

ORDINANCE NO. 607

WATER CONSERVATION IN LANDSCAPING ORDINANCE

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING IN ITS ENTIRETY CHAPTER 15.70 OF THE MUNICIPAL CODE AND
AMENDING THE DEVELOPMENT REGULATIONS IN TITLE 17, SECTIONS 17.06.040,
17.08.040, 17.10.040, 17.12.040, 17.14.050, 17.16.040, 17.18.040, 17.19.040, AND 17.20.030
THAT CROSS-REFERENCE CHAPTER 15.70**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: This Ordinance is adopted in light of the following facts and circumstances, which are hereby found and declared by the City Council:

- A. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the City of Brisbane, California.
- B. The California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance ("Model Ordinance"), has been implemented by a Statewide Landscape Task Force which was overseen by the California Urban Water Conservation Council. The California Water Conservation in Landscaping Act was amended pursuant to AB 2717 (Chapter 682, Stats. 2004) and AB 1881 (Chapter 559, Stats. 2006).
- C. AB 1881 required cities and counties, no later than January 1, 2010, to adopt the updated Model Ordinance or an equivalent document which is "at least as effective as" the Model Ordinance in conserving water. In the event cities and counties do not take such action, the State's Model Ordinance will be deemed to be automatically adopted by statute.
- D. The City Council adopted a Water Conservation in Landscaping Ordinance on June 7th, 2010 to comply with the requirement of AB 1881.
- E. Governor Brown issued Executive Order B-29 on April 1, 2015 which directed State agencies to implement immediate measures to save water, increase enforcement against water waste, and streamline government response to ongoing drought conditions.
- F. The California Department of Water Resources prepared an update to the State's Model Ordinance to address the provisions in Executive Order B-29, and the California Water Commission approved the proposed revisions on July 15, 2015.
- G. Local agencies are required to adopt the revised State Model Ordinance or adopt local ordinance at least as effective in conserving water.
- H. The City of Brisbane has developed this local Water Conservation In Landscaping Ordinance to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas,

within Brisbane's jurisdiction in order to ensure that this Ordinance will be "at least as effective as" the Model Ordinance in conserving water.

- I. Although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council finds that it is "at least as effective as" the Model Ordinance for the following reasons:
 - (1) this Ordinance applies to more accounts than the Model Ordinance does because it lowers the size threshold for applicable rehabilitated landscapes from 2,500 square feet to 1,000 square feet, to better reflect the typical smaller landscaped areas located within this City's boundaries;
 - (2) for the prescriptive compliance option, this Ordinance includes a default restriction of no turf and requires that at least 80% of the landscaped areas be native, low to very low water using plants and 100% for commercial non-residential landscapes, with exceptions allowed for edible plants or climate adapted plants. The Model Ordinance allows for turf with the prescriptive option and allows for larger percentages of moderate to high water use plants.
- J. Although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council further finds that it is "at least as effective as" the Model Ordinance because this Ordinance, by reference to the Technical Guidance Document, includes water budget parameters and values and landscape parameters that are consistent with the Model Ordinance. By using the same water budget parameters as the Model Ordinance (e.g., plant factors, irrigation efficiency), this Ordinance will be as effective as the Model Ordinance in developing landscape water budgets. By using the same landscape parameters as the Model Ordinance for, among other things, slope restrictions and width restrictions for turf, irrigation times, and minimum mulch requirements, this Ordinance will be at least as effective as the Model Ordinance in achieving water savings.
- K. Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- L. The City Council finds and determines that this Ordinance is consistent with the provisions requiring reductions in outdoor water use for landscaping in the California Green Building Standards Code, as such provisions will be implemented in the coming years. Such requirements include the development of a water budget for landscape irrigation in accordance with methodology outlined in either the Model Ordinance or pursuant to a locally adopted ordinance.
- M. The State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the state. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 (7th Extraordinary Session) requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020.

Accordingly, the City of Brisbane finds that implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting SB 7 (7th Extraordinary Session).

- N. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, policy, sanitary, and other ordinances and regulations not in conflict with general laws.
- O. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) (“CEQA”) pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption through the establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes.
- P. The City Council finds that certain amendments to cross references found in the landscaping provisions of Title 17 are necessary for consistency with state law and the amendments to Chapter 15.70, since these cross references referred to landscape area thresholds of applicability that are no longer in effect and such amendments have been recommended by the Planning Commission following public hearing.
- Q. The adoption and enforcement of this Ordinance is necessary to manage the City’s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

Section 2: Chapter 15.70 in Title 15 of the Municipal Code is amended in its entirety to read as follows:

**Chapter 15.70
WATER CONSERVATION IN LANDSCAPING**

Sections:

- 15.70.010 Title
- 15.70.015 Coordination with State Green Building Standards Code.
- 15.70.020 Applicability
- 15.70.030 Definitions
- 15.70.040 Compliance With Chapter
- 15.70.050 Landscape Project Application and Documentation Package
- 15.70.060 Water Budget Calculations
- 15.70.070 Landscape Design Plan
- 15.70.080 Soil Management Report

15.70.090	Irrigation Design Plan
15.70.100	Grading Design Plan
15.70.110	Certificate of Completion
15.70.120	Landscape Audit Report
15.70.130	Irrigation Scheduling
15.70.140	Landscape and Irrigation Maintenance Schedule
15.70.150	Stormwater Management and Rainwater Retention
15.70.160	Recycled Water
15.70.170	Graywater Systems
15.70.180	Provisions for Existing Landscapes Over One Acre in Size
15.70.190	Penalties
15.70.200	Public Education

§15.70.010 Title

This Chapter shall be known as the City of Brisbane Water Conservation in Landscaping Ordinance.

§15.70.015 - Coordination with State Green Building Standards Code.

This code does not replace the most recent edition of the California Green Building Standards Code (CALGreen) adopted by the city, including the appendices printed therein and any supplements subsequently issued thereto. To the extent the provisions of this Chapter conflict with any current or subsequently adopted provisions in CALGreen, then the most stringent provisions shall supersede and control with regard to the outdoor water use.

§15.70.020 Applicability

- A. The provisions of this chapter shall apply to all of the following landscape projects:
 1. New construction 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 1,000 square feet requiring a building or landscape permit, plan check, or design review;
 3. Existing landscapes over one acre in size and installed before the enactment of this ordinance, shall only be subject to the provisions for existing landscapes provided for in Section 15.70.180.

- B. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to the requirements for irrigation systems detailed in the Prescriptive Compliance

Option Section of the City's Water Conservation in Landscaping Technical Guidance Document (Technical Guidance Document).

C. This provisions of this chapter shall not apply to any of the following:

1. New construction with irrigated landscape areas less than 500 square feet, rehabilitated landscapes with irrigated landscape areas less than 1,000 square feet, or landscapes that do not require a building or landscape permit, plan check or design review, or new or expanded water service.
2. Landscapes, or portions of landscapes, that are only irrigated for an establishment period;
3. Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation;
4. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or
5. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public, agricultural uses, commercial nurseries and sod farms.

§15.70.030 Definitions

A. As used in this chapter and the Technical Guidance Document certain words and phrases shall be defined as follows:

1. "applied water" means the portion of water supplied by the irrigation system to the landscape.
2. "automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
3. "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
4. "Certificate of Completion" means the document required under Section 15.70.110 Certificate of Completion.
5. "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 the Irrigation Association's Certified Irrigation Designer program.

6. "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.
7. "check valve" or "anti-drain valve" means a valve 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.
8. "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
9. "compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
10. "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.
11. "distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.
12. "drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
13. "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem or restoration of habitat for endangered species following a disturbance of the area.
14. "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
15. "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
16. "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.
17. "establishment period of the plants" in reference to termination of irrigation after establishment, generally means the first two years after installing the plant in the landscape. Typically, most plants are

established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

18. "Estimated Total Water Use" (ETWU) means the total water used for the landscape.
19. "ET adjustment factor" (ETAF) means 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.
20. "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
21. "Expanded water service" means the installation of a larger meter or addition of a new meter.
22. "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.
23. "flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.
24. "friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.
25. "Fuel Modification Plan Guideline" means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.
26. "graywater" means 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 unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.
27. "hardscapes" means any durable material (pervious and non-pervious).

28. “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.
29. “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).
30. “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural or parks agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
31. “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. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.
32. “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 irrigation efficiency for purposes of this chapter are 0.75 for overhead spray devices and 0.81 for drip systems.
33. “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.
34. “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.
35. “landscape architect” means a person who holds a license to practice landscape architecture by the state of California Business and Professions Code, Section 5615.
36. “landscape area” means all the irrigated planting areas, turf areas, and water features in a landscape design plan. 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 non-irrigated areas.

37. "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
38. "Landscape project" means the total area comprising the landscape area, as defined in this chapter.
39. "landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.
40. "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
41. "local agency" means the City of Brisbane. The local agency is also responsible for the enforcement of this chapter, including but not limited to, approval of a permit and plan check or design review of a project.
42. "Local water purveyor" means any entity other than the city of Brisbane, including a public agency, city, county, district or private water company that provides retail water service.
43. "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.
44. "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
45. "master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.
46. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area. 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. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$
47. "median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

48. “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
49. “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
50. “mulch” means any organic material such as leaves, bark, straw, 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.
51. “new construction” means the construction of a new building or structure with a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.
52. “non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.
53. “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
54. “overhead sprinkler irrigation systems” or “overhead spray irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
55. “overspray” means the irrigation water which is delivered beyond the target area.
56. “parkway” means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.
57. “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
58. “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
59. “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, 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 0.1 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 this chapter are derived from the publication “Water Use Classification of

Landscape Species”. Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

60. “project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 15.70.050, to request a permit, plan check, or design review from the city or requesting new or expanded water service. A project applicant may be the property owner or his or her designee.
61. “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
62. “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.
63. “recreational area” means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheatres or golf course tees, fairways, roughs, surrounds and greens.
64. “recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.
65. “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 as represented in Technical Guidance Document 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.
66. "Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.
67. “residential landscape” means landscapes surrounding single or multifamily homes.
68. “run off” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.
69. “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.

70. "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.
71. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.
72. "sprinkler head" or "spray head" means a device which delivers water through a nozzle.
73. "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.
74. "station" means an area served by one valve or by a set of valves that operate simultaneously.
75. "swimming pool" means any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep. This includes in-ground, above ground, and on-ground pools; hot tubs; spa and fixed in place wading pools.
76. "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
77. "submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.
78. "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
79. "valve" means a device used to control the flow of water in the irrigation system.
80. "water conserving plant species" means a plant species identified as having a very low or low plant factor.
81. "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.
82. "watering window" means the time of day irrigation is allowed.

83. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources, 2014 or most recent update.

§15.70.040 Compliance with chapter

- A. All owners of new construction and rehabilitated landscapes of applicable sizes shall provide the landscape application and documentation package, as detailed in Section 15.70.050.
- B. All owners of existing landscapes over one acre in size, even if installed before enactment of this chapter, shall: (1) comply with City programs that may be instituted relating to irrigation audits, surveys and water use analysis, and (2) maintain landscape irrigation facilities to prevent water waste and runoff.
- C. The project applicant shall:
1. Prior to construction, submit all portions of the landscape project application to the City; and
 2. Upon approval of the Landscape Project Application by the City,
 - a. receive a permit or approval of the plan check or 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
 3. After construction, submit the landscape audit report and certificate of completion to the city.
- D. As the approving authority the City will:
1. Provide the project applicant with a copy of this chapter, the Technical Guidance Document and application requirements and the procedures for obtaining applicable permits, plan checks, design reviews, or new or expanded water service;
 2. Review the landscape project application submitted by the project applicant;
 3. Approve or deny the project applicant's landscape project application submittal;
 4. Issue or approve a permit, plan check or design review that complies with the approved landscape project application or approve a new or expanded water service application that complies with the approved landscape project application; provided that all other requirements

applicable to the issuance or approval of such permit, plan check, or design review or approval of new or expanded water service have been satisfied

5. Approve or deny the landscape audit report and certificate of completion. If denied the City will provide the project applicant with a list of items necessary to complete the project.

§15.70.050 Landscape Project Application and Documentation Package

- A. The elements of a new or rehabilitated landscape must be designed to achieve water efficiency and will comply with the criteria described in this chapter. In completing the landscape project application, project applicants may choose one of two options to demonstrate that the landscape meets the chapter's water efficiency goals, consistent with the State's Model Water Conservation in Landscaping Ordinance. The options include:
 1. Prescriptive Compliance option: The requirements of the prescriptive compliance option are detailed in the Technical Guidance Document. The prescriptive compliance option includes specific landscape area limitations for moderate to high water use plants along with other site preparation compliance measures.
 2. Water Budget Calculation option: The project applicant may elect to complete a water budget calculation for the landscape project using the Water Efficient Landscape Worksheet in Technical Guidance Document, instead of the prescriptive compliance option. Water budget calculations, if prepared, shall adhere to the requirements provided in the Technical Guidance Document, which includes water budget parameters that are consistent with the State's Model Water Conservation in Landscaping Ordinance.
- B. The landscape project application shall include the following elements:
 1. Prescriptive compliance option:
 - i. Landscape Project Application, including general project information,
 - ii. Landscape Design Plan,
 - iii. Grading Design Plan,
 - iv. Certificate of Completion,
 - v. Landscape Audit Report,
 - vi. Certificate of Completion,
 - vii. Irrigation Scheduling,
 - viii. Landscape and Irrigation Maintenance Schedule, and
 - ix. where applicable, information on Recycled Water and Graywater Systems.

2. Water Budget Calculation option:

- i. Landscape Project Application, including general project information
- ii. Landscape Design Plan
- iii. Water Budget Calculations
- iv. Soil Management Report
- v. Irrigation Design Plan
- vi. Grading Design Plan
- vii. Certificate of Completion
- viii. Landscape Audit Report
- ix. Certificate of Completion
- x. Irrigation Scheduling
- xi. Landscape and Irrigation Maintenance Schedule, and
- xii. where applicable, information on Recycled Water and Graywater Systems.

C. Submittal: The Landscape Project Application shall be submitted to the City for review and approval prior to installation of the landscape and shall provide information identifying and describing the project, as detailed in the Technical Guidance Document.

§15.70.060 Water Budget Calculations

- A. As indicated in Section 15.70.050, the project applicant may elect to either complete a water budget calculation for the landscape project using the Water Efficient Landscape Worksheet in Technical Guidance Document, or the applicant may elect the planting restrictions option. Water budget calculations, if prepared, shall adhere to the requirements provided in the Technical Guidance Document, which includes water budget parameters that are consistent with the State's Model Water Conservation in Landscaping Ordinance.

- B. Landscapes under the prescriptive compliance option are exempt from the requirement to submit water budget calculations.

§15.70.070 Landscape Design Plan

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project and as appropriate to its context. A landscape design plan meeting the criteria detailed in the Technical Guidance Document shall be submitted as part of the Landscape Documentation Package, which includes landscaping design parameters that are consistent with the State's Model Water Conservation in Landscaping Ordinance.

§15.70.080 Soil Management Report

- A. As indicated in Section 15.70.050, the project applicant may elect the water budget calculation option for compliance, if that option is selected, 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, or the applicant shall complete a Soil Management Survey. The requirements of the Soil Management Report and the Soil Management Survey are as detailed in the Technical Guidance Document.

- B. Landscapes under the prescriptive compliance option are exempt from the requirement to submit a soil management report, but shall comply with the soil preparation requirements detailed for the prescriptive compliance option in the Technical Guidance Document.

§15.70.090 Irrigation Design Plan

- A. This section applies to landscaped areas requiring permanent irrigation that are using the water budget calculation option, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system design plan shall be required and meet all the requirements listed in the Technical Guidance Document and the manufacturers' recommendations.

1. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance.
 2. An irrigation design plan meeting the design criteria outlined in Technical Guidance Document shall be submitted as part of the Landscape Documentation Package, which includes irrigation system design parameters that are consistent with the State's Model Water Conservation in Landscaping Ordinance
- B. Landscapes under the prescriptive compliance option are exempt from the requirement to submit a detailed irrigation design plan, but shall comply with the irrigation design requirements detailed for the prescriptive compliance option in the Technical Guidance Document.

§15.70.100 Grading Design Plan

- A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan or completed Grading Design Survey (see the Technical Guidance Document) shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement. The City may waive this requirement, if site grade conditions are not being significantly altered.

§15.70.110 Certificate of Completion

- A. The Certificate of Completion (see Technical Guidance Document for a sample certificate) shall include the elements detailed in the Technical Guidance Document.:
- B. The project applicant shall:
1. submit the signed Certificate of Completion to the local agency for review;
 2. ensure that copies of the approved Certificate of Completion are submitted to the City and property owner or his or her designee.
- C. The local agency will, after receipt of the signed Certificate of Completion from the project applicant, approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency will provide information to the project applicant regarding reapplication, appeal, or other assistance.

§15.70.120 Landscape Audit Report

- A. The Landscape Audit Report shall follow inspection by the installer to confirm that the landscaping and irrigation system were installed as specified in the Landscape and Irrigation Design Plan and it shall document that an irrigation system test and tune up was performed for distribution uniformity and to prevent overspray or run off that would cause overland flow, and it shall include an irrigation schedule.

- B. The Landscape Audit Report shall include the following statement: “The landscape and irrigation system has been installed as specified in the Landscape and Irrigation Design Plan and complies with the criteria of this chapter and the permit”.
- C. Local agency will administer on-going programs that may include, but not be limited to, post-installation landscape inspection, irrigation water use analysis, irrigation audits, irrigation surveys and verification of applicant supplied water budget calculations to evaluate compliance with the MAWA.

§15.70.130 Irrigation Scheduling

- A. 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. Irrigation schedules shall meet the following criteria and as further detailed in the Technical Guidance Document:
 - 1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - 2. Irrigation scheduling restrictions are to be confirmed with the City prior to initiating irrigation, except that operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
 - 3. Irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensor data.
 - 4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - 1. The plant establishment period;
 - 2. The established landscape; and
 - 3. Temporarily irrigated areas
 - 5. Each irrigation schedule shall consider for each station location and plant specific needs.

§15.70.140 Landscape and Irrigation Maintenance Schedule

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion in accordance with the Technical Guidance Document.

§15.70.150 Stormwater Management and Rainwater Retention

- A. Stormwater management practices should generally minimize runoff and increase infiltration which recharges groundwater, except where site specific conditions such as steep slopes may contraindicate. Project applicants shall refer to the City or Regional

Water Quality Control Board for information on any applicable stormwater technical requirements and to the Technical Guidance Document for guidance.

§15.70.160 Recycled Water

- A. Where used as part of a landscape design, the installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- C. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

§15.70.170 Graywater Systems

- A. 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 and any applicable local ordinance standards. Refer to Section 15.70.020 for the applicability of this chapter to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

§15.70.180 Provisions for Existing Landscapes Over One Acre in Size

- A. This section shall apply to all existing landscapes that were installed before the effective date of this chapter and are over one acre in size.
 - 1. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
 - a. For landscapes that have a water meter, the City is the administrator for programs that may include, but not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the MAWA for existing landscapes. The MAWA for existing landscapes shall be calculated as:

$$\text{MAWA} = (0.8) (\text{ETo})(\text{LA})(0.62).$$

- b. For landscapes that do not have a meter, the City is the administrator for programs that may include, but not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
 - c. All landscape irrigation audits for existing landscapes that are greater than one acre in size shall be conducted by a certified landscape irrigation auditor.

B. Water Waste Prevention.

1. The City prohibits water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.
2. Restrictions regarding overspray and runoff may be modified if:
 - a. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - b. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

§15.70.190 Penalties

- A. The violation of any of the provisions of this chapter shall constitute an infraction and a public nuisance, punishable by the fines, penalties and enforcement provisions set forth in Chapters [1.14](#), [1.16](#) and [1.18](#) of this code.
- B. In addition to any other criminal or civil enforcement proceedings, every violation of this chapter, or any permit or approval granted pursuant to this chapter, determined to be a public nuisance may be abated by the city in accordance with the provisions of [Chapter 8.36](#) of the Brisbane Municipal Code.
- C. This chapter may be enforced by the city manager and his authorized representatives (the "enforcement official"). The director of community development, the director of public works/city engineer, and the city building inspector are hereby designated as authorized representatives of the city manager, with full power to enforce the provisions of this chapter.
- D. The enforcement official has the authority to conduct such inquiries, audits inspections, or surveys to ensure compliance with the requirements of this chapter. Whenever the enforcement official determines that a violation of this chapter has occurred, the enforcement official may serve an administrative citation pursuant to [Chapter 1.16](#) of this code, or an administrative compliance order pursuant to [Chapter 1.18](#) of this code, or both.

§15.70.200 Public Education

- A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

- i. The City will provide information to all applicants regarding the design, installation, management, and maintenance of water-efficient landscapes and irrigation systems.
- B. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water-efficient landscapes that are described in this chapter.
 - i. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
 - ii. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

§15.70.220 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 2: Section 17.06.040.I of Chapter 17.06, R-1 Residential District, is amended to read as follows:

§17.06.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 3: Section 17.08.040.I of Chapter 17.08, R-2 Residential District, is amended to read as follows:

§17.08.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 4: Section 17.010.040.I of Chapter 17.10, R-3 Residential District, is amended to read as follows:

§17.10.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 5: Section 17.12.040.K of Chapter 17.12, R-BA Brisbane Acres Residential District, is amended to read as follows:

§17.12.040.K Landscaping Requirements.

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the planning director in consultation with the HCP plan operator. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and fauna, and are not invasive to the HCP area;
 - c. Use of water conserving plants;

- d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 6: Section 17.14.050.F of Chapter 17.14, NCRO Neighborhood Commercial District, is amended to read as follows:

§17.14.050.F Landscaping Requirements for the NCRO-1 district are as follows:

- 1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
- 2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
- 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 7: Section 17.16.040.G of Chapter 17.16, the SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

§17.16.040.G Landscaping Requirements.

- 1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
- 2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside.
- 3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
- 4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 8: Section 17.18.040.G of Chapter 17.18, the SP-CRO Sierra Point Commercial District, is amended to read as follows:

§17.18.040.G Landscaping Requirements.

1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 9: Section 17.19.040.F of Chapter 17.19, the TC-1 Crocker Park Trade Commercial District, is amended to read as follows:

§17.19.040.F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be subject to approval of the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 10: Section 17.20.030.F of Chapter 17.20, the M-1 Manufacturing District, is amended to read as follows:

§17.20.030.F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney