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CITY OF SANTA ANA

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January 26, 2010

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

RE: WATER EFFICIENT LANDSCAPE ORDINANCE FOR THE CITY OF SANTA ANA

Dear Mr. Eching:

The purpose of this letter is to notify you that on December 7, 2009, the City of Santa Ana adopted a new Water Efficient Landscape Ordinance as required by Assembly Bill No. 1881. Attached for your use is a copy of this ordinance as well as the findings for the adoption of the ordinance.

Should you need additional assistance regarding this ordinance, feel free to contact me at your convenience. I can be reached at (714) 667-2713.

Sincerely,

Vince Fregoso, AICP
Principal Planner

VF:

Vf/letters/ water efficient ordinance

c: Ray Burk, Principal Civil Engineer
Mike Lopez, Park Superintendent
Terri Cable, Administrative and Enterprise Service Manager

ORDINANCE NO. NS-2801

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE TO UPDATE THE CITY'S WATER EFFICIENCY STANDARDS FOR PROPOSED DEVELOPMENT PROJECTS WITH SUBSTANTIAL LANDSCAPING

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. AB 1881 (2006), adopted as Chapter 559 of Statutes of 2006, required the State Department of Water Resources to prepare a model ordinance for cities and counties to set minimum standards for maximizing water efficiency in landscaping of new development projects. Under AB 1881, each city or county was given a deadline of January 1, 2010 to adopt its own ordinance, or alternatively to utilize the state model ordinance.
- B. The State Office of Administrative Law approved the State's updated Model Water Efficient Landscape Ordinance on September 10, 2009.
- C. This ordinance is designed to work together with Guidelines for its implementation, which are submitted concurrently and incorporated herein by this reference as though fully set forth.
- B. All provisions of the Santa Ana Municipal Code which are repeated herein are repeated solely in order to comply with the provisions of section 418 of the Charter of the City of Santa Ana. Any such restatement of existing provisions of the Code is not intended, nor shall it be interpreted, as constituting a new action or decision of the City Council, but rather such provisions are repeated for tracking purposes only in conformance with the Charter.

Section 2. The City Council has reviewed and considered the information contained in the initial study and the negative declaration prepared with respect to this Ordinance. The City Council has, as a result of its consideration and the

evidence presented at the hearings on this matter, determined that, as required pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, a Negative Declaration adequately addresses the expected environmental impacts of this Ordinance. On the basis of this review, the City Council finds that there is no evidence from which it can be fairly argued that the project will have a significant adverse effect on the environment. The City Council hereby certifies and approves the negative declaration and directs that the Notice of Determination be prepared and filed with the County Clerk of the County of Orange in the manner required by law.

Pursuant to Title XIV, California Code of Regulations ("CCR") § 735.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the ecological habitat upon which wildlife resources depend. The proposed project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. Therefore, pursuant to Fish and Game Code § 711.2 and Title XIV, CCR § 735.5(a)(3), the payment of Fish and Game Department filing fees is not required in conjunction with this project.

Section 3. Section 41-240 of the Santa Ana Municipal Code is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-240. Landscaping standards in the R1 district.

In the R1 district, all yards shall be landscaped. Each residential unit shall meet the following minimum requirements:

(a) *Front yard:*

(1) One (1) twenty-four-inch box canopy tree.

(2) All trees shall be double-staked.

(3) Six (6) five-gallon size shrubs and ten (10) one-gallon size herbaceous perennials/shrubs as a foundation planting.

(4) Turf or acceptable dry climate ground cover:

a. Turf shall be drought tolerant variety and planted as sod or hydroseed.

b. Ground cover shall be well-rooted cuttings from flats and planted at appropriate spacing for that particular plant material.

(b) *Side yard:* Corner lots shall require one (1) fifteen-gallon size tree for every thirty (30) linear feet of property abutting a street, plus six (6) five-gallon size shrubs as a foundation planting. Root barriers shall be required on all trees planted along the street oriented yards.

(c) *Project perimeter walls:*

(1) Flowering vines shall be secured to a decorative masonry wall or wood fence material.

