

ORDINANCE NO. 862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT (MCA) 15-05 WHICH WOULD AMEND CHAPTER 19.40 "LANDSCAPING" OF ARTICLE 3, "REGULATIONS APPLICABLE TO ALL ZONES", TO TITLE 19 OF THE DUARTE DEVELOPMENT CODE IN ITS ENTIRETY, TO REVISE REGULATIONS PRIMARILY RELATED TO WATER EFFICIENT LANDSCAPING, IN COMPLIANCE WITH NEW STATE REQUIREMENTS

WHEREAS, Governor Brown issued a Drought Executive Order (B-29-2015) on April 1, 2015, directing DWR to update the State's Model Water Efficient Landscape Ordinance, to increase water efficiency standards for new and existing landscape through more efficient irrigation systems, graywater usage, onsite stormwater capture and by limiting the portion of landscaping that can be covered in turf; and

WHEREAS, consistent with these findings, the purpose of the City of Duarte Model Water Efficient Landscape Ordinance is to establish an alternative model acceptable under Governor Brown's Executive Order (B-29-2015) as being at least as effective as the State's DWR Model Water Efficient Landscape Ordinance; and

WHEREAS, other landscape regulations, not pertaining directly to the Model Water Efficient Landscape Ordinance, are amended from time to time based upon past experience with landscape projects, changes in the industry and corrections from previous standards and regulations; and

WHEREAS, the Planning Commission of the City of Duarte conducted a duly-noticed public hearing on January 19, 2016, pursuant to Development Code Section 19.142.040 to consider MCA 15-05, a city initiated request to amend Chapter 19.40 (Landscaping) of the Duarte Development Code in its entirety to revise regulations, primarily related to water efficient landscaping, in compliance with new State requirements promulgated by Governor's Executive Order B-29-15; and

WHEREAS, after careful study and the completion of the duly noticed public hearings, the Planning Commission adopted Resolution No. PC 16-01, recommending the City Council approve the proposed Municipal Code Amendment 15-05; and

WHEREAS, notice of a public hearing of the City Council on the proposed Municipal Code Amendment 15-05 were given in accordance with applicable law; and

WHEREAS, on February 9, 2016, the City Council of the City of Duarte held a duly noticed public hearing on the proposed Municipal Code Amendment 15-05, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. CHAPTER 19.40 AMENDED IN ITS ENTIRETY.

Amend Chapter 19.40 "Landscaping" of Article 3, "Regulations Applicable to All Zones", to Title 19 of the Duarte Development Code in its entirety, to revise regulations primarily related to water efficient landscaping, in compliance with new State requirements promulgated by Governor's Executive Order B-29-15. The revised Chapter 19.40 is depicted on the exhibit attached hereto and made a part of this resolution by reference marked "Exhibit A" for identification.

SECTION 2. CEQA DETERMINATION.

The City Council finds and determines that, pursuant to provisions of the California Environmental Quality Act (CEQA), the amendment to Duarte Development Code Chapter 19.40 to revise regulations, primarily related to water efficient landscaping, in compliance with new State requirements promulgated by Governor's Executive Order B-29-15 are categorically exempt under Section 15307 which exempts actions taken by regulatory agencies, as authorized by State law, to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment.

The City Council further finds that the adoption of this Municipal Code Amendment is required by Governor's Executive Order B-19-25 and will result in the enhancement and protection of water resources in the City, and will not result in negative impact to the environment; therefore, it is exempt from the provisions of CEQA and no further environmental review is necessary.

SECTION 3. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. POSTING OF ORDINANCE.

