

CALIFORNIA PUBLIC UTILITIES COMMISSION

Water Division

INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA

Standard Practice U-40-W

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SAN FRANCISCO, CALIFORNIA

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INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA

A—PURPOSE AND SCOPE

1. The purpose of this standard practice is to provide guidance to Water Division staff, to the public and to utilities as to steps to be taken when the utility suffers from a water shortage. The three levels of action are voluntary rationing, mandatory rationing and a service connection moratorium.

B—BACKGROUND

2. General Order 103, Chart 1, and Standard Practice U-22-W, Determination of Water Supply Requirements of Water Systems, address water supply requirements, but supply can be affected temporarily due to drought or decreased production of a utility's wells. When this happens, utilities may have to resort to mandatory conservation or may have to institute a service connection moratorium.

3. Parties may also protest service area extensions (see Standard Practice U-14-W) over concern that the available supplies may be inadequate to serve the new customers, which would be the equivalent of a service connection moratorium (see Section F)¹.

4. The position of the Commission in overall water supply planning was set forth in Decision 99-04-061, April 22, 1999 (see Appendix A to this Standard Practice).

C—DEVELOPMENT OF CONSERVATION AND RATIONING

5. In mid-1976, due to a drought, the Commission opened an Order Instituting Investigation (OII, Case No. 10114, June 8, 1976) to determine what actions to take. In early 1977, the Commission issued an emergency decision that allowed water utilities to distribute water conservation kits and to implement cost effective water conservation programs.

6. The Commission was once again faced with drought conditions in mid-1988. The Commission opened OII 89-03-005 that allowed all classes of water utilities to file a water conservation and rationing plan consisting of two distinct parts: Rule 14.1 (a "voluntary conservation" program) and Schedule 14.1 (the mandatory rationing and penalty part). This plan was based primarily upon the Department of Water Resources and Metropolitan Water District's model plans, but also

¹ In Resolution No. 4154, August 5, 1999, the Sierra Club protested Valencia Water Company's Advice Letters 84 and 85 for service area extension. The Commission found in the favor of Valencia, that it had adequate supplies, but ordered the utility to file its Water Management Program by application so the long-term water availability issues could be heard.

incorporated aspects of the North Marin Water District, East Bay Municipal Utility District, and California Water Service Company's existing conservation and rationing plans. The main objective of Rule 14.1 and Schedule 14.1 was to have a plan readily available for any utility that needed conservation and/or rationing methods. This plan allowed regulated utilities to achieve conservation of 17.5% to 26%.

7. The drought was officially declared over in February 1993 and the OII was closed. Because history shows that drought occurs in California about once every ten years, Rule 14.1 has remained in place. When conditions become severe, the utility may file an advice letter to institute Schedule 14.1. The Commission must approve implementation of this schedule by resolution.

D—VOLUNTARY RATIONING

8. Voluntary rationing consists of the steps described in Rule 14.1 (Appendix B). This Tariff Rule should be in the tariff book of every utility that might suffer from a water shortage.

E—MANDATORY RATIONING

9. Mandatory rationing consists of the steps described in Schedule 14.1. The utility adds schedule 14.1 to its tariff book by filing an advice letter with full justification. Staff will prepare a resolution for consideration by the Commission. The Commission must approve the imposition of mandatory conservation.

10. Schedule 14.1 may be modified to fit the needs of the utility and its particular water shortage situation. The following provisions are examples of what might be included in a typical Schedule 14.1:

- A. Prohibit nonessential and unauthorized water use, including:
 - i. use for more than minimal landscaping in connection with new construction;
 - ii. use through any meter when the company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five days;
 - iii. use of water which results in flooding or runoff in gutters or streets;
 - iv. use of water through a hose for washing cars, buses, boats, trailers or other vehicles without a positive automatic shut-off valve on the outlet end of the hose;
 - v. use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas;
 - vi. use of water to clean, fill or maintain levels in decorative fountains;

- vii. use of water for construction purposes unless no other source of water or other method can be used;
 - viii. service of water by any restaurant except upon the request of a patron; and
 - ix. use of water to flush hydrants, except where required for public health or safety.
- B. Establish customer water allocations at a percentage of historical usage with the corresponding billing periods of a non-drought year being the base.
 - C. Establish an allocation of a percentage of historical usage with the corresponding billing periods of a non-drought year being the base for consumption for users of process water (water used to manufacture, alter, convert, clean, grow, heat or cool a product, including water used in laundries and car wash facilities that recycle the water used).
 - D. Establish a minimum allocation of a number of Ccf per month (one Ccf is one hundred cubic feet) for any customer regardless of historical usage.
 - E. Establish an exceptions procedure for customers with no prior billing period record or where unusual circumstances dictate a change in allocation.
 - F. Establish a penalty ("conservation fee") of \$2.00 per Ccf for usage over allocated amounts, provided, however, that banking of underusage from month to month is allowed.
 - G. Provide that penalty funds are not to be accounted for as income, but are to be kept in a separate reserve account for disposition as directed by the Commission.
 - H. Provide that, after written warning for nonessential or unauthorized water use, for subsequent violations the utility may install a flow restrictor to be left in a minimum of three days. The second time a flow restrictor is installed it may be left in until rationing ends.
 - I. Establish charges of \$25, \$50, or actual cost depending on meter size for removing restrictors, and provide that continuing nonessential or unauthorized use may result in disconnection.
 - J. Establish an appeal procedure first through the utility, then to the Commission staff through the Executive Director, then to the Commission via a formal complaint.

F—SERVICE CONNECTION MORATORIUM

11. A service connection moratorium is sometimes imposed by the California Department of Health Services. The California Water Code, Section 350 et seq.,

provides that any public water supplier may, after public notice and hearing, declare a water shortage emergency within its service area whenever it determines that the ordinary demands and requirements of its consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. After it has declared a water shortage emergency, it must adopt such regulations and restrictions on water delivery and consumption as it finds will conserve its water supply for the greatest public benefit. Section 357 requires that suppliers which are subject to regulation by the CPUC shall secure its approval before making such regulations and restrictions effective.

12. Section 2708 of the Public Utilities Code states:

2708. Whenever the commission, after a hearing had upon its own motion or upon complaint, finds that any water company which is a public utility operating within this State has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from the system of such utility without injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by the corporation, the commission may order and require that no such corporation shall furnish water to any new or additional consumers until the order is vacated or modified by the commission. The commission, after hearing upon its own motion or upon complaint, may also require any such water company to allow additional consumers to be served when it appears that service to additional consumers will not injuriously withdraw the supply wholly or in part from those who theretofore had been supplied by such public utility.

13. To establish a service connection moratorium the utility must:

- a. Hold a public meeting under Section 350 and 351 of the Water Code
- b. Add the following language to each service schedule:

“MORATORIUM

No service shall be provided to any premises not previously served within the _____ Service Area as defined on the Service Area Map filed as a part of these tariffs.”

G—EXEMPTIONS

14. Some decisions to impose a moratorium contain exceptions. For example in Citizen’s Utilities (CUCC) Montara District:

“The moratorium shall not apply to owners of real property who are customers of CUCC on or before the date of this order, or their successors in interest, if any change in the use of their property

will not increase their demand upon the system.” (D.86-05-078, Ordering Paragraph 3.)

15. D.86-05-078 also provided that prospective customers could seek an exemption from the moratorium by filing an application with the Commission showing that extraordinary circumstances required an exemption.

16. In D.00-06-020, June 8, 2000 the Commission granted an application and authorized Citizens Utilities to install a water service connection to applicant’s property at APN 037-278-090 following cessation of service at applicant’s property at 888 Ocean Boulevard in Montara. Costs were to be borne by applicant. The order made it clear that water service could not be reinstated at 888 Ocean Boulevard absent a lifting or easing of the moratorium. Such determinations were also delegated to staff².

² D.86-05-078, May 28, 1986, Ordering Paragraph 4.

The Commission's Role in Water Planning

The two state agencies primarily responsible for overseeing water planning are the California Department of Water Resources, which manages the State Water Project and produces the California Water Plan, and the State Water Quality Control Board and Regional Water Quality Control Boards which have authority over water allocation and water quality protection.

In addition to the state agencies which have broad planning and management powers, local government also has a part in water use decisions. For example, county boards of supervisors, county water agencies, land use planning agencies, city governments, municipal water districts and many special districts all have a role in the use of water in California.

In this context, the Commission has recognized the futility of one party taking unilateral action to protect a groundwater basin:

Rehabilitation of the Santa Maria Groundwater Basin is not the responsibility of, and is beyond the physical and financial resources of any single individual, company, or agency. Even if [Southern California Water Company] were to stop drawing from the basin entirely and injected into the basin the entire 7,900 AFY it desires to obtain from the [Central Coast Water Authority], the basin's fundamental problems of declining quantity and water quality would not be solved. Most simply put, the basin's salvation as a water resource requires the immediate, undivided, sincere and selfless attention of all its users.

(Re Southern California Water Company, 48 CPUC2d 511, 519 (D.93-03-066)(emphasis in original).)

The Commission's role is limited to ensuring that each jurisdictional water utility provides its customers with "just and reasonable service, . . . and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public." (§ 451.) The Commission has further delineated the service standard in its General Order 103 where it proscribes Standards of Service

including water quality, water supply, and water pressure, as well as many other details of service.

The Commission has not, however, dictated to investor-owned utilities what method of obtaining water must be used to meet its present and future responsibility of providing safe and adequate supply of water at reasonable rates. (Southern California Water, 48 CPUC2d at 517.)

Which is not to suggest that the Commission ignores issues of water availability in its regulation of water utilities. The Commission requires that all water utilities prepare, file, and update a water management plan which includes identification of water sources as well as consumption projections over 15 years. These plans are updated by the utility as part of its general rate case.

RULE NO. 14.1
WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, and are beyond the control of the utility, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Division of its intent. If, in the opinion of the utility, more stringent water measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving Schedule No. 14.1, Mandatory Water Conservation and Rationing. When Schedule No. 14.1 has expired, or is not in effect, mandatory conservation and rationing measures will not be in force. Schedule No. 14.1 will set forth water use violation fines, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Schedule No. 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands, and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Schedule No. 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule 20. The utility shall notify all customers of the availability of conservation kits.

(continued)

RULE NO. 14.1
(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION - NON-ESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for non-essential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveway, or streets.
3. Use of water for washing aircraft, cars, buses, boats, trailers or other vehicles without a positive shut-off nozzle on the outlet end of the hose. Exceptions include washing vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas in a manner which results in excessive run-off or waste.
5. Use of water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for more than minimal landscaping in connection with any new construction.

(continued)

RULE NO. 14.1

(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION – NON-ESSENTIAL OR UNAUTHORIZED WATER USE (CONT.)

8. Use of water for outside plants, lawn, landscape, and turf areas more often than every other day, with even numbered addresses watering on even numbered days of the month and odd numbered addresses watering on the odd numbered days of the month, except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
9. Use of water for watering outside plants, lawn, landscape and turf areas during certain hours if and when specified in Schedule No. 14.1 when the schedule is in effect.
10. Use of water for watering outside plants and turf areas using a hand-held hose without a positive shut-off valve.
11. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
12. Use of water for the filling or refilling of swimming pools.
13. Service of water by any restaurant except upon the request of the patron.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, imposed mandatory conservation and rationing. Rationing shall be in accordance with the conditions set forth in Schedule No. 14.1 as filed at the time such rationing is approved by the Commission.

Before mandatory conservation and rationing is authorized by the Commission, the utility shall hold public meetings and takes all other applicable steps required by Sections 350 through 358 of the California Water Code.

(continued)

RULE NO. 14.1

(continued)

WATER CONSERVATION AND RATIONING PLAN

C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program, in Section A of this rule, become mandatory when the rationing program goes into effect. In the event a customer is observed to be using water for any nonessential or unauthorized use as defined in Section A of this rule, the utility may charge a water use violation fine in accordance with Schedule No. 14.1.
2. The utility may, after one verbal and one written warning, install a flow-restricting device on the service line of any customer observed by utility personnel to be using water for any non-essential or unauthorized use as defined in Section A above.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premise with a minimum of 6 Ccf/month. The restricting device may be removed only by the utility, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge as set forth in Schedule No. 14.1.
4. After the removal of the restricting device, if any non-essential or unauthorized use of water shall continue, the utility may install another flow-restricting device. This device shall remain in place until water supply conditions warrant its removal and until the appropriate charge for removal has been paid to the utility.
5. If, despite installation of such flow-restricting device pursuant to the provisions of the previous enforcement conditions, any such non-essential or unauthorized use of water shall continue, then the utility may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the utility as a condition to restoration of service.
6. Any monies collected by the utility through water use violation fines shall not be accounted for as income, but shall be accumulated by the utility in a separate account for disposition as directed or authorized from time to time by the Commission.
7. The charge for removal of a flow-restricting device shall be in accordance with Schedule No. 14.1.

(continued)

RULE NO. 14.1
(continued)

WATER CONSERVATION AND RATIONING PLAN

D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this water conservation and rationing plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 to 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notification shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/advertisement, community bulletin board, or other appropriate methods.

SCHEDULE NO. 14.1
MANDATORY WATER CONSERVATION AND RATIONING

APPLICABILITY

This schedule applies to all water customers served under all tariff rates schedules authorized by the Commission. It is only effective in times of rationing, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.

TERRITORY

This schedule is applicable within the entire territory served by the utility.

WATER USE VIOLATION FINE

When this schedule is in effect, the water use restrictions of the conservation program, in Section A of Rule 14.1, become mandatory. If a customer is seen violating the water usage restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following fine structure:

First offense - written warning	
Second offense -	\$25
(of the same restriction)	
Third offense -	\$50
(of the same restriction)	
Each additional offense -	\$25 more than the previous
	fine imposed.
(of the same restriction)	

Offenses for separate water use restrictions will each start at the warning stage.

The water use violation fine is in addition to the regular rate schedule charges.

(continued)

SCHEDULE NO. 14.1
MANDATORY WATER CONSERVATION AND RATIONING (CONT.)

FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restricting device shall be:

<u>Connection Size</u>	<u>Removal Charges</u>
5/8" to 1"	\$25.00
1-1/2" to 2"	\$50.00
3" and larger	Actual cost

SPECIAL CONDITIONS

1. This tariff schedule shall remain in effect for period of six (6) months from the effective date set forth below.
2. There shall be no use of utility-supplied water for outside plants, lawn, landscape, and turf areas between the hours of 3:00 a.m. to 8:00 p.m., regardless of address or day of the month.
3. Water use violation fines may be applied to violations of Section A of Rule No. 14.1, which prohibits non-essential and unauthorized uses of water.
4. Water use violation fines must be separately identified on each bill.
5. All bills are subject to the reimbursement fee set forth on Schedule No. UF.

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Chapter 8.56

WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN

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Drought Response Level

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8.56. 010 **Title.**

This Chapter shall be known as the “City of Hermosa Beach Water Conservation and Drought Management Plan Ordinance.”

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8.56. 020 **Findings**

- A. A reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the State, the southern California region and City of Hermosa Beach.
- B. The State of California, southern California region and the City of Hermosa Beach suffer from periodic water shortages, and a growing population, climate change, environmental concerns, periodic energy shortages, and other factors make the region highly susceptible to water supply reliability issues.
- C. An active water conservation program with conservation measures applicable to all sources and uses of water is essential to ensure a reliable supply of water for drinking, sanitation and fire protection, and to protect the public health, safety and welfare.
- D. A Water Conservation and Drought Management Plan is necessary to properly manage water supplies and mitigate the effects of water shortages within the City by reducing water consumption by residents, businesses and visitors, while

minimizing the hardship caused to the general public to the greatest extent possible.

- E. Recycled water (including water reclaimed by the West Basin Municipal Water District, graywater to the extent allowed by law and capture of rainwater) is a valuable resource that can be used to offset imported and other water supplies and shall therefore be regulated under this Chapter.

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8.56. 030 **Purpose and Intent**

- A. The purposes of this Chapter are to increase the conservation and efficient use of potable water, maximize the use of recycled water, and provide a drought management plan. The plan will reduce water consumption and extend available water supplies, minimize the effects and hardship of water shortages on the City and the general public to the greatest extent possible, and maximize the socioeconomic and environmental benefits associated therewith.
- B. This Ordinance is intended solely to further the conservation of water. It is not intended to implement or supersede any federal, state, or local statute, Ordinance or regulation relating to protection of water quality or control of drainage or runoff.
- C. This Ordinance does not modify, terminate or otherwise affect the water services or water rates of any person.

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8.56. 040 **Definitions.**

The terms in this Chapter relating to various uses of property shall be as defined in Title 17 (Zoning) and shall be broadly construed to achieve the purposes of this Chapter. In addition:

"Approval Authority" means the City Manager or his/her designee.

"Commercial" means commercial, industrial, or any other nonresidential business or use.

"Discretionary planning entitlement" means a land use permit or approval granted by the planning commission necessary to proceed with development.

"Existing" as used in this Chapter means, as applicable:

- A. An existing building means a building that was constructed or had received all required approvals to commence construction on or prior to April 1, 2010.
- B. An existing establishment means a business establishment that was in operation on or prior to April 1, 2010.

"Irrigation system" or "landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated through an automated system.

"New" means as applicable:

- A. **"New building"** means a building that is constructed, or receives all required approvals to commence construction, after April 1, 2010.
- B. **"New establishment," "new business" or "new facility"** mean a business establishment that initiates operation, or receives all required approvals to initiate operation, after April 1, 2010.

"Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

"Positive action quick-release shutoff valve or nozzle" means a hand-held sprayer or similar device that quickly, automatically and absolutely stops the flow of water when the user stops exerting pressure. Water-efficient devices emit not more than three (3) gallons of water per minute.

"Pre-rinse dishwashing spray nozzle" means a hand-held device that uses a spray of water to remove food and grease from dishware, utensils and pans before placing them in the dishwasher that emits not more than 1.6 gallons of water per minute.

"Pressure washer" means a water conserving cleaning device that emits not more than three (3) gallons of water per minute.

"Recycled water" or "recycling system" means the capture, reclamation and reuse of non-potable water for beneficial use.

"Single pass cooling system" means equipment where water is circulated only once to cool equipment before the water is disposed.

"Water broom" means a water conserving sweeping device with spray jets that emit not more than three (3) gallons of water per minute.

"Water-efficient" means a water conserving fixture, device or system that complies with the water conservation standards of the most current edition of the California Plumbing Code or, if no standard applies, is EPA WaterSense labeled or its equivalent. In no case shall the fixture, device or system use more water than is indicated by the standard stated in this section.

"Water-efficient irrigation systems" means systems using water conserving devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit not more than two (2) gallons of water per hour, and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.

"Water-efficient dishwashing machines or systems" mean devices that use not more than one (1) gallon of water per rack.

"Water-efficient laundry washing machines" means machines have a water factor of 6.0 or less, wherein water factor means the number of gallons of water used per cycle, divided by the tub volume.

"Water-efficient toilet" means toilets using not more than 1.6 gallons per flush or urinals using not more than one (1) gallon per flush.

"Water recycling system" means a system that reclaims and reuses non-potable water.

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8.56. 050 **Applicability.**

This Chapter is applicable to every person, commercial business, or other water user in the use of any water within the City. The City Council may by Resolution exempt pilot programs or special programs of limited scope undertaken by the City or undertaken in conjunction with the City's water providers.

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8.56. 060 **Water Conservation and Drought Management Plan.**

This Chapter establishes a water conservation and drought

management plan consisting of both permanent regulations designed to reduce water usage and increase the efficiency of water use on an ongoing basis, and three increasingly restrictive levels of drought response actions to be implemented in times of drought conditions.

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8.56. 070 **Water Conservation Requirements.**

The following water conservation requirements shall apply to all persons:

A. **Landscaping.**

1. **Watering hours and duration.** No lawn or landscaped area shall be irrigated or watered by any means between the hours of 9:00 a.m. and 6:00 p.m. on any day. Above-ground spray irrigation or watering shall not exceed fifteen (15) minutes per irrigation station or area. This provision shall not apply to drip irrigation systems, use of a hand-held bucket or similar container, use of a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, irrigation necessary to establish newly planted low water usage plants, or water expended for limited periods of time necessary for irrigation system maintenance or leak repair.
2. **Over-watering:** No lawn or landscaped area shall be irrigated or watered to the point where excess water ponds, sprays or runs off the lawn or landscaped area onto any walkways, sidewalks, driveways, streets, alleys or storm drains.
3. **Irrigation during rainfall:** No lawn or landscaped area shall be irrigated or watered during rainfall or within 24 hours after measurable rainfall.
4. **Landscape maintenance:** All lawns and landscaping shall be regularly maintained to reduce water use by such methods as aerating, thatching and mulching.
5. **Landscape irrigation system maintenance:** Landscape irrigation systems shall be regularly inspected, maintained and repaired to eliminate leaks, remove obstructions to water emission devices and eliminate over spraying.

B. **Pools and spas.** New pools and spas shall be equipped with a cover. Not later than July 1, 2012, all existing pools and spas shall be constructed, installed or equipped with a cover. Pools and spas shall be covered overnight and daily when use is concluded.

C. **Water fountains and decorative water features.** No

person shall operate a fountain or other decorative water feature that does not recycle or re-circulate the water utilized by the device.

- D. **Cleaning.** No person shall use water to wash or clean any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; however, use of water brooms or pressure washers or similar low flow technology, or water recycling systems to clean these surfaces, is permitted. In no case shall such water run off the property or drain onto any walkways, sidewalks, streets, alleys or storm drains.
- E. **Car washing.** No person shall use water to wash or clean any motorized or un-motorized vehicle, including, but not limited to, an automobile, truck, boat, van, bus, motorcycle, trailer or similar vehicle, except by use of a bucket or similar container or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility that uses a water recycling system to capture or reuse water.
- F. **Waste and leaks.** No person shall:
 - 1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture.
 - 2. Cause, permit or allow water to flow from any source on private or public property onto walkways, sidewalks, streets, alleys or storm drains, except as a result of rainfall or pumping excessive groundwater infiltration, such as by means of a sump pump.
 - 3. The use of water for cleaning, washing and other uses shall be performed in an efficient manner to reduce waste and total water use.
- G. **All commercial establishments**
 - 1. **Single pass cooling systems.** Single-pass cooling systems shall not be installed in new commercial buildings. When single pass cooling systems in existing businesses are replaced, single pass cooling system shall not be installed as a replacement.
 - 2. **Toilets.** New commercial establishments shall install and use only water-efficient toilets. All existing commercial establishments shall install and use only water-efficient toilets by January 1, 2014.
- H. **Eating and drinking establishments.** The following provisions shall also apply to all restaurants, cafes, snack shops, bars, other eating and drinking establishments, and food catering businesses:
 - 1. All establishments shall only provide drinking water to customers upon request.
 - 2. All establishments shall install and use low-flow pre-rinse dishwashing spray nozzles by July 1, 2011.
 - 3. All establishments shall use low-flow technologies for washing and cleaning floors and surfaces, such as using a hand-held bucket or similar container and mop, water

brooms or pressure washers.

