



City Council Staff Report

DATE: April 6, 2016

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1890 AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1890.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1890, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS."

STAFF ANALYSIS:

On March 16, 2016, Ordinance No. 1890 was introduced for first reading, as noted below:

ACTION: PROPOSED ORDINANCE AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS:

ACTION: Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1890, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS," amending Section 2 of the Ordinance to delete the definition of the term Xeriscape.

Motion Councilmember Foat, seconded by Mayor Moon, and unanimously carried 3-0 on a roll call vote.

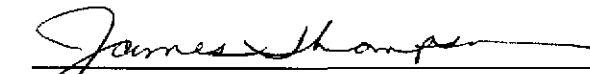
Item No. **2.C.**


AYES: Councilmember Foat, Councilmember Roberts, and Mayor Moon.

NOES: None.

ABSENT: Councilmember Kors and Mayor Pro Tem Mills.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachments:
Ordinance No. 1890

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING CHAPTER 8.60 OF THE PALM
SPRINGS MUNICIPAL CODE (PSMC) RELATING TO
WATER EFFICIENT LANDSCAPE REGULATIONS.

City Attorney Summary

This Ordinance amends Chapter 8.60 of the Palm Springs Municipal Code providing water efficient landscape standards consistent with the State Model Water Efficient Landscape Ordinance (23 CCR 490 et. seq.), and the 2015 Coachella Valley Model Water Efficient Landscape Ordinance.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

- A. On April 1, 2015, the Governor of the State of California issued Executive Order B-29-15, declaring a statewide water shortage emergency. The Executive Order called for the Department of Water Resources to update the Model Water Efficient Landscape Ordinance through expedited regulation.
- B. On July 15, 2015, the California Water Commission approved an updated Model Water Efficient Landscape Ordinance (MWELo) for adoption by local agencies.
- C. On November 23, 2015, the Technical Planning Subcommittee of the Coachella Valley Association of Governments (CVAG) approved an updated regional Model Water Efficient Landscape Ordinance for use by local agencies in the Coachella Valley.
- D. On December 15, 2015, the Sustainability Commission of the City of Palm Springs reviewed a draft of the proposed amendments to PSMC Chapter 8.60, based on the regional Model Water Efficient Landscape Ordinance, and referred the matter to subcommittee.
- E. On January 19, 2016, the Sustainability Commission received a report from the subcommittee on the proposed amendments, and voted to recommend approval of the proposed amendments to the City Council.
- F. The proposed zone text amendment (Case 5.1388 ZTA) is considered Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305, "Minor Alterations in Land Use Limitations," of the CEQA Guidelines because the proposed zone text amendment does not propose any changes to land use or density.
- G. The City Council hereby finds that adoption of the proposed Ordinance Text would:
 - 1. The proposed amendments are consistent with the General Plan and the Zoning Ordinance, in that they will result in a reduction in the City's overall

water usage while allowing for the continued high quality of development.

2. The proposed amendments are consistent with the State Model Water Efficient Landscape Ordinance and will result in the improved conservation of available water resources, which are essential to the future health and welfare of the community.
3. Approval of the ordinance will not materially impact public health, safety or welfare of the community.

SECTION 1. Amend Section 8.60.010(d) of the Palm Springs Municipal Code to read as follows:

- (d) These provisions are supplementary and additional to the subdivision and zoning and water conservation and water waste prevention regulations of this Code and shall be read and construed as an integral part of the regulations and controls established thereby.

SECTION 2. Amend Section 8.60.020 of the Palm Springs Municipal Code to remove the definition for "Xeriscape," add the following definitions as listed below, and to renumber the section accordingly:

"Annual color plantings" shall mean plants that perform their entire life cycle from seed to flower within a single growing season, and are typically replaced on a regular basis.

"High-water use plants" shall mean any plant which is characterized by a plant factor of 0.7 to 1.0, as defined by the Water Use Classification of Landscape Species list.

"Mulch" means any organic material such as 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.

"Plant factor" means a factor that, when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of these criteria, the average plant factor of very low water using plants ranges from 0.01 to 0.10, for low water using plants the range is 0.10 to 0.30, for moderate water using plants the range is 0.40 to 0.60, and for high water using plants, the range is 0.70 to 0.90. Reference: *Water Use Classifications of Landscape Species IV (WUCOLS IV)*.

SECTION 3. Amend Section 8.60.030 of the Palm Springs Municipal Code to read as follows:

- (a) 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 architectural review;
- (b) Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a landscape permit, plan check or architectural review;
- (c) New single family residential subdivisions where the front and/or side yards are landscaped by the developer or contractor;
- (d) All persons and properties as well as all pre-existing and newly installed or rehabilitated landscape areas shall comply with the water conservation and water waste prevention provisions in Chapter 11.06 of this Code.

SECTION 4. Amend Section 8.60.040 of the Palm Springs Municipal Code to read as follows:

This chapter shall not apply to the following:

- (a) Registered local, state or federal historic sites;
- (b) Ecological restoration projects that do not require a permanent irrigation system.

SECTION 5. Amend Section 8.60.050 of the Palm Springs Municipal Code to read as follows:

8.60.050 Landscape document package filing procedure.

- (a) Prior to the construction and installation of any new or rehabilitated landscaping as specified in Section 8.60.030, a landscape document package shall be prepared and submitted for review and approval. Approval shall be made through the landscape application form provided by the Department of Planning Services. The landscape document package shall include the following elements:
 - (1) Water conservation concept statement;
 - (2) Calculation of maximum water allowance (MAWA);
 - (3) Calculation of total estimated water use;
 - (4) Landscape design plan, including specifications for all plant materials and mulch materials;

- (5) Landscape grading plan;
- (6) Irrigation design plan:
 - (A) Showing the location, type and size of all components of the irrigation system that will provide water to the landscape area, including, but not limited to, controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators and backflow devices.
 - (B) The irrigation water source and type (potable or recycled), point of connection, the static water pressure at the point of connection, the application rate in inches per hour and the design operating pressure in pounds per square inch for each station.
 - (C) Irrigation schedule information including typical irrigation schedules that demonstrate that landscape can thrive using the MAWA calculated as part of that package. Include specification notes for routine inspection, repair and replacement of equipment and state the party responsible for maintenance.
- (7) Reclaimed water specifications;
- (8) Irrigation water specifications;
- (9) Soil analysis. (A soil analysis is recommended but not mandatory.)
- (b) The landscape application shall be supplemented by additional plans and water calculations, and submitted to the applicable water authority, with other pertinent information to adequately address all applicable aspects of the application.
- (c) Once the project is approved by the applicable water authority, the Department of Planning Services shall review applications and approve, conditionally approve or deny such application and shall assure conformity with this chapter. At the discretion of the Planning Director, the planning commission may consider and render decisions on landscape applications.
- (d) All landscape and irrigation plans for private development projects shall be in conformance with this Chapter and shall be prepared by a registered landscape architect or other qualified professional in a related field and be

installed by a licensed contractor, except as provided elsewhere in this Section.

- (e) All public agency projects are not required to be prepared by a landscape architect or installed by a landscape contractor or other qualified professional. However, all public agency projects shall be in compliance with the approved plans and installed correctly to specifications and standards approved by the City and in compliance with this Chapter.

SECTION 6. Amend Section 8.60.060(a)(2) of the Palm Springs Municipal Code to read as follows:

- (2) Only low volume irrigation or a surface flow/wick system shall be used for turf in a landscape area where any dimension of the landscape area is ten feet or less in width.

SECTION 7. Amend Section 8.60.060(b) of the Palm Springs Municipal Code to read as follows:

- (b) Plant materials.
 - (1) All plant materials shall be selected utilizing the Lush and Efficient Landscape Guidelines, published by the Coachella Valley Water District. A copy of the Lush and Efficient Guidelines shall be on file at the Department of Planning Services for public inspection and review.
 - (2) Annual color plantings shall be used only in areas of high visual impact and must be irrigated with drip, micro-irrigation or other systems with efficiencies of 90 percent or greater. Otherwise, drip-irrigated perennial plantings should be the primary source of color.
 - (3) High-water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in parking islands, medians, and landscape areas where any dimension of the landscape area is ten feet or less in width.

SECTION 8. Amend Section 8.60.060 of the Palm Springs Municipal Code to add a new subsection (c) as follows:

- (c) Mulch. The use of soil-covering mulch or mineral groundcover with a minimum depth of three (3) inches shall be required to reduce soil surface evaporation around trees, shrubs and on non-irrigated areas. The use of boulders and cobble shall be considered to reduce the total vegetation area. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat

must be included in the landscape design plan as such.

SECTION 9. Amend Section 8.60.070 of the Palm Springs Municipal Code to read as follows:

- (a) An irrigation plan satisfying the design guidelines outlined in the landscape application shall be submitted as part of the landscape document package. Where irrigation water is taken from the domestic water supply, separate landscape water meters shall be installed for all projects except single-family homes with landscaped areas of less than 5,000 square feet or as directed by the domestic water purveyor. When irrigation water is from a well, the well shall be metered per the requirements of the water purveyor having jurisdiction.
- (b) The irrigation design plan shall be drawn on project base sheets. The irrigation design plan shall be separate from, but use the same format as the landscape design plan.
- (c) The following techniques and practices shall be incorporated into the design of irrigation systems:
 - (1) The irrigation system shall be designed to conform to the hydrozones of the plants specified in the planting plan.
 - (2) The irrigation system shall be designed to prevent runoff, over spray, low head drainage and other similar conditions where irrigation water flows or sprays onto area not intended for irrigation and use low volume irrigation for mulched areas wherever feasible.
 - (3) The minimum irrigation efficiency shall be 0.75 (75%) for spray systems and 0.90 (90%) for drip systems.
 - (4) Portions of irrigation systems containing slopes greater than 25 percent shall utilize a precipitation rate of 0.75 inches per hour or less to prevent runoff.
 - (5) Sprinkler heads and other low emission devices shall be selected based on what is appropriate for the plant type in the hydrozone and shall have matched precipitation rates unless otherwise directed by the manufacturer's recommendations.
 - (6) Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity.
 - (7) The system shall provide that only low volume irrigation is used to irrigate any vegetation within 36 inches of an impermeable surface

unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into landscaped areas.

- (8) The irrigation system shall be regulated by means of a smart controller (either evapotranspiration, weather based, soil moisture based or similar).
- (9) Irrigation projects equal or greater than 5,000 square feet shall include the installation of a master valve. High-flow sensors that detect and report high flow conditions created by system damage or malfunction shall be specified for all projects where a dedicated landscape irrigation meter is required.
- (10) Water calculations shall include an evapotranspiration factor of 0.45.
- (11) Trees shall be placed on separate valves from shrubs, groundcover and turf.

SECTION 10. Amend Section 8.60.080 of the Palm Springs Municipal Code to read as follows:

- (a) For all private development projects, a licensed landscape architect, installing licensed contractor or other qualified professional in a related field shall conduct a final field observation and shall provide a certificate of completion. The certificate shall specifically indicate that plants were installed as specified. The installing contractor shall certify that the irrigation system was installed as designed pursuant to the approved plan, and that the efficiency of the drip and/or spray systems comply with the minimum standards contained herein.
- (b) Certification shall be accomplished by completing a certificate of completion and delivering it to the Department of Planning Services and to the owner of record.

SECTION 11. Amend Section 8.60.090(d) of the Palm Springs Municipal Code to read as follows:

- (d) An appeal may be filed with the Department of Planning Services regarding ordinary high water use caused by a line breakage or some type of occurrence which results in unavoidable water usage to exceed standards. An appeal shall include information regarding water usage the previous year, current year, proof of failure and repair bill. An appeal shall be filed pursuant to Section 8.60.120 of this Code.

SECTION 12. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary

thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California