ORDINANCE NO. 10-1305

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING TITLE 8, CHAPTER 8.60 WATER EFFICIENT LANDSCAPING TO THE HERMOSA BEACH MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: Title 8, Chapter 8.60 of the Hermosa Beach Municipal Code, commencing with Section 8.60.010 is hereby added to read as follows:

Chapter 8.60

WATER EFFICIENT LANDSCAPING

Sections:

8.60.010 Title.

8.60.020 Purpose.

8.60.030 Applicability.

8.60.040 Definitions.

8.60.050 Procedures.

8.60.060 Standards for New Landscape.

8.60.070 Standards for Small Landscape Areas.

8.60.080 Existing Landscapes—Exceeding One Acre in Size.

8.60.090 Penalties and Remedies.

8.60.010 Title.

This Chapter shall be known as the "City of Hermosa Beach Water Efficient Landscaping Ordinance."

8.60.020 Purpose.

It is the policy of the State of California and City of Hermosa Beach to promote water conservation. The standards detailed in this Chapter are intended to promote the selection,

planting and maintenance of landscaping that is water efficient and water conserving, while allowing flexibility in designing healthy, attractive and cost-effective landscapes.

8.60.030 Applicability.

A. This Chapter is intended to implement, and shall be construed in a manner that is consistent with the Model Water Efficient Landscape Ordinance in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations, and any amendment thereto. "Consistent with" may also include more restrictive water conservation or water use efficiency measures.

B. This Chapter shall apply to all of the following within the City of Hermosa Beach:

1. "New construction" and "rehabilitated landscapes" for public and private development projects with a landscape area equal to or greater than 2,500 square feet, requiring a building permit, plan check, design review, or precise development plan.

2. "Small landscape areas" less than 2,500 square feet, excluding plantings in pots or moveable planters, in connection with a building permit, plan check, design review, or precise development plan, subject to Section 8.60.070.

3. Existing landscapes exceeding one (1) acre in size, subject to Section 8.60.080.

C. This Chapter shall not apply to registered local, state or federal historical sites, botanical gardens open to the public, or any other special types of landscape projects that are exempt under the state Model Efficient Landscape Ordinance.

D. The City shall provide information to all owners of new single family residential homes regarding the design, installation, management and maintenance of water efficient landscapes.

E. The City may collaborate with another agency, such as a water purveyor, to implement some or all of the requirements contained in this Ordinance.

F. This Chapter shall be applied in conjunction with the water conservation requirements of Chapter 8.56. Where conflicts in language may exist between this Chapter and Chapter 8.56 or any other provision of the Municipal Code, the language that requires the greater water conservation shall prevail.

8.60.040 Definitions.

The terms in this Chapter shall be broadly construed to achieve the purposes of this Chapter and may be supplemented by definitions and information in the Model Efficient Landscape Ordinance.

"Certificate of Completion" means the information and certifications that the landscape project has been installed and will operate in compliance with the approved Landscape Documentation Package as detailed in Section 492.2 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Discretionary planning entitlement" means a land use permit or approval granted by the Planning Commission necessary to proceed with development pursuant to Title 17 (Zoning).

"Evapotranspiration" (ET) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"ETo" or "reference evapotranspiration" means a standard measurement of environmental parameters that affect the water use of plants expressed in inches per day, month or year. Calculation of the 'Maximum Applied Water Allowance' and 'Estimated Total Water Use' shall use the ETo values for Redondo Beach in Appendix A of the Model Water Efficient Landscape Ordinance as follows:

CITY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6

"ET adjustment factor" (ETAF) means a factor of 0.7 (0.7 or more but less than 0.8) that, when applied to ETo, adjusts for plant factors and irrigation efficiency.

"Homeowner-provided or homeowner-hired landscaping" means that landscaping installed for a single-family dwelling by a private individual or a licensed contractor, regardless whether for the owner or the occupant. Such landscape shall be regulated in the same manner as new construction or rehabilitated landscape, as applicable to the situation.

"Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

"Landscape area" means the total area of the landscape project (planting areas, turf areas, and water features) in a landscape design plan that is subject to the "Maximum Applied Water

Allowance" calculation. Landscape area includes "new construction landscape" and "rehabilitated landscape." Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated by through an automated system.

