

ORDINANCE NO. 09-XX

AN ORDINANCE OF THE CITY OF SAN MARINO AMENDING CHAPTER 23 OF THE CITY CODE REGARDING WATER EFFICIENT LANDSCAPING AND AMENDING THE SAN MARINO CITY CODE

SECTION 1. Article 16 of Chapter XXIII of the San Marino City Code is hereby amended as follows:

ARTICLE 16

WATER EFFICIENT LANDSCAPING

SECTION:

- 23.16.01: Purpose
- 23.16.02: Applicability
- 23.16.03: Exemptions From Applicability
- 23.16.04: Definitions
- 23.16.05: Submittal Requirements and Application Processing
- 23.16.06: Required Landscape Documentation Package
- 23.16.07: Irrigation Scheduling
- 23.16.08: Landscape and Irrigation Maintenance
- 23.16.09: Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis
- 23.16.10: Public Education
- 23.16.11: Penalties

23.16.01 PURPOSE

The purpose of this ordinance is to encourage the use of water-wise landscaping and irrigation systems. Water in the State of California is in limited supply and is subject to increasing demands. However, landscapes are essential to the quality of life in San Marino. In order to balance the needs of both San Marino residents and State water supplies, this ordinance will promote landscape and irrigation systems that are designed, installed, maintained and managed in a water efficient manner.

A. The State Legislature has found:

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. That it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
5. That landscape design, installation, maintenance and management can and should be water efficient.
6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. Consistent with these legislative findings, the purpose of this ordinance is to establish an alternative ordinance acceptable under AB 1881 as being at least as effective as the State Model Ordinance in the context of conditions in San Marino, in order to:

1. Promote the values and benefits of landscapes while recognizing the need to invest water and resources as efficiently as possible;
2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in association with qualifying projects.
3. Establish provisions for water management practices and water waste prevention.
4. Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

23.16.02 APPLICABILITY

The provisions of this ordinance shall apply to the types of projects set forth in this paragraph.

- A. A new or replacement main residential or commercial structure with a landscape area equal to or greater than 5,000 square feet.
- B. Residential buildings which are reconstructed or altered to the extent of more than fifty percent (50%) of its replacement value, determined cumulatively over a consecutive five (5) year period, and with a landscape area equal to or greater than 5,000 square feet. This shall not apply to existing legal nonconforming properties damaged by fire or earthquake and rebuilt on prior foundations to the preexisting configuration.

23.16.03 EXEMPTIONS FROM APPLICABILITY

This ordinance shall not apply to the properties set forth in this paragraph.

- A. Registered local, state or national historical sites;
- B. Plant collections, as part of botanical gardens or arboretums open to the public.
- C. Plant nurseries.

23.16.04 DEFINITIONS

CERTIFICATE OF COMPLETION: The documents required under Sections 23.16.05A, 23.16.05B and 23.16.05C of this Ordinance.

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

IRRIGATION SURVEY: An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

IRRIGATION WATER USE ANALYSIS: An analysis of water use data based on meter readings and billing data.

LANDSCAPE DOCUMENTATION PACKAGE: The documents required under 23.16.06

LANDSCAPE AND IRRIGATION REGULATIONS: Rules and regulations adopted by the City of San Marino Planning and Building Department for the implementation and enforcement of provisions of this Chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

LANDSCAPE ARCHITECT: A person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

LANDSCAPE CONTRACTOR: A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

LANDSCAPED AREA: The entire lot, including, water features such as pools, spas, ponds, and fountains. "Landscaped Area" shall not include the building

footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

MAXIMUM APPLIED WATER ALLOWANCE (“MAWA”): The upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ETo Adjustment Factor and the size of the Landscaped Area or Altered Landscaped Area.

23.16.05 SUBMITTAL REQUIREMENTS AND APPLICATION PROCESSING

Prior to the issuance of building permits for projects identified in Section 23.16.02 a landscape documentation package shall be submitted to the City in accordance with the Landscape and Irrigation Regulations and containing the items listed in Section 23.16.06.

- A. Prior to submittal to the City, the landscape documentation package shall be prepared and/or reviewed by an independent licensed landscape architect or landscape contractor to ensure that all components of the landscape plan adhere to this chapter. The licensed landscape architect or contractor shall sign the plans as verification that the landscape plans comply with this Chapter and include the following statement:

“I have reviewed and applied the criteria of the ordinance and applied them accordingly for the efficient use of water in the landscape and irrigation design plans.”

- B. Prior to the final building inspection of the project, the licensed landscape architect or contractor shall sign and submit a Licensed Landscape Architect and/or Licensed Landscape Contractor’s Certificate of Completion which shall include the following statement:

“I certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planning and irrigation installation conform to the criteria and specifications of the approved landscape documentation package.”

- C. Prior to the final building inspection of the project, the homeowner shall sign and submit a Homeowner’s Certificate of Completion which shall include the following statement:

“I/we certify that I/we have received copies of all the documents within the Landscape Plan Package and the Licensed Landscape Architect/Contractor’s Certificate of Completion and that it is our

responsibility to see that the project is maintained in accordance with the approved plan.”

23.16.06 REQUIRED LANDSCAPE DOCUMENTATION PACKAGE

- A. Project information: Date, site address, applicant name and contact information, the landscape architect, designer and/or contractor’s name and contact information, and total landscape area in square feet.

- B. Landscape design
 - 1. Landscaping shall be designed in a manner to promote the efficient use of water.
 - 2. The landscape design plan shall be prepared in accordance with and comply with the standards set forth in the Landscape and Irrigation Regulations for the City of San Marino.

- C. Irrigation plan:
 - 1. The irrigation systems and its related components shall be planned and designed for the efficient use of water and shall minimize water waste and runoff.
 - 2. The plan shall be prepared in accordance with and comply with the standards set forth in the Landscape and Irrigation Regulations for the City of San Marino.

- D. Grading Plan
 - 1. Grading of a project site shall be designed to minimize soil erosion, runoff, and water waste.
 - 2. The project applicant shall submit a grading plan to the City Engineer if required for the larger project and consult the grading plan recommendations contained in the Landscape and Irrigation Regulations.

23.16.07 IRRIGATION SCHEDULING

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health.

23.16.08 LANDSCAPE AND IRRIGATION MAINTENANCE

Landscaping and irrigation systems shall be maintained to ensure water use efficiency.

23.16.09 IRRIGATION AUDIT, IRRIGATION SURVEY AND IRRIGATION WATER USE ANALYSIS

The City shall administer programs that may include, but not be limited to, irrigation audits, irrigation surveys and irrigation water use analyses for compliance with the Maximum Applied Water Allowance at the discretion of the Planning and Building Director or his or her designee.

23.16.10 PUBLIC EDUCATION

The City shall inform all new owners of single-family homes about this ordinance at the time of the Residential Certificate of Compliance process, as required by San Marino City Code Section 24.02.01

23.16.11 PENALTIES

- A. The Planning and Building Director may withhold a final building inspection on any property subject to this ordinance until the Certificates of Completion are submitted.
- B. Any project found to be in violation of this ordinance shall be subject to fines established by City Council Resolution.

SECTION 2. Article 17 of Chapter XXIII is hereby created and shall include the former Article 16 “Enforcement, Violations and Penalties”.