

LOS ALTOS HILLS



CALIFORNIA

September 22, 2010

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

Subject: Submittal Water Efficient Landscape Ordinance

Dear Mr. Brostrom,

Pursuant to AB 1881, Section 65597, the Town of Los Altos Hills has adopted its own water-efficient landscape ordinance. In response to the reminder letter sent, please find the enclosed local ordinance and City Council resolution adopting the ordinance.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Pedro". The signature is fluid and cursive.

Debbie Pedro, Planning Director
Town of Los Altos Hills
(650) 947-2517

26379 Fremont Road
Los Altos Hills
California 94022
650/941-7222
Fax 650/941-3160

ORDINANCE NO. 520

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF LOS ALTOS HILLS
ESTABLISHING WATER EFFICIENT LANDSCAPE REGULATIONS PURSUANT TO THE
CALIFORNIA WATER CONSERVATION IN LANDSCAPING ACT**

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Town of Los Altos Hills ("Town").

WHEREAS, the California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance ("Model Ordinance") was amended pursuant to AB 2717 (Chapter 682, Stats. 2004) and AB 1881 (Chapter 559, Stats. 2006).

WHEREAS, AB 1881 requires cities and counties, no later than January 1, 2010, to adopt the updated Model Ordinance or an equivalent document which is "at least as effective as" the Model Ordinance in conserving water. In the event cities and counties do not take such action, the State's Model Ordinance will be deemed to be automatically adopted by statute.

WHEREAS, the Council has developed this local Water Efficient Landscape Ordinance to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas, within the Town in order to ensure that this Ordinance will be "at least as effective as" the Model Ordinance in conserving water.

WHEREAS, although this Water Efficient Landscape Ordinance is more streamlined and simplified than the Model Ordinance, the Council finds that it is "at least as effective as" the Model Ordinance because this Ordinance applies a lower maximum Water Allowance to the properties covered by the Model Ordinance.

WHEREAS, the San Francisco Public Utilities Commission has imposed an interim water supply limitation on its wholesale customers, including local water suppliers, until at least 2018.

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") member agencies indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies.

WHEREAS, Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, policy, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, pursuant to AB 1881, enforcement of the landscape conservation ordinance adopted by Los Altos Hills will require supportive measures by the local water providers within this jurisdiction, so as to ensure the successful implementation and enforcement of this Ordinance.

WHEREAS, the City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a

project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by limiting water consumption.

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the Town's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the town. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, the City Council of the Town of Los Altos Hills does hereby ORDAIN as follows:

1. AMENDMENT OF CODE. Sections 10-2.801, 10-2.802, and 10-2.809 of Article 8 (Landscaping) of Chapter 2 (Site Development) of Title 10 (Zoning and Site Development) of the Los Altos Hills Municipal Code is hereby amended to read as follows:

10-2.801 Purpose

The purposes of this article are to create the maximum compatibility of development with the natural environment; to preserve the rural qualities of the Town, to insure that structures, as viewed from off-site, blend harmoniously with the natural landscape and are unobtrusive; to maintain soil stability, to abate noises; to protect wildlife habitats; to retain aesthetic quality; to conserve water resources; and to protect properties against fire and other natural forces.

10-2.802 Landscape Policies

(i) Water efficient landscaping. Landscape design, installation, maintenance and management shall be water efficient to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

10-2.809 Water Efficient Landscaping

- (a) **Applicability.** The provisions of this ordinance shall apply to the following:
- (1) all new and rehabilitated landscapes with irrigated landscape areas equal to or greater than 5,000 square feet associated with site development applications for new single family residences; and
 - (2) major additions requiring a landscape permit; and
 - (3) any other proposed projects that would require Planning Commission review under this chapter.
- (b) **This ordinance shall not apply to:**
- (1) Registered local, state or federal historical sites where landscaping establishes an historical landscape style, as determined by any applicable public board or commission responsible for architectural review or historic preservation;
 - (2) Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or
 - (3) Community gardens or plant collections, as part of botanical gardens and arboretums open to the public.

(c) **Definitions.** The following definitions are established for the purpose of this article and the meaning and construction of words and phrases is as follows:

Applied water means the water supplied by the irrigation system to the landscape.

Certified professional means a certified irrigation designer, certified landscape irrigation auditor, licensed landscape architect, licensed landscape contractor, licensed professional engineer, or any other person authorized by the state to design a landscape, an irrigation system, or authorized to complete a water budget.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Estimated Total Water Use (ETWU) means the total water used for the landscape as described in Section IV "Water Budget Calculations."

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

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

Invasive plant species means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. "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.

Irrigation Efficiency (IE) means 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 average irrigation efficiency for purposes of this Ordinance is 70%. Greater irrigation efficiency can be expected from well-designed and maintained systems.

Landscape project means the total area comprising the proposed irrigated landscape area, as defined in this Ordinance.

Local water purveyor means any entity, including a public agency, city, county, district or private water company that provides retail water service.

New construction means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.

Overspray means the irrigation water which is delivered beyond the target area.

Parcel Water Budget (PWB) means the upper limit of annual applied water purchased from the local water purveyor for the parcel as specified in Section V "Parcel Water Budget."

Permit means an authorizing document issued by local agencies for the installation of new or rehabilitated landscapes.

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

Plant factor or plant water use factor is a factor, when multiplied by ETo, estimates the amount of water needed by plants.

Project applicant means the individual or entity requesting a permit or plan check from the Town. A project applicant may be the property owner or his or her designee.

Reference Evapotranspiration or ETo means a standard measurement of environmental parameters which affect the water use of plants.

Rehabilitated landscape means any re-landscaping project that requires a permit, plan check, design review.

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows away from the irrigated area.

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

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

Water feature means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).

WUCOLS means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

- (d) **Standards for Compliance.** Projects subject to this section shall be required to submit the following documentation:
- (1) **Parcel Water Budget.** The project applicant shall submit a Parcel Water Budget (PWB) for the site using the equation below:

$$\text{PWB} = [(1.0 - \text{slope}) (0.8) (43.0) (0.62) [0.7 \times (\text{An} - \text{MDA} - \text{OSC}) + (0.3 \times \text{SLA})] / 748] + 120$$

Where:

PWB = Parcel Water Budget (units per year)

Slope = Average slope of the parcel or lot as a percentage of 1.0 to the nearest hundredth

0.8 = Water Conservation Factor

43.0 = Reference Evapotranspiration (ET_o) in Los Altos Hills, in inches/year

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

An = Net Lot Area (square feet)

MDA = Maximum Development Area. The maximum development area (in square feet) allowed for the property.

OSC = Open Space/Conservation Easements (square feet)

0.3 = Additional water allowance for SLA

SLA = Special Landscape Area (square feet)

748 = number of gallons in a unit (100 cubic feet) of water

120 = number of units for indoor water use per property per year, or as may be modified by the Planning Director upon a demonstration of difficulty or unnecessary hardship pursuant to subsection (f). **Not applicable if a landscape/outdoor use meter is installed.**

Example PWB calculation: 1-acre (43,560 sq ft) lot with 14% slope and 12,339 sq ft of MDA and no Special Landscape Area, Conservation or Open Space Easements:

$$\text{PWB} = [(1.0 - 0.14) * 0.8 * 43 * 0.62 * [0.7 * (43,560 - 12,339) + (0.3 * 0)]] / 748 + 120 = 656 \text{ units/yr}$$

(2) Landscape Water Use Calculation. The project applicant shall submit a water budget calculation for how much water the landscape project will need to purchase from its water purveyor. The Landscape Water Use Calculation shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or any other person authorized by the State of California to design landscape and irrigation plans. Water budget calculations shall adhere to the following requirements:

- a. The plant factor used shall be from WUCOLS. The 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 (including turf).
- b. All water features shall be included in the high water use hydrozone.
- c. All Special Landscape Areas (SLA) shall be identified and their water use included in the water budget calculations.

- d. Irrigation system efficiency shall be greater than or equal to 70%.
- e. Estimated Total Water Use (ETWU) will be calculated using the equation below. The sum of the ETWU calculated for all hydrozones shall not exceed the Parcel Water Budget.

$$ETWU = (43.0)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right) / 748 + 120$$

Where:

ETWU = Estimated Total Water Use per year (units per year)

43.0 = Reference Evapotranspiration in Los Altos Hills, in inches per year

0.62 = Conversion Factor (to gallons)

PF = Plant Factor from the Water Use Classification of Landscape Species

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

IE = Irrigation Efficiency (minimum 0.70)

748 = number of gallons in a unit (100 cubic feet) of water

120 = number of units for indoor water use per property per year, or as may be modified by the Planning Director upon a demonstration of difficulty or unnecessary hardship pursuant to subsection (f). **Not applicable if a landscape/outdoor use meter is installed.**

Example ETWU calculation: 1 acre of land, no Special Landscape Area, 3000 sq. ft. of turf (PF=0.7), 19,560 sq. ft. of low water use plants (PF=0.3):

$$ETWU = 43 \times 0.62 * ((0.7 \times 3000 / 0.7) + (0.3 \times 19560 / 0.7)) / 748 = 370 \text{ units/year}$$

(3) Landscape and Irrigation Plans. The landscape and irrigation plans shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or any other person authorized by the State of California to design a landscape and irrigation plan, and at a minimum, shall include the following information:

- a. Provide basic project information, such as applicant name, site address, total landscape area and turf area (square feet), retail water purveyor, and project contacts.
- b. Identify, in tabular form, all plants to be installed as part of the project. The table shall include the following:
 - i. Symbol (representing the plant on the plan).
 - ii. Common name and botanical name.
 - iii. Container size.
 - iv. Quantity.
 - v. Type (e.g. grass, succulent, vine, shrub, tree).

- c. Plant list shall exclude plant types that increase wildfire susceptibility. In areas designated wildland urban interface, the plan shall demonstrate that plants have been selected and arranged to provide defensible space for wildfire protection, in conformance with Public Resources Code Section 4291.
 - d. Label and identify each hydrozone as low water, moderate water, high water, or mixed (low/moderate) water use, as defined by WUCOLS;
 - e. Identify special landscape areas;
 - f. Identify all landscaping required for screening and erosion control pursuant to Section 10-2.802.
 - g. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - h. Static water pressure at the point of connection to the public water supply;
 - i. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - j. Irrigation schedule;
 - k. The following statement on the plans cover sheet: "This plan complies with the criteria of the Water Efficient Landscaping Ordinance and applies them accordingly for the efficient use of water in this irrigation design plan."
 - l. The following statement noting estimated annual water cost on the plans cover sheet: "Based on current rates, the estimated annual water bill for this plan will be \$_____."
- (e) **Certificate of Completion.** The certification documentation shall be prepared by the project Landscape Architect, Irrigation Designer, or Landscape Contractor and include the following statement: "The landscape and irrigation system has been installed as specified in the landscape design plan and complies with the criteria of the Water Efficient Landscape Ordinance and the permit." Receipt of the certification documentation will begin the 24 month period described in subsection (f) of this Ordinance.
- (f) **Exceptions.** The Planning Director shall have the discretion to grant exceptions to the 120 unit allocation for yearly indoor water use in cases where, due to exceptional conditions involved, a literal enforcement of the provisions of this chapter would result in practical difficulties or unnecessary hardships; provided, however, no such exceptions shall be granted unless the Planning Director shall find that the granting of such exception will not be contrary to the intent of the provisions of this chapter.
- (g) **Deposit Required; Forfeiture of Deposit.** Anyone who is subject to the requirements of this ordinance shall submit a deposit or other security deemed satisfactory by the Planning Director. Two years after the Certificate of Completion is filed with the Town

for any landscaping project subject to the provisions herein, the property owner shall furnish to the Town the second year (months 13-24 following receipt of the Certificate of Completion) of water use and billing data from the subject property's water purveyor. If the site water usage exceeds the calculated PWB, the deposit shall be held for an additional 12 months. At the end of the additional 12 month period, the property owner shall provide the Town with the previous 12 months (months 25-36) of water use and billing data from the subject property's water purveyor. If the water usage still exceeds the estimated PWB, the deposit shall be forfeited to the Town, in full. All Town staff time and materials expended to ensure compliance with this section will be deducted from the deposit. Any remaining amounts from a forfeited deposit shall be utilized to further the purposes of this section.

(h) **Stormwater and Well Water.** Implementing stormwater best management practices into landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration is encouraged. Well water and retained water does not count toward the Parcel Water Budget defined in subsection (d)(1).

(i) **Public Education**

1. The Town shall provide information to all planning and building department applicants regarding the design, installation, management, and maintenance of water efficient landscapes.
2. Starting on January 1, 2012, the Town may, in conjunction with water purveyors, develop and administer a voluntary program to audit water usage for existing landscapes.

2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Council's designee. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary in a newspaper of general circulation, and (2) post in the City Clerk's Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary in a newspaper of general circulation, and (2) post in the City Clerk's Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting.

INTRODUCED: July 15, 2010

PASSED: September 16, 2010

AYES: Mayor Breene Kerr, Mayor Pro Tem Rich Larsen, Councilmember Jean Mordo,
Councilmember Ginger Summit, Councilmember Dean Warshawsky

NOES: None

ABSTENTIONS: None

ABSENT: None

BY: 
Breene Kerr, Mayor

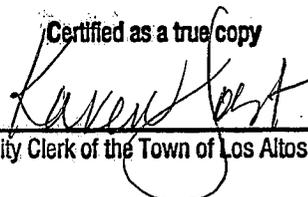
ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

1420228.1

Certified as a true copy
By 
City Clerk of the Town of Los Altos Hills