

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 13.22 TO THE PASADENA MUNICIPAL CODE ENTITLED "WATER EFFICIENT LANDSCAPE."

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

"Ordinance No. _____ adds a new Chapter 13.22 (Water Efficient Landscape) to the Pasadena Municipal Code. This new chapter will establish water efficient landscape requirements that apply to certain new landscaping projects, and to properties with over one acre of landscaped area. This addition is required by California Government Code Section 65595.

Ordinance No. _____ shall take upon publication."

SECTION 2. Pasadena Municipal Code, Title 13 (Utilities and Sewers), is amended to add a new Chapter 13.22 as follows:

"13.22 – WATER EFFICIENT LANDSCAPE

13.22.010 – Purpose.

13.22.020 – Applicability.

13.22.030 – Definitions.

13.22.040 – Provisions for New Construction or Rehabilitated Landscapes.

13.22.050 – Provisions for Existing Landscapes.

13.22.060 – Effective Precipitation.

13.22.010 – Purpose.

The purpose of this ordinance is to:

- A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- B. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- C. Establish provisions for water management practices and water waste prevention for existing landscapes;
- D. 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;
- E. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- F. Encourage the use of economic incentives that promote the efficient use of water;
and
- G. Implement and enforce State legislation by establishing permit application requirements and guidelines.

13.22.020 – Applicability.

- A. This ordinance shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or zoning permit, or design review;
2. New construction and rehabilitated landscapes which are developer-installed in single-family, two-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or zoning permit, or design review;
3. New construction and rehabilitated landscapes which are single-family and two-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or zoning permit, or design review; and
4. Existing landscapes that are over one acre in size.

B. This ordinance does not apply to:

1. Registered local, state or federal historical sites that are individually designated;
2. Ecological restoration projects, where the sites are intentionally altered to establish defined, indigenous, historic ecosystems, that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Plant collections, as part of botanical gardens and arboretums open to the public.

13.22.030 – Definitions.

The following words and phrases whenever used in this Chapter shall have the meanings defined in this section:

- A. "Applied Water" means the portion of water supplied by the irrigation system to the landscape.
- B. "Automatic Irrigation Controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- C. "Certified Irrigation Designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
- D. "Certified Landscape Irrigation Auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- E. "Conversion Factor (0.62)" means the number that acre-inches per acre per year to gallons per square foot per year.
- F. "Effective Precipitation" (Eppt) means the portion of total precipitation which becomes available for plant growth.
- G. "Established Landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

H. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 13.22.040 D.

I. "ET Adjustment Factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

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

K. "Flow Rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

L. "Hardscapes" means any durable material (pervious and non-pervious). This includes synthetic turf only for the purposes of calculating landscaped areas.

M. "Homeowner-Provided Landscaping" means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

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

O. "Infiltration Rate" means the rate of water entry into the soil expressed as a depth of water per unit of time, e.g., inches per hour.

P. "Irrigation Audit" means 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.

Q. "Irrigation Efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71.

R. "Irrigation Survey" means 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.

S. "Irrigation Water Use Analysis" means an analysis of water use data based on meter readings and billing data.

T. "Landscape Architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

U. "Landscaped Area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other nonirrigated areas designated for non-development, e.g., open spaces and existing native vegetation.

V. "Landscape Contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

W. "Landscape Documentation Package" means the documents required under Section 13.22.040 C.

X. "Landscape Project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 13.22.020.

Y. "Low Volume Irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Z. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 13.22.040 D. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

AA. "Mulch" means any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

BB. "New Construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground or greenbelt without an associated building.

CC. "Operating Pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

DD. "Overhead Sprinkler Irrigation Systems" means systems that deliver water through the air, e.g., spray heads and rotors.

EE. "Plant Factor" or "Plant Water Use Factor" is a factor, when multiplied ETo, estimates the amount of water needed by plants. Plant factors cited in this ordinance

are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

FF. "Precipitation Rate" means the rate of application of water measured in inches per hour.

GG. "Project Applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 13.22.040 C., to request a permit or design review from the City. A project applicant may be the property owner or his or her designee.

HH. "Record Drawing" or "As-Builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

II. "Recreational Area" means areas dedicated to active play such as parks, sports fields and golf courses where turf provides a playing surface.

