

ORDINANCE NO. 1518

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA
ADDING TITLE 19 AND CHAPTER 19.01 TO THE LAGUNA BEACH
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR WATER
EFFICIENT LANDSCAPE.**

WHEREAS, in 2006, AB 1881 (The Water Conservation in Landscaping Act of 2006) was passed to require local agencies to adopt a Water Efficient Landscape Ordinance by January 1, 2010.

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

SECTION 1: The City Council finds that the actions contemplated by this ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to a Category 7 Exemption, Section 15307 of the Guidelines, in that the ordinance does not have the potential for causing a significant effect on the environment because it involves regulatory activities or actions that enhance, preserve or protect natural resources.

SECTION 2: The City Council finds that:

- A. The waters of the City of Laguna Beach are of limited supply and are subject to ever increasing demands; and
- B. The continuation of Laguna Beach's prosperity is dependent on the availability of adequate supplies of water for future uses; and
- C. It is the policy of the City to promote the conservation and efficient use of water and to prevent the waste of this valuable resource; and
- D. Landscapes are essential to the quality of life in Laguna Beach by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection and replacing ecosystems lost to development; and
- E. The right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use; and
- F. Landscape design, installation, maintenance and management can and shall be water efficient.

SECTION 3: Based on the findings outlined in Section 2 above, the City Council hereby adopts the following provisions as Chapter 19.01, Water Efficient Landscape, the first Chapter in the new Title 19 of the Laguna Beach Municipal Code:

Chapter 19.01

WATER EFFICIENT LANDSCAPE

Sections:

19.01.002	Intent and Purpose.
19.01.004	Applicability.
19.01.006	Implementation Procedures.
19.01.008	Landscape Water Use Standards.
19.01.010	Definitions.

19.01.002 Intent and Purpose.

It is the intent of the City of Laguna Beach to:

- (1) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and landscape rehabilitation projects;
- (3) Establish provisions for water management practices and water waste prevention for existing landscapes; and
- (4) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

19.01.004 Applicability.

- (A) Beginning February 1, 2010, all planting, irrigation and landscape related improvements required by this Water Efficient Landscape Ordinance shall apply to the following landscape projects:
- (1) New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers equal to or greater than 2,500 square feet;
 - (2) New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with landscaped areas equal to or greater than 2,500 square feet; and
 - (3) New landscape installation projects by individual homeowners on single-family and multi-family residential lots with a total project landscaped area equal to or greater than 5,000 square feet.
- (B) Section 19.01.008(B) of the Landscape Water Use Standards of this Water Efficient Landscape Ordinance shall apply to:
- (1) All landscaped areas, whether installed prior to or after February 1, 2010; and
 - (2) All landscaped areas installed after February 1, 2010, to which Section 19.01.004(A) is applicable.
- (C) This ordinance does not apply to:
- (1) Registered local, state or federal historical sites;
 - (2) Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation systems; or
 - (3) Plant collections, as part of botanical gardens and arboretums open to the public.

19.01.006 Implementation Procedures.

- (A) Prior to installation, a Landscape Documentation Package shall be submitted to the City subject to the provisions of this Water Efficient Landscape Ordinance. Any Landscape Documentation Package submitted to the City shall comply with the provisions of the Guidelines.
- (B) The Landscape Documentation Package shall include a certification by a landscape professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in substantial compliance with the provisions of this Water Efficient Landscape Ordinance and the Guidelines.
 - (1) Landscape and irrigation plans shall be submitted to the City with appropriate water use calculations.
 - (2) Water use calculations shall be consistent with calculations contained in the Guidelines.
 - (3) 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 Use and Occupancy or Permit Final process, as provided in the Guidelines.

19.01.008 Landscape Water Use Standards.

- (A) For applicable landscape installation or rehabilitation projects subject to Section 19.01.004(A) of this Water Efficient Landscape Ordinance, the Estimated Applied Water Use allowed for the landscaped area shall not exceed the Maximum Applied Water Allowance (MAWA) calculated using an Evapotranspiration (ET) adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City as provided in the Guidelines.
- (B) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements as provided in the Guidelines, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by the local water purveyor and the City.

19.01.010 Definitions.

The following definitions are applicable to this chapter:

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Budget-based tiered-rate structure” means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

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

“Estimated Applied Water Use” means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors and the relative irrigation efficiency of the irrigation system.

“ET adjustment factor” or “ETAF” is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this Water Efficient Landscape Ordinance and the Guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.

“Guidelines” refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as adopted by the City, which describes procedures, calculations and requirements for landscape projects subject to this Water Efficient Landscape Ordinance.

“Hardscapes” means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls.

“Homeowner installed landscape” means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this ordinance to the requirements applicable to developer-installed residential landscape projects.

“Irrigation efficiency” 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 0.71. Greater irrigation efficiency can be expected from well-designed and maintained systems.

“Landscaped area” means all the planting areas, turf areas and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes or other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install or subcontract the development of landscape systems.

“Landscape Documentation Package” means the documents required to be provided to the City for review and approval of landscape design projects, as described in the Guidelines.

“Landscape project” means the total area of landscape in a project as provided in the definition of “landscaped area” meeting requirements under Section 19.01.004 of this Water Efficient Landscape Ordinance.

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

“Maximum Applied Water Allowance” or “MAWA” means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor and the size of the landscaped area. The Estimated Applied Total Water Use shall not exceed the Maximum Applied Water Allowance.

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“New construction” means, for the purposes of this Water Efficient Landscape Ordinance, a new building with a landscape or other new landscape such as a park, playground or greenbelt without an associated building.

“Non-pervious” means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

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

“Permit” means an authorizing document or official action issued by the City for new construction or rehabilitated-landscape.

“Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this Water Efficient Landscape Ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Water Efficient Landscape Ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“Recreational Area” means areas dedicated to active play such as parks, sports fields and golf courses where turf provides a playing surface.

“Recycled water” or “reclaimed water” means treated or recycled waste water of a quality for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

“Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

“Rehabilitated landscape” means any re-landscaping project that meets the applicability criteria of Section 19.01.004(A), where the modified landscape area is greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are planned to occur within one year.

“Smart automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“Special Landscape Area” means an area of the landscape dedicated solely to edible plants, such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas 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. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are warm-season grasses.

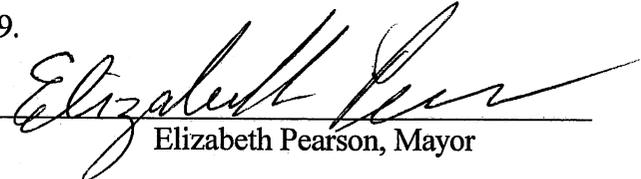
“Valve” means a device used to control the flow of water in an irrigation system.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions 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 subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

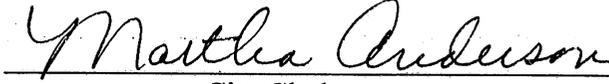
SECTION 5: This Ordinance shall take effect and be in full force and effect on February 1, 2010, or until otherwise superseded by action of the City Council or by operation of State Law.

SECTION 6: The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

ADOPTED this 15th day of December, 2009.


Elizabeth Pearson, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on December 1, 2009, and was finally adopted at a regular meeting of the City Council of said City held on December 15, 2009, by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Egly, Rollinger, Iseman, Pearson

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None


City Clerk, of the City of Laguna Beach, CA