(2) The vines shall be five-gallon size and be planted at twenty-foot intervals. They shall be secured to the walls with eye hooks and wire.

(3) Espaliered shrubs, fruit trees, or other ornamental trees may be substituted for the flowering vines.

(d) *Irrigation system:*

(1) All planting areas must be designed with an automatic irrigation system. A pop-up sprinkler type irrigation system shall be provided for all yards for each residential unit. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips.

(2) The use of "xeriphytic" or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.

(3) All irrigation systems shall be equipped with a controller capable of dual or multiple station programming.

(e) *Screening:*

(1) All meters shall be appropriately screened from public view with trellis work and vines or a hedge type shrub or they shall be incorporated into the residential structure.

(2) Any enclosed structure for utilities must not encroach into any required setback.

(f) *Maintenance:* All plant material shall be maintained per section 41-609 of this chapter.

(g) Landscaping shall be installed and maintained in compliance with Article XVI of this Chapter, pertaining to water conservation.

Section 4. Section 41-256 of the Santa Ana Municipal Code is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-256. Landscape standards for the R-2 district.

In the R2 district, all yards shall be landscaped. Each residential unit shall meet the following minimum requirements:

(a) *Front yard:*

- (1) One (1) twenty-four-inch box canopy tree.
- (2) All trees shall be double-staked.
- (3) One (1) tree species for up to five (5) dwelling units and an additional tree species for each increment of five (5) units.
- (4) Six (6) five-gallon size shrubs and ten (10) one-gallon size herbaceous perennials/shrubs as a foundation planting.
- (5) Turf or acceptable dry climate ground cover:

a. Turf shall be drought tolerant variety and planted as sod or hydroseed.

b. Ground cover shall be well-rooted cuttings from flats and planted at appropriate spacing for that particular plant material.

(b) *Side yard:* Corner lots shall require one (1) fifteen-gallon size tree for every thirty (30) linear feet of property abutting a street plus six (6) five-gallon size shrubs as a foundation planting. Root barriers shall be required on all trees planted along the street oriented yards.

(c) *Rear yard:* A buffer shall be provided for privacy from adjoining property. A hedge or vines on a fence are satisfactory screens.

(d) *Project perimeter walls:*

- (1) Flowering vines shall be secured to a decorative masonry wall or wood fence material.
- (2) The vines shall be five-gallon size and be planted at twenty-foot intervals. They shall be secured to the walls with eye hooks and wire.

(3) Espaliered shrubs, fruit trees, or other ornamental trees may be substituted for the flowering vines.

(e) *Irrigation system:*

(1) All planting areas must be designed with an automatic irrigation system. A pop-up sprinkler type irrigation system shall be provided for all yards for each residential unit. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips.

(2) The use of "xeriphytic" or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.

(3) All irrigation systems shall be equipped with a controller capable of dual or multiple station programming.

(f) *Screening:*

(1) All meters shall be appropriately screened from public view with trellis work and vines or a hedge type shrub or they shall be incorporated into the residential structure.

(2) Any enclosed structure for utilities must not encroach into any required setback.

(g) *Maintenance:* All plant material shall be maintained per section 41-609 of this chapter.

(h) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 5. Section 41-272.02 of the Santa Ana Municipal Code (R3 zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-272.03. Landscaping.

(a) All An area equal or greater in depth to the required building setback areas, required open spaces around the perimeter of buildings, and the required parking areas, unless specified in the provisions of this district, along every portion of the property line of a multiple-family dwelling development that abuts a street shall be completely landscaped, except for vehicular and pedestrian accessways.

(b) Prior to the issuance of any building permit for the construction of a multiple-family dwelling development, the developer shall submit to the

city, and the planning division shall approve, a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(c) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(d) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(e) Vehicular parking may not be located within any required landscaped area.

(f) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(g) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 6. Section 41-272.02 of the Santa Ana Municipal Code (Townhouse zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-288. Landscaping.

All yards shall be landscaped. Each townhouse shall meet the following minimum landscaping standards:

(a) *Front yard:*

(1) One (1) twenty-four-inch box canopy tree.

(2) All trees shall be double-staked.

(3) Six (6) five-gallon size shrubs and ten (10) one-gallon size herbaceous perennials/shrubs as a foundation planting.

(4) Turf or acceptable dry climate ground cover:

a. Turf shall be drought tolerant variety and planted as sod or hydroseed.

b. Ground cover shall be well-rooted cuttings from flats and planted as appropriate spacing for that particular plant material.

(5) Root barriers shall be required on all trees.

(b) *Side yard:* Corner lots shall have one (1) fifteen-gallon size tree for every thirty (30) linear feet of property abutting a street plus six (6) five-gallon size shrubs as a foundation planting. Root barriers shall be required on all trees planted along the street oriented yards.

(c) *Project perimeter walls:*

(1) Flowering vines shall be secured to a decorative masonry wall or wood fence material.

(2) The vines shall be five-gallon size and be planted at twenty-foot intervals. They shall be secured to the walls with eye hooks and wire.

(3) Espaliered shrubs, fruit trees, or other ornamental trees may be substituted for the flowering vines.

(d) *Irrigation system:*

(1) All planting areas must be designed with an automatic irrigation system. A pop-up sprinkler type irrigation system shall be provided for all yards. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips.

(2) The use of "xeriphytic" or dry climate type plant materials is encouraged. Irrigation systems may require special fittings to properly water dry climate plantings.

(3) All irrigation systems shall be equipped with a controller capable of dual or multiple station programming.

(e) *Screening:*

(1) All meters shall be appropriately screened from public view with trellis work and vines, a hedge type shrub or be incorporated into the residential structure.

(2) Any enclosed structure for utilities must not encroach into the required setback.

(f) *Maintenance*: All plant material shall be maintained per section 41-609 of the Santa Ana Municipal Code.

(g) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 7. Section 41-316 of the Santa Ana Municipal Code (P zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-316. Landscaped area.

(a) *Front*. There shall be a landscaped front yard area of not less than fifteen (15) feet.

(b) *Side*. There shall be a landscaped side yard area of not less than five (5) feet. On corner lots, the landscaped side yard shall not be less than fifteen (15) feet.

(c) *Rear*. There shall be a landscaped rear yard area of not less than ten (10) feet if the lot abutting on the rear property line is a parcel used or zoned for residential purposes. There shall be a landscaped rear yard of not less than five (5) feet in all other cases.

(d) Vehicular parking may not be located within any required landscaped area.

(e) Prior to the issuance of any building permit, the developer shall submit to the city and the planning division shall approve a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(f) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(g) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(h) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips.

Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(i) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

(d) [*Maintenance.*] All required yards shall be landscaped and maintained at all times. Plant material shall be provided per the commercial landscape standards.

Section 8. Section 41-372 of the Santa Ana Municipal Code (C1 zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-372. Landscaping requirements in the C1 district.

(a) A landscaped area not less than fifteen (15) feet wide shall be maintained along any property line to the extent it abuts a street, except at approved driveways.

(b) A landscaped area not less than five (5) feet wide shall be maintained along any property line to the extent it serves to separate property zoned or used for residential purposes from any off-street parking area.

(c) Vehicular parking may not be located within any required landscaped area.

(d) Prior to the issuance of any building permit, the developer shall submit to the city and the planning division shall approve a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(e) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(f) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(g) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(h) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 9. Section 41-444 of the Santa Ana Municipal Code (CR zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-444. Site development standards.

(i) *Landscaping.*

(1) All required setback areas, required open spaces around the perimeter of buildings, and the required parking landscaped areas, unless otherwise specified in the provisions of this district, shall be landscaped and maintained according to approved plans. Required parking landscaped areas shall be distributed evenly throughout and along the periphery of parking areas and shall be planted with trees: One (1) tree, selected from the list in Section 41-602(c)(2)(ii) and not less than ten (10) feet high at the time of planting, shall be provided for each twenty (20) parking spaces or any part thereof. Each planting bed shall be at least four (4) feet in width. Required setback areas abutting properties zoned for exclusively residential purposes shall be planted with trees of the same size and selection as above, one (1) tree to be provided for each fifteen (15) linear feet of abutment.

