

ORDINANCE NO. 316

**AN ORDINANCE OF THE CITY OF ROLLING HILLS
AMENDING THE ROLLING HILLS MUNICIPAL CODE
BY ADDING CHAPTER 13.18 WATER EFFICIENT
LANDSCAPE TO TITLE 13, WATER AND SEWERS.**

The City Council of the City of Rolling Hills, California, does hereby ordain as follows:

Section 1: FINDINGS

A. The waters of the State of California are of limited supply and are subject to increasing demands;

B. It is the policy of the State of California and the City of Rolling Hills to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

C. The City of Rolling Hills is a unique, well-established residential community where development consists exclusively of single-family residential homes on large lots and existing non-residential development in the community consists of City administration, fire, school and school maintenance facilities;

D. In 2004, the State of California enacted Assembly Bill 2717 establishing a stakeholder based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscaping;

E. In 2006 the Governor signed Assembly Bill 1881 requiring cities and counties to implement the Taskforce's recommendation;

F. 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;

G. The City's water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource's updated Model Water Efficient Landscape Ordinance due to the following:

- a. The ordinance is applicable to all new or altered development subject to discretionary review by the City.
- b. Under the ordinance, landscaping shall be designed and irrigated so not to exceed 70% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County.

- c. Under the ordinance, landscape areas for residential and institutional type projects shall be designed with less than 40% turf and non-water wise plant materials.
- d. Under the ordinance, automatic irrigation systems are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check valves at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.
- e. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.
- f. Under the ordinance, installation and compliance verifications are required from a landscape designer.
- g. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource's formula in its Model Water Efficient Landscape Ordinance.
- h. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resource's in its Model Water Efficient Landscape Ordinance.

Section 2: CEQA. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") because it enacts regulations that are applicable to new or altered landscape projects subject to project specific discretionary review. Therefore, it can be seen with certainty that there is no possibility that this ordinance will cause a direct physical change in the environment, and therefore the adoption of this ordinance is not considered a project per section 21065 of CEQA. In addition, this ordinance is an action being taken for enhanced protection of the environment that does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

Section 3: Title 13, Chapter 13.18 of the Rolling Hills Municipal Code, commencing with Section 13.18.010 is hereby added to read as follows:

Chapter 13.18

WATER EFFICIENT LANDSCAPE

Sections:

- 13.18.010 Purpose.
- 13.18.020 Applicability.
- 13.18.030 Definitions.
- 13.18.040 Landscape Plan Design Standards.
- 13.18.050 Exceptions.
- 13.18.060 Submittal Requirements.
- 13.18.070 Determination of Conforming Installation and Compliance Certification.

13.18.010 Purpose.

It is the policy of the City of Rolling Hills to promote water conservation. The landscape water conservation standards detailed in this Chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

13.18.020 Applicability.

This Chapter applies to:

A. All public agency development projects which are subject to discretionary review by the City and propose new or altered landscape area of 2,500 square feet or more; and

B. All single family residential development projects subject to discretionary review by the Planning Commission or City Council, with a total new or altered landscape area equal to or greater than 5,000 square feet.

13.18.030 Definitions

“Application rate” means the rate of irrigation (inches/hour or gallons per minute) at which water is applied by an irrigation system.

“Automatic irrigation system” means an irrigation system that can be controlled without manual manipulation and which operates on a preset program.

“Discretionary review” means review of a development project by the Planning Commission and/or City Council that requires that the Planning Commission or City Council ascertain compliance with this Chapter, and that also requires the exercise of judgment, deliberation or decision by the Planning Commission and/or City Council.

“Evapotranspiration” or “ET” means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

“ETo” means the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

“ET Adjustment Factor” means a factor used to set an efficiency goal, that when applied to ETo adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

“Hydrozone” means a portion of the planting area having plants grouped according to water need.

“Irrigation system” means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.

“Landscape Area” means all areas where new or altered landscaping is proposed as part of a new development proposal.

“Landscape Plan” means design plans with a planting plan and irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

“New Development” means a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type that requires a discretionary permit from the City.

“Plant Factor” means a factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

“Planting area” means the parcel area less building pad(s), driveway(s), patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.

“Special Landscape Area (SLA)” means park and recreational areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

“Turf” means a groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

“Water Budget Calculation” means the Maximum Annual Applied Water Allowance, which shall be calculated using the following formula, per Section 492.4 of the State of California Model Water Efficient Landscape Ordinance, which may be amended from time to time:

$$\text{MAWA} = (\text{ETo}) (0.62) [0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

MAWA = Maximum Applied Water Allowance (maximum gallons per year available for the project).

Eto = Reference Evapotranspiration (39.7 inches per year for the City of Rolling Hills).

0.7 = ET Adjustment Factor (as designated by the state of California).

LA = Landscape Area (square feet, including SLA)

0.62 = Conversion Factor (inches to gallons)

SLA = Special Landscape Area (square feet)

0.3 = The additional ET Adjustment Factor for the Special Landscape Area

“Water Wise Plants” means those plants that are evaluated as needing “moderate” (40-60% of ETo), “low” (10-30% of ETo) and “very low” (< 10% of ETo) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available from the State of California Department of Water Resources. Other sources of water wise plant classifications may be used if approved by the City Manager.

“Weather Based Irrigation Controller” means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

13.18.040 Landscape Plan Design Standards.

An applicant proposing new or altered landscaping, which is subject to the requirements of this Chapter, shall comply with each of the following in the design, installation, and maintenance of the landscaped area, unless an exception is granted pursuant to Section 13.18.050.

A. Landscape Plan Content:

1. Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot. Landscaping shall be designed to be irrigated at no more than 0.7 of the reference evapotranspiration (ETo) and shall not exceed the MAWA. The City reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this Chapter.

2. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water-wise plants; water budget calculations; monthly irrigation schedule; and specific requests for any exceptions to the requirements of this Chapter in accordance with Section 13.18.050. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. Use of Turf and Water Wise Plants:

1. The landscape area of single family residential and institutional use projects shall be designed with no more than 40% of the landscaped area in turf or plants that are not water wise plants.

2. Turf shall not be used on slopes of 20% (5:1) or greater within the landscape area.

3. Additional turf areas may be approved by the City for areas designed and used for outdoor sporting and recreational activities. Approved turf areas may be watered at 1.0 of the referenced evapotranspiration (ETo).

C. Mulch: The landscape area, except those portions of the landscape area planted in turf, shall be covered with mulch material to an average thickness of at least 3 inches throughout. In areas with groundcover planted from flats, mulch shall be installed to an average thickness of

1-½ inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Irrigation: All new or altered irrigation systems proposed as part of a new development shall incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

3. Areas less than eight feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray onto adjacent surfaces.

4. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.

5. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

6. Pressure regulators may be required on the irrigation system as determined by the Building and Safety Department.

13.18.050 Exceptions.

Exceptions to these landscape water conservation standards may be granted by the City Manager upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the City Manager at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

13.18.060 Submittal Requirements.

A. In accordance with California Business and Professions Code Section 5641, as may be amended from time to time, drawings for the conceptual design and placement of tangible objects and landscape features; or plans, drawings and specifications for the selection, placement or use of plants, may be submitted by any person, including licensed landscape architects, licensed landscape contractors or landscape designers. Construction documents, details or specifications for the tangible objects or landscape features, or site alterations which

require grading or drainage plans, shall be prepared by a licensed professional as required by California law.

B. The landscape plan shall include a “Statement of Compliance” in a form approved by the City Manager certifying that the landscape design complies with the mandatory elements of this Chapter. The Statement of Compliance shall be signed by the person who prepared the landscape plan and shall be submitted to the City prior or concurrent with submitting final development plans to the Building and Safety Department.

C. The Planning Commission or City Council may require, on a case-by-case basis, that the landscaping plan and statement of compliance be submitted concurrently with the development application or prior to rendering a decision for the development.

D. The project applicant shall submit a financial obligation in the amount of the cost estimate of the implementation of the landscaping plan and irrigation plus fifteen percent, which shall be posted prior to issuance of a grading and building permit. The financial obligation shall be retained with the City for not less than two years after landscape installation. The retained deposit will be released by the City Manager after the City Manager determines that the landscaping was installed pursuant to the landscaping plan as approved, and that such landscaping is properly established and in good condition.

13.18.070 Determination of Conforming Installation and Compliance Verification.

A. The person who prepared the landscape plan shall inspect the installation of the landscaping and any irrigation system included in the plan and shall certify in writing to the City Manager that the installation substantially conforms to the approved landscape plan. Certification shall be submitted within 90 days of the date the construction project has received approval of a final inspection from the Building and Safety Department. The applicant is eligible for a one-time extension in submitting the certification up to 90 days, based on findings of good cause provided the application requesting an extension is filed prior to the original 90-day deadline.

B. Verification of compliance with this Chapter, as applicable, shall be made by the City Manager. The financial obligation described in Section 13.18.160D shall not be returned unless the certification of compliance is on file with the City.

Section 4: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance 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 remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each 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 portion thereof be declared invalid or unconstitutional.

Section 5: Notice. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993.

Section 6: Effective date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 25th day of January, 2010.

/s/ Thomas Heinsheimer

THOMAS HEINSHEIMER, MAYOR

Attest:

/s/ Heidi Luce

HEIDI LUCE, DEPUTY CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Ordinance No. 316 entitled:

**AN ORDINANCE OF THE CITY OF ROLLING HILLS
AMENDING THE ROLLING HILLS MUNICIPAL CODE
BY ADDING CHAPTER 13.18 WATER EFFICIENT
LANDSCAPE TO TITLE 13, WATER AND SEWERS.**

was approved and adopted at a regular meeting of the City Council on January 25, 2010 by the following roll call vote:

AYES: Councilmembers Hill, Lay, Mayor Pro Tem Pernell, Mayor Heinsheimer.

NOES: None.

ABSENT: Councilmember Black.

ABSTAIN: None.

and in compliance with the laws of California was posted at the following:

Administrative Offices

/s/ Heidi Luce

Heidi Luce
Deputy City Clerk