COUNCIL AGENDA: 05/03/22
FILE: 22-611
ITEM: 6.1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Kerrie Romanow
Chris Burton

SUBJECT: SEE BELOW

DATE: April 18, 2022

Approved Jeffrey S. Maguire

Date **4/20/2022**

SUPPLEMENTAL

SUBJECT: REVISIONS TO THE CITY OF SAN JOSE'S WATER EFFICIENT LANDSCAPE ORDINANCE

REASON FOR SUPPLEMENTAL

This supplemental memorandum reports on the stakeholder outreach conducted to date on the proposed revisions to the Water Efficient Landscape Ordinance and modifications to the draft ordinance presented to the Transportation and Environment Committee on March 7, 2022.

RECOMMENDATION

(a) Accept the report on Water Efficient Landscape Ordinance.
(b) Approve an ordinance of the City of San José amending Section 15.08.500 of Chapter 15.08; Sections 15.10.030, 15.10.040, 15.10.290, 15.10.300 of Chapter 15.10; and Chapter 15.11 of Title 15, and Sections 17.72.530, 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 of the San José Municipal Code to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify Potable Water Conservation Standards as revised with stakeholder input after the Transportation and Environment Committee meeting on March 7, 2022.

ANALYSIS

Staff reached out via phone and/or email to the following groups and organizations regarding the proposed revisions to the Water Efficient Landscape Ordinance since the Transportation and Environment Committee meeting on March 7, 2022:

- Developer's Roundtable contact list (333 contacts)
- Charities Housing

- Building Industry Association Bay Area
- Commercial Real Estate Development Association (known as NAIOP)
- City of San José's Office of Economic Development and Cultural Affairs

In addition to the above, staff presented the proposed revisions at the Climate Smart external stakeholders meeting on March 17, 2022.

Based on stakeholder feedback, the following modifications will be made to the draft ordinance amending the Water Efficient Landscape Ordinance presented at the Transportation and Environment Committee meeting on March 7, 2022:

- Backyard projects of single-family dwellings are expressly exempt from the turf prohibition. (The exemption from the turf prohibition for multi-family dwelling projects in areas designated for active play, recreation, or public assembly as presented at the Transportation and Environment Committee meeting on March 7, 2022 is maintained.)
- Areas required to preserve state and federal tax credits for affordable housing and areas required by state or federal law are expressly exempt from hardscape limitations.
- Residential backyard projects are expressly exempt from hardscape limitations but remain subject to the current anti-blight and paving restrictions.

An updated summary of the key proposed revisions is given below in Table 1.

Table 1. Summary of proposed revisions to the Water Efficient Landscape Ordinance.

Category	Current Ordinance	Proposed Amendment
Applicability (§15.11.020)	New construction projects requiring a building or development permit with a total landscape area of 500 or more square feet	New construction projects requiring a building or development permit with any landscape area. *Exemption: backyard single-family dwelling projects*
Compliance options (§15.11.900)	Three options for all projects: 1. Plant-type restriction 2. Water budget calculation 3. Recycled water option	All projects must comply with the landscape and irrigation design requirements
Allowable plant types (§15.11.900(B)(1)(c), §15.11.950(A-D))	High-water use plants permitted in up to 25% of landscape area with water budget compliance pathway	High-water use plants are prohibited for all projects. Emphasis placed on native and non-invasive plant species.
Turf restrictions (§15.11.900(B)(1)(b), §15.11.950(E))	Turf permitted in up to 25% of landscape area	Turf prohibited. *Exemptions: areas designated for active play, recreation or public assembly for multi-family dwelling and commercial projects; backyard single-family dwelling projects*

Category	Current Ordinance	Proposed Amendment
Hardscape limitation (§15.11.950(F))	No hardscape limitation (although blight and paved surfaces are prohibited elsewhere in the SJMC)	No more than 50% of the area available for landscaping may be hardscape. *Exemptions: residential backyard projects, areas required by state or federal law, areas required for state or federal tax credits*
Irrigation system design (§15.11.900(B)(1)(e), §15.11.980)	Spray and overhead spray sprinklers permitted	Spray sprinklers prohibited. Drip and bubbler irrigation systems are required. *Exemption: areas where turf is permitted.*

/s/
KERRIE ROMANOW
Director, Environmental Services

/s/
CHRISTOPHER BURTON
Director, Planning, Building and Code Enforcement

For questions, please contact Jeff Provenzano, Deputy Director, at (408) 277-3671.