




REPORT TO CITY COUNCIL

DATE: JULY 8, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER 
DOUG HOOPER, PLANNING DIRECTOR 

SUBJECT: CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING ORDINANCE NO. 15-417, AMENDING SECTION 9658.2.C OF DIVISION 8 (GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO REQUIRE IRRIGATION WITH POTABLE WATER OUTSIDE NEWLY CONSTRUCTED RESIDENTIAL AND NONRESIDENTIAL BUILDINGS TO BE DELIVERED BY DRIP OR MICROSPRAY SYSTEMS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01111-2015) (CITY OF AGOURA HILLS, APPLICANT)

Staff is requesting the City Council conduct a public hearing to introduce Ordinance No. 15-417 for first reading. The City is the applicant for this Ordinance, which amends the Municipal Code to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray irrigation systems.

As the City Council is aware, continuous severe drought conditions have posed challenges across the State. The City has taken on efforts, in collaboration with the Las Virgenes Municipal Water District, to conserve water and educate the public on water usage in the City of Agoura Hills. City staff has met with the LVMWD on multiple occasions to strategize on how to best conserve water in City-owned parks, facilities, medians, interchanges, and public rights-of-way, and has kept the City Council apprised of these water conservation actions.

The City's efforts on this issue attempt to address Governor Brown's Executive Order, issued on April 1, 2015, which directed the State Water Resources Control Board ("State Water Board") to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016. The Executive Order also prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems, along with other directives.

The State Water Board subsequently adopted revised emergency water conservation regulations, on May 5, 2015, that includes the prohibition of irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission ("CBSC") and the Department of Housing and Community Development. The CBSC has approved emergency revisions to the Green Building Code to address these regulations. The City has already adopted the Green Building Code and the new amendments to that code are incorporated by reference and can be reviewed for compliance during building permit plan check.

For consistency in staff's landscape plan review process, staff finds it appropriate to also address the State mandates by amending the Zoning Ordinance Guidelines for Landscaping, Planting and Irrigation Plans. Zoning Ordinance Section 9658.2.C currently requires low precipitation sprinklers to be used to conserve water. Staff recommends this requirement be amended to specifically address irrigation with potable water, by adding the following:

"Irrigation with potable water outside newly constructed residential and nonresidential buildings shall be delivered by drip or microspray systems."

This proposed amendment is underlined in Section 2 of the attached Ordinance.

The Planning Commission held a public hearing on June 18, 2015, and recommended approval of the Ordinance on a 3-1 vote (Commissioner O'Meara was absent). In his opposition to the Ordinance, Commissioner Justice expressed his concern with the State's management of this issue and the lack of a sunset clause within the Ordinance. Commissioner Justice also expressed concerns with the visual impact the Ordinance may have on landscaped areas of the City.

If the Ordinance is adopted by the City Council, it will apply to new landscape plan submittals after the Ordinance takes effect. Reclaimed water lines are required to be used for irrigation of commercial property, if available, and the proposed Ordinance would not apply in those instances. Furthermore, the proposed Ordinance does not apply to existing developed residential and non-residential properties. However, any new residential or nonresidential building using potable water for irrigation purposes will be required to comply with the proposed Ordinance which, as previously stated, is also addressed in the Green Building Code.

Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, the Planning Commission determined that the proposed Ordinance has no possibility of causing a significant impact on the environment, nor would its effects from adoption. The Planning Commission concluded that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on

the environment. This finding is premised on the fact that the project consists of a proposed minor Ordinance amendment to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the Ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the Ordinance is exempt pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing, introduce, read by title only, and waive further reading of Ordinance No. 15-415, amending Section 9655.4 of Division 5 (Sign Regulations), of Chapter 6 (Regulatory Provisions), of Article IX (Zoning), of the Agoura Hills Municipal Code to correct typographical errors and omissions within the Sign Ordinance and amend temporary window signs provisions, and making a finding of exemption under the California Environmental Quality Act.

Attachments: Ordinance No. 15-417
Draft Planning Commission Meeting Minutes (June 18, 2015)
Planning Commission Resolution No. 15-1131
Planning Commission Staff Report (January 15, 2015)

ORDINANCE NO. 15-417

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 9658.2.C OF DIVISION 8 (GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO REQUIRE IRRIGATION WITH POTABLE WATER OUTSIDE NEWLY CONSTRUCTED RESIDENTIAL AND NONRESIDENTIAL BUILDINGS TO BE DELIVERED BY DRIP OR MICROSPRAY SYSTEMS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01111-2015)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Ordinance to amend Article IX, Chapter 6, Division 8 (Guidelines for Landscaping, Planting and Irrigation Plans), Section 9658.2.C of the Agoura Hills Municipal Code has no possibility of causing a significant impact on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of a proposed minor Ordinance amendment to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the Ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the ordinance is exempt pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment. The City Council concurs with City staff's determination and, therefore, directs staff to prepare and file a Notice of Exemption with the County Clerk, pursuant to CEQA Guidelines Section 15062, 15307, and 15308, within five days of the date of this action.

Section 2. Section 9658.2.C. of Division 8 (Guidelines for Landscaping, Planting and Irrigation Plans), of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"C. *Irrigation plan.* The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed planting with a minimum of waste or overspray on adjoining areas.

Irrigation plans shall be drawn in a legible manner, separate from, but utilizing the same format, as the planting plan. Plans shall be concise and accurate, including but not limited to:

1. Design pressure, as well as static pressure.
2. Point of connection (location and size).
3. Backflow protection, as approved by the department of building and safety.
4. Valves, piping, controllers, heads, quick couplers, and gallonage requirements for each valve on the plan, shall be shown.

The legend shall include equipment manufacturer, type of equipment, model number, gallons per minute (gpm) demand, pounds per square inch (psi) demand, radius/diameter of coverage, remarks or special notes and a reference to the corresponding detail number. All equipment shall be designed for installation per manufacturer's recommendation, Uniform Plumbing Code, and all local regulations.

Specific site conditions and proposed landscape materials will determine the design of the irrigation system. Further, when considering design alternatives, the following criteria shall be utilized:

1. Landscape materials which require different watering needs shall be irrigated by separate control valves (examples: full sun/full shade, level areas/sloped areas, shrubs/lawns, street trees, etc.). If one control valve is used for a given area, only landscape materials with similar watering needs shall be used.
2. Low precipitation sprinklers shall be employed to conserve water. Irrigation with potable water outside newly constructed residential and nonresidential buildings shall be delivered by drip or microspray systems.
3. Sprinklers shall not throw water off of the property onto public areas or into nonplanted areas.
4. Plastic (PVC) mainline piping requires placement not less than eighteen (18) inches below final grade, with lateral lines requiring twelve (12) inches. Galvanized lines on slope area may not be above ground.
5. Utilization of reclaimed water as an alternative."

Section 3. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM

Candice K. Lee, City Attorney

DRAFT



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
June 18, 2015**

CALL TO ORDER:

Chair Northrup called the meeting to order at 6:30 p.m.

FLAG SALUTE:

Commissioner Justice

ROLL CALL:

Chair Linda Northrup, Vice Chair Chris Anstead, Commissioners Michael Justice and Curtis Zacuto. Commissioner John O'Meara was absent. Vice Chair Anstead participated via teleconference from The Palm Beach Gardens Marriott at 4000 RCA Boulevard, Palm Beach Gardens, FL 33410, and telephone (805) 559-0653.

Also present were Assistant Director of Planning and Community Development Doug Hooper, City Clerk Kimberly Rodrigues, and Recording Secretary Valerie Darbouze.

Chair Northrup stated that staff had received written notification of Commissioner O'Meara's request for absence from the meeting and he was excused by the Planning Commission with no objections.

APPROVAL OF AGENDA:

On a motion by Commissioner Justice, seconded by Commissioner Zacuto, the Planning Commission moved to approve the June 18, 2015 Meeting Agenda. Motion carried 4-0-1. Commissioner O'Meara was absent.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes – May 21, 2015 Planning Commission Meeting

On a motion by Commissioner Zacuto, seconded by Commissioner Justice, the Planning Commission moved to approve the Minutes of the May 21, 2015, Planning Commission Meeting. Motion carried 4-0-1. Commissioner O'Meara was absent.

NEW PUBLIC HEARING

2. **REQUEST:**

Request for Planning Commission to recommend the City Council adopt an ordinance to amend Zoning Ordinance Section 9658.2.C of the Municipal Code to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and making a finding of exemption under the California Environmental Quality Act.

APPLICANT:

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.:

ZOA-01111-2015

LOCATION:

Citywide

**ENVIRONMENTAL
ANALYSIS:**

Exempt from the California Environmental Quality Act (CEQA) per Sections 15061(b)(3), 15307 and 15308 of the CEQA Guidelines.

RECOMMENDATION:

Staff recommended that the Planning Commission adopt the draft Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. ZOA-01111-2015.

PUBLIC COMMENTS:

Chair Northrup opened the public hearing.

There were no speakers for this agenda item.

Chair Northrup closed the public hearing.

ACTION:

On a motion by Commissioner Zacuto, seconded by Chair Northrup, the Planning Commission moved to adopt Resolution No. 15-1131, recommending the City Council approve Case No. ZOA-01111-2015. Motion carried 3-1-1. Commissioner Justice opposed. Commissioner O'Meara was absent.

DRAFT

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 6:53 p.m., on a motion by Commissioner Justice, seconded by Commissioner Zacuto, the Planning Commission moved to adjourn to the next scheduled Planning Commission Meeting on Thursday, July 2, 2015, at 6:30 p.m. Motion carried 4-0-1. Commissioner O'Meara was absent.

DRAFT

RESOLUTION NO. 15-1131

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE, AMENDING SECTION 9658.2.C OF DIVISION 8 (GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO REQUIRE IRRIGATION WITH POTABLE WATER OUTSIDE NEWLY CONSTRUCTED RESIDENTIAL AND NONRESIDENTIAL BUILDINGS TO BE DELIVERED BY DRIP OR MICROSPRAY SYSTEMS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY (CASE NO. ZOA-0111-2015)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the City of Agoura Hills initiated and prepared an ordinance to amend Municipal Code Section 9658.2.C, to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems. A public hearing was duly held on June 18, 2015, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, the Planning Commission determines that the ordinance has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. The Planning Commission concludes that the proposed ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general

rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of a proposed minor amendment to the Municipal Code to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the ordinance is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Section 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the ordinance is consistent with Governor Brown's Executive Order issued on April 1, 2015, that directed the State Water Resources Control Board ("State Water Board") to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems, along with other directives; and

WHEREAS, the ordinance is consistent with the State Water Board's adoption of revised emergency water conservation regulations on May 5, 2015, codified at California Code of Regulations, Title 23, Section 863 *et seq.*, including Section 864(8) which prohibits the irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development; and

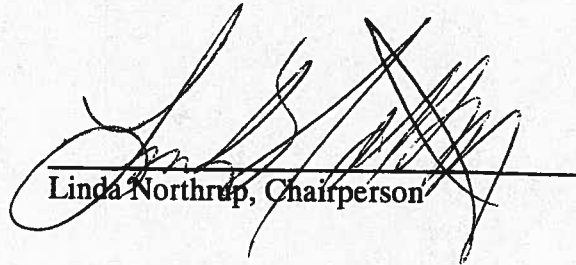
WHEREAS, the ordinance is consistent with City General Plan 2035 Goal NR-5 which calls for minimizing water consumption through conservation methods and other techniques, including requiring water conservation measures/devices that limit water usage for all new construction projects, such as the use of water-efficient irrigation, as stated in General Plan Policy NR-5.2 for retail centers and corridors; and

WHEREAS, the custodian of records for all materials which constitute the record of proceedings upon which the Planning Commission's decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the draft ordinance and make a finding of exemption under the California Environmental Quality Act.

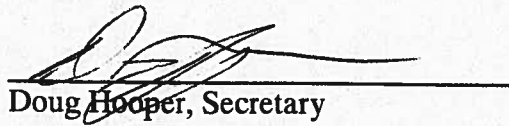
PASSED, APPROVED, and ADOPTED this 18th day of June, 2015, by the following vote to wit:

AYES: (3) Anstead, Northrup, Zacuto
NOES: (1) Justice
ABSENT: (1) O'Meara
ABSTAIN: (0)



Linda Northrup, Chairperson

ATTEST:



Doug Hooper, Secretary



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: June 18, 2015

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: ZOA-01111-2015

LOCATION: Citywide

REQUEST: Request for the Planning Commission to recommend the City Council adopt an ordinance to amend Zoning Ordinance Section 9658.2.C of the Municipal Code to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and making a finding of exemption under the California Environmental Quality Act.

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Sections 15061(b)(3), 15307 and 15308 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. ZOA-01111-2015.

I. PROJECT BACKGROUND AND ANALYSIS

As the Planning Commission is aware, continuous severe drought conditions have posed challenges across the State. The City has taken on efforts, in collaboration with the Las Virgenes Municipal Water District, to conserve water and educate the public on water usage in the City of Agoura Hills. City staff has met with the LVMWD on multiple occasions to

strategize on how to best conserve water in City-owned parks, facilities, medians, interchanges, and public rights-of-way, and has kept the City Council apprised of these efforts.

Currently, State mandates and LVMWD conservation efforts mostly pertain to the use of potable water. Ninety-eight percent (98%) of the City's water use is recycled water, including the use of reclaimed water on all publicly maintained areas (parks, medians, interchanges), with the exception of two street medians that will be addressed by either reclaimed line extensions to these medians and/or by providing drought-tolerant landscaping and irrigation retrofits within these medians.

The City also uses a "smart" irrigation throughout the City, which measures weather and rainfall and automatically adjusts individual watering times and station lengths based on outdoor conditions. As needed and necessary, the City will also be considering the provision of drought-tolerant plants for areas that need replanting or are newly planted. This has already taken place in front the City Hall and the Library rotunda, the new Recreation and Event Center, and at the Liberty Canyon/Agoura Road intersection. In addition, the creek at the Reyes Adobe Historical site has been turned off.

The City's efforts attempt to address Governor Brown's Executive Order, issued on April 1, 2015, which directed the State Water Resources Control Board ("State Water Board") to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016. The Executive Order also prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems, along with other directives.

The State Water Board subsequently adopted revised emergency water conservation regulations on May 5, 2015, that includes the prohibition of irrigation with potable water of landscapes outside of newly constructed homes and building in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission ("CBSC") and the Department of Housing and Community Development. The CBSC has approved emergency revisions to the Green Building Code to address these regulations. The City has already adopted the Green Building Code and the new amendments to that code are incorporated by reference and can be reviewed for compliance during building permit plan check.

For consistency in staff's landscape plan review process, staff finds it appropriate to also address the State mandates by amending the Zoning Ordinance Guidelines for Landscaping, Planting and Irrigation Plans. Zoning Ordinance Section 9658.2.C currently requires low precipitation sprinklers to be used to conserve water. Staff recommends this requirement be amended to specifically address irrigation with potable water, by adding the following:

“Irrigation with potable water outside newly constructed residential and nonresidential buildings shall be delivered by drip or microspray systems.”

This proposed amendment is underlined in Section 2 of the attached draft Ordinance.

The Planning Commission’s recommendation on the draft Ordinance will be forwarded to the City Council for final action. If the Ordinance is adopted by the City Council, it will apply to new landscape plan submittals after the Ordinance takes effect. Reclaimed water lines are required to be used for irrigation of commercial property, if available on a frontage street, and the proposed Ordinance would not apply in those instances. Furthermore, the proposed Ordinance does not apply to existing developed residential and non-residential properties. However, any new residential or nonresidential building using potable water for irrigation purposes will be required to comply with the proposed Ordinance which, as previously stated, is also addressed in the Green Building Code.

Pursuant to the California Environmental Quality Act (“CEQA”), as amended, the CEQA Guidelines, and the City’s local CEQA Guidelines, staff determined that the proposed has no possibility of causing a significant impact on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of a proposed minor Ordinance amendment to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the Ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the ordinance is exempt pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment.

II. RECOMMENDATION

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 14-ZOA-001.