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this 23rd day of February, 2016.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

/s/ Margaret Finlay
Mayor Pro Tem Margaret Finlay

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 862 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 23rd day of February, 2016, by the following Roll Call vote:

- AYES:

Councilmembers: Fasana, Finlay, Paras-Caracci, Reilly
- NOES:

Councilmembers: None
- ABSENT:

Councilmembers: Kang

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

Chapter 19.40 – LANDSCAPING

Sections:

- 19.40.010 – Purpose, intent and applicability.
- 19.40.020 – Definitions
- 19.40.030 – Implementation Guidelines
- 19.40.040 – General landscape standards
- 19.40.050 – Landscape of unused and undeveloped portions of a site.
- 19.40.060 – Residential landscape standards.
- 19.40.070 – Nonresidential landscape standards.
- 19.40.080 – Hillside landscaping standards.
- 19.40.090 – Landscape plan approval required.
- 19.40.100 – Landscape and irrigation maintenance.
- 19.40.110 – Cooperation with Water Purveyor(s).
- 19.40.120 – Minor modifications to approved landscape and irrigation plans.

19.40.010 - Purpose, intent and applicability.

- A. *Purpose.* The City promotes the value and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible. In compliance with applicable State standards and guidelines, and to promote the City's goals and standards regarding sustainable development set forth in Chapter 19.52 (Sustainable Development Practices), this Chapter establishes minimum landscape standards for all uses for the purpose of enhancing the appearance of developments, reducing heat and glare, controlling soil erosion, conserving water, establishing a buffer and/or screen between residential and nonresidential land uses, and ensuring the ongoing maintenance of landscape areas. Water conservation measures shall be addressed through landscape and irrigation design.
- B. *Intent.* The intent of the water-efficient landscape chapter is:
 - 1. That this Chapter be at least as effective in conserving water as the State Model Water Efficient Landscape Ordinance and consistent with Governor Brown's April 1, 2015 Drought Executive Order B-19-25;
 - 2. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
 - 3. Establish provisions for water management practices and water waste prevention for existing landscapes;
 - 4. To assure beneficial, efficient, and responsible use of water resources;
 - 5. To retain the land's natural hydrological role and promote the infiltration of surface water into the groundwater;
 - 6. To recognize that landscapes enhance the aesthetic appearance of developments and communities;

7. To encourage the appropriate design, installation, maintenance, and management of landscapes so that water demand can be decreased, runoff can be retained, and flooding can be reduced without a decline in the quality or quantity of landscapes; and

8. To reduce or eliminate water waste.

C. *Applicability.* Beginning March 24, 2016, all landscaping projects subject to this Chapter shall obtain a permit from the Community Development Department prior to installation of any landscaping. All planting, irrigation, and landscape related improvements required by this Chapter shall apply to the ~~flowing following~~ landscape projects:

1. New landscape projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;

3. New or rehabilitated landscape projects between 500 and 2,500 square feet may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix A of the Guidelines;

4. New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix A ~~Section (5)~~ of the Implementation Guidelines;

5. Special Landscaped Areas with an area greater than 500 square feet, such as areas dedicated to edible plants, irrigated with recycled water, or dedicated to active play and/or a Recreational Area, shall prepare a water efficient landscape worksheet and landscape documentation package according to specifications for Special Landscaped Areas;

6. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 2.2 and 2.9 of the Guidelines; and existing cemeteries are limited to Section 3 of the Guidelines.

~~D. Other considerations. The requirements of the Guidelines may be partially or wholly waived, at the discretion of the Director of Community Development or his/her designee, for landscape rehabilitation projects that are limited to replacement plantings with equal or lower water needs and where the irrigation system is found to be designed, operable and programmed consistent with minimizing water waste in accordance with local water purveyor regulations.~~

~~6.~~

~~E.~~ *Exempt activities.* The provisions of this Chapter do not apply to:

1. Registered local, State, or federal historical sites.

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Ecological restoration projects that do not require a permanent irrigation system.

3. Mined-land reclamation projects that do not require a permanent irrigation system.

4. Existing plant collections as part of botanical gardens and arboretums open to the public.

FF. *Project ~~c~~Continuation.* Any landscape project(s) conducted on the same parcel of land within a 12-month period from the first landscape project submittal shall be aggregated for the purposes of determining a project's applicability to the requirements of this Chapter.

GF. *Relationship to private covenants.* The architectural guidelines of a common interest development, which includes community 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.

19.40.020 – Definitions

“Aggregate”. A concept that pertains to production home neighborhoods, common interest developments, or other situations where multiple parcels are undergoing landscape development as one project, but may eventually be individually owned or maintained.

“Applied water”. The portion of water supplied by the irrigation system to the landscape.

“Artificial ~~T~~turf”. A man-made material which simulates the appearance of live turf, organic turf, grass, sod, or lawn.

“Automatic irrigation controller”. See Automatic Controller under Chapter 19.160.030.

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“Backflow prevention device”. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Certification of Completion or Landscape Installation Certificate of Completion. The certification included as Exhibit E of the Implementation Guidelines that shall be provided to the City prior to Planning and Building Divisions final inspection pursuant to Section 2.7 of the Guidelines.

“Certification of Design or Certificate of Landscape Design”. The certification included as Exhibit B of ~~of~~ the Implementation Guidelines that shall be included in the Landscape Documentation Package pursuant to Section 2.1 of the Guidelines.

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“Certified ~~L~~andscape ~~i~~rrigation ~~A~~uditor”. A person(s) 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.

“Chapter”. Refers to Chapter 19.40 of the Duarte Development Code.

“Check valve” or “anti-drain valve”. A valve or valves located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“City”. Refers to the City of Duarte.

“Common interest developments”. Refers to community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

“Conversion factor”. The number that converts acre-inches per acre per year to gallons per square foot per year.

“Drip irrigation”. See definition under Chapter 19.160.050.

“Drought-tolerant landscaping”. Landscaping that utilizes little or no irrigation through the use of water-conserving materials and techniques, including but not limited to, native drought-tolerant plants, mulch and efficient irrigation.

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“Drought-tolerant Plants”. See definition under Chapter 19.160.050.

“Ecological restoration project”. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Emitter”. A drip irrigation emission device that delivers water slowly from the system to the soil.

“Estimated Applied Water Use (EAWU)”. The annual total amount of water estimated to keep plants in a healthy state. It is based on factors such as reference evapotranspiration rate, the size of the landscaped area, plant water use factors, and the irrigation efficiency within each hydrozone.

“Evapotranspiration”. See definition under Chapter 19.160.060.

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

“Evapotranspiration rate”. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Flow rate”. 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.

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“Front yard”. For purposes of this Chapter and the Guidelines, shall mean the required front yard setback and any area between the street and the outline of the main building line. For other unique lot configurations, the Director of ~~Development Services~~Community Development shall determine front yard.

“Front yard landscaped area”. The Front Yard Area that is not occupied by driveways, hardscape or other pervious or non-pervious surfaces and that is required to be landscaped with live vegetation, artificial turf, drought tolerant landscaping or a combination of all three, as further described in this Chapter and the Implementation Guidelines.

“Graywater”. A system containing untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthy processing, manufacturing, or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, ~~a-~~And laundry tubs, but does not include wastewater from kitchen sinks or dishwashers as per the Health and Safety Code (Section 17922.12). Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards.

“Hardscape”. See definition under Chapter 19.160.090.

“Hydrozone”. See definition under Chapter 19.160.090.

“Implementation Guidelines or Guidelines”. Refers to the Water Efficient Landscape Ordinance Guidelines which shall be adopted by resolution of the Planning Commission. The purpose of the Guidelines is to provide procedural and design guidance for applicants proposing new landscape or landscape rehabilitation projects that are subject to Chapter 19.40 of the City of Duarte Development Code.

“Infiltration rate”. See definition under Chapter 19.160.100.

“Invasive and/or ~~no~~noxious plants species”. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive plant species may be regulated by county agricultural agencies as ~~no~~noxious species.

