



August 16, 2023

ITEM TITLE: SECOND READING AND ADOPTION OF ORDINANCE 2023-1234 AMENDING CHAPTER 16.12 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE REGULATIONS. (0620-95)

ORIGINATING DEPARTMENT:

Community Development

EXECUTIVE SUMMARY:

The California Legislature, in 2008, adopted water conservation measures involving landscaping that must be approved by each city in the state of California. The Water Conservation and Landscaping Act of 2008 (AB 1881, Laird) requires cities and counties, including charter cities, to adopt landscape water conservation ordinances by January 1, 2010. The Department of Water Resources (DWR) prepared a Model Water Efficient Landscape Ordinance (MWELO) for the cities to follow. The legislation requires each city to either adopt the state ordinance or an equivalent ordinance that achieves the same water savings.

To meet the State requirements of AB 1881, Laird, the City Council adopted Ordinance No. 2009-1095 adding a new Chapter in the Municipal Code (Chapter 16.12 Water Efficient Landscape Regulations). The Community Development Department requires landscape approval with any building permit or other discretionary permit that meet the thresholds established in the ordinance.

On January 17, 2014, Governor Brown proclaimed a State of Emergency throughout the State of California due to severe drought conditions. On April 1, 2015, Governor Brown issued Executive Order B-29-15 requiring, among other things, the DWR to update the State MWELO through expedited regulation. The updated MWELO increases water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. Executive Order B-29-15 requires reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015.

On August 2, 2023, the City Council of the City of Imperial Beach had the first reading and introduction of Ordinance No. 2023-1234, which would add to and amend Imperial Beach Municipal Code (IBMC) Chapter 16.12 to meet these new State regulations. This, therefore, will be the Second and Final Reading of this ordinance.

RECOMMENDATION:

That the City Council conduct the second reading, waive further reading, and adopt Ordinance No. 2023-1234, amending Chapter 16.12 of the Imperial Beach Municipal Code.

OPTIONS:

- Direction to modify the ordinance prior to further consideration by the City Council.
- Continue the item and provide direction to the City Manager to obtain additional information.

BACKGROUND/ANALYSIS:

Ordinance No. 2023-1234 updates the City's Water Efficient Landscape Regulations contained in Chapter 16.12 to increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. As proposed, Ordinance No. 2023-1234 is equivalent to the State's MWELO regulations. Ordinance No. 2023-1234 proposes the following modifications to the current Water Efficient Landscape Regulations:

1. A more restrictive requirement to obtain approval of landscape and irrigation plans for new construction projects with an aggregate landscape area equal to or greater than 500 square feet. The previous threshold was 2,500 square feet of landscaped area for development projects.
2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review.
3. Existing landscaping for both residential and non-residential properties are required to comply with the water waste prevention measures of Section 16.12.250.
4. The definitions section of MWELO has been expanded to include new terms and concepts.
5. The maximum applied water allowance (MAWA) has been lowered from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants.
6. Projects with multiple landscape installations (i.e., single-family subdivision), a soil sampling rate of one in seven lots or approximately 15 percent will be required.
7. Prior to planting, 4 yards of compost must be incorporated per 1000 sq. ft. of permeable area. Compacted soils must be transformed to a friable condition. The depth of mulch required was increased from 2 to 3 inches. Graywater and storm retention components must be indicated on the landscape plan.
8. Irrigation audits on applicable projects and separate landscape water meters shall be installed for all non-residential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet and residential irrigated landscapes of 5,000 square feet or greater.
9. All proposed graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards.
10. The City of Imperial Beach is required to submit annual reports to the California Department of Water Resources (DWR) by December 31, 2015. The City has complied

with this requirement since the initial reporting period and continues to report to the DWR annually.

The attached draft ordinance includes the proposed revisions of the IBMC as outlined above. On August 2, 2023, the City Council of the City of Imperial Beach had the first reading and introduction of Ordinance No. 2023-1234, which would add to and amend IBMC Chapter 16.12 to meet these new State regulations. This, therefore, will be the Second and Final Reading of this ordinance.

ENVIRONMENTAL DETERMINATION:

A California Environmental Quality Act (CEQA) Exemption (Section 15308) was previously adopted by the City.

FISCAL IMPACT:

There is no anticipated fiscal impact to the city, conforming existing development or currently permitted projects conforming to current code.

ATTACHMENTS:

ATT 1 - Ord. 2023-1234 Adding and Amending IBMC Chapter

ATT 2 - Exhibit A Additions and Amendments to IBMC Chapter 16.12