"Landscape Documentation Package" means the project information, water efficient landscape worksheet, soil management report, landscape plan, irrigation plan and grading plan, prepared by the professionals and containing the information and certifications set forth in Sections 492.3 through 492.8 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Maximum applied water allowance" (MAWA) is the formula set forth below used to arrive at the annual water budget calculation and as further described in the Model Water Efficient Landscape Ordinance:

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

MAWA	=	Maximum Applied Water Allowance (gallons per year)
Eto	=	Reference Evapotranspiration (42.6 inches per year)
0.7	=	ET Adjustment Factor (ETAF)
LA	=	Landscape Area including Special Landscape Area (square feet)
0.62	=	Conversion factor (to gallons per square foot)
SLA	=	Special Landscape Area (square feet)
0.3	=	ET Adjustment Factor for Special Landscape Area

"Model Water Efficient Landscape Ordinance" means the regulations adopted by the State of California in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations.

"New landscape" means "new construction" and "rehabilitated landscape".

"New construction" means, subject to the exclusions in Section 8.60.030, a new building with a new landscape area or other new landscape area such as a park, playground or greenbelt without an associated building, equal to or greater than 2,500 square feet.

"Plant factor" means a factor that, when multiplied by the ETo, estimates the quantity of irrigation water thought to be necessary to maintain plant health within the City. The plant factor range is 0 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plant, and 0.7 to 1.0 for high water use plants. Plant factors are defined and listed in the "Water Use Classifications of Landscape Species" ("WUCOLS") or equivalent documentation for plants not listed therein.

"Rehabilitated landscape" means, subject to the exclusions in Section 8.60.030, any re-landscaping project when the modified landscape area is equal to or greater than 2,500 square feet, and is fifty (50) percent or more of the total landscape area, and the modifications are completed within one (1) year. Includes developer, owner, occupant, or homeowner hired or installed landscaping.

"Reference evapotranspiration" See "ETo."

"Turf" means a groundcover surface of grass with an irrigation water need of greater than thirty (30) percent of the ETo.

"Small landscape areas" means the new construction or rehabilitated landscape of less than 2,500 square feet, excluding plantings in pots or moveable planters, subject to the exclusions in Section 8.60.070.

"Special landscape area" (SLA) means an area of the landscape dedicated permanently and solely to edible plants (such as orchards or gardens), areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play (such as parks, sports fields, golf courses) where turf provides a playing surface.

"Water budget calculation." See "maximum applied water allowance."

"Water conserving plants" means species with a low plant factor. May also be referred to as water efficient or water wise plants.

"Weather based irrigation controller" means a device that automatically adjusts the irrigation schedule based on changes in the weather.

"Water Efficient Landscape Worksheet" means the worksheets required by Section 492.4 of the Model Water Efficient Landscape Ordinance.

"Water Use Classification of Landscape Species" ("WUCOLS"), University of California, Cooperative Extension, current edition, applicable to the City of Hermosa Beach, California..

8.60.050 Procedures.

This Chapter shall be implemented through the Landscape Documentation Package application process. The Planning Commission may impose additional measures or conditions on the approval of applications for discretionary planning entitlements to further the purposes of this Chapter.

A. **Application submittal.** Prior to issuance of a building or related construction permit, the applicant shall submit a Landscape Documentation Package on forms supplied by the Community Development Department accompanied by a fee set by resolution of the City Council. The Package shall include:

1. A landscape design plan prepared by a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to the practice of landscape architecture, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.6 of the Model Efficient Landscape Ordinance.

2. An irrigation design plan prepared by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to design of irrigation systems, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.7 of the Model Efficient Landscape Ordinance.

3. A grading design plan prepared by a licensed civil engineer or other qualified professional as authorized by law, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.8 of the Model Efficient Landscape Ordinance.

4. A soils management plan completed by the applicant or his/her designee shall comply with all of the requirements of Section 492.5 of the Model Efficient Landscape Ordinance.

5. A Water Efficient Landscape Worksheet prepared by the applicant or his/her designee that complies with all of the requirements of Section 492.4 of the Model Efficient Landscape Ordinance.

B. **Application review.** The Community Development Director or his or her designee shall review the Landscape Documentation Package for compliance with this Chapter and approve, approve with conditions, or deny the application if the Director determines that the submittal does not comply with the requirements of this Chapter. Plans, worksheets, and related documents required by this Chapter and the construction permit process shall be modified consistent with approval of the Landscape Documentation Package.

C. **Compliance verification.**

1. Prior to a request for final landscape or final occupancy inspection, the preparer of the landscape design plan or irrigation design plan or the licensed landscape contractor shall inspect the installation and submit a Certificate of Completion certifying that the installation substantially conforms to the approved Landscape Documentation Package or modifications thereto approved by the City and documented on As-Built plans.

2. No building or other equivalent construction permit shall be issued unless and until the Certificate of Completion required by Subsection (C)(1) of this Section has been included on the final landscape plan submitted for plan check approval.

3. No building or other equivalent construction permit shall be given a final landscape inspection or issued a permanent Certificate of Occupancy until the Community Development Department approves the Certificate of Completion. Upon a decision to deny the Certificate of Completion, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision.

D. **Exceptions from standards.**

1. Requests for exceptions shall be in writing and shall be submitted to the Community Development Director at the time the application is submitted to the City for review, or within a reasonable amount of time after the applicant determines or is informed that compliance with a requirement in this Chapter is infeasible. Requests for exceptions must be accompanied by

documentary evidence supporting the finding of equivalent or greater water conservation accompanied by a fee set by resolution of the City Council.

2. Exceptions to the standards set forth in Section 8.60.060 may be approved or conditionally approved by the Community Development Director or by the Planning Commission as part of the approval of a discretionary planning entitlement, upon making a finding based on substantial evidence that the exception will provide equivalent or greater water conservation than would be otherwise achieved by applying the standard.

E. **Appeals.** The decision of the Community Development Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, within ten (10) days of the decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by resolution of the City Council. The City Council shall review the appeal at the next meeting that the item may be heard.

8.60.060 Standards for New Landscape.

"New landscape" as defined in Section 8.60.040 shall be designed and managed to use the minimum amount of water required to maintain plant health. New landscape shall comply with all of the requirements in Sections 492.6 through 492.15 of the Model Efficient Ordinance and the following, whichever is more restrictive, unless an exception is granted pursuant to Section 8.60.050(D).

A. **Plant material.**

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used.

2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter.

3. `Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar source acceptable the Community Development

Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) shall not be used.

4. The landscape area of projects proposing exclusively commercial or industrial uses shall be designed using exclusively water conserving plants. Single family residential, multi-family residential, mixed use and institutional use projects shall be designed with not more than twenty (20) percent of the total landscaped area in turf or high water use plants in the Water Use Classification for Landscape Species (WUCOLS). Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Public agencies shall be exempt from this requirement.

5. Turf shall not be allowed on slopes greater than twenty (20) percent. Where the toe of the slope is adjacent to an impermeable surface, alternatives to turf should be considered on slopes exceeding twenty (20) percent, meaning one (1) foot of vertical elevation change for every five (5) feet of horizontal length. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ETo).

6. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.

7. Species and landscape design shall complement and to the extent feasible in compliance with this Chapter be proportional to the surroundings and streetscape and incorporate deciduous trees to shade west and south exposures. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

B. **Water features, pools and spas.**

1. Recirculating water systems shall be used for water features. Where available, recycled water shall be used as a source for decorative water features.

2. Pools and spas shall be equipped with a cover and covered overnight and daily when use is concluded.

C. **Grading and runoff.** Landscape design shall minimize soil erosion and runoff.

1. Grading plans shall avoid disruption of natural drainage patterns to the extent feasible.

2. Grading plans shall demonstrate that normal rainfall and irrigation will remain within the property lines and not drain onto impermeable surfaces, walkways, sidewalks, streets, alleys, gutters, or storm drains.

3. Plans and construction shall protect against soil compaction within landscape areas.

4. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches that require ongoing maintenance, shall be considered during project design. Plans and practices shall comply with Chapter 8.44.