“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 efficiency (IE)”. The measurement of the amount of water beneficially used divided by the amount of water applied to a landscaped area. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this Chapter and the Guidelines is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems. The following irrigation efficiency may be obtained for the listed irrigation heads with an IME of 90%:

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Irrigation Method	DU _{LQ}	DU _{LH} *	EU	IE**
Spray nozzles	65%	79%		71%
High efficiency spray nozzles	75%	82%		73%
Multi stream/Multi trajectory rotary (MSMT) nozzles	75%	85%		76%
Stream rotor nozzle	70%	82%		73%
Microspray	75%	85%		76%
Bubblers			85%	77%
Drip emitter			90%	81%
Subsurface drip			90%	81%

$$*DU_{LH} = .386 + (.614)(DU_{LQ})$$

$$** IE (spray) = (DU_{LH})(IME)$$

$$** IE (drip) = \text{Emission uniformity (EU)}(IME)$$

"Irrigation Management Efficiency (IME)". The measurement used to calculate the irrigation efficiency of the irrigation system for a landscaped project. A 90% IME can be achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

"Landscape coefficient" (K_L). The product of a plant factor multiplied by a density factor and a microclimate factor. The landscape coefficient is derived to estimate water loss from irrigated landscaped areas and special landscaped areas.

"Landscape documentation package". The package of documents that a project applicant is required to submit to the City pursuant to Section 2.1 of the Guidelines.

~~***"Landscape installation certificate of completion".*** The certificate included as Appendix E of the Guidelines that shall be submitted to the City pursuant to Section 2.7(c)(1) of the Guidelines.~~

"Landscape professional". A licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

"Landscaped area". Refers to all planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped 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 non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscaping". See definition under Chapter 19.160.130.

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“Lateral line”. A water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

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“Low volume irrigation”. 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.

“Low volume overhead irrigation”. Aboveground irrigation heads with an upper flow limit of 0.5 GPM.

“Main line”. A pressurized pipeline that delivers water from the water source to the valve or outlet.

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“Manual isolation valve”. A valve such as a gate valve, ball valve, or butterfly valve installed downstream of the point of connection of the water supply to shutdown water flow through mainline piping for routine maintenance and emergency repair.

“Master shut-off valve”. An electronic valve such as a solenoid valve installed as close as possible to the point of connection and is used in conjunction with a flow sensor and flow monitoring controller technology to automatically shutdown system wide water flow in the event of high flow conditions such as mainline pipe break.

“Maximum Applied Water Allowance (MAWA)”. Refers to the upper limit of annual applied water for the established landscaped area, as specified in Section 2.2 of the Guidelines. It is based upon the area’s reference evapotranspiration, the ETAF, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

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“Microclimate”. The climate of a small, specific area that may contrast with the climate of the overall landscaped area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

“Mined-land reclamation projects”. Any surface mining operation with a reclamation plan approved in accordance with the Surface mining and Reclamation Act of 1975.

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“Mulch”. Any organic material such as leaves, bark, straw or compost, or inorganic mineral materials such as rocks, gravel, or 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.

“Non-pervious or Impervious”. Any surface or material that does not allow for the passage of water through the material and into the underlying soil.

“Operating pressure”. The pressure at which the parts of an irrigation system of sprinklers are designed to operate at by the manufacturer.

“Overspray”. The irrigation water which is delivered beyond the target area.

“Parkway”. See definition under Chapter 19.160.170.

“Person”. Any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the City or the local water purveyor, or the manager, lessee, agent, servant, officer, or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

“Pervious. M” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Plant factor or pPlant water use factor”. A factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this Water Efficient Landscape Ordinance, the plant factor range for very low water use plants is 0 to 0.1; the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in the Guidelines are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“Precipitation rate”. The rate of application of water measured in inches per hour.

“Project applicant”. The individual or entity submitting a Landscape Documentation Package required under Section 2.1 to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.

“Property owner”. The record owner of real property as shown on the most recently issued equalized assessment roll.

“Rain sensor or Rrain sensing shutoff device”. A component which automatically suspends irrigation when it rains.

“Recreational area”. An area(s), excluding private single family residential areas, designated for active play; recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters; golf course tees, fairways, roughs, surrounds and greens; private recreational or assembly space as part of a comprehensive project that otherwise meets the intent of this Chapter, and other active or recreational play areas as determined by the Community Development Director.

“Recycled water or Reclaimed water”. 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.

“Reference evapotranspiration (ETo)”. A standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix C of the Guidelines, 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.

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“Rehabilitated landscape”. Any re-landscaping project that requires a permit, plan check, or design review, meets the requirement of Section 1.2 of the Guidelines, and the modified landscape area is equal to or greater than 2,500 square feet.

“Runoff”. See definition under Chapter 19.160.190.

“SMART irrigation controller” or “Soil moisture sensor”. A weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust watering schedules.

“Soil texture”. The classification of soil based on its percentage of sand, silt, and clay.

“Special Landscaped Areas (SLA)”. Area(s) of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas designated as a Recreational Area.

“Sprinkler head”. A device which delivers water through a nozzle.

“Static water pressure”. See definition under Chapter 19.160.200.

“Station”. An irrigated area served by one valve or by a set of valves that operate simultaneously.

“Swing joint”. An irrigation component that provides a leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“Turf”. See definition under Chapter 19.160.210.

“Valve”. A device used to control the flow of water in an irrigation system.

“Visible street side yard”. For purposes of this Chapter and the Guidelines, means any street side yard that is visible from the public right of way, ~~that shall be improved as further described in this Chapter and the Implementation Guidelines which shall be required to be landscaped with a minimum of 50% of live vegetation, artificial turf, drought tolerant landscaping or a combination of all three.~~

“Water-Efficient Irrigation System”. See definition under Chapter 19.160.240.

“Water-Efficient Landscape”. See definition under Chapter 19.160.240.

“Water eEfficient Llandscape Oordinance”. Refers to Chapter 19.40 of the City of Duarte Development Code.

“Water Eefficient Llandscape Wworksheet”. The worksheet required to be completed pursuant to Section 2.2 of the Guidelines and which are included in Appendix C of the Guidelines.

“Water feature”. A design element or elements 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

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in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection, or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

~~“Watering window”~~. The time of day irrigation is allowed on landscaped surfaces.

~~“WUCOLS”~~. Refers to the Water Use Classification of Landscape published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000.
www.owue.water.ca.gov/docs/wucols00

19.40.030 - Implementation ~~g~~Guidelines

Water Efficient Landscape Ordinance Guidelines shall be adopted by resolution of the Planning Commission.

19.40.040 - General landscape standards.

These standards shall apply to all parcels within the City.

- A. Water Efficient Landscape Ordinance Guidelines (Implementation Guidelines), adopted by resolution of the City of Duarte Planning Commission, shall establish criteria for the design and review of landscape and irrigation plans, and such criteria shall be adhered to in the design of landscape and irrigation plans as required by this Chapter.
- B. Trees may be planted in any required yard area. All required trees shall be of a minimum size of 15 gallons, unless a larger size is specified in project conditions of approval. In limited cases, smaller tree sizes may be approved if the Director determines that long-term tree growth potential is improved by smaller specimens.
- C. Landscaping shall be maintained in the area between the front property line and the dwelling, building, or structure. In all zones except the R-1 zones (inclusive), a permanent irrigation system shall also be maintained in the same front-yard area.
- D. Landscape planting shall emphasize drought-tolerant and native species, complement the architectural design of structures on the site, and be suitable for the soil and climatic conditions of the site, consistent with the requirement of this Chapter.
- E. Transformers shall be screened with dense landscaping or walls similar to those required for trash enclosures, and shall not be located within open space recreation areas. They shall be located away from public view wherever possible and shall not impede pedestrian or vehicular circulation. Where feasible, transformers should be placed underground.
- F. Use of artificial turf is regulated by both standards within this Chapter and in the Implementation Guidelines. The use of artificial turf requires Community Development Department approval before installation.

19.40.050 - Landscape of unused and undeveloped portions of a site.

All areas of a site not intended for a specific use or purpose in conjunction with a current application, including vacant or undeveloped pad sites in shopping centers held for future development, shall be fully landscaped and irrigated with an automatic irrigation system. Landscaping shall include a combination of trees, shrubs, ground cover, turf, and/or approved decorative landscape materials, as approved by the Director, and in compliance with this Chapter.

19.40.060 - Residential landscape standards.

The following standards shall apply to all parcels in all residential zones.

A. A minimum of 20 percent of the entire parcel shall be fully landscaped with plant materials.

~~B. At least 50% of the Front Yard Landscaped Area and 50% of the Visible Street Side Yard shall be landscaped with live vegetation, artificial turf, drought-tolerant landscaping or a combination of the three, as further described below:~~

~~1. Live vegetation may include turf, trees, shrubs, groundcover, flowers, or other similar vegetation.~~

~~2. Artificial turf is limited to no more than 40% coverage of the Front Yard Landscaped Area and shall include a minimum of 60% of live vegetation. Artificial turf is limited to no more than 40% coverage of the Visible Street Side Yard and shall include a minimum of 60% of live vegetation. (See Section 4.2 of the Guidelines)~~

~~3. Drought tolerant landscaping shall include native water conserving plants. (See Section 4.3 of the Guidelines)~~

~~B. A minimum of 50 percent of the "Front Yard Landscape Area" and the "Visible Street Side Yard" shall be fully landscaped with live vegetation.~~

~~B-C.~~ Artificial turf is not permitted within the parkway.

D. Bare dirt is not permitted within the front yard, visible street side yard or within the parkway. All bare dirt areas shall be finished with a minimum three inch thick layer of mulch, organic bark or earth-toned colored rubber bark.

E. Parking lots for multi-family developments providing 10 or more parking spaces shall be landscaped per the requirements of Section 19.38.200 (Parking Lot Landscaping).

19.40.070 - Nonresidential landscape standards.

All new and rehabilitated landscaping plans undertaken in conjunction with any private development project on commercial, industrial, mixed-use, and other nonresidential properties, or those projects requiring a grading, building, use permit, or site plan and design review, as required by this Chapter, shall comply with the following standards.

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- A. All unpaved areas, including those portions of required yard areas not utilized for vehicular and pedestrian access, shall be landscaped with plant material, including some combination of trees, shrubs, groundcover, and turf. Mulch, bark, and similar landscaping materials may be incorporated into the landscape design.
- B. A minimum of 15 percent of the parcel area shall be landscaped, exclusive of the parking lot area and any landscaping required within the parking lot.
- C. A minimum of 75% of the landscape area must be landscaped with live plants. The remaining area may utilize boulder, rocks, decomposed granite, water features or other hardscapes, subject to approval from the Community Development Department.
- D. All landscaped areas shall be provided with an automatic irrigation system, unless the Director finds that such an irrigation system, due to the size, location, or configuration of the landscaped area, cannot reasonably be installed and maintained.
- E. To achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, plant material sizes and plant spacing shall comply with the following standards, unless the Director finds that alternative sizes and planting will achieve the same or similar desired effects:
 - 1. The minimum plant size for trees shall be 15 gallons, unless otherwise specified by the provisions of this Chapter. Trees planted within 10 feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from paved surfaces by a root barrier to prevent physical damage to public improvements. A minimum distance of 15 feet is required between the center of trees to street light standards, water meters, back-flow prevention systems, sewer cleanouts, and fire hydrants.

The minimum plant size for shrubs shall be five gallons.
 - 3. Groundcover, including turf, shall be planted in a manner to provide 100 percent coverage within one year of initial planting.
- F. Lots with freeway frontage shall provide and maintain freeway frontage landscaping.
- G. Parking lot landscaping shall be provided per the requirements of Section 19.38.180 (Parking Lot Landscaping).
- H. Artificial turf is not permitted within in the parkway.
- I. Artificial turf is discouraged on non-residential properties. Use of artificial turf is only allowed in special circumstances as approved ~~in writing~~ by the Community Development Director.
- J. Bare dirt is not permitted within the front yard, visible street side yard or within the parkway. All bare dirt areas shall be finished with a minimum three inch thick layer of mulch, organic bark or earth-toned colored rubber bark.

19.40.080 - Hillside landscaping standards.

Landscaping standards for properties in hillside areas, as defined in Chapter 19.46 (Hillside Development Standards), in addition to the standards in this Chapter, shall comply with the standards set forth in 19.46.120 (Landscaping and Irrigation Standards).

19.40.090 - Landscape plan approval required.

- A. Required landscape plan. Except as otherwise specified in this Section, any application for any development that requires a grading permit, building permit, use permit, or site plan and design review shall include landscape and irrigation plans which provide for the utilization of low-water-usage irrigation systems and a landscape design consistent with the requirements of this Chapter. The plans shall be prepared by a licensed landscape architect, licensed landscape contractor or any other person authorized to design a landscape plan.
- B. Review required. The plan shall contain the information described in the Implementation Guidelines and shall be subject to review and approval by the Director for compliance with the landscape design criteria contained in this Chapter. The review process represents the basis for approval or denial of a landscape design proposal. No grading, building, use permit, or site plan and design approval can be issued until a project has received approval from the Director.
- C. Full construction drawings required. Following the granting of all required planning and subdivision approvals, full construction drawings shall be submitted to the Building Division for plan check approval. Drawings submitted for plan check shall include the entire Landscape Documentation Package described in the Implementation Guidelines, including the approved Preliminary Landscape Design Plan. The Landscape Design Plan shall be in substantial conformity with the approved Preliminary Landscape Design Plan prior to issuance of building permits.

19.40.100 - Landscape and irrigation maintenance.

- A. Landscape maintenance. Landscaping and vegetation shall be maintained as follows:
 - 1. All landscaped areas shall be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupants, and general public.

Landscaped areas shall be kept and maintained in a neat and clean condition, free of weeds, debris and dead, diseased, or dying vegetation, and broken or defective decorative elements.
 - 3. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered to maintain a healthy, growing condition.
 - 4. Vegetative overgrowth shall not be permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impedes, obstructs, or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way.

5. All property owners shall water, prune, weed, and otherwise maintain landscaping in the parkway portions of adjoining streets, including street trees.

B. Irrigation systems. Irrigation systems shall be maintained as follows:

1. Irrigation systems shall be kept in good working condition and repair to prevent leaks or public health hazards.

Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low-head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, or structures, shall be minimized.

3. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter.
4. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule should include but not be limited to checking, adjusting and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas.

C. Artificial turf. Artificial turf shall be maintained as follows:

1. All artificial turf areas shall be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupants, and general public.
2. Artificial turf areas shall be kept free of animal waste, rubbish, leaves, sand, rocks, algae, mold, fungi, natural grass and/or weeds.
3. Artificial turf seams, joints and edges shall be inconspicuous and not allowed to cause tripping or other hazards.
4. Artificial turf that is discolored, deteriorated, matted, torn, stained, shows excess wear or is otherwise unsightly or neglected shall be repaired or replaced to the satisfaction of the City.
5. Artificial turf infill material shall be maintained at adequate levels to allow proper use of the turf. Infill materials shall not be allowed to accumulate within the artificial turf area or otherwise be visible from the public right-of-way. Sweeping, raking or otherwise redistributing infill material on a regular basis is required.

19.40.110 - Cooperation with Water Purveyor(s).

A local agency may by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

19.40.120 - Minor modifications to approved landscape and irrigation plans.

The Director may approve minor changes to approved landscape, irrigation, and related plans, subject to the provisions of Chapter 19.122 (Site Plan and Design Review) and the following criteria:

- A. Minor modifications to approved landscaping and irrigation, or grading plans which comply with the spirit and intent of this Chapter, including but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and the like.
- B. Modifications of planting, installation, and/or soil preparation details.

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