



## REPORT TO CITY COUNCIL

**DATE:** NOVEMBER 10, 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:** ADOPTION OF ORDINANCE NO. 15-420; AMENDING SECTIONS 9658.1, 9658.2, 9658.5 AND 9658.6 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 ADOPT THE STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND AMEND EXISTING LANDSCAPING, PLANTING AND IRRIGATION REQUIREMENTS FOR CONSISTENCY WITH THE STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01157-2015) (CITY OF AGOURA HILLS, APPLICANT)

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At the October 28, 2015, City Council meeting, on a 4-0 vote (Mayor Pro Tem Schwarz was absent), the Council introduced, read by title only, and waived further reading of Ordinance No. 15-420.

The Ordinance amends the Municipal Code to adopt the State Model Water Efficient Landscape Ordinance and amends existing landscaping, planning and irrigation requirements of the Zoning Ordinance to be consistent with the State Model Water Efficient Landscape Ordinance. Attached for your reference is a copy of Ordinance No. 15-420.

### RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 15-420, amending Sections 9658.1, 9658.2, 9658.5 and 9658.6 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 adopt the State Model Water Efficient Landscape Ordinance and amend existing landscaping, planting and irrigation requirements to be consistent with the State Model Water Efficient Landscape Ordinance, and making a finding of exemption under the California Environmental Quality Act.

Attachment: Ordinance No. 15-420

## ORDINANCE NO. 15-420

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9658.1, 9658.2, 9658.5, AND 9658.6 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 ADOPT THE STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND AMEND EXISTING LANDSCAPING, PLANTING AND IRRIGATION REQUIREMENTS FOR CONSISTENCY WITH THE STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01157-2015)**

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 Sections 9658.1, 9658.2 and 9658.5, and 9658.6, of Article IX, Chapter 6, Division 8 (Guidelines for Landscaping, Planting and Irrigation Plans), 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 compliance with the State Model Water Efficient Landscape Ordinance and amend existing landscaping, planting and irrigation requirements for consistency with the State Model Water Efficient Landscape Ordinance, 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 9658.1 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:

**“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 landscape coordinator~~ planning department 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 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 planning department of planning and community development with his/her findings and recommendations.

D. *Approval.* Based upon the finding and recommendations of the city's landscape consultant (~~board~~), the planning 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 planning director may, at his/her discretion, allow the applicant shall to post with the planning department of planning and community development adequate surety, as determined by such ~~department~~ the planning director, to ensure the completion of the required landscaping. Such surety shall be submitted to the city prior to issuance of a building ~~clearance~~ occupancy.

F. *Installation and inspection.* Landscape plantings and accompanying irrigation for commercial, industrial and sloped areas shall be installed prior to issuance of a certificate of occupancy by the department of building and safety. Landscaping and irrigation for residential projects (nonsloped area only) shall be installed within the time frame 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 planning director that all work has been completed in accordance with the approved plans and

specifications. The city's landscape coordinator consultant shall conduct the final 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 ~~planning department of planning and community development~~ shall return after a one-year maintenance period the ~~security~~ surety deposited with the city to the applicant."

Section 3. Subsection 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, the latest version of the California Green Building Code, the Uniform California Plumbing Code, and all local regulations.

Specific site conditions and proposed landscape materials will determine the design of the irrigation system. Irrigation systems shall comply with the latest version of the State Model Water Efficient Landscape Ordinance. 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.~~ 1. Sprinklers shall not throw overspray water off of the property onto public areas or into nonplanted areas.
- ~~4.~~ 2. 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.~~ 3. Utilization of reclaimed water as an alternative.”

Section 4. Section 9658.5. 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:

**“9658.5. Ground cover.**

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

A. ~~*Irrigated ground cover.* Irrigated ground cover may be planted from rooted cuttings or applied as hydromulch. Rooted cuttings and hydromulched ground covers shall be from the city approved list. Other rooted cuttings and seed mixtures may be considered if submitted by a California registered landscape architect.~~ Low growing spreading shrubs that are drought tolerant are the preferred choice of ground cover planting.

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. Hydro mulch seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to insure germination and minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation may be required.”~~

Section 5. Section 9658.6. 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 replaced in its entirety with the following:

**“9658.6. Water efficient landscaping.**

The City adopts by reference the California State Model Water Efficient Landscaping Ordinance, and any amendments thereto, as the law of the City. One

copy of the California State Model Water Efficient Landscaping Ordinance is filed in the office of the planning department, and the ordinance is adopted by reference as if incorporated and set out in this chapter. The requirements of this chapter shall apply in addition to the applicable requirements of the California Model Water Efficient Landscaping Ordinance.

Landscape and irrigation plans subject to the California State Model Water Efficient Landscape Ordinance shall conform to the requirements of the California State Model Water Efficient Landscape Ordinance to achieve water efficient landscaping. In the event of a conflict between the California State Model Efficient Landscape Ordinance and another provision of this Division, the provision that contains the more stringent water efficiency requirement(s), as determined by the planning director, shall control.

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.

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.”

**Section 6.** If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions 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.

**Section 7.** Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

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

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

Harry Schwarz, Mayor Pro Tem

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney