

## **ORDINANCE NO. 503U**

### **AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES TO AMEND MUNICIPAL CODE CHAPTER 15.34 TO IMPLEMENT THE STATE'S REQUIREMENTS FOR WATER EFFICIENT LANDSCAPING ON SPECIFIC PUBLIC AND PRIVATE DEVELOPMENT PROJECTS, AND DECLARING THE URGENCY THEREOF.**

WHEREAS, the waters of the State of California are of limited supply and are subject to increasing demands;

WHEREAS, it is the policy of the State of California and the City of Rancho Palos Verdes to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

WHEREAS, the City of Rancho Palos Verdes is a unique, well-established residential community where development consists predominantly of single-family residential homes;

WHEREAS, in 2004, the Legislature enacted Assembly Bill 2717 establishing a stakeholder-based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscaping;

WHEREAS, in 2006 the Governor signed Assembly Bill 1881, requiring cities and counties to implement the Taskforce's recommendation;

WHEREAS, California law requires each city to adopt a water efficient landscaping ordinance meeting certain statutory requirements on or before January 1, 2010, or the city will be deemed to have adopted a model ordinance drafted by the California Department of Water Resources;

WHEREAS, the City Council had previously adopted a water efficient landscaping ordinance as Chapter 15.34 of the Rancho Palos Verdes Municipal Code, which does not meet the current statutory requirements;

WHEREAS, the City Council has concluded Chapter 15.34 must be amended to reflect the current statutory requirements;

WHEREAS, the water efficient landscaping standards adopted herein serve to advance the foregoing goals, advance the goal of conserving water and further public health, safety and welfare; and

WHEREAS, the City Council finds and determines that the water efficient landscape ordinance herein adopted is at least as effective in conserving water as the

California Department of Water Resources' updated Model Water Efficient Landscape Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

**Section 1.** Chapter 15.34 of Title 15 of the Rancho Palos Verdes Municipal Code is being amended in its entirety to read as follows:

**"CHAPTER 15.34"**

**WATER EFFICIENT LANDSCAPING**

**SECTION:**

- 15.34.010 Purpose
- 15.34.020 Applicability
- 15.34.030 Definitions
- 15.34.040 Review and Approval Requirements.
- 15.34.050 Landscape Design Plan.
- 15.34.060 Irrigation Design Plan
- 15.34.070 Grading Design Plan.
- 15.30.080 Soil Management Report.
- 15.34.090 Water Efficient Landscape Worksheet.
- 15.34.100 Certification of Completion.
- 15.34.110 Irrigation Schedule
- 15.34.120 Landscape and Irrigation Maintenance
- 15.34.130 Irrigation Audit
- 15.34.140 Irrigation Efficiency
- 15.34.150 Alternative Water-Efficient Use
- 15.34.160 Storm Water Management
- 15.34.170 Water Waste Prevention
- 15.34.180 Public Education
- 15.34.190 Authority to Promulgate Rules and Regulations.
- 15.34.200 Administration and Appeal Process.
- 15.34.210 Penalties.

**15.34.010. Purpose.** Water is a precious commodity of limited supply. In accordance with the Water Conservation in Landscaping Act, the purpose and intent of this ordinance is to:

- A. Promote the values and benefits of landscaping while recognizing the need to invest water and other resources as efficiently as possible;

- B. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new residential or commercial development projects and when landscape areas are altered by more than 50 percent in total area;
- C. Promote water management practices and water waste prevention for existing landscapes; and
- D. Use water efficiently by setting a Maximum Applied Water Allowance as an upper limit for water use and reducing water use to the lowest practical amount.

Accordingly, this ordinance is intended to be as effective in conserving water as is the Department of Water Resources' State Model Landscaping Ordinance set forth in Government Code Section 65595 and shall be known as the "Water Efficient Landscaping Ordinance."

#### **15.34.020. Applicability.**

- A Except as set forth in subsection B of this Section, this Chapter shall apply to all of the following landscape projects:
  1. All new Landscaped Areas and Altered Landscaped areas for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet.
  2. All new Landscaped Areas and Altered Landscaped areas which are Developer-Installed in Residential Projects (including a single-family project) with a landscape area equal to or greater than 2,500 square feet.
  3. All new Landscaped Areas which are Homeowner-Provided and/or homeowner-hired in residential projects (including a single-family project) with a total project landscape area equal to or greater than 5,000 square feet.
  4. Particular sections in the Landscape Regulations apply to existing landscapes, including existing cemeteries, that were installed before January 1, 2010 and are over one acre in size.
  5. Only Sections 15.34.090, 15.34.120 and 15.34.130 apply to new and rehabilitated cemeteries.
- B. This Chapter shall not apply to:
  1. Landscaping that is part of a property listed on any applicable local, state or national register of historic places.

2. Plant collections as part of botanical gardens and arboreta open to the public.
3. Ecological restoration projects that do not require a permanent irrigation system

#### **15.34.030. Definitions.**

Unless the context otherwise requires, the following definitions and those set forth in the Landscape Regulations shall govern the construction of this Chapter:

**Altered Landscaped Area:** A Landscaped Area, including landscape areas of public property or facilities, that is equal to or greater than 2,500 square feet and is altered by more than fifty percent (50%) of the total landscape area.

**Certificate of Completion:** The document required under Section 15.34.100.

**Certified Landscape Irrigation Auditor:** A person certified to perform landscape irrigation audits by a recognized professional trade organization or other educational organization.

**Developer Installed Landscaping:** Landscaping installed by a builder in conjunction with the construction of a residential project. "Developer installed landscaping" shall not include landscaping installed by an owner/occupant building in conjunction with the construction of a single-family residence.

**Director:** The Director of Planning, Building and Code Enforcement, or his or her designee.

**Estimated Total Water Use ("ETWU"):** The total water used for the landscape subject to this Chapter determined pursuant to the formula set forth in the Landscape Regulations. The ETWU is based upon such factors as the local evapo-transpiration rate, the size of the Landscaped Area, the types of plants, and the efficiency of the irrigation system.

**Homeowner-Provided Landscaping:** Any Landscaped Area either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner for purposes of this Chapter is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

**Irrigation Audit:** An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Landscape Documentation Package: The documents required under Section 15.34.050 required to be submitted to the Director for review and approval.

Landscape Regulations: Rules and regulations adopted by the Director for the implementation and enforcement of provisions of this Chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

Landscaped Area: The entire lot, including water features such as pools, spas, ponds, and fountains. "Landscaped Area" shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

Maximum Applied Water Allowance ("MAWA"): The upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ETo Adjustment Factor, and the size of the Landscaped Area or Altered Landscaped Area.

New Construction: a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

Permit: an authorizing document issued by the City for new construction or rehabilitated landscapes, including a building or landscape permit, plan check or design review.

Project Applicant: The person or entity submitting a Landscape Documentation Package. A Project Applicant may include the property owner and/or an agent of the owner.

Residential Project: The construction of one or more homes.

Water Efficient Landscape Worksheet: The document described in Section 15.34.090.

#### **15.34.040. Review and Approval Requirements.**

A. Prior to issuance of a Permit for any project that involves Landscaped Areas or Altered Landscaped Areas subject to this Chapter, the Project Applicant must submit a Landscape Documentation Package for review and approval by the Director. The Landscape Documentation Package shall include the following:

1. Project information as required by the Landscape Regulations;
2. Landscape design plan as described in Section 15.34.050;
3. Irrigation design plan as described in Section 15.34.060;

4. Water Efficient Landscape Worksheet as described in Section 15.34.090;
5. A soil management report as described in Section 15.34.080;
6. Grading design plan as described in Section 15.34.070; and
7. Payment of the fee as prescribed by City Council upon submittal of the Landscape Documentation Package.

B. The documents listed in paragraph A shall be prepared and signed by a landscape architect, landscape designer, or irrigation designer, as appropriate, except that the soil management report shall be prepared by a qualified soil and plant laboratory.

**15.34.050. Landscape Design Plan.**

- A. Landscaped Areas or Altered Landscaped Areas subject to this Chapter shall be carefully designed and planned to ensure the efficient use of water. The Project Applicant shall submit to the Director a landscape design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.
- B. The landscape design plan shall comply with or include the following:
  1. A description of the plant material. Any plant may be selected for the landscape provided that the Estimated Applied Water Use in the Landscaped Area or Altered Landscaped Area does not exceed the Maximum Applied Water Allowance.
  2. Landscape design plans for projects in the City's High Fire Hazard Severity Zones areas, as identified in the Landscape Regulations, shall address fire safety and prevention. The Project Applicant shall ensure that the defensible space required by the Municipal Code is maintained and shall avoid fire-prone plant materials and mulches.
  3. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
  4. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 + slope percent).

- C. Water Features shall be designed as follows:
  - 1. Recirculating water systems shall be used as a source for water features.
  - 2. Where available, recycled water shall be used as a source for decorative water features.
  - 3. The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
  - 4. Pool and spa covers are highly recommended.
- D. Mulch and amendments shall be included for use as follows:
  - 1. A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where mulch is contraindicated.
  - 2. Stabilizing mulching products shall be used on slopes.
  - 3. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  - 4. Soil amendments shall be incorporated according to recommendations of the soil management report, if any, and what is appropriate for the plants selected.

