

**Meeting Date:** 4/17/2014

**Report Type:** Consent

**Report ID:** 2014-00287

**Title: City Code Amendment: Suspend Title 17 Planting and Irrigation Requirements During Declaration of Water Shortage (Two-Thirds Vote Required) [in lieu of Pass for Publication the Ordinance will be published in its entirety within 10 days after adoption as required by Sacramento City Charter section 32(d)]**

**Location:** Citywide

**Recommendation:** Pass an Ordinance amending section 13.04.910 of the Sacramento City Code and declaring the ordinance to be an emergency measure to take effect immediately upon adoption.

**Contact:** Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department; Terrance Davis, Program Manager, (916) 808-1868, Department of Utilities

**Presenter:** None

**Department:** Community Development Dept / Department of Utilities

**Division:** Zoning

**Dept ID:** 21001224

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Ordinance Redline
- 4-Ordinance

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**City Attorney Review**

Approved as to Form

Joe Robinson

4/8/2014 11:07:24 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 4/5/2014 11:23:45 AM

## Description/Analysis

**Issue Detail:** Calendar year 2013 was the driest year on record for much of Northern and Central California. On January 14, 2014, the Sacramento City Council adopted Resolution No. 2014-0018 declaring a water shortage as authorized under City Code section 13.04.910 and implemented Stage Two of the City's Water Shortage Contingency Plan (WSCP), establishing a mandatory 20% reduction in water use. At the March 4, 2014 City Council meeting the Department of Utilities reported on measures being used by the City to educate and provide tools to customers to achieve water conservation including increased enforcement of the Water Conservation Ordinance. There are sections of the Planning and Development Code (Title 17 of the Sacramento City Code), however, requiring the planting and irrigation of landscaping which may be in conflict with the objectives of the WSCP. The proposed ordinance adds a paragraph to City Code section 13.04.910 that suspends requirements in the Planning and Development Code to plant or irrigate trees, shrubs, or other groundcover, or for groundcover to be living, while a declaration of water shortage is in effect. This ordinance is presented as an emergency measure as drought conditions continue to exist and there is a critical need to reduce outdoor water use during the water shortage.

**Policy Considerations:** The City's ongoing drought mitigation actions are consistent with the requirements of Section 10632 of the California Water Code, Chapter 5 of the City's 2010 Urban Water Management Plan, and Article XI (Outdoor Water Conservation) of Chapter 13.04 of the City Code. The ordinance includes a statement of the facts constituting the emergency, as required by City Charter section 32(g)(2).

**Economic Impacts:** None

**Environmental Considerations:** The proposed ordinance would assist with implementation of Stage Two of the WSCP implemented by the City Council on January 14, 2014, to reduce water use by at least 20 percent. These actions implement the City's Urban Water Management Plan (UWMP) and ongoing efforts to conserve water. The reductions in water use would not have a significant effect on the environment. The Master Environmental Impact Report (EIR) certified in connection with the adoption of the 2030 General Plan evaluated water supply and cumulative effects.

The proposed action is exempt from review under CEQA as part of the City's continuing administrative activities to implement the UWMP (CEQA Guidelines section 15378(b)(2)), and because it can be seen with certainty that the action would have no significant effect on the environment (CEQA Guidelines section 15061(b)(3)). A reduction in water usage will reduce potential environmental effects associated with water use, by reducing surface water diversions, as well as reducing energy consumption and other impacts associated with water production and distribution and the collection and treatment of this water after it has been used. A reduction in surface water diversions also will increase the availability of surface water for the maintenance and protection of natural resources and the environment.

**Sustainability:** Continued implementation of the WSCP supports the City's sustainability goals of reducing greenhouse gases and conserving resources.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** Implementation of Stage Two of the WSCP is the appropriate City response to the current drought conditions and the adoption of the proposed ordinance will assist in the conservation of water throughout the city.

**Financial Considerations:** None

**Local Business Enterprise (LBE):** Not applicable.

## Background

The City's Water Shortage Contingency Plan (WSCP) Stage Two regulations require a minimum 20 percent reduction in overall water consumption. To achieve reductions, the City is employing a "portfolio" water conservation approach, which is inclusive of a range of water shortage measures intended to educate and provide tools to customers to achieve conservation. One of the WSCP Stage Two tools is the increased enforcement of the Water Conservation Ordinance.

Article XI of Chapter 13.04 of the Sacramento City Code establishes the City's outdoor water use requirements and penalties for noncompliance. Under City Code section 13.04.890 (D), when the City Council declares a water shortage, the penalty amounts specified for violations of the City's Water Conservation Ordinance are doubled while the water shortage remains in effect.

Effective March 9, 2014, WSCP Stage Two provisions limit outdoor irrigation during daylight savings time to two days per week. To improve enforcement, the Department of Utilities and the Community Development Department have collaborated to use building inspectors and code enforcement staff to assist with outdoor water use patrols. This strategy bolsters the number of City staff involved in patrols from approximately seven to 40, providing a significant augmentation to outdoor irrigation enforcement efforts.

There are sections of the Planning and Development Code (Title 17), however, that could be considered in conflict with the intent of the WSCP. Approximately 50% of water usage in the City is for outdoor irrigation. Various provisions of the Planning and Development Code specify requirements to plant or irrigate trees, shrubs, or groundcover, or to use living vegetation as groundcover, which are not consistent with, and may undermine, the critical need to reduce outdoor water usage during the water shortage. In order for City residences to achieve compliance with the goals of the WSCP, the proposed ordinance adds a paragraph to section 17.04.910 of the City Code which indicates that, during a declaration of water shortage, any requirement in the Planning and Development Code to plant or irrigate trees, shrubs, or other groundcover, or for groundcover to be living, is suspended.

The ordinance is proposed as an emergency ordinance which would take effect immediately, suspending Title 17 requirements for the duration of the water shortage in order to maximize the City's water conservation efforts and ensure that adequate water supplies remain for essential health and safety needs throughout the City. Compliance with the suspended provisions of the Planning and Development Code will be required when the declaration of water shortage ends or is rescinded.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 13.04.910  
OF THE SACRAMENTO CITY CODE RELATING TO A  
DECLARATION OF WATER SHORTAGE, AND DECLARING  
THE ORDINANCE TO BE AN EMERGENCY MEASURE  
TO TAKE EFFECT IMMEDIATELY UPON ADOPTION (M14-007)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 13.04.910 of the Sacramento City Code is amended to read as follows:

**13.04.910 Declaration of water shortage.**

**A.** In response to any condition necessitating increased water conservation, such as a water shortage due to drought, natural disaster, or other reduction of water supply availability, or as may otherwise be required to protect the public health, safety, and welfare, the city council may by resolution declare the existence of a water shortage and impose revised and/or additional limitations and time restrictions on outdoor water use. ~~wWhile~~ the declaration of water shortage remains in effect, ~~and~~ no person shall use, or cause to be used, city water in violation of such limitations or restrictions ~~while the water shortage remains in effect~~. Unless the resolution specifies an ending date, the declaration of water shortage shall remain in effect until rescinded or otherwise modified by subsequent resolution of the city council.

**B.** While a declaration of water shortage is in effect, any requirement in the Planning and Development Code to plant or irrigate trees, shrubs, or other groundcover, or for groundcover to be living, is suspended.

SECTION 2.

This ordinance is adopted as, and declared by the City Council to be, an emergency measure and shall take effect immediately upon adoption. Due to ongoing severe drought conditions reducing water supplies in Northern California, on January 14, 2014, the City Council adopted Resolution No. 2014-0018, declaring a water shortage and imposing additional restrictions on outdoor water use in the City. On January 17, 2014, Governor Brown declared a

State of Emergency due to critical drought conditions throughout the state. Approximately 50% of water usage in the City is for outdoor irrigation. Various provisions of the City's Planning and Development Code (Title 17) specify requirements to plant or irrigate trees, shrubs, or groundcover, or to use living vegetation as groundcover, which are not consistent with, and may undermine, the critical need to reduce outdoor water use during the water shortage. It is necessary that this ordinance take effect immediately, to suspend these Title 17 requirements for the duration of the water shortage, to maximize the City's water conservation efforts and ensure that adequate water supplies remain for essential health and safety needs throughout the City. Compliance with these requirements will be required when the declaration of water shortage ends or is rescinded.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Published:

Effective:

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\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Published:

Effective: