will be subject to the Ordinance if the project requires a permit, a plan check or design review application. This applies to residential, commercial, industrial and institutional projects. The current (pre-December 2015) landscape threshold for new development projects ranges from 2,500 square feet to 5,000 square feet.

Other proposed changes include:

- 1) Requires more efficient irrigation systems;
- 2) Incentives for graywater use;
- 3) Improvements in onsite stormwater capture;
- 4) Limiting the portion of landscape that can be planted with high water use plants;
- 5) Reporting requirements; and
- 6) An option of a prescriptive checklist for landscapes under 2,500 square feet.

Please refer to the October 22, 2015 City Planning Commission staff report for further project details.

The Public Utilities, General Manager, the Western Municipal Water District's General Manager, and the Eastern Municipal Water District's General Manager concur with the proposed Ordinance.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this zoning code amendment except

the staff time to prepare the report and ordinance.

Prepared by: Rafael Guzman, Community & Economic Development Director
Certified as to
availability of funds: Brent A. Mason, Finance Director/Treasurer
Approved by: Al Zelinka, FAICP Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. City Planning Commission Staff Report
2. City Planning Commission Draft Minutes
3. Ordinance