MONTCLAIR

July 8, 2010

Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Eching:

Please find enclosed Ordinance No. 10-913, which includes amendments to various chapters of the Montclair Municipal Code (MMC) and the replacement of Chapter 11.60 MMC ("Water-Efficient Landscaping and Conservation"). The Ordinance was adopted by the Montclair City Council on July 6, 2010.

The Ordinance was developed after extensive collaboration over the past two years with other local municipalities, the City's water purveyor (Monte Vista Water District), the Chino Basin Water Conservation District, and the Inland Empire Utilities Agency. Staff, the Planning Commission, and City Council find the Ordinance to be comprehensive and that it meets or exceeds the guidelines of the state's updated Model Water Efficient Landscape Ordinance while being specifically applicable to the climate and character of the City of Montclair.

Sincerely,

Steve Lustro

Steve Lustro, AICP
Community Development Director

Enclosure – Ordinance No. 10-913

CITY OF MONTCLAIR
5111 Benito Street, P.O. Box 2308, Montclair, CA 91763 (909) 626-8571 FAX (909) 621-1584

ORDINANCE NO. 10-913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTERS 7.24, 10.02 AND 11.02, AND REPLACING CHAPTER 11.60 OF THE MONTCLAIR MUNICIPAL CODE (LANDSCAPE WATER CONSERVATION) WITH A NEW ORDINANCE RELATED TO WATER-EFFICIENT LANDSCAPING AND CONSERVATION AND RECENT UPDATES TO STATE LAW

WHEREAS, the State Legislature adopted the "Water Conservation in Landscaping Act of 2006" (AB 1881) requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance. The updated model ordinance contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation; and

WHEREAS, all local land use agencies are required to adopt the model ordinance or develop an ordinance that is at least as effective by January 1, 2010. Should no action be taken, by statute the DWR model ordinance would automatically become effective; and

WHEREAS, since 2008, City staff has worked with the Inland Empire Utilities Agency (IEUA), representatives from local water agencies and municipalities served by IEUA, and landscape professionals to develop an ordinance tailored to meet the region's needs that is based on, and in some areas exceeds, the requirements of the State Model Water Efficient Landscape Ordinance; and

WHEREAS, the provisions of this Ordinance are intended to protect water supplies through implementation of a comprehensive approach to the design, installation, and maintenance of landscapes, which results in water conserving, climate-appropriate landscapes; and

WHEREAS, the purpose of this Ordinance is to provide standards and requirements for the installation of landscaping for all new and expanded development within the City in order to promote the general welfare of the community, encourage attractive and logical development, and aid in conserving water by encouraging the use of varieties of plants, trees, and shrubs indigenous to arid regions that are characterized by low water consumption; and

WHEREAS, the new Water-Efficient Landscape and Conservation Ordinance ("proposed Ordinance") would be incorporated into Title 11 of the Montclair Municipal Code (Zoning and Development) and will supersede the existing Landscape Water Conservation Ordinance contained in Chapter 11.60; and

WHEREAS, the City Council finds that the provisions of this Ordinance are at least as effective in conserving water as the Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources pursuant to the Water Conservation in Landscaping Act (Government Code Section 65591 *et seq.*); and

WHEREAS, the Director of Community Development is directed to submit a copy of this Ordinance and evidence in the record supporting the preceding findings to the California Department of Water Resources; and

WHEREAS, the City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment. Moreover, the Ordinance will not have a significant effect on the environment as it does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of new and rehabilitated landscapes more stringently than existing codes; and

WHEREAS, the Director of Community Development is directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Section 7.24.020.A.17 of Title 7 ("Public Peace, Morals and Welfare") of the Montclair Municipal Code is hereby repealed and deleted in its entirety.

SECTION II. The definitions of "Hardscape" and "Landscaped area" contained in Chapter 10.02 ("Definitions") of Title 10 ("Buildings and Construction") of the Montclair Municipal Code are hereby repealed and deleted in their entirety.

SECTION III. Chapter 11.02.010 ("Definitions") of Title 11 ("Zoning and Development") of the Montclair Municipal Code is hereby amended to include the following:

11.02.010 Definitions.

Antidrain Check Valve. A valve located under a sprinkler head to hold water in the system to prevent drainage from the lower elevation sprinkler heads when the system is off.

Applicant. As it relates to Chapter 11.60 herein, any person required to submit a Landscape Documentation Package. Applicant may include the property owner or an agent of the owner.

Application Rate. The depth of water applied to a given area, usually measured in inches per hour or gallons per hour.

Applied Water. The portion of water supplied by the irrigation system to the landscape area.

Approval. The decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. Approval occurs when the public agency commits to allow a use and/or issue a permit, grant, license, or other entitlement. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances.

Automatic Rain Shutoff Feature. A system capability which detects rainfall and automatically suspends the operation of the irrigation system during rain events.

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Botanical Gardens and Arboretums. Public or private facilities for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Building Permit. An authorizing document issued by local agencies for new construction or rehabilitated landscape.

California Irrigation Management Information System (CIMIS). A program in the Office of Water Use Efficiency (OWUE), California Department of Water Resources (DWR) that manages a network of over 120 automated weather stations in the state of California. CIMIS was developed in 1982 by the DWR and the University of California at Davis to assist California's irrigators in managing their water resources efficiently.

Certified Landscape Irrigation Auditor. A person certified to perform landscape irrigation audits by an accredited educational institution or a professional trade organization.

CFS. Cubic feet per second.

Community Development Director. The person responsible for directing the activities of the Community Development Department including the implementation of planning, zoning, and related codes and policies.

Control Valve. A device used to control the flow of water in the irrigation system. It may also mean all of the sprinklers or emitters in a line controlled by the valve.

Controller. An automatic timing device used to control valves or heads to operate an irrigation system. A weather-based controller is a controller that

uses evapotranspiration or weather data. A self-adjusting irrigation controller is a controller that uses sensor data (*i.e.*, soil moisture sensor).

Conversion Factor (0.62). A number that converts the maximum applied water allowance from acre-inches per acre per year, to gallons per square foot per year. The conversion factor is calculated as follows:

(325,851 gallons/43,560 SF)/12 inches = 0.62

Where: 325,851 gallons = one acre foot
43,560 square feet = one acre
12 inches = one foot

To convert gallons per year to 100 CF per year, divide gallons per year by 748 (748 gallons equals 100 CF).

Cultivated Landscape Area. Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Design Review. Design review is the local government practice of examining public and private projects for their aesthetic, architectural, or urban design quality and compatibility with nearby development. Design review focuses on the appearance of new construction, site planning, and such concerns as landscaping, signage, and other aesthetic issues. Design review typically involves reviewing development projects for their consistency with a community's adopted standards or criteria addressing community character and aesthetic quality.

Developer. A landowner or owner's agent responsible for the development of land. This definition does not include homeowners or landlords of single-family homes.

Development. The uses to which land will be put; the buildings and structures to be constructed on the land; and all alteration of the land and other construction associated with these uses, buildings, and structures.

Ecological Restoration Project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Emitter. Drip irrigation fittings that deliver water slowly from the irrigation system to the soil.

Established Landscape. The point in which plants in the landscape area have developed roots into the soil adjacent to the root ball. Typically, most plants are established after one (1) or two (2) years of growth.

Establishment Period. The first year after installing plant material in the landscape area, or the first two (2) years if irrigation will be terminated after establishment.

Estimated Annual Applied Water Use. The portion of the estimated annual total water use that is derived from applied water. The estimated annual applied water use shall not exceed the maximum applied water allowance.

Estimated Total Water Use. The annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

ET Adjustment Factor. A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water to be applied to the landscape area. A combined plant mix with a statewide average 0.5 is the basis of the plant factor portion of this calculation. The irrigation efficiency for purposes of the ET adjustment factor is 0.71.

ETo (Reference Evapotranspiration). A standard measurement of environmental parameters that affect the water use of plants. ETo is given in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of 4 to 7 inch tall cool-season grass that is well watered.

Evapotranspiration. The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time. The reference evapotranspiration rates (in inches) for the City of Montclair are as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6

Flow Rate. The rate at which water flows through pipes and valves, usually in GPM or CFS.

GPM. Gallons per minute.

Ground Cover. Plants, other than turf grass, normally reaching an average maximum height of not more than two (2) feet at maturity.

Hardscape or Hardscaping. Nonliving and inanimate and/or durable elements of a landscaping plan, including but not limited to pavement, masonry work or woodwork. Decorative hardscape elements include appropriately sized fountains or boulders, river rock, cobbles, crushed rock, gravel, organic mulches, walks, decorative pavers, and artificial turf that complement living plant materials and enhance the appearance of the property and structures built thereon, and serve as an integral part of an overall landscape concept. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of Chapter 11.60 herein.

Homeowner. A homeowner, for purposes of Chapter 11.60 herein, is a person who owns the subject property and occupies the dwelling thereon. This definition excludes speculative homes, which are not owner-occupied dwellings and that are subject to the requirements applicable to developer-installed residential landscape projects. This definition also excludes rental units regardless of number of units on a property.

Homeowner Installed Landscape. Any landscaping either installed by the homeowner or by a contractor, person, or persons hired by the homeowner.

Hydrozone. A portion of the landscape area with plants having similar watering needs and which is served by a valve or set of valves with the same watering schedule.

Impervious Surface. A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures which cover the land.

Infiltration Rate. The rate of water entry into the soil, expressed as a depth of water per unit of time (inches per hour).

Invasive Species. Nonindigenous species that adversely affect the habitats they invade economically, environmentally or ecologically. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

IPH. Inches Per Hour

Irrigation Audit. The evaluation of an irrigation system's performance and efficiency as conducted by a Certified Landscape Irrigation Auditor.

Irrigation Efficiency. The measurement of the amount of water beneficially used, divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of Chapter 11.60 is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Irrigation System. A permanent artificial watering system designed to transport and distribute water to plants.

Landscape Architect. A person licensed to practice landscape architecture in the State of California pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

Landscape Area. The planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance (MAWA) calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, artificial turf, other pervious or nonpervious hardscapes, and other nonirrigated areas designated for nondevelopment (*e.g.*, open spaces and existing native vegetation).

Landscaping. Any combination of living plant materials (such as trees, shrubs, vines, ground covers, or turf) and nonliving material (such as artificial turf, rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Parking, storage areas, or vehicular ways are not considered landscaping.

Landscape Concept Plan. The portion of a landscape documentation package that includes a design statement for the project, irrigation notes,

planting notes, the plant palette, meeting the water conservation goals, design standards, and specifications contained in Chapter 11.60 herein.

Landscape Construction Drawings. The portion of a landscape documentation package that includes the irrigation plan, plant and soils plan, water management plan, and conforms with the requirements of Chapter 11.60 herein.

Landscape Documentation Package. The complete packet of documents required under Section 11.60.120 to be submitted to the local agency. Documentation packages include the landscape concept plan and landscape construction drawings.

Landscape Water Audit. An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. Audits include, but are not limited to, inspection, system tune-up, system test for distribution uniformity, verification of minimal overspray or runoff that causes overland flow and preparation of an irrigation schedule.

Local Agency. A local agency is the entity responsible for the approval of a permit, plan check, and design review for a project. The City of Montclair is the local agency responsible for adopting and implementing the requirements in this Title.

Local Water Purveyor. Any entity including a public agency, city, county, or private water company that provides retail water service.

Low-Head Drainage. Drainage from a sprinkler that is caused by water flowing through an irrigation system from a higher level of elevation.

Maximum Applied Water Allowance (MAWA). For design purposes, the upper limit of annual applied water for the established landscape area as specified in Section 11.60.150 herein *(Calculation of the Maximum Applied Water Allowance).* The maximum applied water allowance is based upon the reference evapotranspiration, the ET adjustment factor, and the size of the landscape area.

Mulch. Any organic material such as leaves, or bark, or inorganic material such as pebbles, stones, gravel, decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.

Operating Pressure. The pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

Overspray. Irrigation that is delivered beyond the landscape area, wetting pavement, walkways, structures, or other nonlandscaped areas.

Parkway. That area of land located between the back of the street curb and the property line including any sidewalk or landscaping area located therein.

Pervious Surface. Any surface or material that allows the passage of water through the material and into the underlying soil.

Plant Materials. All living plant species consisting of trees, shrubs, annuals, perennials, vines, groundcovers, ornamental and turf grasses that will thrive in the City's climate.