D. **Irrigation systems.**

1. An automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour.

2. An average landscape irrigation efficiency of 0.71 shall be used for the purpose of determining Maximum Applied Water Allowance. Irrigation systems shall be designed, maintained, and managed to meet or exceed this efficiency. Landscapes using recycled water are considered Special Landscape Areas, where the ET Adjustment Factor shall not exceed 1.0.

3. The irrigation system shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, walkways, sidewalks, streets, alleys, gutters, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.

4. Narrow or irregularly shaped areas, including turf less than eight (8) feet in width in any direction, shall be irrigated with subsurface irrigation or low volume above-ground irrigation system.

5. Overhead irrigation shall not be permitted within two (2) feet of any impermeable surface. Drip, drip line, or other low flow non-spray technology shall be used.

6. 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 sidewalks, pavement and impermeable surfaces.

7. All irrigation systems shall provide backflow prevention devices in accordance with the current edition of the California Building/Plumbing Code and check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines. Pressure regulators may be required if the pressure at the sprinkler head exceeds the manufacturer's recommended optimal operating pressure.

8. Reclaimed water and graywater irrigation systems shall be used when reasonably feasible and shall conform to the current edition of the California Building/Plumbing Code, and all other applicable local, state and federal laws.

E. **Irrigation system hydrozones.**

1. The irrigation system shall conform to the hydrozones of the landscape design plan.

2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use where the plant factor of the higher water using plant is used for calculations. No hydrozone shall mix high and low water use plants.

3. Sprinkler heads and other emission devices shall be appropriate for the plant type within that hydrozone. Where feasible, trees shall be placed on separate valves from turf, shrubs and groundcovers.

4. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

F. **Landscape and irrigation maintenance.**

1. All landscape and related elements shall be designed and properly maintained to insure long-term health and shall maintain conformance with the requirements of this Chapter.

2. Irrigation scheduling shall be regulated by automatic irrigation controllers.

3. Watering hours and duration shall be scheduled compliant with the requirements of Chapter 8.56.

4. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding and removing any obstruction to emission devices.

5. Repair of all irrigation equipment shall be promptly undertaken, using the originally installed components, or equivalent or enhanced components compatible with the irrigation system.

6. Landscape areas shall be permanently maintained and kept free of weeds, debris and litter; plant materials shall be maintained in a healthy growing condition and diseased or dead plant materials shall be replaced, in kind, pursuant to the approved plans within thirty (30) days. Alternatively, diseased or dead plant materials may be replaced with plant materials that have low water needs, as rated in the current edition of the Water Use Classification of Landscape Species.

7. The use, storage and disposal of all landscape and lawn care products shall comply with all manufacturer's specifications and applicable laws, and minimize the discharge of pollutants to the environment.

G. Notwithstanding the requirements of this Section, landscape design and maintenance shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

8.60.070 Standards for Small Landscape Areas.

"Small landscape areas" as defined in Section 8.60.040 are subject to the provisions in this Section and are otherwise exempt from this Chapter

A. **Procedures.** Prior to issuance of a permit for construction, the applicant shall provide information substantiating compliance with this section to the satisfaction of the Community Development Director. The Planning Commission may impose additional measures or conditions on discretionary planning entitlements to further the purposes of this Chapter. No building or other equivalent construction permit shall be issued a permanent Certificate of Occupancy until the

Community Development Director determines the project complies with the standards in this section. In the case of any decision to deny a permit issuance or certificate of occupancy, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision in accordance with Subsections D or E of Section 8.60.050.

B. **Standards.** Small landscape areas shall comply with the following standards. Provisions that are encouraged but not required are indicated with words such as 'should.'

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used. Where practical, such as in areas exceeding four hundred (400) square feet of contiguous landscape, plantings should be arranged by hydrozones.

2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter.

3. Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar recognized authority acceptable to the Community Development Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) should not be planted.

4. The landscape area of projects proposing exclusively commercial, industrial or institutional uses shall be designed using exclusively water conserving plants. Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Turf shall not be allowed on slopes greater than twenty (20) percent. Deciduous trees should be used to shade west and south exposures.

5. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.

6. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

7. Plans and construction shall protect against soil compaction within landscape areas. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches, should be considered during project design. No plan or practice shall conflict with Chapter 8.44.

8. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

9. When irrigation systems are installed, an automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour. Watering hours and duration shall be compliant with the requirements of Chapter 8.56.

10. All irrigation systems shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, sidewalks, walkways, streets, alleys, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.

11. All landscape and related elements shall be properly maintained to insure long-term health and shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17, any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive. The use, storage and disposal of all lawn and landscape care products shall comply with all manufacturer specifications and applicable laws, and minimize the discharge of pollutants to the environment.

8.60.080 Existing Landscapes—Exceeding One Acre in Size.

Existing landscapes installed before January 1, 2010 exceeding one (1) acre in size per site shall comply only with the provisions in this Section and are otherwise exempt from this Chapter. "Site" means all contiguous property under one ownership, regardless whether separated by public rights-of-way.

A. No irrigation system shall result in water waste due to leaks or runoff, overspray, or similar conditions where irrigation water flows onto walkways, sidewalks, streets, alleys, storm drains, adjacent property, or similar untargeted areas.

B. Landscape design and maintenance shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

C. The City shall administer programs that may include, but are not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use, and provision of recommendations as necessary to reduce landscape water use to a level that does not exceed a Maximum Applied Water Allowance calculated as: MAWA = (0.8) (ETo)(LA)(0.62). Programs for landscapes without a water meter may include, but are not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

8.60.090 Penalties and Remedies.

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

SECTION 2: The City Council finds that the 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 as follows:

A. The Ordinance is applicable to all new or altered development, including lower thresholds for development applicable to homeowner hired or installed landscaping, and a basic set of standards applicable to all landscaping regardless of landscape area.

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 Redondo Beach, California, and surrounding areas of Los Angeles County.

C. Under the Ordinance, landscape areas for commercial and industrial projects must use fully water conserving plants without turf, with only minor exceptions.

D. Under the Ordinance, landscape areas for residential, mixed use, and institutional type projects shall be designed with less than 20% turf and non-water conserving plant materials.

E. Under the Ordinance, automatic irrigation systems 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 values at the end of each line to hold water in the system and prevent unwanted drainage from sprinkler heads.

F. Exceptions to the Ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

G. Under the Ordinance, installation and compliance verifications are required of the landscape designer.

H. 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.

I. Under the Ordinance, the identification of water conserving plants matches that used by the California Department of Water Resource's in its Model Water Efficient Landscape Ordinance; namely the "Water Use Classification of Landscape Species" prepared by the University of California Cooperative Extension.

SECTION 3. Section 15061(b)(3) of Title 14 of the California Code of Regulations exempts the project from the requirements of the California Environmental Quality Act because it enacts water efficient 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 in that reducing water waste and requiring water conservation and healthy landscapes that emphasize

climate appropriate plants and disallow invasive plants will have beneficial effects. 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. Also, it is categorically exempt in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which does not result in any changes in land use or density; 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment; and 15307 as an action taken by a regulator agency to assure the maintenance, restoration and enhancement of water, a natural resource, through water efficient landscape regulations.

SECTION 4. This Ordinance shall become effective and be in full force and in effect from and after thirty (30) days of its final passage and adoption.

SECTION 5. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, California, in the manner provided by law.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said City, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and **ADOPTED** this 9th of February 2010 by the following vote:

AYES: Bobko, Duclos, Fishman, Tucker, Mayor DiVirgilio
NOES: None
ABSENT: None
ABSTAIN: None

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

Jackie Nelson, Deputy
City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Ordinance No. 10-1305 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a regular meeting held at the regular meeting place thereof on the 18th of February 9, 2010, and said ordinance was published in the Easy Reader newspaper on February 18, 2010.

The vote was as follows:

AYES:	Bobko, Duclos, Fishman, Tucker, Mayor DiVirgilio
NOES:	None
ABSENT:	None
ABSTAIN:	None

DATED: February 23, 2010

Jackie Nelson, Deputy
City Clerk