

ORDINANCE NO. 21-1432

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH
AMENDING CHAPTER 8.60 OF TITLE 8 OF THE
HERMOSA BEACH MUNICIPAL CODE REGARDING
WATER EFFICIENT LANDSCAPE REGULATIONS**

WHEREAS, the City of Hermosa Beach imposes water efficient landscape requirements on all new and rehabilitated landscaping for public agency projects and private development projects that require a permit, as well as all developer-installed landscaping, pursuant to Section 8.60.010 et seq. of the Hermosa Beach Municipal Code; and

WHEREAS, the Water Conservation in Landscaping Act (Government Code Section 65591 et seq.) (the "Act") was enacted for the purpose of reducing waste water associated with irrigation of outdoor landscaping; and,

WHEREAS, the Act requires the State Department of Water Resources ("DWR") to draft a model water efficient landscape ordinance ("MWELo") (Cal. Code Regs., tit. 23, § 490 et seq.), and further required cities and counties, by January 1, 2010, to adopt the MWELo, or a locally modified ordinance at least as effective in conserving water as the MWELo, or else the state MWELo applies by default (Gov. Code, § 65595); and

WHEREAS, on April 1, 2015, Governor Brown signed Executive Order B 29-15, which directed the DWR to update the MWELo; and,

WHEREAS, the DWR updated the MWELo on September 15, 2015; and

WHEREAS, the City intends to comply with the current MWELo and this Water Efficient Landscape Ordinance is intended to locally implement the Act.

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

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council in connection with the adoption of this Ordinance.

Section 2. Chapter 8.60 of the Hermosa Beach Municipal Code is hereby renamed to "Water Efficient Landscaping"

Section 3. Section 8.60.030 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

8.60.030 Applicability.

A. This Chapter is intended to implement, and shall be construed in a manner that is consistent with the Model Water Efficient Landscape Ordinance in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations, and

any amendment thereto. "Consistent with" may also include more restrictive water conservation or water use efficiency measures.

B. This Chapter shall apply to all of the following within the City of Hermosa Beach:

1. New landscape projects with an aggregate landscape area equal to or greater than 500 square feet, requiring a building or landscape permit, plan check or design review;
2. Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than 2,500 square feet, requiring a building or landscape permit, plan check or design review;
3. New or rehabilitated landscape projects with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D of the Model Water Efficient Landscape Ordinance; and
4. New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix D, Section 5, of the Model Water Efficient Landscape Ordinance.
5. Existing landscapes limited to Sections 493, 493.1 and 493.2 of the of the Model Water Efficient Landscape Ordinance.
6. Sections 492.4, 492.11, and 492.12 of the Model Water Efficient Landscape Ordinance shall apply to new construction or rehabilitated landscape projects at cemeteries, and Sections 493, 493.1, and 493.2 of the Model Water Efficient Landscape Ordinance shall apply to existing cemeteries.

C. This Chapter does not apply to:

1. Registered local, state, or federal historical sites;
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.

E. The City may collaborate with another agency, such as a water purveyor, to implement some or all of the requirements contained in this Chapter.

F. This Chapter shall be applied in conjunction with the water conservation requirements of Chapter 8.56. Where conflicts in language may exist between this Chapter and Chapter 8.56 or any other provision of the Municipal Code, the language that requires the greater water conservation shall prevail.

Section 4. Section 8.60.040 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

8.60.040 Definitions.

The terms in this Chapter shall be broadly construed to achieve the purposes of this Chapter and may be supplemented by definitions and information in the Model Efficient Landscape Ordinance.

"Certificate of Completion" means the information and certifications that the landscape project has been installed and will operate in compliance with the approved Landscape Documentation Package as detailed in Section 492.9 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Discretionary planning entitlement" means a land use permit or approval granted by the Planning Commission necessary to proceed with development pursuant to Title 17 (Zoning).

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

"Evapotranspiration adjustment factor" or "ETAF" of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Area shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

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

"Landscape area" means the total area of the landscape project (planting areas, turf areas, and water features) in a landscape design plan that is subject to the "Maximum Applied Water Allowance" calculation. Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape Documentation Package" means the project information, water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan and grading design plan, prepared by the professionals and containing the information and certifications set forth in Sections 492.3 through 492.8 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated by through an automated system.

"Maximum Applied Water Allowance" or "MAWA" means the upper limit of annual applied water for the established landscaped area as specified in the Model Water Efficient Landscape Ordinance. 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. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$.

"Model Water Efficient Landscape Ordinance" means the regulations adopted by the State of California in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations.

"New construction" means, for the purposes of this Chapter, a new building with a landscape or other new landscape, such as a park, playground, playing field, or greenbelt without an associated building.

"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 Chapter, the plant factor range for very low water use plants is 0 to 0.1; 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 Chapter are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Reference evapotranspiration" or " ET_o " means a standard measurement of environmental parameters that affect the water use of plants expressed in inches per day, month or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Calculation of the 'Maximum Applied Water Allowance' and 'Estimated Total Water Use' shall use the ET_o values for Redondo Beach in Appendix A of the Model Water Efficient Landscape Ordinance as follows:

CITY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6

"Special landscape area" or "SLA" means an area of the landscape dedicated permanently and solely to edible plants (such as orchards or gardens), areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play (such as parks, sports fields, golf courses) 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. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

"Water budget calculation." See "maximum applied water allowance."

"Water conserving plants" means species with a low plant factor. May also be referred to as water efficient or water wise plants.

"Weather based irrigation controller" means a device that automatically adjusts the irrigation schedule based on changes in the weather.

"Water Efficient Landscape Worksheet" means the worksheets required by Section 492.4 of the Model Water Efficient Landscape Ordinance.

"Water Use Classification of Landscape Species" ("WUCOLS"), University of California, Cooperative Extension, current edition, applicable to the City of Hermosa Beach, California.

Section 5. Section 8.60.050 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

8.60.050 Procedures.

This Chapter shall be implemented through the Landscape Documentation Package application process. The Planning Commission may impose additional measures or conditions on the approval of applications for discretionary planning entitlements to further the purposes of this Chapter.

A. Application submittal. Prior to issuance of a building or related construction permit, the applicant shall submit a Landscape Documentation Package on forms supplied by the Community Development Department accompanied by a fee set by resolution of the City Council. The Package shall include:

1. A landscape design plan prepared by a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape in accordance with the provisions of the California Business and Professions Code Section 5640 et seq. relating to the practice of landscape architecture, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.6 of the Model Efficient Landscape Ordinance.

2. An irrigation design plan prepared by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system in accordance with the provisions of the California Business and Professions Code Section 5640 et seq. relating to design of irrigation systems, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.7 of the Model Efficient Landscape Ordinance.

3. A grading design plan prepared by a licensed civil engineer or other qualified professional as authorized by law, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.8 of the Model Efficient Landscape Ordinance.

4. A soils management plan completed by the applicant or his/her designee shall comply with all of the requirements of Section 492.5 of the Model Efficient Landscape Ordinance.

5. A Water Efficient Landscape Worksheet prepared by the applicant or his/her designee that complies with all of the requirements of Section 492.4 of the Model Efficient Landscape Ordinance.

B. Application review. The Community Development Director or his or her designee shall review the Landscape Documentation Package for compliance with this Chapter and approve, approve with conditions, or deny the application if the Director determines that the submittal does not comply with the requirements of this Chapter. Plans, worksheets, and related documents required by this Chapter and the construction permit process shall be modified consistent with approval of the Landscape Documentation Package.

C. Compliance verification.

1. Prior to a request for final landscape or final occupancy inspection, the preparer of the landscape design plan or irrigation design plan or the licensed landscape contractor shall inspect the installation and submit a Certificate of Completion certifying that the installation substantially conforms to the approved Landscape Documentation Package or modifications thereto approved by the City and documented on As-Built plans.

2. No building or other equivalent construction permit shall be issued unless and until the Certificate of Completion required by Subsection (C)(1) of this Section has been included on the final landscape plan submitted for plan check approval.

3. No building or other equivalent construction permit shall be given a final landscape inspection or issued a permanent Certificate of Occupancy until the Community Development Department approves the Certificate of Completion. Upon a

decision to deny the Certificate of Completion, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision.

D. Exceptions from standards.

1. Requests for exceptions shall be in writing and shall be submitted to the Community Development Director at the time the application is submitted to the City for review, or within a reasonable amount of time after the applicant determines or is informed that compliance with a requirement in this Chapter is infeasible. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation accompanied by a fee set by resolution of the City Council.

2. Exceptions to the standards set forth in Section 8.60.060 may be approved or conditionally approved by the Community Development Director or by the Planning Commission as part of the approval of a discretionary planning entitlement, upon making a finding based on substantial evidence that the exception will provide equivalent or greater water conservation than would be otherwise achieved by applying the standard.

E. Appeals. The decision of the Community Development Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, within ten (10) days of the decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by resolution of the City Council. The City Council shall review the appeal at the next meeting that the item may be heard.

Section 6. Section 8.60.060 of the Hermosa Beach Municipal Code is hereby amended in its entirety to read as follows:

8.60.060 Standards for new or rehabilitated landscapes.

New or rehabilitated landscape projects shall be designed and managed to use the minimum amount of water required to maintain plant health. New or rehabilitated landscape projects shall comply with all of the requirements of the Model Efficient Ordinance and the following, whichever is more restrictive, unless an exception is granted pursuant to Section 8.60.050(D).

A. Plant material.

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used.

2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter.

3. Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar source acceptable the Community Development Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) shall not be used.