Planting Plan. Plan submitted with the construction drawings indicating a list and quantity of plants.

Potable Water. Water meant for human consumption that is treated to legal standards for human consumption.

Pressure Regulator. A device used in sprinkler systems for radius and high pressure control.

PSI. Pounds per square inch.

Recycled Water. Treated wastewater of a quality suitable for nonpotable uses, such as landscape irrigation and water features. Because it is suitable for a direct beneficial use or a controlled use that would not otherwise occur, it is considered a valuable resource. This water is not intended for human consumption.

Regular Maintenance. Regular maintenance shall include, proper pruning, staking, mowing and aerating of lawns, weeding, removal of litter, fertilizing, replacement of plants and mulch when necessary, and watering in accordance with required watering schedule. Also included is the routine inspection, adjustment, and repair of the irrigation system and its components; conducting water audits; prescribing the amount of water applied per landscaped acre; aerating and dethatching turf areas; replenishing mulch; fertilizing; and pruning and weeding in all landscape areas.

Rehabilitated Landscapes. Any relandscaping associated with a project that requires a building permit and meets the requirements of Section 11.60.030.

Runoff. Water that is not absorbed by the soil or landscape area to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate), for an excessive time period, or when there is a steep slope.

SMART Irrigation Controller. Weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust water schedules.

Soil Amendments. Any material added to a soil to improve its physical properties, such as water retention, permeability, water infiltration, and drainage.

Soil Management Plan. Plan submitted with the construction drawings indicating results from soil tests and recommended soil amendments.

Soil Test. A test done by a soil test lab that indicates, at a minimum, soil texture, water holding capacity, pH, and soluble salts.

Soil Type. The classification of soil based on the percentage of its composition of sand, silt, and clay.

Special Landscape Area. Landscape areas dedicated to edible plants or irrigated with recycled water, water features filled with recycled water, cemeteries, and areas dedicated to active play such as parks, sports fields, and golf courses.

Sprinkler Head. A device which delivers water through a nozzle.

Static Water Pressure. Water main pressure available from the water purveyor (Monte Vista Water District).

Station. An area served by one valve or by a set of valves that operates simultaneously.

Sunset Western Climate Zone System. The climate zone system designed and published by Sunset Magazine for its Western Garden Book. The Sunset System is designed to account for such factors as precipitation, summer heat, and plant performance in assigning zone designations. For the purposes of Chapter 11.60 herein, the City of Montclair is located in Zones 18 and 19.

Synthetic Turf. An artificial product manufactured from synthetic materials that effectively simulate the appearance of live turf, grass, sod, or lawn. The use of indoor or outdoor plastic or nylon carpeting as a replacement of synthetic turf or natural turf shall be prohibited.

Tree Topping. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate.

Turf. A surface layer of earth containing mowed grass or grass-like plant with its roots, planted as sod, seed, or hydroseed. Common cool-season turfs include annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue. Common warm-season turfs include Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, Carex pansa, and Buffalo grass.

Valve. A device used to control the flow of water in an irrigation system.

Vegetation, Native. Any plant species with a geographic distribution indigenous to all or part of the southern region of the state of California. Plant species that have been introduced by man are not native vegetation.

Water-Conserving Landscape Design. A landscape design developed to conserve water.

Water Efficiency. The planned management of water to prevent waste, overuse, and exploitation of the resource. Water efficiency planning incorporates the analysis of costs and uses of water; specification of water-saving solutions; installation of water-saving measures; and verification of savings to maximize the cost-effective use of water resources. Water-efficient irrigation and landscaping measures include use of water-efficient irrigation systems, irrigation control systems, low-flow sprinkler heads, water-efficient scheduling practices, and drought-resistant plant materials.

Water Feature. Any object that utilizes water for nonirrigation, decorative purposes. Fountains, streams, man-made ponds, man-made lakes, and swimming pools are considered water features.

Water Management Plan. A plan submitted with the construction drawings as part of the landscape documentation package.

Water Quality Management Plan (WQMP). A guideline for project-specific post construction Best Management Practices and to address management of urban runoff quantity and quality to protect receiving waters.

Water Schedules. Schedule of irrigation times through a given year.

WUCOLS. A publication (Water Use Classification of Landscape Species) by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation (2000). The purpose and intended use is to provide guidance to landscape professionals when selecting plant material and when estimating the amount of water used by plants. It also serves as a guide to assist in developing irrigation schedules for existing landscapes.

Section IV. Chapter 11.60 (Landscape Water Conservation) of the Montclair Municipal Code is hereby repealed and deleted in its entirety.

Section V. Chapter 11.60 (Water-Efficient Landscape and Conservation Ordinance) is hereby added to Title 11 ("Zoning and Development") of the Montclair Municipal Code to read as follows:

Chapter 11.60

WATER-EFFICIENT LANDSCAPING AND CONSERVATION

Sections:

11.60.010 Purpose and Intent.

The purpose of the Water-Efficient Landscape and Conservation Ordinance is to:

A. Recognize that landscaping enhances the aesthetic appearance of developments and communities.

B. Support the beneficial, efficient, and responsible use of water resources for all customers/users within the City of Montclair.

C. Retain the land's natural hydrological role within the Santa Ana Watershed and promote the infiltration of surface water into the groundwater in the Chino Basin.

D. Acknowledge that landscape water use accounts for more than 60 percent of all domestic water use in the City of Montclair and the need to utilize water and other resources as efficiently as possible.

E. Promote the use of low-water-use plants and minimize the use of cool season turf.

F. Preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.

G. Conserve potable water by maximizing the use of recycled water and other water conserving technology for appropriate applications.

H. Encourage the appropriate design, installation, maintenance, and management of landscapes so that water demand can be decreased, runoff can be retained, and flooding can be reduced without a decline in the quality or quantity of landscapes.

I. Increase public education about water conservation and efficient water management.

J. Reduce or eliminate water waste.

K. Be at least as effective in conserving water as the model ordinance adopted pursuant to Government Code §65595, commonly known as Assembly Bill 1881.

11.60.020 Authority.

The Director of Community Development or his/her designee shall have the duty and authority to administer and enforce the provisions of this Ordinance. For projects requiring Planning Commission or City Council review and approval, additional conditions may be imposed as may be deemed necessary in order to fully carry out the provisions and intent of this Ordinance.

No building permits or design approval shall be granted for projects subject to this Ordinance without prior review and approval of the Landscaping Documentation Package as required herein.

11.60.030 Applicability.

Effective September 1, 2010, the provisions of this Chapter shall apply to all of the following types of landscape projects:

A. New construction and rehabilitated landscape areas associated with all public agency projects; private commercial, industrial, and institutional projects; and developer-initiated single-family subdivisions and multifamily residential projects that require a building permit and/or design review *and* have a net aggregate project landscape area equal to or greater than a total of 2,500 square feet.

B. New construction and rehabilitated residential landscape areas associated with a homeowner-installed project (do-it-yourself or contractor projects) that require a building permit *and* have a total net aggregate project landscape area equal to or greater than 5,000 square feet.

11.60.040 Exemptions.

This Ordinance shall not apply to:

A. Existing landscapes installed before the effective date of this Ordinance. Voluntary upgrades of existing landscaping to meet the General Requirements for all Properties as listed in this Chapter are strongly encouraged.

B. Registered local, state, or federal historical sites.

C. Ecological restoration projects that do not require a permanent irrigation system.

D. Mined land reclamation projects that do not require a permanent irrigation system.

E. Botanical gardens and arboretums open to the public.

11.60.050 General Landscape Requirements For All Properties.

Landscaping shall be required for all residential, commercial, and industrial properties. It shall be the responsibility of the Planning Division to regulate and control the scope, quantity, and quality of all landscape development within the City, including, but not limited to street trees, open areas, parking lots, City parkways, front and street side yards, residential tract entries, and establish criteria for hardscape elements such as walls and fences.

The following landscape standards and requirements shall be used when preparing new landscape plans development projects within the City including modifications to existing planned development(s):

A. A landscape design plan shall illustrate a recognizable pattern or theme for the overall improvement of the property and shall incorporate basic design principles of scale, balance, texture, form, and unity. Creativity is encouraged in the preparation of landscape schemes so long as the designs are attractive, easy to maintain, and promote water conservation.

B. Each landscape plan shall address functional aspects of landscaping, including, but not limited to, the following:

1. Drainage, erosion prevention, and wind barriers
2. Slope protection. Any disturbed slopes to be revegetated with erosion protective plantings and surfacing
3. Provision for shade, reduction of glare, recreation use, and visual relief
4. Screen adjacent uses from parking or storage areas, trash enclosures, public utilities, and other similar land uses or elements that could cause a negative impact on adjacent uses based on aesthetics, noise, odors, etc.
5. Provide landscaping that is compatible with the neighboring uses
6. Relieve solid, unbroken building elevations and/or to soften the appearance of continuous wall planes
7. Specify vines or planted wall coverings to deter graffiti of walls and other architectural surfaces.

C. Landscaping plans shall feature the predominate use of water saving plant materials suitable to the local climate that are grouped together into distinct hydrozones (plants having similar water needs and microclimate growing requirements), and be of a variety that will provide a high degree of visual interest during all seasons.

D. Concrete and/or asphalt pavement surfaces may not be used within landscape areas, except for required driveways and walkways.

E. Plant materials—including vines, shrubs, perennials, ornamental grasses, turf, and groundcover plants—shall comprise a minimum of 50 percent of the landscape area of the front and street side yard areas. Turf grasses may not comprise more than 50 percent of the living plant materials used within any required front and street side yard landscape areas.

F. Decorative hardscape elements may not exceed a maximum of 50 percent of a required front and street side yard landscape area. Decorative hardscape elements include appropriately sized fountains or boulders, river rock, cobbles, crushed rock, gravel, organic mulches, walks, decorative pavers, and artificial turf which complement living plant materials, enhances the appearance of the property and structures built thereon, and an integral part of an overall landscape concept.

G. Clear Vision Triangle: On all corner lots, in zones with a required front yard, this triangle is defined as an area bounded by the front and side property lines and a line connecting them at two (2) points thirty feet (30') back from their intersection. Within this triangle, no plant material or structure may exceed three feet (3') in height, measured from top of the adjacent curb.

H. Painted surfaces or use of artificial plants, except synthetic turf as allowed by this Ordinance, shall not be permitted under any circumstances.

I. Existing healthy and mature trees shall be preserved or relocated elsewhere on the site, wherever feasible.

J. Landscaping shall be compatible with the character of landscaping on adjacent property, provided that the quality of the adjacent landscape meets the standards of this Chapter. It is not the intent of this section to require the use of identical plant materials or landscape designs.

K. All landscaped areas shall be supported by an automatic irrigation system and a backflow prevention assembly according to standard details adopted by the City. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation, avoid overspray onto walls and structures, and to prevent water overflow or seepage onto the street, sidewalk, parking areas, or other nonpervious areas to the maximum extent feasible.

L. All aboveground irrigation devices, such as timers, Fire Department connections (FDC), double detector check valves (DDC), backflow devices, etc., shall be incorporated into planting areas and located out of public view or screened to minimize the aesthetic impacts to the greatest extent possible. For FDC and DDC devices, the applicant shall consult with the local water purveyor and/or Fire Department to verify technical requirements and to find the least prominent location(s) possible.

M. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas.

N. Property owners shall be responsible for regularly maintaining all landscaping in a healthy and vigorous living condition at all times. This requirement shall include proper pruning, mowing of lawns, weeding, removal of litter and debris, fertilizing, and the regular watering of all plants. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices.

O. In addition to conforming to this Chapter, all landscaping shall also conform to the specific landscape requirements contained in all other applicable Code sections. If a discrepancy arises between any landscape requirements, the section requiring the most landscaping and stricter design criteria shall apply.

11.60.060 Fences, Walls, and Retaining Walls.

Fence, wall, and retaining wall materials height and placement are regulated by the provisions of Title 11 herein and require a building permit. Scaled construction plans and details—including dimensions, materials, and finishes—shall be provided for fences and walls including a site plan that shows the location, height, and length of each fence, wall, and retaining wall. No permits shall be issued if this information is not provided or if the information provided is incomplete.

11.60.070 Parkway Standards.

Property owners shall properly landscape, irrigate and maintain City parkways adjacent to and/or fronting their properties. All work within City parkways shall be reviewed and approved by the City and, depending on the scope of work occurring within the parkway, an Encroachment Permit or Construction Permit may be required.

The following minimum guidelines shall apply to landscaping and improvements within parkway planters:

A. Use of a parkway shall be limited to landscaping. At least 75 percent of a curb-adjacent parkway shall be devoted to plant materials and appropriate organic mulching materials. For noncurb-adjacent parkways, landscaping shall be provided and incorporated into the landscaping scheme of the adjoining front or street yard area.

B. The placement of any plant materials, hardscape, or structures within a curb adjacent parkway shall not obstruct car doors from opening and/or the ability of passengers to safely exit from parked vehicles.

C. New plant materials installed within the parkway shall be water efficient plants that grow to a maximum height of 18 inches or less. The replacement of turf in the parkway with new water conserving plant materials is greatly encouraged.

D. No structures shall be allowed in parkways, except for mailboxes when required by the US Postal Service (USPS), or other utility structures as approved by the City Engineer.

1. Mail boxes shall be subject to USPS standards, and of a size that is limited to the smallest size necessary to safely secure the mail box and not obstruct visibility. Mail boxes shall not protrude beyond back of curb.

2. Mailbox structures shall be designed to be compatible with the design of the main structure it serves.

E. Parkway improvements shall not interfere with above- or belowground public or private utilities. Any changes or damages to any public or private utility caused by the installation shall be repaired at the sole expense of the property owner.

F. Only street trees listed on the official City Street Tree List shall be planted within the parkway. City street trees shall not be pruned, removed or damaged in any way. Removed or damaged trees shall be replaced with trees of similar size and maturity as that which was removed or as otherwise required by the Community Development Director.

G. No cacti, thorny plants, or other hazardous plant species shall be allowed.

H. The growing of crops, fruit-bearing trees, or vegetables shall not be permitted.

I. All rock/stones, bark and mulch shall be no higher than the plane established by the top of the adjacent curb and the sidewalk. Grouted rock or stonework shall be subject to review and approval of the City Engineer.

J. Only natural earth tone colors will be permitted for mulch, stones, or rocks and shall be subject to review and approval by the Community Development Director and the City Engineer.

K. Proper maintenance of parkways shall be the sole responsibility of the adjacent property owner at all times and at no expense to the City of Montclair.

11.60.080 Review Process.

The review of all landscaping projects subject to the provisions of this Chapter shall be performed by the Community Development Department pursuant to its general development review process for projects within the City as specified in Chapters 11.06 and 11.80. Landscaping may be reviewed as an individual project or as part of a larger development review submittal, whichever applies.

A. Submittal - Prior to issuance of a building permit or approval of an entitlement where landscaping is required, the project applicant shall submit a Landscape Documentation Package to the City for review and approval. The Landscape Documentation Package shall contain the information required by Section 11.60.110 herein.

The Landscape Documentation Package shall include certification indicating that the Landscape Concept Plan and water use calculations have been prepared by or under the supervision of a California licensed landscape architect and are certified to be in compliance with the provisions of this Chapter.

B. Review for Compliance - Landscape Documentation Package will be reviewed for completeness and compliance with the requirements of this Chapter. Water use calculations shall be consistent with calculations contained herein and shall be provided to the local water purveyor, as appropriate, under procedures determined by the City.

Following a review of the Landscape Documentation Package, the City will approve the Landscape Documentation Package if it is complete and in compliance with the requirements of this Chapter and will issue a permit, approve a plan check, or proceed to obtain formal project design review and approval from the Planning Commission or City Council. If the Landscape Documentation Package is not complete or not in compliance with the requirements of this Chapter, it will be returned to the applicant for required corrections. Failure to comply with the requirements of this Chapter shall be grounds for denial of the project.

C. Design Approval - A Landscape Documentation Package shall be approved when the Community Development Director verifies that the proposed Landscape Concept Plan for the project complies with the provisions of this Chapter, other applicable provisions of this code, and when any applicable land use permit or other entitlement requirements have been fulfilled. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.

D. Plan Check - When a Landscape Documentation Package has been approved by the Community Development Director, it shall be submitted to the Building Division and/or City Engineer for plan check review and subsequent issuance of required permits. Plans submitted for plan check review shall be shall be consistent with and in compliance with the approved Landscape Documentation Package for a project.

E. Inspection Prior to Occupancy - Prior to the issuance of a Certificate of Occupancy or a final approval of a building permit, a field inspection requested by the owner must be conducted by the City to determine that materials have been installed in accordance with the approved Landscape Concept Plan.

F. Verification - Verification of compliance of the landscape installation with the approved plans shall be obtained through a *Certification of Completion* in conjunction with a Certificate of Occupancy or final permit approval process. The Landscape Architect shall submit, prior to issuance of a Certificate of Occupancy or final approval inspection, a sealed letter of concurrence certifying that the project has been implemented in accordance with the approved plans signed and sealed by the landscape architect.

Any as-built changes made during construction and approved by the landscape architect must be noted in digital and conventional drawings delivered to the Director with the written letter of certification. This certification does not make the landscape architect responsible for the success of the project, responsible for required maintenance, or responsible for the long-term survivability of the living materials used in the project.

11.60.090 Landscape Architect Required.

All landscape plans for landscaping projects subject to the provisions of this Chapter shall be prepared by a licensed landscape architect and bear the official seal and signature of the landscape architect responsible for their preparation.

11.60.100 Plan Readability and Enforceability.

The landscape plan is a legal document that is binding on the developer or owner, successors, and assigns. The landscape plan is a commitment to quality and is a long-term maintenance agreement. Therefore, the plans must be complete and legible and will not be accepted if information is illegible or missing.

11.60.110 Landscape Documentation Package.

Projects subject to the provisions of this Chapter shall be required to provide a complete Landscape Documentation Package meeting the intent and design criteria of this Chapter. The Landscape Documentation Package shall include the following items:

A. Development Review Application accompanied by the associated fee.
B. Landscape Concept Plan.
C. Water Budget.
D. Landscape Construction Drawings (including a grading plan, irrigation plan, plant plan).
E. Soils Test presenting laboratory analysis of soil samples and recommendations; and
F. Approved Water Quality Management Plan (WQMP).

11.60.120 Landscape Concept Plan Requirements.

The Landscape Concept Plan shall be prepared by a licensed landscape architect. Any documentation packages submitted without the signature of a licensed landscape architect shall not be accepted for review. The Landscape Concept Plan shall include the following elements:

A. Design Statement and Concept. The design statement and concept plan shall demonstrate awareness of the water conservation goals and design standards and specifications contained in this Chapter.

B. Landscape Site Plan. The landscape site plan shall be drawn to scale, fully dimensioned and detailed, and shall include the following information:

1. A north arrow, scale, site boundaries, calculation of the total landscape area, identification of topographic features on and adjacent to the site, approximate slope percentages, and solar exposure.
2. Location of all buildings, parking areas, and any other physical structures/improvements on the project site including fences and walls, light fixtures, meters and utility boxes, transformers, fire equipment, other ground mounted equipment, etc.
3. Proposed hydrozones, plant palette (with botanic and common names), and planting notes (*i.e.*, number and size of plants, planting distances, etc.).
4. Location of existing plant materials to be preserved (including street trees) on the site.
5. Tree staking, plant installation, soil preparation details, and other applicable planting and installation details.
6. Any Water Quality Management Plan requirement as it relates to landscape design.
7. Any other such information that may be required by the Community Development Director that is reasonable and necessary to determine that the landscape design plan meets the requirements of this Chapter.

C. Plant Selection and Grouping Criteria. The following criteria shall be considered in selecting plants and for plan preparation:

1. Unless otherwise prohibited by this Chapter or the Montclair Municipal Code, any plant may be used in the landscape plan if the EAWU (Estimated Annual Applied Water Use) does not exceed the MAWA (Maximum Annual Water Allowance).
2. Select plants based upon their adaptability to the climate, geologic, and topographical conditions of the site. The use of long-lived drought tolerant or native and/or regionally grown plant species are recommended to meet MAWA limits. A water-efficient landscape material list meeting these criteria is on file with the Community Development Department.
3. Short-lived annual or exotic plant species may be utilized in moderation as a supplement to the long-lived materials.
4. Group plants having similar water needs together in distinct hydrozones.
5. Protect and preserve existing native species, particularly healthy trees and natural areas whenever feasible.

D. Minimum Plant Quantities and Sizes:

1. Street Trees: All Street Tree selections shall be consistent with the Approved Street Tree Plan. Ultimate placement and spacing will depend on tree species, parkway width, existing in-ground or overhead utility poles and wires, and/or any other extraordinary field condition as determined by the Community Development Director.

a. For residential properties: a minimum of 1 (one) street tree per street frontage and/or 2 street trees for every corner lot. Minimum tree size shall be 24-inch box size.

b. For nonresidential properties: A minimum of one 24-inch box size street tree shall be planted per property street frontage, spaced at 35 feet on center, or as otherwise specified by the Community Development Director.

2. Trees: A minimum of one 15-gallon-sized tree shall be planted for every 300 square feet of landscaped area on the property.

a. One tree or 20 percent of the required number of trees (whichever is greatest) shall be in a minimum box size of 24 inches.

b. Required trees may be located anywhere within the street yard planting area at least 5 feet away from adjacent public sidewalks.

3. Shrubs: A minimum of one shrub shall be planted for each 25 square feet of front and street corner side yard areas. Minimum shrub size at installation shall be 5-gallon size or 1-gallon size for California Native shrubs.

4. Groundcovers: Ground covers shall be installed in all landscaped areas at a quantity and spacing distance that will achieve at least 80 percent coverage within one (1) year from the date of planting.

5. Turf: Minimize the use of turf. Where turf is installed, the following standards shall be considered:

a. Turf areas shall be used wisely in response to functional needs and shall not exceed the MAWA.

b. Use of warm-season turf is strongly encouraged.

c. Limit the use of turf to high use areas or for specific recreational uses.

d. Turf shall not be permitted on slopes greater than 4:1.

e. All turf areas shall be separated from other landscaped areas by concrete curbing, redwood header board, or other acceptable and durable material.

f. Use of turf within parking area landscape islands is strongly discouraged. In no case shall turf be allowed in any landscaping islands or planters with less than an 8-foot dimension in any direction

6. Avoid use of invasive species of plants especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.

7. Use organic mulch within developed landscapes to retain moisture. At least two inches of mulch shall be used in all nonturf planting areas and slopes of 4:1 or greater. For slopes of 4:1 or greater, jute netting or other slope stabilization measures shall be required.

E. Water Features:

1. Recirculating water systems shall be used for decorative water features.

2. Where available, recycled water shall be used as the source for water features (excluding swimming pools and spas).

3. The surface area of a water feature shall be included in the MAWA calculation with the evaporation rate being equivalent to that of a high-water-use plant.

11.60.130 Synthetic Turf.

Synthetic turf may be incorporated as an element of a landscaping plan as a substitute for natural turf and for the purposes of water conservation. The Community Development Director shall review and approve all requests to install synthetic turf subject to the following criteria:

A. Synthetic turf shall consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of 1 1/2 inches. The use of indoor or outdoor plastic or nylon carpeting as a substitute for artificial turf or natural turf is prohibited.

B. Synthetic turf shall be limited to a maximum of 50 percent of the of the landscape area visible to a public street, and shall be permitted only in combination with other live plant materials (*i.e.*, trees, shrubs, and groundcover) that are designed to achieve an overall natural landscaped appearance for the property.

C. In no case shall synthetic turf be used in combination with natural turf in the same landscape area, or in a landscaping scheme where both elements can be viewed together.

D. Proper drainage shall be provided for all synthetic turf installations to prevent excess runoff or pooling of water. In some cases, a drainage plan prepared by a Registered Civil Engineer may be required.

E. Synthetic turf shall be professionally installed and routinely maintained to effectively simulate the appearance of a well-maintained live lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.

F. Synthetic turf shall not be included as part of the landscape area when calculating the MAWA.

11.60.140 Development of a Water Budget.

To promote water conservation, projects subject to this Ordinance shall develop a water budget. The water budget is based on the Maximum Applied Water Allowance (MAWA), which is a calculation of the maximum amount of water allowed to be used within the landscape area, and the Estimated Applied Water Use (EAWU), which is the actual amount of water to be used within the landscape area. The EAWU cannot exceed the MAWA.

A. Maximum Applied Water Allowance (MAWA). A landscape's maximum applied water allowance shall be calculated using the following formula:

MAWA = (ETo) (0.7) (LA) (0.62)

Where:

ETo = Evapotranspiration Rate
0.7 = Evapotranspiration (ET) Adjustment Factor
LA = Landscape Area
0.62 = Conversion factor (to gallons)

For special landscape areas, the ET adjustment factor is 1.0. When the project area consists of both standard and special landscape areas, calculate each area separately and combine to receive a final MAWA.

B. Estimated Applied Water Use (EAWU): A landscape's Estimated Applied Water Use shall be calculated using the following formula:

Where:

ETo = Evapotranspiration Rate
0.62 = Conversion factor (to gallons)
PF = Plant Factor
HA = Hydrozone area (square feet)
0.71 = Irrigation efficiency
SLA = Special Landscape Area (square feet)

C. Water Budget Calculations. All water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from "Water Use Classification of Landscape Species" (WUCOLS). Plant factor ranges from 0.0 to 0.3 for low-water-use plants, from 0.4 to 0.6 for moderate-water-use plants and from 0.7 to 1.0 for high-water-use plants.

2. All water features shall be included in the high-water-use hydrozone and temporarily irrigated areas shall be included in the low-water-use hydrozone.

11.60.150 Landscape Construction Plans.

A. Grading Plan - Grading onsite shall be designed to minimize unnecessary soil compaction, erosion, and water waste. Grading plans must satisfy City grading Ordinances and be submitted as part of the Landscape Documentation Package. The grading plan shall include the following information:

1. Locations of all physical improvements on the site, including buildings/ structures, paving, curbing, walls/fences, etc., with grade elevations noted.

2. All cut-and-fill slopes indicated with appropriate symbols and noting slope ratios.

3. Sufficient information about the grades of adjacent properties and streets so as to make clear the relationship of the subject property to the adjacent properties.

4. Drainage patterns and improvements.

5. Erosion and sediment control measures for all phases of the construction project.

B. Soil Testing - Soil testing shall be performed after mass grading, but prior to landscape installation, to ensure the selection of appropriate plant material that is suitable for the site and reported in a Soil Management Plan. The Soil Management Plan shall include:

1. Determination of soil texture indicating the available water holding capacity.

2. An approximate soil infiltration rate as measured or derived from a soil texture/infiltration rate table. A range of infiltration rates shall be noted where appropriate.

3. Measure of pH and total soluble salts.

4. Recommended soil amendments.

C. Water Management Plan - A Water Management Plan shall be prepared and submitted as part of the Landscape Documentation Package in accordance with the requirements of this Chapter. The Plan shall include the following information:

1. A description of the site conditions and the anticipated water requirements in inches per year, and water budget for the various hydrozones identified in the Landscape Concept Plan. The Water Management Plan shall include calculations demonstrating an overall water budget that requires no more irrigation than the 0.7 of the ET adjustment factor. This includes full calculations for both the MAWA and EAWU.

2. Identify the party(ies) responsible for implementation of the Water Management Plan.

3. Describe water delivery systems, including the type of irrigation system to be used, and water conservation methods to be applied.

4. Specify seasonal irrigation water schedules or procedures for programming proposed SMART controllers.

5. Provide a maintenance schedule for the ongoing operation and maintenance of the irrigation system.

11.60.160 Irrigation Requirements.

A. Irrigation Plan. The irrigation plan shall be prepared and submitted as part of the Landscape Documentation Package for review and approval. The plan shall use the same format and scale as the Landscape Concept Plan and shall include the following information:

1. The location and size of water meter(s) used for landscape irrigation purposes.

2. The location, type, and size of all components of the irrigation system including automatic controllers, main and lateral lines, valves, sprinkler heads, recycled water systems, moisture sensing devices, rain cutoff switches, quick couplers, and backflow prevention devices.

3. The static water pressure at the point of connection to the public water supply.

4. The flow rate (GPM), application rate/inches per hour (IPH), and design operating pressure (PSI) for each station.

5. An irrigation schedule that identifies the runtime (in minutes per cycle), number of cycles per day, and number of days per week.

6. The amount of applied water (in 100 cubic feet) recommended on a monthly and annual basis.

7. A regular maintenance schedule for checking, adjusting, and repairing irrigation equipment and resetting automatic controllers.

B. Irrigation System Design Criteria

1. Dedicated (*i.e.*, separate) landscape water meters shall be installed for all projects with landscape areas greater than 5,000 square feet, except for single-family residences. Dedicated landscape water meters are also highly recommended on landscape areas less than 5,000 square feet to facilitate water management.

2. Provide separate valves for each plant hydrozone. The planting areas shall be grouped and irrigated in relation to hydrozones based on similarity of water requirements (*i.e.*, turf separate from shrubs and groundcover, full sun

exposure areas separate from shade areas, top of slope separate from toe of slope).

3. All irrigation systems shall be designed to prevent runoff, overspray, low-head drainage, and other similar conditions to the greatest extent practical. This can be accomplished through the use of low-trajectory spray nozzles to reduce the effect of wind velocity on the spray system and by placing sprinkler heads to reduce or eliminate direct overspray onto impervious areas.

4. Soil types and infiltration rates shall be considered when designing irrigation systems.

5. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. For the purpose of determining the MAWA, irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.71 efficiency.

6. All irrigation systems shall include a SMART irrigation controller, or other equivalent technology which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions.

7. A rain sensor with an automatic rain shutoff feature shall be required as part of any irrigation system.

8. Sprinkler heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

9. Soil moisture-sensing devices are recommended where appropriate.

10. Narrow or irregularly shaped areas, including turf, with a dimension of less than eight (8) feet in any direction, shall be irrigated with subsurface irrigation or other low volume irrigation technology.

11. Overhead irrigation shall not be permitted within 24 inches of any impervious surfaces. Allowable irrigation within the setback from impervious surfaces may include drip, drip line, or other low flow nonspray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

a. The landscape area is adjacent to pervious surfacing and no overspray and runoff occurs.

b. The adjacent impervious surfaces are designed and constructed to drain entirely to landscape areas.

c. The irrigation designer specifies an alternative design or technology that will prevent overspray and runoff.

12. Nonturf areas on slopes greater than 25 percent shall be irrigated with drip irrigation or other low-volume irrigation technology.

13. An antidrain check valve(s) shall be installed to prevent low-head drainage in sprinkler heads.

14. A pressure regulator shall be installed when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.

C. Irrigation Maintenance

1. Landscape irrigation shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; replenishing mulch; fertilizing; and pruning and weeding.

2. Repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

11.60.170 Recycled Water.

A. The installation of recycled water irrigation systems (*i.e.*, dual distribution systems) shall be required to allow for the current and future use of recycled water, unless a written exemption by the Monte Vista Water District has been granted stating that recycled water will not be available in the foreseeable future.

B. The recycled water irrigation systems shall be designed and operated in accordance with all local agency, Monte Vista Water District, and State codes and regulations.

11.60.180 Water Quality Management Plan.

A Water Quality Management Plan (WQMP) combines practices into the landscape, irrigation, and grading design plans to minimize runoff and increase retention and infiltration, and is highly recommended onsite. Each project shall incorporate stormwater management practices into the project design that minimize runoff, increase onsite infiltration, and improve water quality as necessary to comply with applicable stormwater regulations.

A. Implementing stormwater Best Management Practices (BMPs) into the landscape, irrigation, and grading design plans to minimize runoff, and increase retention and infiltration are highly recommended onsite.

B. Prior to submitting an application for plans examination, grading permit or building permit, all qualifying land development/redevelopment projects shall submit and receive approval from the City for a WQMP. The WQMP shall identify all BMPs that will be incorporated into the project to control stormwater and nonstormwater pollutants during and after construction and shall be revised as necessary during the life of the project. The WQMP submittal applies to construction projects covered by the NPDES Permit and General Construction Permit as well as construction projects less than five (5) acres.

C. No Certificate of Occupancy shall be issued for a development/ redevelopment project without ensuring that all treatment control BMPs as specified in the approved WQMP will be maintained in compliance with the requirements of the municipal permit. To ensure maintenance of BMPs, the owner of the development site shall enter into a permanent stormwater quality BMP maintenance agreement with the City and have the maintenance agreement recorded at the County of San Bernardino.

D. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any stormwater Ordinances and WQMPs.

11.60.190 Modification or Waiver from Specific Requirements.

The Community Development Director may administratively modify or waive one or more such requirements of this Chapter when practical difficulties make their strict application infeasible. The Community Development Director shall review the plans and a written detailed explanation of the reason(s) for the waiver request, and make a determination on the request based on both of the following findings:

A. Practical difficulties make the strict application of portions of the Ordinance infeasible.

B. The waiver is consistent with the purpose and intent of the Ordinance in that the project substantially achieves the overall objective of water conservation.

11.60.200 Coordination with Local Water Agency.

The City shall coordinate with the Monte Vista Water District in the review of Landscape Documentation Package, including assistance in the review of proposed water budgets for projects. Whenever feasible, the City shall seek District assistance in requiring dedicated irrigation meters for all new metered connections, in providing irrigation surveys and/or water use analyses to existing and new landscapes, in developing and distributing public information materials on water conservation, and in reviewing project applications for future recycled water usage potential and recycled water system design specifications. Whenever feasible, the City shall assist the District in enforcing applicable water waste prevention measures as established by District ordinances and/or resolutions.

11.60.210 Minor Revisions to Approved Landscape Plans.

Minor changes to approved landscape plans subject to this Ordinance may be approved by the Community Development Director, or designee, when there is:

A. No significant reduction in the quantity of plant materials.

B. No significant change in size or location of plant materials.

C. A lack of availability for specified plant materials and the new plants are of the same general category (*e.g.*, evergreen tree or shrub) and have the same general design characteristics as the materials being replaced.

D. No significant change in the approved irrigation plan or MAWA calculations.

11.60.220 Certificate of Completion.

A. Upon completion of the installation of landscaping and irrigation systems, a certified landscape irrigation auditor shall conduct an irrigation audit.

B. A licensed landscape architect or contractor, or other licensed or certified professional in a related field, shall conduct a final field inspection and shall prepare a Certificate of Completion, which shall be filed with the Community Development Director. The Certificate of Completion shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed.

C. The Certificate of Completion shall include the following:

1. Date
2. Project name
3. Project applicant name, telephone, and mailing address
4. Project address and location
5. Property owner name, telephone, and mailing address
6. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package
7. Landscape and irrigation maintenance schedule
8. Irrigation Audit Report
9. Soil analysis report and documentation verifying implementation of soil report recommendations

11.60.230 Inspection and Enforcement.

Upon notice to the property owner, the Community Development Director, or his/her designee, shall have the right to enter the project site to conduct inspections for the purpose of enforcing this Ordinance before, during, and immediately after installation of the landscaping.

A. Any landscaping that is installed, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter, or failure to comply with any of the conditions of a permit or variance granted under this Chapter is declared to be unlawful. The City Attorney may initiate an action or proceeding to enforce the provisions of this Chapter, as appropriate.

B. A copy of the approved Landscape Documentation Package shall be submitted to the Monte Vista Water District. If the property is found to be in excess of its established MAWA, the property shall be subject to a landscape water audit conducted by the District or its designee and shall implement remedies recommended by the audit.

C. Landscaping found to be improperly installed or not according to approved plans is subject to correction. Installations deemed to be significantly different than approved may be required to resubmit plans for City review and approval including the payment of additional fees.

11.60.240 Maintenance of Approved Landscapes.

All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency. A regular maintenance schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the property owner for reference.

A. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.

B. Plant material shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered. Trees shall only be pruned as necessary to promote healthy growth and for aesthetic purposes (*i.e.*, to enhance the natural form of the tree) according to established horticultural standards. Improperly or severely pruned trees, including topping as defined by this Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.

C. All landscape areas and material shall be maintained in a healthy, neat, clean, and weed-free condition.

D. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

SECTION VI. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

SECTION VII. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION VIII. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this 6th day of July, 2010.

Paul M. Eaton
Mayor

ATTEST:

Donna M. Jackson
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 10-913 of said City, which was introduced at a regular meeting of the City Council held on the 21st day of June, 2010, and finally passed not less than five (5) days thereafter on the 6th day of July, 2010, by the following vote, to-wit:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

Donna M. Jackson
City Clerk