(2) Landscaping shall consist of lawn, trees, shrubs, or other plant materials, and may include the following decorative elements where an integral part of a landscape scheme is comprised primarily of plant materials:

(i) Fountains, ponds, sculptures and planters.

(ii) Screen-type masonry walls forty-two (42) inches in height.

(iii) Wrought iron or other types of open work metal fences, exclusive of chain link, provided that the component solid portions of a fence do not constitute more than twenty (20) per cent of the total surface area of its face. Such fences shall have a maximum of six (6) feet.

(3) Two (2) per cent of the gross uncovered parking area for all uses shall be landscaped.

(4) Vehicular parking may not be located within any required landscaped area.

(5) Prior to the issuance of any building permit, the developer shall submit to the city and the planning division shall approve a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(6) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(7) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(8) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(9) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 10. Section 41-477 of the Santa Ana Municipal Code (M1 zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-477. Landscaping.

Front yard:

(a) One (1) twenty-four-inch box canopy tree shall be provided for each twenty-five (25) linear feet of front yard (exclusive of driveways). Such trees may be placed in clusters.

(b) Six (6) five-gallon size shrubs shall be provided per twenty-five (25) linear feet of front yard (exclusive of driveways). As an alternative, the use of three (3) five-gallon size shrubs and ten (10) one-gallon shrubs is acceptable provided the plant material adds color and variety to the design.

(c) The front yard shall be planted in turf or acceptable dry climate ground cover. A ground cover is required in shrub areas and as accents in small pockets. Redwood header boards or similar barriers shall be placed between turf and other plant materials.

(d) Berms in the front yard having more than a 4:1 slope shall be planted in ground cover. Turf is not acceptable.

(e) When parkway trees are required by the city, they shall be integrated with the onsite landscape plan to ensure proper spacing and species selection.

(f) A minimum five-foot wide landscape strip shall be planted and maintained where the off-street parking area abuts any public street, except at approved driveways.

Parking area:

(g) In parking areas available to parking by the general public, a landscape planter shall be provided for every ten (10) parking spaces. Each planter shall have minimum dimensions of six (6) feet in width and eighteen (18) feet in length including concrete curbing. Each planter shall be bordered on two (2) sides minimum by parking area. The planter strips shall run parallel to the parking spaces and be consistently spaced throughout the parking area. Each planter shall require one (1) fifteen-gallon size tree, five (5) five-gallon shrubs plus ground cover.

(h) In lots that are solely used by employees of the company, a landscape planter shall be provided for every five (5) consecutive parking spaces. Each planter shall have minimal dimension of four (4) feet by four (4) feet, including concrete curb. Each planter shall require one (1) fifteen-gallon size tree and a suitable ground cover or low growing shrubs. These planters may be located between parking spaces so as to maximize the amount of available space for parking. Planters may also be consistent with general parking landscape requirements. Each parking area shall be enclosed by perimeter planters abutting the lot or parking spaces, except for the driveways.

(i) The choice of plant material shall be trees and/or shrubs, with a ground cover in keeping with the size and limitations of the area. Ground covers alone are not acceptable. A minimum of one (1) fifteen-gallon tree shall be provided for each ten (10) parking spaces, or portion thereof.

(j) Parking areas shall be designed so that parked vehicles shall not encroach into landscape areas.

Buffer:

(k) A landscaped planter of a width not less than ten (10) feet is required along any interior lot line to the extent such lot line abuts any property

which is neither zoned for industrial uses, nor indicated on the general plan of the city as planned for industrial purposes.

General:

(l) A plot plan indicating the location of all landscaping areas and the percentage of landscaping in the interior planting areas shall be submitted to and approved by the planning division. The decision of the planning division may be appealed to the planning commission.

(ml) A plant list shall be shown on the required plot plan to obtain a building permit for the building for which the parking area is provided. The list shall include the botanical and common names of the plant to be used, the sizes to be planted, and the quantity of each. The plants shall be listed alphabetically and assigned key numbers to be used in locating the plants on the plan.

(nm) All required yards shall be landscaped and maintained at all times.

(on) Redwood chips, decorative stone and other inorganic materials are not acceptable substitutes for ground cover or turf.

(po) All trees in parking areas shall be placed in root barriers.

(qp) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(rq) The landscaping shall be contained in planting areas that are enclosed by minimum six-inch high concrete curbs.

(sr) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

(ts) Compliance with all provisions of this section shall be required except for minor modifications approved by the planning division.

(ut) All appurtenances, such as transformers, backflow preventers, trash enclosures, signage, meters, and lights, shall be shown on landscape plans and screened with plant materials.

Section 11. Section 41-528 of the Santa Ana Municipal Code (CSM zoning district standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-528. Landscaping requirements.

(a) When no building is present on the site, a minimum five (5) foot landscaped area along the front property line shall be required for any proposed development.

(b) A landscaped area not less than five (5) feet wide shall be maintained along any property line to the extent it serves to separate property zoned or used for residential purposes from any off-street parking area.

(c) Vehicular parking may not be located within any required landscaped area.

(d) Prior to the issuance of any building permit, the developer shall submit to the city and the planning division shall approve a landscape plan that conforms to the requirements of this section and to standards for landscaping approved by the city council.

(e) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(f) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(g) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(h) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 12. Section 41-813 of the Santa Ana Municipal Code (mobile home park standards) is hereby amended to comply with AB 1881, such that it reads as follows:

Sec. 41-813. Landscaping.

(a) A landscape plan shall be submitted to the planning department for approval. Said landscaping plan shall consist of the size, type and location of all trees, shrubs, and ground cover areas in the mobile home park site and shall include one tree per mobile home site and shall conform to the requirements of this section and to standards for landscaping approved by the city council.

(b) A system of irrigation or sprinkling of landscaping shall be indicated on the plan. All landscaping shall be permanently maintained.

(c) Vehicular parking may not be located within any required landscaped area.

(d) Landscaping shall be installed and maintained in accordance with the approved landscaping plan by the owner(s) and manager of the development.

(e) Procedures for the approval and amendment of landscaping plans shall be established by the planning division.

(f) All planting areas must be designed with an automatic irrigation system. Modifications shall be allowed for dry climate landscapes. Pop-up sprinklers shall be used in all areas other than installations against foundations for the sake of public safety. Drip, bubbler, or other low gallonage systems may be used in buffer areas and narrow strips. Sleeving must be called out wherever irrigation pipes are installed under hardscape.

(g) Landscaping shall be installed and maintained in compliance with Article XVI of this chapter, pertaining to water conservation.

Section 13. Article XVI of Chapter 41 of the Santa Ana Municipal Code is hereby deleted in its entirety:

Section 14. The following is hereby added to the Santa Ana Municipal Code as Article XVI of Chapter 41:

ARTICLE XVI.

WATER EFFICIENT LANDSCAPE STANDARDS

Sec. 41-1500. Purpose

(a) The State Legislature has found that:

- (1) the waters of the State are of limited supply and are subject to ever increasing demands;
- (2) the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) landscapes are essential to the quality of life in California 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;
- (5) landscape design, installation, maintenance, and management can and should be water efficient; and
- (6) Article X, Section 2 of the California Constitution specifies that 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 of water.

Sec. 41-1501. Applicability

- (a) Beginning January 1, 2010, all planting, irrigation, and landscape-related improvements required by this Article shall apply to the following *landscape projects*:
 - (1) new landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a *landscaped area*, including pools or other *water features* but excluding *hardscape*, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;
 - (2) new landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including pools or other *water features* but excluding *hardscape*, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary

approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;

(3) new landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other *water features* but excluding *hardscape*, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;

(4) A landscape rehabilitation project is subject to the requirements of this Article where (i) the modified landscaped area is greater than 2,500 square feet and represents at least 50% of the total landscaped area; and (ii) the modifications are planned to occur within one year. The requirements of the Standards may be partially or wholly waived, at the discretion of the city, for landscape rehabilitation projects that are limited to replacement plantings with equal or lower water needs and where the irrigation system is found to be designed, operable and programmed consistent with minimizing water waste in accordance with local water purveyor regulations

(b) This Article does not apply to:

(1) registered local, state, or federal historical sites or other sites exempted by applicable federal or state law;

(2) *ecological restoration projects* that do not require a permanent irrigation system;

(3) *mined-land reclamation projects* that do not require a permanent irrigation system; or

(4) plant collections, as part of botanical gardens and arboretums open to the public.

Sec. 41-1502. Implementation Procedures

(a) Prior to installation, a *Landscape Documentation Package* shall be submitted to the City for review and approval of all *landscape projects* subject to the provisions of this Article. Any *Landscape Documentation Package* submitted to the City shall comply with the provisions of the *Standards*.

(b) The *Landscape Documentation Package* shall include a certification by a 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 compliance with the provisions of this Article and the *Standards*.

- (1) Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations.
- (2) Water use calculations shall be consistent with calculations contained in the *Standards* and shall be provided to the City under procedures determined by the City.
- (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 Occupancy, Permit Final or Notice of Completion process, as provided in the *Standards*.

Sec. 41-1503. Landscape Water Use Standards

- (a) For applicable landscape installation or rehabilitation projects subject to Section 41-1501(a) of this Code, the *Estimated Applied Water Use* allowed for the *landscaped area* shall not exceed the *MAWA* calculated using an *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 *Standards*.
- (b) Irrigation of all *landscaped areas* shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the City.

Sec. 41-1504. Definitions

The following definitions are applicable to this article:

"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 *Standards*. 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 *Standards*. 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 Article and the *Standards*, except that the *ETAF* for a *special landscape area* shall not exceed 1.0.

"*Standards*" refers to the Standards for Implementation of this Article, as adopted by the City, which describes procedures, calculations, and requirements for *landscape projects* subject to this Article.

"*Hardscapes*" means any durable material or feature (*pervious* and *non-pervious*) installed in or around a *landscaped area*, such as pavements or walls. Pools and other *water features* are considered part of the *landscaped area* and not considered *hardscapes* for purposes of this Article.

"*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 Article, 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 Article 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 Article 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*,

and 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 *Standards*.

"Landscape project" means total area of landscape in a project, as provided in the definition of *"landscaped area,"* meeting the requirements under Section 41-1501 of this Code.

"Local water purveyor" means any entity, including a public agency, city, county or private water company that provides retail water service within the City of Santa Ana.

"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 *Standards*. It is based upon the area's *reference evapotranspiration*, the *ET Adjustment Factor*, and the size of the *landscaped area*. The *Estimated Applied 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 Article, 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 the material and into the underlying soil.

"Permit" means an authorizing document issued by local agencies for *new construction* or *rehabilitated landscape*.

"Plant factor" or *"plant water use factor"* is a factor, when multiplied by *ET_o*, that estimates the amount of water needed by plants. For purposes of this Article, 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 Article are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

"*Recycled water*" or "*reclaimed water*" means treated or recycled waste water of a quality suitable 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 *Standards*, 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 1.1(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, infrequently mowed, no mow grass, or synthetic turf which meets or exceeds the *Standards* set forth in the *Guidelines*. 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, Buffalo grass, Mexican Feather grass, Muhly grass, and Sedge grass are warm-season grasses.

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

"*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). The surface area of *water features* is included in the high water use *hydrozone* of the *landscaped area*. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not *water features* and, therefore, are not subject to the water budget calculation.

Section 15. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 23rd day of December, 2009

Claudia C. Alvarez for Miguel Pulido
Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Joseph W. Fletcher, City Attorney

By: 
Benjamin Kaufman
Chief Assistant City Attorney

YES: Councilmembers: Alvarez, Benavides, Bustamante, Martinez,
Tinaiero, Sarmiento (6)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: Pulido (1)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2801 to be the original ordinance adopted by the City Council of the City of Santa Ana on December 21, 2009, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 12/29/2009

Maria D. Huizar
Clerk of the Council
City of Santa Ana