4. The landscape area of projects proposing exclusively commercial or industrial uses shall be designed using exclusively water conserving plants. There shall be no turf in non-residential areas. Single family residential, multi-family residential, mixed use and institutional use projects shall be designed with not more than twenty (20) percent of the total landscaped area in turf or high water use plants in the Water Use Classification for Landscape Species (WUCOLS). Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Public agencies shall be exempt from this requirement.

5. Turf shall not be allowed on slopes greater than twenty (20) percent. Where the toe of the slope is adjacent to an impermeable surface, alternatives to turf should be considered on slopes exceeding twenty (20) percent, meaning one (1) foot of vertical elevation change for every four (5) feet of horizontal length. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ET_o).

6. Planted areas shall be covered with a minimum of three (3) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.

7. Species and landscape design shall complement and to the extent feasible in compliance with this Chapter be proportional to the surroundings and streetscape and incorporate deciduous trees to shade west and south exposures. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

B. Water features, pools and spas.

1. Recirculating water systems shall be used for water features. Where available, recycled water shall be used as a source for decorative water features.

2. Pools and spas shall be equipped with a cover and covered overnight and daily when use is concluded.

C. Grading and runoff. Landscape design shall minimize soil erosion and runoff.

1. Grading plans shall avoid disruption of natural drainage patterns to the extent feasible.

2. Grading plans shall demonstrate that normal rainfall and irrigation will remain within the property lines and not drain onto impermeable surfaces, walkways, sidewalks, streets, alleys, gutters, or storm drains.

3. Plans and construction shall protect against soil compaction within landscape areas.

4. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches that require ongoing maintenance, shall be considered during project design. Plans and practices shall comply with Chapter 8.44.

D. Irrigation systems.

1. An automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

2. An irrigation efficiency of 0.75 for overhead spray devices and 0.81 for drip systems shall be used for the purpose of determining Maximum Applied Water Allowance. Irrigation systems shall be designed, maintained, and managed to meet or exceed this efficiency. Landscapes using recycled water are considered Special Landscape Areas, where the ET Adjustment Factor shall not exceed 1.0.

3. The irrigation system shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, walkways, sidewalks, streets, alleys, gutters, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.

4. Narrow or irregularly shaped areas, including turf less than eight (8) feet in width in any direction, shall be irrigated with subsurface irrigation or low volume above-ground irrigation system.

5. Overhead irrigation shall not be permitted within two (2) feet of any impermeable surface. Drip, drip line, or other low flow non-spray technology shall be used.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from sidewalks, pavement and impermeable surfaces.

7. All irrigation systems shall provide backflow prevention devices in accordance with the current edition of the California Building/Plumbing Code and check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines. Pressure regulators may be required if the pressure at the sprinkler head exceeds the manufacturer's recommended optimal operating pressure.

8. Reclaimed water and graywater irrigation systems shall be used when reasonably feasible and shall conform to the current edition of the California Building/Plumbing Code, and all other applicable local, state and federal laws.

E. Irrigation system hydrozones.

1. The irrigation system shall conform to the hydrozones of the landscape design plan.

2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use where the plant factor of the higher water using plant is used for calculations. No hydrozone shall mix high and low water use plants.

3. Sprinkler heads and other emission devices shall be appropriate for the plant type within that hydrozone. Where feasible, trees shall be placed on separate valves from turf, shrubs and groundcovers.

4. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

F. Landscape and irrigation maintenance.

1. All landscape and related elements shall be designed and properly maintained to insure long-term health and shall maintain conformance with the requirements of this Chapter.

2. Irrigation scheduling shall be regulated by automatic irrigation controllers.

3. Watering hours and duration shall be scheduled compliant with the requirements of Chapter 8.56.

4. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding and removing any obstruction to emission devices.

5. Repair of all irrigation equipment shall be promptly undertaken, using the originally installed components, or equivalent or enhanced components compatible with the irrigation system.

6. Landscape areas shall be permanently maintained and kept free of weeds, debris and litter; plant materials shall be maintained in a healthy growing condition and diseased or dead plant materials shall be replaced, in kind, pursuant to the approved plans within thirty (30) days. Alternatively, diseased or dead plant materials may be replaced with plant materials that have low water needs, as rated in the current edition of the Water Use Classification of Landscape Species.

7. The use, storage and disposal of all landscape and lawn care products shall comply with all manufacturer's specifications and applicable laws, and minimize the discharge of pollutants to the environment.

G. Notwithstanding the requirements of this Section, landscape design and maintenance shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

Section 7. Section 8.60.070 of the Hermosa Beach Municipal Code is hereby repealed in its entirety.

Section 8. CEQA Exemption. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Guidelines section 15307 (Cal. Code Regs., tit. 14, § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

Section 11. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 12. Effective Date. Pursuant to California Government Code section 36937, this ordinance shall take effect thirty (30) days after its final passage.

Section 13. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Hermosa Beach's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2021.

VOTE:	AYES:	_____
	NOES:	_____
	ABSTAIN:	_____
	ABSENT:	_____

MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney