



CITY OF
San Fernando
Historic & Visionary

February 3, 2010

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

RE: City of San Fernando's Compliance with the Water Conservation in Landscaping Act of 2006 (AB 1881)

Dear Mr. Eching:

The purpose of this letter is to notify the State Department of Water Resources that the City of San Fernando, on December 7, 2009, adopted Ordinance No. 1592 in compliance with the Water Conservation in Landscaping Act of 2006 (AB 1881). The enclosed document provides the City Council's adopted findings and water efficient landscape provisions included within the adopted ordinance which is now a part of the San Fernando City Code. The City Council adopted ordinance has been determined to be equally effective in conserving water as the Updated Model Ordinance adopted by the Department of Water Resources. If you have any questions, please feel free to call me at (818) 898-1241.

Sincerely,

Antonio Castillo
Associate Planner

Enclosed:

1. Ordinance No. 1592

Cc: / Paul Deibel, AICP, Community Development Director
Ron Ruiz, Public Works Director



ORDINANCE NO. 1592

**AN ORDINANCE OF THE CITY OF SAN FERNANDO
REGARDING WATER EFFICIENT LANDSCAPING AND
AMENDING THE SAN FERNANDO CITY CODE**

WHEREAS, as part of its policy to promote the conservation and efficient use of water and to prevent the waste of this valuable resource, the Legislature adopted Assembly Bill 1881 ("AB 1881"), which, among other aspects, amends Article 10.8 of Division 3 of Division 1 of Title 7 of the Government Code, which begins at Section 65591 and is entitled the "Water Conservation in Landscaping Act," or the "Act";

WHEREAS, pursuant to AB 1811, the Department of Water Resources was required to update the "Model Water Efficient Landscaping Ordinance," or hereinafter, the "Updated Model Ordinance," contained at California Code of Regulations, Title 23, beginning at Section 490, not later than January 1, 2009, and to distribute the Updated Model Ordinance to local agencies not later than January 31, 2009;

WHEREAS, the Department of Water Resources updated and distributed the Updated Model Ordinance to local agencies;

WHEREAS, AB 1811 also requires that, on or before January 1, 2010, a local agency adopt: (1) a water efficient landscaping ordinance that is, based on the evidence in the record, at least as effective in conserving water as the Updated Model Ordinance adopted by the Department of Water Resources, or (2) the Updated Model Ordinance;

WHEREAS, local agencies that do not adopt an "equally effective" ordinance or the Updated Model Ordinance by January 1, 2010, will be required to apply and enforce the Updated Model Ordinance throughout that jurisdiction;

WHEREAS, local agencies will be required to notify the Department of Water Resources of its adoption of either the "equally effective" ordinance or the Updated Model Ordinance, by January 31, 2010;

WHEREAS, the City of San Fernando, as a local agency required to comply with AB 1811, wishes to adopt the Updated Model Ordinance, through adoption of an Ordinance amending the City Code and also the adoption of "Landscape Regulations" containing the requirements of the Updated Model Ordinance, and which, by mirroring the requirements of the Updated Model Ordinance, is found to be as "equally effective" as the Updated Model Ordinance.

Section 1. A new Division 5 (Water Efficient Landscaping) shall be added to Article III (Water) of Chapter 94 (Utilities) of the City Code to read as follows:

“CHAPTER 94.”

UTILITIES

Article III. Water

Division 5. Water Efficient Landscaping

SECTION:

- Sec. 94-304. Purpose.
- Sec. 94-305. Applicability.
- Sec. 94-306. Definitions.
- Sec. 94-307. Review and Approval Requirements.
- Sec. 94-308. Landscape Design Plan.
- Sec. 94-309. Irrigation Design Plan.
- Sec. 94-310. Grading Design Plan.
- Sec. 94-311. Soil Management Report.
- Sec. 94-312. Water Efficient Landscape Worksheet.
- Sec. 94-313. Certification of Completion.
- Sec. 94-314. Irrigation Schedule.
- Sec. 94-315. Landscape and Irrigation Maintenance.
- Sec. 94-316. Irrigation Audit.
- Sec. 94-317. Irrigation Efficiency.
- Sec. 94-318. Alternative Water-Efficient Use.
- Sec. 94-319. Storm Water Management.
- Sec. 94-320. Water Waste Prevention.
- Sec. 94-321. Authority to Promulgate Rules and Regulations.
- Sec. 94-322. Administration and Appeal Process.
- Sec. 94-323. Penalties.
- Sec. 94-324. Fees.
- Sec. 94-325—94-330. Reserved.

Sec. 94-304. Purpose and Intent.

Water is a precious commodity of limited supply. In accordance with the Water Conservation in Landscaping Act (“Act”; Article 10.8 of Division 3 of Division 1 of Title 7 of the Government Code, commencing at Section 65591), the purpose and intent of this ordinance is to:

(a) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

(b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new residential or commercial development projects and when landscape areas are altered by more than 50 percent in total area;

(c) Promote water management practices and water waste prevention for existing landscapes;

(d) 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;

(e) Accomplish all purposes set out by the Model Water Efficient Landscape Ordinance, contained at Division 2.7 of Division 2 of Title 23 of the California Code of Regulations, beginning at Section 490; and,

(f) Implement the processes and requirements set out by the Model Water Efficient Landscaping Ordinance.

This Ordinance shall be known as the "Water Efficient Landscaping Ordinance."

Sec. 94-305. Applicability.

(a) Except as set forth in subsection (b) of this Section, this Division shall apply to all of the following landscape projects:

(1) All new Landscaped Areas and Altered Landscaped areas for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet.

(2) All new Landscaped Areas and Altered Landscaped areas which are Developer-Installed in Residential Projects (including a single-family project) with a landscape area equal to or greater than 2,500 square feet.

(3) All new Landscaped Areas which are Homeowner-Provided in residential projects (including a single-family project) with a total project landscape area equal to or greater than 5,000 square feet.

(b) This Division shall not apply to:

(1) Landscaping that is part of a property listed on any applicable local, state or national register of historic places.

(2) Plant collections as part of botanical gardens and arboretums open to the public.

(3) Ecological restoration projects that do not require a permanent irrigation system

Sec. 94-306. Definitions.

Unless the context otherwise requires, the following definitions and those set forth in the Landscape Regulations shall govern the construction of this Division:

Altered Landscaped Area means Landscaped Area, including landscape areas of public property or facilities, that is equal to or greater than 2,500 square feet and is altered by more than fifty percent (50%) of the total landscape area.

Certificate of Completion means the document required under Section 94-313.

Certified Landscape Irrigation Auditor means a person certified to perform landscape irrigation audits by a recognized professional trade organization or other educational organization.

Community Development Director means the chief planning official or their designee.

Developer Installed Landscaping or Landscaped Areas which are developer-installed means landscaping installed by a builder in conjunction with the construction of a residential project. "Developer installed landscaping" shall not include landscaping installed by an owner/occupant building in conjunction with the construction of a single-family residence.

Estimated Total Water Use ("ETWU") means the total water used for the landscape subject to this Division determined pursuant to the formula set forth in the Landscape Regulations. The ETWU 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.

Homeowner-Provided Landscaping means any Landscaped Area 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 Division is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

Irrigation Audit means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Landscape Documentation Package means the documents required under Section 94-308 required to be submitted to the Community Development Director for review and approval, pursuant to the Landscape Regulations.

Landscape Regulations means rules and regulations adopted by the City Engineer for the implementation and enforcement of provisions of this Division, and when duly promulgated, such rules and regulations shall be in full force and effect.

Landscaped Area means the entire lot, including water features such as pools, spas, ponds, and fountains. "Landscaped Area" shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

Maximum Applied Water Allowance ("MAWA") means the upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ET Adjustment Factor and the size of the Landscaped Area or Altered Landscaped Area.

Project Applicant means the person or entity submitting a Landscape Documentation Package. A Project Applicant may include the property owner and/or an agent of the owner.

Residential Project means the construction of one or more homes.

Water Efficient Landscape Worksheet means the document described in Section 94-312.

Sec. 94-307. Review and Approval Requirements.

(a) Prior to issuance of a discretionary or building permit for any project that involves Landscaped Areas or Altered Landscaped Areas subject to this Division, the Project Applicant must submit a Landscape Documentation Package for review and approval by the Community Development Director. The Landscape Documentation Package shall include the following:

- (1) Project information as required by the Landscape Regulations;
- (2) Landscape design plan as described in Section 94-308;
- (3) Irrigation design plan as described in Section 94-309;
- (4) Water Efficient Landscape Worksheet as described in Section 94-312;
- (5) A soils management report as described in Section 94-311;
- (6) Grading design plan as described in Section 94-310; and
- (7) Payment of the fee as prescribed by City Council upon submittal of the Landscape Documentation Package.

(b) If the Landscaped Area or Altered Landscaped Area subject to this Division is a stand-alone project or does not otherwise require a building permit or formal planning or other commission approval or review, the Landscape Documentation Package shall be submitted to the Community Development Director for review and approval prior to the commencement of landscape improvements.

(c) The documents listed in paragraph A shall be prepared and signed by a landscape architect, landscape designer, or irrigation designer, as appropriate, except that the soils report shall be prepared by a qualified soil and plant laboratory.

Sec. 94-308. Landscape Design Plan.

(a) Landscaped Areas or Altered Landscaped Areas subject to this Division shall be carefully designed and planned to ensure the efficient use of water. The Project Applicant shall submit to the Community Development Director a landscape design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

(b) The landscape design plan shall comply with or include the following:

(1) A description of the plant material. Any plant may be selected for the landscape provided that the Estimated Applied Water Use in the Landscaped Area or Altered Landscaped Area does not exceed the Maximum Applied Water Allowance.

(2) Landscape design plans for projects in the City shall address fire safety and prevention. The Project Applicant shall ensure that the defensible space required by the City Code is maintained and shall avoid fire-prone plant materials and mulches.

(3) The architectural design guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(4) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(c) Water Features shall be designed as follows:

(1) Recirculating water systems shall be used as a source for water features

(2) Where available, recycled water shall be used as a source for decorative water features

(3) The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(4) Pool and spa covers are highly recommended.

(d) Mulch and Amendments shall be included for use as follows:

(1) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where Mulch is contraindicated.

(2) Stabilizing mulching products shall be used on slopes.

(3) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(4) Soil amendments shall be incorporated according to recommendations of the soil report, if any, and what is appropriate for the plants selected.

Sec. 94-309. Irrigation Design Plan.

An irrigation system and its related components for Landscaped Areas and Altered Landscaped Areas subject to this Division shall be carefully designed and planned to allow for proper installation, management, and maintenance. The Project Applicant shall submit to the Community Development Director an irrigation design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

Sec. 94-310. Grading Design Plan.

(a) Grading of a project site that contains a Landscaped Area or Altered Landscaped Area subject to this Division, shall be designed to minimize soil erosion, runoff and water waste. The Project Applicant shall submit to Community Development Director a grading design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

(b) The landscape grading plan shall indicate finished configurations and elevations of the landscape area including: (i) height of graded slopes; (ii) drainage patterns; (iii) pad elevations; (iv) finish grade; and (v) stormwater retention improvements, if applicable.

(c) To prevent excessive erosion and runoff, grading shall avoid disturbing natural drainage patterns and avoid soil compaction in Landscaped Areas or Altered Landscaped Areas subject to this Division. All irrigation and normal rainfall should remain within the property lines so as not to drain onto non-permeable hardscapes.

(d) A comprehensive grading plan prepared by a civil engineer for a project which includes Landscaped Areas or Altered Landscaped Areas subject to this Division, can satisfy this requirement.

Sec. 94-311. Soil Management Report.

The Project Applicant shall submit to the Community Development Director a soil management plan that meets the criteria set forth in the Landscape Regulations.

Sec. 94-312. Water Efficient Landscape Worksheet.

(a) The Project Applicant shall complete and submit to the Community Development Director a Water Efficient Landscape Worksheet that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

(b) The Water Efficient Landscape Worksheet shall contain two sections; (i) a hydrozone information table and (ii) a water budget calculation for the Landscaped Areas or Altered Landscaped Areas subject to this Division. The water budget calculation shall include the Maximum Applied Water Allowance and the Estimated Total Water Use.

Sec. 94-313. Certification of Completion.

(a) Upon completion of the installation of the Landscaped Areas or Altered Landscaped Area subject to this Division, the Project Applicant shall submit a Certificate of Completion, in the form provided by the City, for review and approval by the Community Development Director. The Certificate of Completion shall be executed by either the licensed landscaped architect, licensed landscape contractor or the certified irrigation designer that signed any of the documents submitted as part of the Landscape Documentation Package.

(b) The Certificate of Completion shall certify and/or include the following:

(1) The Landscaped Areas or Altered Landscaped Areas subject to this Division has been installed in conformance with the Landscaped Documentation Package, the Water Efficient Landscaping Ordinance and the Landscape Regulations;

(2) The automatic controller has been set according to the irrigation schedule described in Section 94-314;

(3) Documentation that the soil management report recommendations, if any, have been implemented;

(4) The Irrigation Audit Report; and

(5) The landscape and irrigation maintenance schedule.

(c) The Community Development Director shall approve the Certificate of Completion if it is determined the project conforms to the provisions of this Section. If the Community Development Director determines that the Certificate of Completion is incomplete or does not conform to the provisions of this Section, the Community Development Director shall:

(1) Notify the Project Applicant in writing that the Certificate of Completion has been denied and include a statement of reasons; or

(2) Notify the Project Applicant in writing that the Certificate of Completion is incomplete with an indication of additional information necessary. The Project Applicant may re-submit the Certificate of Completion for review by the Community Development Director.

(d) The Project Applicant shall provide a copy of the approved Certificate of Completion to the property owner within 7 days of its approval.

Sec. 94-314. Irrigation Schedule.

The Project Applicant shall prepare an irrigation schedule in accordance with the Landscape Regulations that evaluates and manages the amount of water required to maintain plant health.

Sec. 94-315. Landscape and Irrigation Maintenance.

The Project Applicant shall prepare a landscape and irrigation maintenance plan in accordance with the Landscape Regulations to ensure the efficiency of water use.

Sec. 94-316. Irrigation Audit.

(a) For Landscaped Areas or Altered Landscaped Areas subject to this Division, the Project Applicant shall prepare an Irrigation Audit Report as set forth in the Landscape Regulations.

(b) For all existing Landscaped Areas installed prior to January 1, 2010, irrigation audits shall be prepared as set forth in the Landscape Regulations.

Sec. 94-317. Irrigation Efficiency.

(a) New irrigation systems installed, whether or not part of a Landscaped Area or Altered Landscaped Areas subject to this Division, shall be designed, maintained and managed to meet or exceed the average irrigation efficiency set forth in the Landscape Regulations.

(b) New irrigation systems installed as stand-alone project shall comply with Section 94-309, 94-312, 94-313, 94-314, 94-315 and 94-316 of this Division.

Sec. 94-318. Alternative Water-Efficient Use.

Alternative methods of using water efficiently such as the use of potable water, rain water or other alternative water systems are encouraged.

Sec. 94-319. Stormwater Management.

(a) Landscape and grading design plans shall be developed in accordance with the applicable provisions of the Stormwater and Urban Runoff Control provisions set forth in Article III of Chapter 34 of the City Code.

(b) Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are encouraged.

Sec. 94-320. Water Waste Prevention.

Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots or structures is prohibited.

Sec. 94-321. Authority to Promulgate Rules and Regulations.

The Community Development Director shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this Division, and when duly promulgated, such rules and regulations shall be in full force and effect.

Sec. 94-322. Administration and Appeal Process.

The Community Development Director shall have the duty and authority to administer and enforce this Division. The Project Applicant or property owner may appeal any other decision made by the Community Development Director pursuant to this Division by filing with the City Clerk within 15 days of the date of written notification of the action at issue. The appeal shall be held pursuant to Article II of Chapter 106 of the City Code.

Sec. 94-323. Penalties.

The enforcement sections set forth in Chapter 1 of the City Code shall apply. In addition, the City Building Official may deny any project subject to this Division its Permit Final or equivalent until the Certificate of Completion has been submitted, reviewed and approved by the City.

Sec. 94-324. Fees.

Fees associated with the implementation and enforcement of this division shall be adopted by the City Council by resolution.

Sec. 94-325—94-330. Reserved.

Section 2. The City Council has considered this Ordinance and finds that this project is exempt from the requirements of the California Environmental Quality Act ("CEQA"). The project is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Sec. 15307 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource, specifically water, where the regulatory process involves procedures for protection of the environment. This Ordinance does not contemplate any construction activities, and there is no evidence to suggest that the ordinance will result in a significant impact on the environment, including impacts due to unusual circumstances. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and there is no evidence to suggest that the ordinance would in cumulative adverse environment impacts.

Based on the foregoing and other substantial evidence in the record, the City Council hereby finds and determines that the Ordinance is exempt from the provisions of CEQA, pursuant to State CEQA Guidelines Section 15307. Further, as a separate and independent ground, the City Council finds that the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3).

Section 3. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. Pursuant to California Government Code Section 36937, this ordinance shall take effect and be in full force and effect thirty (30) days after its final approval by the San Fernando City Council.

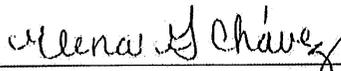
Section 5. The Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at a regular meeting held on this 7th day of December 2009.



Mayor Steven Veres

ATTEST:



City Clerk Elena G. Chávez

APPROVED AS TO FORM:

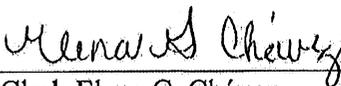


City Attorney Michael Estrada

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SAN FERNANDO)

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the 7th day of December 2009 and was carried by the following roll call vote:

AYES: Veres, M. Hernández, Esqueda, E. Hernández, De La Torre – 5
NOES: None
ABSENT: None



City Clerk Elena G. Chávez