IV. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- Zoning Ordinance Section 9658 (Guidelines for Landscaping, Planting and Irrigation Plans)

Case Planner: Doug Hooper, Assistant Director of Planning & Community Development

DRAFT RESOLUTION NO. 15-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE, AMENDING SECTION 9658.2.C OF DIVISION 8 (GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO REQUIRE IRRIGATION WITH POTABLE WATER OUTSIDE NEWLY CONSTRUCTED RESIDENTIAL AND NONRESIDENTIAL BUILDINGS TO BE DELIVERED BY DRIP OR MICROSPRAY SYSTEMS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY (CASE NO. ZOA-0111-2015)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the City of Agoura Hills initiated and prepared an ordinance to amend Municipal Code Section 9658.2.C, to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems. A public hearing was duly held on June 18, 2015, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, the Planning Commission determines that the ordinance has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. The Planning Commission concludes that the proposed ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general

rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of a proposed minor amendment to the Municipal Code to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the ordinance is exempt pursuant to State CEQA Guidelines, 14 Cal. Code Regs. Section 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the ordinance is consistent with Governor Brown's Executive Order issued on April 1, 2015, that directed the State Water Resources Control Board ("State Water Board") to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems, along with other directives; and

WHEREAS, the ordinance is consistent with the State Water Board's adoption of revised emergency water conservation regulations on May 5, 2015, codified at California Code of Regulations, Title 23, Section 863 *et seq.*, including Section 864(8) which prohibits the irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development; and

WHEREAS, the ordinance is consistent with City General Plan 2035 Goal NR-5 which calls for minimizing water consumption through conservation methods and other techniques, including requiring water conservation measures/devices that limit water usage for all new construction projects, such as the use of water-efficient irrigation, as stated in General Plan Policy NR-5.2 for retail centers and corridors; and

WHEREAS, the custodian of records for all materials which constitute the record of proceedings upon which the Planning Commission's decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the draft ordinance and make a finding of exemption under the California Environmental Quality Act.

PASSED, APPROVED, and ADOPTED this 18th day of June, 2015, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Linda Northrup, Chairperson

ATTEST:

Doug Hooper, Secretary

ORDINANCE NO. 15-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 9658.2.C OF DIVISION 8 (GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO REQUIRE IRRIGATION WITH POTABLE WATER OUTSIDE NEWLY CONSTRUCTED RESIDENTIAL AND NONRESIDENTIAL BUILDINGS TO BE DELIVERED BY DRIP OR MICROSPRAY SYSTEMS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01111-2015)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Ordinance to amend Article IX, Chapter 6, Division 8 (Guidelines for Landscaping, Planting and Irrigation Plans), Section 9658.2.C of the Agoura Hills Municipal Code has no possibility of causing a significant impact on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of a proposed minor Ordinance amendment to require irrigation with potable water outside newly constructed residential and nonresidential buildings to be delivered by drip or microspray systems, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the Ordinance will have no adverse environmental effects because the provision will enhance water conservation and reduce outdoor water use. As separate and independent grounds, the ordinance is exempt pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment. The City Council concurs with City staff's determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk, pursuant to CEQA Guidelines Section 15062, 15307, and 15308, within five days of the date of this action.

Section 2. Section 9658.2.C. of Division 8 (Guidelines for Landscaping, Planting and Irrigation Plans), of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"C. Irrigation plan. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed planting with a minimum of waste or overspray on adjoining areas.

Irrigation plans shall be drawn in a legible manner, separate from, but utilizing the same format, as the planting plan. Plans shall be concise and accurate, including but not limited to:

1. Design pressure, as well as static pressure.
2. Point of connection (location and size).
3. Backflow protection, as approved by the department of building and safety.
4. Valves, piping, controllers, heads, quick couplers, and gallonage requirements for each valve on the plan, shall be shown.

The legend shall include equipment manufacturer, type of equipment, model number, gallons per minute (gpm) demand, pounds per square inch (psi) demand, radius/diameter of coverage, remarks or special notes and a reference to the corresponding detail number. All equipment shall be designed for installation per manufacturer's recommendation, Uniform Plumbing Code, and all local regulations.

Specific site conditions and proposed landscape materials will determine the design of the irrigation system. Further, when considering design alternatives, the following criteria shall be utilized:

1. Landscape materials which require different watering needs shall be irrigated by separate control valves (examples: full sun/full shade, level areas/sloped areas, shrubs/lawns, street trees, etc.). If one control valve is used for a given area, only landscape materials with similar watering needs shall be used.
2. Low precipitation sprinklers shall be employed to conserve water. Irrigation with potable water outside newly constructed residential and nonresidential buildings shall be delivered by drip or microspray systems.
3. Sprinklers shall not throw water off of the property onto public areas or into nonplanted areas.
4. Plastic (PVC) mainline piping requires placement not less than eighteen (18) inches below final grade, with lateral lines requiring twelve (12) inches. Galvanized lines on slope area may not be above ground.
5. Utilization of reclaimed water as an alternative."

Section 3. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015,
by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM

Candice K. Lee, City Attorney

- F. *Oak tree preservation guidelines.* In granting an oak tree permit, the director of planning and community development or the planning commission shall require the permit to comply with provisions of the adopted "Oak Tree Preservation Guidelines" and may impose such conditions necessary to carry out the intent of this article and said guidelines. However, in no case shall less than four (4) native oaks be provided for any oak tree removed or relocated.
- G. *Notice of permit decision.* Upon completion of the processing of an oak tree permit, the director of planning and community development or the planning commission may approve, conditionally approve or deny the application for an oak tree permit and notice of such decision shall be mailed to the applicant, city council, and planning commission.
- H. *Appeals.* Within twenty (20) calendar days of the notice of decision, the applicant, city council, or planning commission may appeal the decision of the director of planning and community development to the planning commission or the decision of the planning commission to the city council.
- I. *Enforcement.*
 - 1. *Additional remedies.* Any person who cuts, damages, moves, or removes any oak tree within the city or encroaches into the drip line of an oak tree in violation of this chapter shall be subject to the following remedies in addition to any penalties provided by the Municipal Code:
 - (a) A suspension of any building permits until all mitigation measures specified by the city are satisfactorily completed.
 - (b) Completion of all mitigation measures as established by the city.
 - 2. *Restitution.* It has been determined that the oak trees within the city are valuable assets to the citizens of this community and to the citizens of the County of Los Angeles and as a result of the

loss or damage to any of these trees, the public should be recompensed. Any person violating the provisions this chapter shall be responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting two (2) or more oak trees of reasonable equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement oak trees shall be determined by the director of planning and community development. The value shall be established as provided in the tree evaluation formula, as prepared by the Council of Tree and Landscape Appraisers.

DIVISION 8. GUIDELINES FOR LANDSCAPING, PLANTING AND IRRIGATION PLANS

9658. Guidelines for landscaping, planting and irrigation plans; purpose.

The purpose of these regulations is to clearly define the manner in which landscape plans shall be submitted to satisfy the landscaping requirements of the city. It is the intent of these regulations to offer the applicant as much latitude as possible in designating the project landscaping, while at the same time meeting the minimum landscape standards of the city. All applicants are encouraged to take full advantage of the wide range of landscape materials and design possibilities within the framework established by these regulations. These regulations describe the procedure for landscape plan approval, the requirements for submittal of landscape plans, the minimum landscape standards, the proper use of landscaping, and a suggested plant list of native and exotic plant materials.

9658.1. Processing procedures.

Any permit issued under this article shall be conditioned to require landscaping. The procedure for processing and review of landscape plans shall be as follows:

- A. *Presubmittal meeting.* The presubmittal meeting is a recommended, rather than mandatory first step in securing landscape plan approval for the proposed project. The purpose of this meeting is to familiarize the applicant with the city's review process, identify the information and materials necessary to file landscape plans, and discuss various planting materials.
- B. *Plan submittal.* Upon payment of the required fee, the applicant may formally submit its landscape plan to the city for approval.
- C. *Plan review.* Upon receipt of the landscape plans, in conformity with section 9658.2, the city's landscape coordinator shall review the plans for completeness and forward the plans, if complete, to the city's landscape consultant (architectural review board) for review. The consultant's (board's) review shall consist of an on-site inspection and a determination as to the compatibility of selected plant materials, the adequacy of irrigation, and the consistency with standards. Upon completion of such review, the consultant (board) shall submit the plans to the department of planning and community development with his/her findings and recommendations.
- D. *Approval.* Based upon the findings and recommendations of the city's landscape consultant (board), the director may approve or require modification of the project's landscape plans.
- E. *Guarantee/surety.* If the landscaping will not be installed prior to occupancy (nonsloped areas of residential projects only), the applicant shall post with the department of planning and community development adequate surety, as determined by such department, to ensure the completion of the required landscaping. Such surety shall be submitted to the city prior to issuance of a building clearance.
- F. *Installation and inspection.* Landscape plantings and accompanying irrigation for commercial, industrial and sloped areas shall be installed prior to the issuance of a cer-

tificate of occupancy by the department of building and safety. Landscaping and irrigation for residential projects (nonsloped area only) shall be installed within the time period established by the conditions of the permit or approved landscape plans. The applicant's landscape architect shall be required to certify in writing to the director that all work has been completed in accordance with the approved plans and specifications. The city's landscape coordinator shall conduct the final landscape inspection after receipt of this certification.

- G. *Exoneration of surety.* If, upon final landscape inspection, it is determined that the landscaping and irrigation have been installed in accordance with the approved plans, the department of planning and community development shall return after a one-year maintenance period the security deposited with the city to the applicant.

9658.2. Submittal requirements.

The project's landscape plans shall be prepared by a California registered landscape architect, unless such requirement is waived by the director. In order to be able to evaluate the project's landscape plans in a comprehensive and complete manner, submittals shall include the following:

- A. *Plan check fee.* The applicant shall pay a fee to cover landscape review and inspection.
- B. *Planting plan.* The planting plan shall be drawn on clear and legible base sheets prepared specifically for the landscape submittal. Three (3) copies shall be submitted at the time of filing, which satisfy the following requirements:
1. *Size.* Plans shall not exceed thirty (30) inches by forty-two (42) inches, or be less than twenty-two (22) inches by thirty-six (36) inches in size.
 2. *Scale.* The scale shall not be smaller than one (1) inch equals twenty (20) feet, unless otherwise approved by the director for large areas not requiring detail. In no case shall the scale be less than one (1) inch equals thirty (30) feet.

3. *Title block.* All plans shall indicate the names, addresses and phone numbers of the applicant and landscape architect. Also, the project identification number shall be specified.

4. *Physical characteristics.* The landscape plans accurately and clearly depict the following existing (to be retained) and proposed features:

Landscape materials, trees, shrubs, ground cover and any other landscaping;

Property lines;

Streets, street rights-of-way, access easements and/or public or private driveways, walkways, bike paths, and any other paved areas;

Buildings and structures;

Parking areas, including lighting, striping and wheel stops;

General contour lines;

Grading areas, including top and toe of slopes and slope direction;

Utilities, including street lighting and fire hydrants (if available);

Natural features, including watercourses and rock outcroppings; planting plans may include design elements such as boulders, mounds, signs and sculptures. All items shall be indicated as to the size (at maturity in the case of plant materials) in scale with the proposed project.

Planting symbols shall be clearly drawn and plants labeled or abbreviated (three-letter minimum) on each sheet by botanic name. Numeric or graphic definition alone is not acceptable. Container size and/or spacing and quantities shall be clearly indicated for each group of plants. Sizes of plants at planting time shall be adequate to meet specific conditions of project approval.

- C. *Irrigation plan.* The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste or overspray on adjoining areas.

Irrigation plans shall be drawn in a legible manner, separate from, but utilizing the same format, as the planting plan. Plans shall be concise and accurate, including but not limited to:

1. Design pressure, as well as static pressure.
2. Point of connection (location and size).
3. Backflow protection, as approved by the department of building and safety.
4. Valves, piping, controllers, heads, quick couplers, and gallonage requirements for each valve on the plan, shall be shown.

The legend shall include equipment manufacturer, type of equipment, model number, gallons per minute (gpm) demand, pounds per square inch (psi) demand, radius/diameter of coverage, remarks or special notes and a reference to the corresponding detail number. All equipment shall be designed for installation per manufacturer's recommendation, Uniform Plumbing Code, and all local regulations.

Specific site conditions and proposed landscape materials will determine the design of the irrigation system. Further, when considering design alternatives, the following criteria shall be utilized:

1. Landscape materials which require different watering needs shall be irrigated by separate control valves (examples: full sun/full shade, level areas/sloped areas, shrubs/lawns, street trees, etc.). If one (1) control valve is used for a given area, only landscape materials with similar watering needs shall be used.
2. Low precipitation sprinklers shall be employed to conserve water.
3. Sprinklers shall not throw water off of the property onto public areas or into nonplanted areas.
4. Plastic (PVC) mainline piping requires placement not less than eighteen (18) inches below final grade, with lateral lines requiring twelve (12) inches. Gal-

vanized lines on slope areas may not be above ground.

5. Utilization of reclaimed water as an alternative.
- D. *Written specifications/applicable details.* Three (3) copies of the details and specifications shall be provided for all aspects of the landscape project, including planting, soil preparation, tree staking and guying, separation of different types of planting areas, installation details, and post installation maintenance.
- E. *Site plan.* One (1) copy of the city-approved site plan for the proposed project shall be provided in order for the city landscape consultant (board) to have a clear and accurate portrayal of the project and project site.
- F. *Architectural elevations.* One (1) copy of the proposed project's elevations shall be submitted in order to review compatibility of proposed plant materials with architectural design elements.
- G. *Grading plan.* One (1) copy of the approved grading plan shall be provided in order to review height of graded slopes, pad elevations, and finish grade.
- H. *Photographs.* One (1) colored photograph of proposed major landscaping elements, particularly the trees.
- I. *Conditions of approval.* One (1) copy of the approved project conditions, with the signature of the applicant's landscape architect thereon, shall be submitted with the landscape plans so that the applicant's landscape architect is ensured of having seen the conditions and so that the city's landscape consultant (board) can review the proposed landscape plans for consistency with the specific conditions.

9658.3. Landscape standards.

Proposed plant materials shall relate to architectural design elements of the structures on the site and shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standards set forth

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in this section. The following landscape standards for permanent landscaping are minimum requirements.

- A. *Minimum site coverage.* Landscape percentages shall be computed on the basis of the net project site area which includes the area of all structures, drives, walks, and parking on the site, but not areas dedicated for public right-of-way. The required percentages of landscaping relative to site area are set forth in the provisions relating to each land use district.
- B. *Minimum planter width.* Landscaped areas shall be a minimum of four (4) feet wide (including curbs).
- C. *Perimeter planting.* The area within required setbacks of commercial or business projects, not used for other permitted purposes, shall be landscaped.
- D. *Parking areas.* The landscape requirements for parking lots are set forth in the provisions relating to off-street parking.
- E. *Screening.* Landscaping should be used to screen storage areas, trash enclosures, parking areas, public utilities, and other similar land uses or elements which do not contribute to the aesthetic enhancement of the surrounding areas. Landscape screening shall be of a height and density so that it provides the desired effect within five (5) years growing time.
- F. *Street trees.* Street trees may be required as a condition of any permit granted or issued under this article. No street tree will be approved for planting where its growth will cause interference, obstruction, damage, or injury (either directly or indirectly) to the use of a sidewalk or street right-of-way. Street trees shall be planted according to the following standards:
 1. Trees shall not be planted within thirty (30) feet of the curb return of a street intersection.
 2. Trees shall not be planted closer than four (4) feet from any public walkway or public sidewalk, except where tree

wells or parkways are provided in the sidewalk area.

3. Trees shall not be located closer than ten (10) feet from any driveway, utility pole, fire plug or to the rear of any street or directional sign; fifteen (15) feet from light standards, and twenty-five (25) feet from the front of any traffic or directional sign.
4. Trees shall be spaced an average of forty (40) feet apart, but not less than one (1) per lot and two (2) per corner lots.
5. Trees that typically grow taller than twenty (20) feet in height shall not be encouraged under utility wires.

9658.4. Use of plant materials.

The scope of a project will ultimately determine landscape plant selection. In order for landscaping to relate to architectural design, the following criteria shall apply:

- A. Evergreen trees are encouraged against buildings to soften the appearance of bland expanses of walls, and to visually screen neighboring projects and subdivided exterior spaces.
- B. Deciduous trees are effectively used for solar control in summer and winter. Some such trees are flowering and are desirable as accents.
- C. Large shrubs are effectively used to screen undesirable views and act as an intermediate height element to bring buildings into human scale.
- D. Medium/low shrubs are ornamental and provide foliage, texture and color to landscape themes.
- E. Vines and espalier are effective screens in visually softening walls and fences. Many vines provide excellent flower color to brighten narrow planters against buildings and walls.
- F. Applicable native plant materials and drought tolerant species are encouraged for water conservation.

9658.5. Ground cover.

The use of a perennial ground cover is an acceptable landscaping method in reducing maintenance costs and controlling erosion. Irrigated and nonirrigated ground covers shall be as follows:

- A. *Irrigated ground cover.* Irrigated ground covers may be planted from rooted cuttings or applied as hydromulch. Rooted cuttings and hydromulched groundcovers shall be from the city-approved list. Other rooted cuttings and seed mixtures may be considered if submitted by a California registered landscape architect.
- B. *Nonirrigated ground cover.* In certain situations, temporary plantings may be required where irrigation is not economically feasible nor desirable. Nonirrigated hydromulch seeds are acceptable for natural or undisturbed slopes. Hydromulch seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to ensure germination and minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation may be required.

9658.6. Water efficient landscaping.

- A. *Purpose.* The purpose of this section is to:
 1. Promote the values and benefits of Southern California style landscapes and native plants and to recognize the need to utilize water as efficiently as possible, given the Mediterranean climate of the area;
 2. Establish a structure for designing, installing, and maintaining water efficient landscapes in new projects;
 3. Establish provisions for water management practices and water waste prevention for established landscapes; and
 4. Incorporate provisions for water efficient landscapes while maintaining goals for aesthetic enhancement.

B. *Definitions.* The words used in this section have the meaning set forth below:

1. *Anti-drain valve* means a check valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
2. *Application rate* means the depth of water applied to a given area, usually measured in inches per hour.
3. *Automatic controller* means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
4. *Backflow prevention device* means a safety valve used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
5. *Billing unit* means one hundred (100) cubic feet of water (seven hundred forty-eight (748) gallons) and is the unit of water volume utilized by the Las Virgenes Water District as a basis for charging its customers.
6. *Established landscape* means landscape in which plants have developed roots into the soil adjacent to the root ball.
7. *Evapotranspiration* means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.
8. *Hydrozone* means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
9. *Infiltration rate* means the rate of water entry into the soil, usually measured in inches per hour.
10. *Irrigation water allowance* means the upper limit of annual applied water for the established landscape area. It is based upon the city's mean reference evapotranspiration, the landscape allocation coefficient, and the size of the landscaped area.
11. *Landscape allocation coefficient* means a factor which, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape.
12. *Landscaped area* means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hard-scapes, pools, decks, patios, and other non-porous areas.
13. *Native plant* means any species of indigenous tree, shrub, or herb, existing before European settlement.
14. *Operating pressure* means the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.
15. *Overspray* means water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.
16. *Rain sensing device* means a device which automatically shuts off the irrigation system when it rains.
17. *Reclaimed water* means tertiary treated wastewater of a quality suitable for non-potable uses such as landscape irrigation, but not intended for human consumption.
18. *Reference evapotranspiration or ETO* means a standard measurement of environmental parameters which affect the water use of plants. ETO is given in inches per year. For the purpose of this section an ETO factor of fifty-one (51.0) inches shall be used, which is the reference evapotranspiration for the City of Agoura Hills.
19. *Runoff* means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.

- 20. *Soil moisture sensing device* means a device that measures the amount of water in the soil.
- 21. *Southern California style landscape* means a landscape design utilizing plant materials adapted to the local Mediterranean climate pattern of winter rain and summer drought.
- 22. *Sprinkler head* means a device which sprays water through a nozzle for the irrigation system.
- 23. *Static water pressure* means the pipeline or municipal water supply pressure when water is not flowing.
- 24. *Valve* means a device used to control the flow of water in the irrigation system.

C. Provisions for new landscapes; landscape and irrigation design.

- 1. **Applicability.** This subsection shall apply to:
 - a. All new nonresidential development projects.
 - b. Common areas in new residential development projects.
 - c. Remodeling or renovation of existing nonresidential development projects which results in the refurbishing of at least fifty (50) percent of the landscaped area or two thousand five hundred (2,500) square feet of landscaped area, whichever is less.
- 2. **Irrigation water allowance.** In addition to the submittal requirements in section 9658.2, the project's irrigation water allowance (IWA) shall be submitted in order for the city to evaluate the water efficiency of the landscaping proposed for the project. The IWA shall be calculated for individual projects using the following formula:

$$IWA = (51.0)(0.8)(LA)(0.00083)$$

Where:

IWA = Irrigation water allowance (billing units per year)

- 51.0 = Reference evapotranspiration for the City of Agoura Hills (inches per year)
- 0.8 = Landscape allocation coefficient for established landscape (site wide plant factor/irrigation efficiency), assuming a site wide plant factor of 0.5 and an irrigation efficiency of 0.625
- LA = Landscaped area in square feet
- 0.00083 = Conversion constant (converts inches of applied water to billing units [to covert to gallons use 0.62])

- 3. **Planting plan.** In addition to the features listed in section 9658.2.B.4, planting plans shall include the following information:
 - a. Location of pools, ponds, water features, fences and retaining walls.
 - b. A calculation of the recreational turf area, the nonrecreational turf area, the shrub and ground cover area and the total landscaped area.
- 4. **Planting standards.** In addition to the landscape standards contained in section 9658.3, the following water efficient landscape standards shall apply:
 - a. Plants having similar water uses should be grouped together in distinct hydrozones.
 - b. Any plants may be used in the landscape; however, use of drought tolerant and low water use plant materials is encouraged. The use of inert materials such as decorative rocks and organic soil amendments may also be considered.
 - c. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged.
- 5. **Irrigation plan.** In addition to the features listed in section 9658.2.C., irrigation plans shall include the following information:

- a. Location, type and size of all components of the irrigation system.
 - b. A matrix specifying the characteristics of plant material served by, and irrigation equipment connected to, each valve.
 - c. An annual irrigation program with monthly irrigation schedules for the plant establishment period, for temporarily irrigated areas and for long-term irrigation once landscaping is established.
6. Irrigation design standards. In addition to the standards contained in section 9658.2.C, the following water efficient irrigation standards shall apply:
- a. Runoff and overspray: Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff. Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet and in median strips. Whenever possible, landscape irrigation shall be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigating during times of high wind or high temperature.
 - b. Equipment:
 - i. Water meters. Separate landscape water meters or sub-meters shall be installed for all applicable projects.
 - ii. Valves. Different hydrozones shall be irrigated by separate valves.
 - iii. Controllers. Automatic control systems shall be installed for all irrigation systems and must be able to accommodate all aspects of design. Automatic controllers shall have multiple programs, multiple cycles (start times) and have moisture sensor input capabilities.
 - iv. Sprinkler heads. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance. Sprinklers shall have matched precipitation/application rates within each control valve circuit. All sprinkler heads shall incorporate an integral anti-drain valve.
 - v. Rain and soil moisture sensing devices. Rain sensing devices are encouraged to be included in all irrigation systems to prevent watering during rain. It is recommended that soil moisture sensing devices be used where appropriate, such as within turf areas.
 - vi. Backflow prevention devices. Backflow prevention devices shall be installed as required.
7. Reclaimed water. For those sites where the installation of reclaimed water systems is feasible and meets all regulatory requirements, recycled water irrigation systems (dual distribution systems) shall be installed to allow for the current and future use of reclaimed water and shall be designed and operated in accordance with local and state codes.
8. Model homes. In any residential development where there are two (2) or more model homes, at least one (1) model home shall be landscaped in conformance with the principles of this section. In addition:
- a. Signs shall be used to identify the model as an example of a water efficient landscape, featuring elements such as hydrozones, water conserving irrigation equipment and other features which contribute to the overall water efficient theme.

- b. Information shall be provided describing the design, installation and maintenance of water efficient landscapes.

D. Provisions for existing landscapes; water waste prevention. All public and private properties shall prevent water waste resulting from inefficient landscape irrigation by minimizing runoff; low head drainage, overspray or other similar conditions where irrigation water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways or structures.

(Ord. No. 220, § 1, 4-14-93)

Editor's note—It should be noted that Ord. No. 220, § 2, adopted Apr. 14, 1993, provided as follows:

Prior to adopting this ordinance, the city has considered the model water efficient landscape ordinance prepared by the California Department of Water Resources (California Code of Regulations, Title 23, Division 2, Chapter 2.7). This ordinance supersedes the state model ordinance, which took effect in the city on January 1, 1993.

DIVISION 9. EXTERIOR AESTHETIC IMPROVEMENTS

9659. Exterior aesthetic improvements requirement.

No certificate of occupancy shall be issued for any building with a floor area greater than or equal to thirty thousand (30,000) square feet, for the alteration or repair of fifty (50) percent or more of the floor area of such building, or for any building that is part of the development of a subdivision of forty (40) or more lots unless exterior aesthetic improvements have been installed and conform to an arts plan that has been approved by the director of planning and community development.

If the exterior aesthetic improvements required by this section are not maintained in good condition, or are altered without the permission of the director of planning and community development so that the improvements no longer conform to the arts plan approved by the director, the certificate of occupancy for the building served by the improvement, or the certificate of occupancy for any building in the subdivision served by the improvement may be revoked and the owner of

the property on which the improvement is located shall be deemed to have committed a misdemeanor.

(Ord. No. 157, § 1, 8-8-89)

9659.1. Exceptions

The following development activities shall be exempt from the requirements of section 9659 and section 9659.2:

- (a) Construction, repair, or alteration of buildings to carry out publicly assisted rehabilitation of private property.
- (b) Construction, repair, or alteration of low or moderate income multi-unit housing projects.
- (c) Construction, repair, or alteration of improvements that are not buildings.

(Ord. No. 157, § 1, 8-8-89)

9659.2. Arts plan required.

No building permit shall be issued for any building with a floor area greater than or equal to thirty thousand (30,000) square feet, for alteration or repair of fifty (50) percent or more of the floor area of such a building, or for any building that is part of the development of a subdivision of forty (40) lots or more, unless the director of planning and community development has approved an arts plan for the building or subdivision which meets the requirements set forth by resolution of the city council.

(Ord. No. 157, § 1, 8-8-89)

9659.3. Procedures, guidelines, and requirements.

The city council shall establish, by resolution, the procedure for city review of an arts plan. The city council shall also establish, by resolution, the requirements and guidelines for exterior aesthetic improvements required by section 9659.

(Ord. No. 157, § 1, 8-8-89)

DIVISION 10. MEDICAL MARIJUANA DISPENSARIES PROHIBITED

9660. Medical marijuana dispensaries prohibited.

A. Purpose and findings. The city council finds that federal and state laws prohibiting the possession, sale and distribution of marijuana would