#### **15.34.060. Irrigation Design Plan.**

An irrigation system and its related components for Landscaped Areas and Altered Landscaped Areas subject to this Chapter shall be carefully designed and planned to allow for proper installation, management, and maintenance. The Project Applicant shall submit to the Director an irrigation design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

#### **15.34.070. Grading Design Plan.**

- A. Grading of a project site that contains a Landscaped Area or Altered Landscaped Area subject to this Chapter, shall be designed to minimize soil erosion, runoff and water waste. The Project Applicant shall submit to the Director a grading design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.
- B. The landscape grading plan shall indicate finished configurations and elevations of the landscape area including: (i) height of graded slopes; (ii) drainage patterns; (iii) pad elevations; (iv) finish grade; and (v) storm water retention improvements, if applicable.
- C. To prevent excessive erosion and runoff, grading shall avoid disturbing natural drainage patterns and avoid soil compaction in Landscaped Areas or Altered

Landscaped Areas subject to this Chapter. All irrigation and normal rainfall should remain within the property lines so as not to drain onto non-permeable hardscapes.

D. A comprehensive grading plan prepared by a civil engineer for a project which includes Landscaped Areas or Altered Landscaped Areas subject to this Chapter can satisfy this requirement.

**15.34.080. Soil Management Report.**

The Project Applicant shall submit to the Director a soil management report that meets the criteria set forth in the Landscape Regulations.

**15.34.090. Water Efficient Landscape Worksheet.**

A. The Project Applicant shall complete and submit to the Director a Water Efficient Landscape Worksheet that meets the criteria set forth in this section and in the Landscape Regulations.

B. The Water Efficient Landscape Worksheet shall contain two sections; (i) a hydrozone information table and (ii) a water budget calculation for the Landscaped Areas or Altered Landscaped Areas subject to this Chapter. The water budget calculation shall include the Maximum Applied Water Allowance and the Estimated Total Water Use.

**15.34.100. Certification of Completion.**

A. Upon completion of the installation of the Landscaped Areas or Altered Landscaped Area subject to this Chapter, the Project Applicant shall submit a Certificate of Completion, in the form provided by the City, for review and approval by the Director. The Certificate of Completion shall be executed by either the licensed landscaped architect, licensed landscape contractor or the certified irrigation designer that signed any of the documents submitted as part of the Landscape Documentation Package.

B. The Certificate of Completion shall certify and/or include the following:

1. The Landscaped Areas or Altered Landscaped Areas subject to this Chapter have been installed in conformance with the Landscaped Documentation Package, the Water Efficient Landscaping Ordinance and the Landscape Regulations;
2. The automatic controller has been set according to the irrigation schedule described in Section 15.34.110;
3. Documentation that the soil management report recommendations, if any, have been implemented;
4. The Irrigation Audit Report; and

5. The landscape and irrigation maintenance schedule.
- C. The Director shall approve the Certificate of Completion if he or she determines the project conforms to the provisions of this Section. If the Director determines that the Certificate of Completion is incomplete or does not conform to the provisions of this Section, the Director shall:
  1. Notify the Project Applicant in writing that the Certificate of Completion has been denied and include a statement of reasons; or
  2. Notify the Project Applicant in writing that the Certificate of Completion is incomplete with an indication of additional information necessary. The Project Applicant may re-submit the Certificate of Completion for review by the Director.
- D. The Project Applicant shall provide a copy of the approved Certificate of Completion to the property owner within 7 days of its approval.

#### **15.34.110. Irrigation Schedule.**

The Project Applicant shall prepare an irrigation schedule in accordance with the Landscape Regulations that evaluates and manages the amount of water required to maintain plant health.

#### **15.34.120. Landscape and Irrigation Maintenance.**

The Project Applicant shall prepare a landscape and irrigation maintenance plan in accordance with the Landscape Regulations to ensure the efficiency of water use.

#### **15.34.130. Irrigation Audit.**

- A. For Landscaped Areas or Altered Landscaped Areas subject to this Chapter, the Project Applicant shall prepare an Irrigation Audit Report as set forth in the Landscape Regulations.
- B. For all existing Landscaped Areas installed prior to January 1, 2010, irrigation audits shall be prepared as set forth in the Landscape Regulations.

#### **15.34.140. Irrigation Efficiency.**

- A. New irrigation systems installed subject to this Chapter shall be designed, maintained and managed to meet or exceed the average irrigation efficiency set forth in the Landscape Regulations.
- B. New irrigation systems installed as stand-alone projects shall comply with Sections 15.34.060, 15.34.090, 15.34.100, 15.34.110, 15.34.120 and 15.34.130 of this Chapter.

#### **15.34.150. Alternative Water-Efficient Use.**

Alternative methods of using water efficiently such as the use of potable water, rain water or other alternative water systems are encouraged.

**15.34.160. Storm Water Management.**

- A. Landscape and grading design plans shall be developed in accordance with the applicable provisions of the Storm Water and Urban Runoff Control provisions set forth in Chapter 13.10 of Title 13 of the Municipal Code.
- B. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are encouraged.

**15.34.170. Water Waste Prevention.**

Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures is prohibited.

**15.34.180. Public Education.**

The City shall provide information to owners of new, single-family residential homes regarding the design, installation, management and maintenance of water-efficient landscapes, as set forth in the Landscape Regulations.

**15.34.190. Authority to Promulgate Rules and Regulations.**

The Director shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this Chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

**15.34.200. Administration and Appeal Process.**

The Director shall have the duty and authority to administer and enforce this Chapter. The Project Applicant or property owner may appeal any other decision made by the Director pursuant to this Chapter by filing with the Director within 15 days of the date of written notification of the action at issue. The appeal shall be held pursuant to the applicable provisions of Chapter 17.80 of Title 17 of the Municipal Code.

**15.34.210. Penalties.**

The enforcement sections are set forth in Title 1 of the Municipal Code. In addition, the City Building Official may deny any project subject to this Chapter its final Permit approval or equivalent until the Certificate of Completion has been submitted, reviewed and approved by the City.

**Section 2.** The City Council declares that an urgency ordinance is critical for the immediate preservation of the public peace, health and safety for three reasons. First, A.B. 1881 requires that, on or before January 1, 2010, a city must adopt its own

water efficient landscape ordinance that is at least as effective in conserving water as the California Department of Water Resources' updated Model Water Efficient Landscape Ordinance, or the Model Water Efficient Landscape Ordinance shall apply to that city. The City Council recognizes the importance of such statutory deadlines and seeks to comply with state law. Second, the City's previously existing Chapter 15.34, Water Conservation in Landscaping, must be immediately replaced in order to avoid confusion between its requirements and the new requirements in effect on January 1, 2010. Third, there has been a drought affecting the State for approximately the past five years, and the City Council wishes to immediately stop the inefficient use of excessive water in landscaping.

**Section 3.** The City Council has considered this Ordinance and finds that this project is exempt from the requirements of the California Environmental Quality Act ("CEQA"). The project is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Sec. 15307 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource, specifically water, where the regulatory process involves procedures for protection of the environment. This Ordinance does not contemplate any construction activities, and there is no evidence to suggest that the Ordinance will result in a significant impact on the environment, including impacts due to unusual circumstances. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and there is no evidence to suggest that the Ordinance would in cumulative adverse environment impacts. Based on the foregoing and other substantial evidence in the record, the City Council hereby finds and determines that the Ordinance is exempt from the provisions of CEQA, pursuant to State CEQA Guidelines Section 15307. Further, as a separate and independent ground, the City Council finds that the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3).

**Section 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**Section 5.** The City Clerk shall cause this Urgency Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

**Section 6.** This Ordinance shall go into effect and be in full force and effect immediately upon its passage.

PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of December 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Carla Morreale  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )ss  
CITY OF RANCHO PALOS VERDES )

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole numbers of the City Council of said City is five; that the foregoing Ordinance No. 503U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on December 15, 2009 by the following vote:

|            |  |
|------------|--|
| AYES:      | Campbell, Misetich, Stern, Long and Wolowicz |
| NOES:      | None   |
| ABSENT:    | None   |
| ABSTAINED: | None   |

  
\_\_\_\_\_  
Carla Morreale  
City Clerk



# RANCHO PALOS VERDES

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS  
CITY OF RANCHO PALOS VERDES)

## AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the appointed City Clerk of the City of Rancho Palos Verdes;

That on December 17, 2009, she caused to be posted the following document entitled: ORDINANCE NO. 503U, AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES TO AMEND MUNICIPAL CODE CHAPTER 15.34 TO IMPLEMENT THE STATE'S REQUIREMENTS FOR WATER EFFICIENT LANDSCAPING ON SPECIFIC PUBLIC AND PRIVATE DEVELOPMENT PROJECTS, AND DECLARING THE URGENCY THEREOF, a copy of which is attached hereto, in the following locations:

City Hall  
30940 Hawthorne Blvd.  
Rancho Palos Verdes

Ladera Linda Community Center  
32201 Forrestal Drive  
Rancho Palos Verdes

Hesse Park  
29301 Hawthorne Blvd.  
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.

Carla Morello  
City Clerk