JJ. "Recycled Water," "Reclaimed Water," or "Treated Sewage Effluent Water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

KK. "Reference Evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference

evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

LL. "Rehabilitated Landscape" means any re-landscaping project that requires a permit or design review, meets the requirements of Section 13.22.020, and the modified landscape area is equal to or greater than 2,500 square feet, is 50 percent of the total landscape area, and the modifications are completed within one year.

MM. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape 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 slope.

NN. "Soil Moisture Sensing Device" or "Soil Moisture Sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

OO. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

PP. "Static Water Pressure" means the pipeline or municipal water supply pressure when water is not flowing.

QQ. "Station" means an area served by one valve or by a set of valves that operate simultaneously.

RR. "Water Feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools, where water is artificially supplied. The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

SS. "Watering Window" means the time of day irrigation is allowed.

TT. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

13.22.040 – Provisions for New Construction or Rehabilitated Landscapes.

A. Compliance with Landscape Documentation Package.

1. Prior to construction, the City shall:

- a. Provide the project applicant with the ordinance and procedures for permits or design reviews;
- b. Review the Landscape Documentation Package submitted by the project applicant;
- c. Approve or deny the Landscape Documentation Package;
- d. Issue a permit or approve design review for the project applicant; and

- e. Upon approval of the Landscape Documentation Package, Planning and Development Department shall submit a copy of the Water Efficient Landscape Worksheet to the Department of Water and Power.
- 2. Prior to construction, the project applicant shall submit a Landscape Documentation Package to the Planning and Development Department.
- 3. Upon approval of the Landscape Documentation Package by the Planning and Development Department, the project applicant shall:
 - a. Receive a permit or approval of the design review and record the date of the permit in the Certificate of Completion;
 - b. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - c. Submit a copy of the Water Efficient Landscape Worksheet to the Department of Water and Power.
- B. Penalties. The City may identify penalties for non-compliance with the ordinance.
- C. Elements of the Landscape Documentation Package. The Landscape Documentation Package shall include the following six elements:
 - 1. Project information;
 - a. Date.
 - b. Project applicant.
 - c. Project address (if available, parcel and/or lot number(s)).

- d. Total landscape area (square feet).
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
 - g. Checklist of all documents in Landscape Documentation Package.
 - h. Project contacts to include contact information for the project applicant and property owner.
 - i. Applicant signature and date with statement "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- 2. Water Efficient Landscape Worksheet;
 - a. Hydrozone information table.
 - b. Water budget calculations.
 - (1) Maximum Applied Water Allowance (MAWA).
 - (2) Estimated Total Water Use (ETWU).
 - 3. Soil management report;
 - 4. Landscape design plan;
 - 5. Irrigation design plan; and
 - 6. Grading design plan.
- D. Water Efficient Landscape Worksheet.

1. A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:

- a. A hydrozone information table for the landscape project; and
- b. A water budget calculation for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values found in the most current CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources.

2. Water budget calculations shall adhere to the following requirements:

- a. The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants.
- b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
- c. All Special Landscape Areas shall be identified and their water use calculated as described below.
- d. ETAF for Special Landscape Areas shall not exceed 1.0.

3. The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the most current CIMIS Reference

Evapotranspiration Zones Map, Department of Water Resources, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

4. Estimated Total Water Use. The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ET_o) (0.62) \{ [(PF \times HA) / IE] + SLA \}$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ET_o = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.71)

E. Soil Management Report. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b. The soil analysis may include:

(1) Soil texture (a classification of soil based on its percentage of sand, silt, and clay);

(2) Infiltration rate determined by laboratory test or soil texture infiltration rate table;

(3) pH;

(4) Total soluble salts;

(5) Sodium;

(6) Percent organic matter; and

(7) Recommendations.

2. The project applicant, or his/her designee, shall comply with one of the following:

a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or

b. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the Certificate of Completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the City with Certificate of Completion.

F. Landscape Design Plan.

1. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

a. Plant Material.

(1) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

- (a) Protection and preservation of native species and natural vegetation;
- (b) Selection of water-conserving plant and turf species;
- (c) Selection of plants based on disease and pest resistance;
- (d) Selection of trees in accordance with the Tree Ordinance; and
- (e) Selection of drought-tolerant and/or native plants.

(2) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 13.22.040

G.1.b.(4).

(3) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

- (a) Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (b) Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); and
 - (c) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- (4) Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means 1 foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).
- (5) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.
- (6) The use of invasive and/or noxious plant species is strongly discouraged.
- (7) The architectural guidelines of apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

b. Water Features.