4. New establishments shall install and use water-efficient dishwashing machines or systems. When dishwashing machines in existing businesses are replaced, water-efficient dishwashing machines or systems shall be installed. All existing establishments shall install and use only water-efficient dishwashing machines or systems by January 1, 2014.
- I. **Hotels and motels.** The following provisions shall apply to all hotels, motels, hostels, bed and breakfast and similar temporary accommodation establishments:
 1. All establishments shall provide customers the option of choosing not to have towels and linens laundered daily and shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language.
 2. All establishments that provide on-premises facilities for laundering towels or linens shall comply with Subsection J of this Section.
 3. All establishments that provide food services shall comply with Subsection H of this Section.
 - J. **Laundry businesses.** New commercial laundry businesses shall install and use water recycling systems. When washing machines in existing businesses are replaced, water-efficient laundry washing or water recycling systems shall be installed. All existing laundry businesses shall install and use only water-efficient laundry washing machines or water recycling systems by January 1, 2014.
 - K. **Commercial car wash facilities.** New commercial conveyor-type car wash facilities shall install water recycling systems. All existing conveyor car wash systems shall install and operate only water recycling systems by January 1, 2012. All existing commercial car wash operations, including those accessory to another use, shall use high pressure, low volume wash systems, bucket or similar container, and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, or similar low-flow device by January 1, 2012.
 - L. **Exceptions.** The provisions of this Section are not applicable to uses of water that are necessary to protect public health and safety or for essential governmental services when such uses of water cannot be reduced, such as for fire-fighting and other similar emergency services.

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8.56. 080 Drought Response Level 1 – Drought Alert Condition.

- A. The City Council may by Resolution declare a Drought Alert condition and implement the Level 1 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of up to ten (10) percent is required in order to have sufficient water supplies available to meet anticipated demands.
- B. Except as otherwise stated in this Chapter, during a Level 1 Drought Alert condition all persons using water shall comply with the following additional conservation measures:
 - 1. **Watering days and duration.** Limit lawn and landscape watering or irrigation to no more than three (3) days per week. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by Resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

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8.56. 090 **Drought Response Level 2 – Drought Critical Condition**

- A. The City Council may by Resolution declare a Drought Critical condition and implement the Level 2 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of ten (10) to twenty (20) percent is required in order to have sufficient water supplies available to meet anticipated demands.
- B. During a Drought Critical condition all persons using water shall comply the following additional conservation measures:
 - 1. **Watering days and duration.** Limit lawn and landscape watering or irrigation to no more than two (2) days per week, provided that the City Council may by Resolution limit lawn and landscape watering or irrigation to no more than one (1) day per week to achieve a reduction of up to twenty (20) percent. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by Resolution

establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

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8.56. 100 **Drought Response Level 3 – Drought Emergency Condition**

- A. The City Council may by Resolution declare a Drought Emergency condition and implement the Level 3 conservation measures set forth in this section on the grounds that overall consumer demand reduction of more than twenty (20) percent is required because the ordinary demands and requirements of water consumers cannot be satisfied without depleting water supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.
- B. During a Drought Emergency condition all persons using water shall comply with Sections 8.56.070 (Water Conservation Requirements) and the following additional mandatory conservation measures:
 - 1. **Irrigation and watering prohibition.** No lawn or landscaping watering or irrigation shall be allowed. This subsection shall not apply to the following, provided that watering days and watering duration shall comply with Subsection B of Section 8.56.090:
 - a. Irrigation or watering using recycled water.
 - b. Irrigation necessary to establish new plantings of low water usage plants or commercial nurseries.
 - c. Water efficient landscape irrigation systems using water efficient devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit no more than two (2) gallons per hour and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.
 - d. Maintenance of trees and shrubs that are watered by using a bucket or other watering container, hand-held hose equipped with positive action quick-release shutoff valve or nozzle, or similar low-volume non-spray irrigation.
 - e. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Chief.
 - f. Maintenance of existing landscaping on slopes exceeding ten (10) percent for erosion control.
 - g. Maintenance of landscaping within active public

- parks and playing fields, day care center play areas, and school grounds.
 - h. Public works projects.
 - i. Maintenance of plant materials identified to be rare, threatened or endangered or essential to the health of documented rare, threatened or endangered animals.
2. **Cleaning surfaces.** Water shall not be used to wash, clean or clear any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; except commercial or industrial establishments may use water broom, pressure washer or similar low flow technology or water recycling systems when necessary to comply with health, safety, water quality or other regulations verified by the approval authority. Pressure washers may be used to clean surfaces in preparation for painting, construction, or occasional seasonal maintenance when other methods are not practical.
 3. **Car Washing.** Vehicles shall not be washed, except at commercial car wash facilities that recycle water or use high pressure, low volume wash systems. Subject to Subsection E of Section 8.56.070, this provision shall not apply to car washes held as fund raising activities for bona fide community organizations, washing of garbage trucks, or washing of vehicles used to transport food and perishables, and washing of other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.
 4. **Ornamental Ponds and Lakes.** Ornamental ponds or lakes if empty shall not be filled, and if filled shall not be refilled or replenished.
 5. **Hotels and Motels: Mandatory Laundry Opt-Out.** Hotels, motels, hostels, bed and breakfasts and similar establishments shall not provide daily towel and linen laundering service to customers, except upon a specific request.

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8.56. 110 Procedures for Declaration and Notification of Drought Response Level and Additional Water Conservation Measures.

- A. The City Council shall declare a Drought Response Level 1, 2 or 3 by Resolution in the manner required by law and City procedures.
- B. The City Council shall declare the end to any Drought Response Level by the adoption of a Resolution in the manner

required by law and City procedures.

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8.56. 120 **Exception**

- A. An exception to any water conservation requirement of this Chapter may be granted or conditionally granted in accordance with the following requirements.
1. **Application.** Any water user may file an application with the Community Development Department for an exception from one or more water conservation measures on a form provided by the City, including supporting documents and information demonstrating the grounds for the requested exception, accompanied by a fee set by Resolution of the City Council.
 2. **Findings.** The approving authority may approve, conditionally approve or deny an application for an exception from water conservation measures. An application for an exception shall be denied unless the approval authority finds, based on the information provided in the application, supporting documents or such additional information as may be requested, all of the following:
 - a. That, due to special circumstances applicable to the property or its use, the strict application of this Ordinance would disproportionately impact the property or use when compared to similar types of uses or properties; and
 - b. That other water conserving measures to substantially off-set the proposed water use have been or will be employed as a condition of the approval, or the lack of such measures will not materially affect the ability of the City to achieve the purposes of this Chapter; and
 - c. That the exception does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.
 3. **Approval authority.** The approval authority shall act upon any application no later than ten (10) days after receipt of a complete application, and may approve, conditionally approve, or deny the exception. The applicant requesting the exception shall be promptly notified in writing of any action taken. Unless otherwise specified at the time an exception is approved, the exception shall only apply during the period of the specific circumstances from which an exception is requested.
 4. **Appeals.** An applicant may appeal the approval authority's decision, or any conditions placed on the

approval, to the City Council within ten (10) days of the date of decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by Resolution of the City Council. The City Council shall review the appeal at the next available meeting that the item may be heard.

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8.56. 130 **Penalties and Remedies**

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

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8.60. 010 Title.

This Chapter shall be known as the “City of Hermosa Beach Water Efficient Landscaping Ordinance.”

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8.60. 020 Purpose

It is the policy of the State of California and City of Hermosa Beach to promote water conservation. The standards detailed in this Chapter are intended to promote the selection, planting and maintenance of landscaping that is water efficient and water conserving, while allowing flexibility in designing healthy, attractive and cost-effective landscapes.

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8.60. 030 **Applicability**

- A. This Chapter is intended to implement, and shall be construed in a manner that is consistent with the Model Water Efficient Landscape Ordinance in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations, and any amendment thereto. "Consistent with" may also include more restrictive water conservation or water use efficiency measures.
- B. This Chapter shall apply to all of the following within the City of Hermosa Beach:
 - 1. "New construction" and "rehabilitated landscapes" for public and private development projects with a landscape area equal to or greater than 2,500 square feet, requiring a building permit, plan check, design review, or precise development plan.
 - 2. "Small landscape areas" less than 2,500 square feet, excluding plantings in pots or moveable planters, in connection with a building permit, plan check, design review, or precise development plan, subject to Section 8.60.070.
 - 3. Existing landscapes exceeding one (1) acre in size, subject to Section 8.60.080.
- C. This Chapter shall not apply to registered local, state or federal historical sites, botanical gardens open to the public, or any other special types of landscape projects that are exempt under the state Model Efficient Landscape Ordinance.
- D. The City shall provide information to all owners of new single family residential homes regarding the design, installation, management and maintenance of water efficient landscapes.
- E. The City may collaborate with another agency, such as a water purveyor, to implement some or all of the requirements contained in this Ordinance.
- F. This Chapter shall be applied in conjunction with the water conservation requirements of Chapter 8.56. Where conflicts in language may exist between this Chapter and Chapter 8.56 or any other provision of the Municipal Code, the language that requires the greater water conservation shall prevail.

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8.60. 040 **Definitions.**

The terms in this Chapter shall be broadly construed to achieve the purposes of this Chapter and may be supplemented by definitions and information in the Model Efficient Landscape Ordinance.

"Certificate of Completion" means the information and certifications that the landscape project has been installed and will operate in compliance with the approved Landscape Documentation Package as detailed in Section 492.2 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Discretionary planning entitlement" means a land use permit or approval granted by the Planning Commission necessary to proceed with development pursuant to Title 17 (Zoning).

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

"ETo" or "reference evapotranspiration" means a standard measurement of environmental parameters that affect the water use of plants expressed in inches per day, month or year. Calculation of the 'Maximum Applied Water Allowance' and 'Estimated Total Water Use' shall use the ETo values for Redondo Beach in Appendix A of the Model Water Efficient Landscape Ordinance as follows:

CITY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2	42.6

"ET adjustment factor" (ETAF) means a factor of 0.7 (0.7 or more but less than 0.8) that, when applied to ETo, adjusts for plant factors and irrigation efficiency.

"Homeowner-provided or homeowner-hired landscaping" means that landscaping installed for a single-family dwelling by a private individual or a licensed contractor, regardless whether for the owner or the occupant. Such landscape shall be regulated in the same manner as new construction or rehabilitated landscape, as applicable to the situation.

"Hydrozone" means a portion of the landscape area having plants with similar water needs. A

hydrozone may be irrigated or non-irrigated.

"Landscape area" means the total area of the landscape project (planting areas, turf areas, and water features) in a landscape design plan that is subject to the "Maximum Applied Water Allowance" calculation. Landscape area includes "new construction landscape" and "rehabilitated landscape." Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated by through an automated system.

"Landscape Documentation Package" means the project information, water efficient landscape worksheet, soil management report, landscape plan, irrigation plan and grading plan, prepared by the professionals and containing the information and certifications set forth in Sections 492.3 through 492.8 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Maximum applied water allowance" (MAWA) is the formula set forth below used to arrive at the annual water budget calculation and as further described in the Model Water Efficient Landscape Ordinance:

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

MAWA = Maximum Applied Water Allowance (gallons per year)

Eto = Reference Evapotranspiration (42.6 inches per year)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including Special Landscape Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Special Landscape Area (square feet)

0.3 = ET Adjustment Factor for Special Landscape Area

"Model Water Efficient Landscape Ordinance" means the regulations adopted by the State of California in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations.

"New landscape" means **"new construction"** and **"rehabilitated landscape"**.

"New construction" means, subject to the exclusions in Section 8.60.030, a new building with a new landscape area or other new landscape area such as a park, playground or greenbelt without an associated building, equal to or greater than 2,500 square feet.

"Plant factor" means a factor that, when multiplied by the ETo, estimates the quantity of irrigation water thought to be necessary to maintain plant health within the City. The plant factor range is 0 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plant, and 0.7 to 1.0 for high water use plants. Plant factors are defined and listed in the "Water Use Classifications of Landscape Species" ("WUCOLS") or equivalent documentation for plants not listed therein.

"Rehabilitated landscape" means, subject to the exclusions in Section 8.60.030, any re-landscaping project when the modified landscape area is equal to or greater than 2,500 square feet, and is fifty (50) percent or more of the total landscape area, and the modifications are completed within one (1) year. Includes developer, owner, occupant, or homeowner hired or installed landscaping.

"Reference evapotranspiration" See "ETo."

"Turf" means a groundcover surface of grass with an irrigation water need of greater than thirty (30) percent of the ETo.

"Small landscape areas" means the new construction or rehabilitated landscape of less than 2,500 square feet, excluding plantings in pots or moveable planters, subject to the exclusions in Section 8.60.070.

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

"Water budget calculation." See "maximum applied water allowance."

"Water conserving plants" means species with a low plant factor. May also be referred to as water efficient or water wise plants.

"Weather based irrigation controller" means a device that automatically adjusts the irrigation schedule based on changes in the weather.

"Water Efficient Landscape Worksheet" means the worksheets required by Section 492.4 of the Model Water Efficient Landscape Ordinance.

"Water Use Classification of Landscape Species" ("WUCOLS"), University of California, Cooperative Extension, current edition, applicable to the City of Hermosa Beach, California..

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8.60. 050 **Procedures.**

This Chapter shall be implemented through the Landscape Documentation Package application process. The Planning Commission may impose additional measures or conditions on the approval of applications for discretionary planning entitlements to further the purposes of this Chapter.

- A. **Application submittal.** Prior to issuance of a building or related construction permit, the applicant shall submit a Landscape Documentation Package on forms supplied by the Community Development Department accompanied by a fee set by resolution of the City Council. The Package shall include:
1. A landscape design plan prepared by a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to the practice of landscape architecture, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.6 of the Model Efficient Landscape Ordinance.
 2. An irrigation design plan prepared by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to design of irrigation systems, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.7 of the Model Efficient Landscape Ordinance.
 3. A grading design plan prepared by a licensed civil engineer or other qualified professional as authorized by law, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.8 of the Model Efficient Landscape Ordinance.
 4. A soils management plan completed by the applicant or his/her designee shall comply with all of the requirements of Section 492.5 of the Model Efficient Landscape Ordinance.
 5. A Water Efficient Landscape Worksheet prepared by the applicant or his/her designee that complies with all of the requirements of Section 492.4 of the Model Efficient Landscape Ordinance.
- B. **Application review.** The Community Development Director or his or her designee shall review the Landscape Documentation Package for compliance with this Chapter and approve, approve with conditions, or deny the application if the Director determines that the submittal does not comply with the requirements of this Chapter. Plans, worksheets, and related documents required by this Chapter and the construction permit process shall be modified consistent with approval of the Landscape Documentation Package.
- C. **Compliance verification.**
1. Prior to a request for final landscape or final occupancy inspection, the preparer of the landscape design plan or irrigation design plan or the licensed landscape contractor shall inspect the installation and submit a Certificate of Completion certifying that the installation substantially conforms to the approved Landscape Documentation Package or modifications thereto approved by the City and documented on As-Built plans.
 2. No building or other equivalent construction permit shall be issued unless and until the Certificate of Completion required by Subsection (C)(1) of this Section has been included on the final landscape plan submitted for plan check approval.
 3. No building or other equivalent construction permit shall be given a final landscape inspection or issued a permanent Certificate of Occupancy until the Community Development Department approves the Certificate of Completion. Upon a decision to deny the Certificate of Completion, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision.

D. Exceptions from standards.

1. Requests for exceptions shall be in writing and shall be submitted to the Community Development Director at the time the application is submitted to the City for review, or within a reasonable amount of time after the applicant determines or is informed that compliance with a requirement in this Chapter is infeasible. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation accompanied by a fee set by resolution of the City Council.
2. Exceptions to the standards set forth in Section 8.60.060 may be approved or conditionally approved by the Community Development Director or by the Planning Commission as part of the approval of a discretionary planning entitlement, upon making a finding based on substantial evidence that the exception will provide equivalent or greater water conservation than would be otherwise achieved by applying the standard.

E. Appeals. The decision of the Community Development Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, within ten (10) days of the decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by resolution of the City Council. The City Council shall review the appeal at the next meeting that the item may be heard.

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8.60. 060 Standards for New Landscape.

"New landscape" as defined in Section 8.60.040 shall be designed and managed to use the minimum amount of water required to maintain plant health. New landscape shall comply with all of the requirements in Sections 492.6 through 492.15 of the Model Efficient Ordinance and the following, whichever is more restrictive, unless an exception is granted pursuant to Section 8.60.050(D).

A. Plant material.

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used.
2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter
3. Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar source acceptable to the Community Development Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) shall not be used.
4. The landscape area of projects proposing exclusively commercial or industrial uses shall be designed using exclusively water conserving plants. Single family residential, multi-family residential, mixed use and institutional use projects shall be designed with not more than twenty (20) percent of the total landscaped area in turf or high water use plants in the Water Use Classification for Landscape Species (WUCOLS). Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Public agencies shall be exempt from this requirement.
5. Turf shall not be allowed on slopes greater than twenty (20) percent. Where the toe of the slope is adjacent to an impermeable surface, alternatives to turf should be considered on slopes exceeding twenty (20) percent, meaning one (1) foot of vertical elevation change for every five (5) feet of horizontal length. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ET_o).
6. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.
7. Species and landscape design shall complement and to the extent feasible in compliance with this Chapter be proportional to the surroundings and streetscape and incorporate deciduous trees to shade west and south exposures. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

B. Water features, pools and spas.

1. Recirculating water systems shall be used for water features. Where available, recycled water shall be used as a source for decorative water features.
2. Pools and spas shall be equipped with a cover and covered overnight and daily when use is concluded.

C. Grading and runoff. Landscape design shall minimize soil erosion and runoff.

1. Grading plans shall avoid disruption of natural drainage patterns to the extent feasible.
2. Grading plans shall demonstrate that normal rainfall and irrigation will remain within the property lines and not drain onto impermeable surfaces, walkways, sidewalks, streets, alleys, gutters, or storm drains.
3. Plans and construction shall protect against soil compaction within landscape areas.
4. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches that require ongoing maintenance, shall be considered during project design. Plans and practices shall comply with Chapter 8.44.

D. Irrigation systems.

1. An automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour.
2. An average landscape irrigation efficiency of 0.71 shall be used for the purpose of determining Maximum Applied Water Allowance. Irrigation systems shall be designed, maintained, and managed to meet or exceed this efficiency. Landscapes using recycled water are considered Special Landscape Areas, where the ET Adjustment Factor shall not exceed 1.0.
3. The irrigation system shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, walkways, sidewalks, streets, alleys, gutters, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.
4. Narrow or irregularly shaped areas, including turf less than eight (8) feet in width in any direction, shall be irrigated with subsurface irrigation or low volume above-ground irrigation system.
5. Overhead irrigation shall not be permitted within two (2) feet of any impermeable surface. Drip, drip line, or other low flow non-spray technology shall be used.
6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from sidewalks, pavement and impermeable surfaces.
7. All irrigation systems shall provide backflow prevention devices in accordance with the current edition of the California Building/Plumbing Code and check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines. Pressure regulators may be required if the pressure at the sprinkler head exceeds the manufacturer's recommended optimal operating pressure.
8. Reclaimed water and graywater irrigation systems shall be used when reasonably feasible and shall conform to the current edition of the California Building/Plumbing Code, and all other applicable local, state and federal laws.

E. Irrigation system hydrozones.

1. The irrigation system shall conform to the hydrozones of the landscape design plan.
2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use where the plant factor of the higher water using plant is used for calculations. No hydrozone shall mix high and low water use plants.
3. Sprinkler heads and other emission devices shall be appropriate for the plant type within that hydrozone. Where feasible, trees shall be placed on separate valves from turf, shrubs and groundcovers.
4. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

F. Landscape and irrigation maintenance.

1. All landscape and related elements shall be designed and properly maintained to insure long-term health and shall maintain conformance with the requirements of this Chapter.
2. Irrigation scheduling shall be regulated by automatic irrigation controllers.
3. Watering hours and duration shall be scheduled compliant with the requirements of Chapter 8.56.
4. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding and removing any obstruction to

- emission devices.
- 5. Repair of all irrigation equipment shall be promptly undertaken, using the originally installed components, or equivalent or enhanced components compatible with the irrigation system.
- 6. Landscape areas shall be permanently maintained and kept free of weeds, debris and litter; plant materials shall be maintained in a healthy growing condition and diseased or dead plant materials shall be replaced, in kind, pursuant to the approved plans within thirty (30) days. Alternatively, diseased or dead plant materials may be replaced with plant materials that have low water needs, as rated in the current edition of the Water Use Classification of Landscape Species.
- 7. The use, storage and disposal of all landscape and lawn care products shall comply with all manufacturer's specifications and applicable laws, and minimize the discharge of pollutants to the environment.
- G. Notwithstanding the requirements of this Section, landscape design and maintenance shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

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8.60. 070 Standards for Small Landscape Areas.

"Small landscape areas" as defined in Section 8.60.040 are subject to the provisions in this Section and are otherwise exempt from this Chapter

- A. **Procedures.** Prior to issuance of a permit for construction, the applicant shall provide information substantiating compliance with this section to the satisfaction of the Community Development Director. The Planning Commission may impose additional measures or conditions on discretionary planning entitlements to further the purposes of this Chapter. No building or other equivalent construction permit shall be issued a permanent Certificate of Occupancy until the Community Development Director determines the project complies with the standards in this section. In the case of any decision to deny a permit issuance or certificate of occupancy, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision in accordance with Subsections D or E of Section 8.60.050.
- B. **Standards.** Small landscape areas shall comply with the following standards. Provisions that are encouraged but not required are indicated with words such as 'should.'

 - 1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used. Where practical, such as in areas exceeding four hundred (400) square feet of contiguous landscape, plantings should be arranged by hydrozones.
 - 2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter.
 - 3. Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar recognized authority acceptable to the Community Development Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) should not be planted.
 - 4. The landscape area of projects proposing exclusively commercial, industrial or institutional uses shall be designed using exclusively water conserving plants. Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Turf shall not be allowed on slopes greater than twenty (20) percent. Deciduous trees should be used to shade west and south exposures.
 - 5. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.
 - 6. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.
 - 7. Plans and construction shall protect against soil compaction within landscape areas. Stormwater best management practices to minimize runoff, to increase on-site

retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches, should be considered during project design. No plan or practice shall conflict with Chapter 8.44.

8. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.
9. When irrigation systems are installed, an automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour. Watering hours and duration shall be compliant with the requirements of Chapter 8.56.
10. All irrigation systems shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, sidewalks, walkways, streets, alleys, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.
11. All landscape and related elements shall be properly maintained to insure long-term health and shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17, any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive. The use, storage and disposal of all lawn and landscape care products shall comply with all manufacturer specifications and applicable laws, and minimize the discharge of pollutants to the environment.

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8.60. 080 Existing Landscapes—Exceeding One Acre in Size .

Existing landscapes installed before January 1, 2010 exceeding one (1) acre in size per site shall comply only with the provisions in this Section and are otherwise exempt from this Chapter. "Site" means all contiguous property under one ownership, regardless whether separated by public rights-of-way.

- A. No irrigation system shall result in water waste due to leaks or runoff, overspray, or similar conditions where irrigation water flows onto walkways, sidewalks, streets, alleys, storm drains, adjacent property, or similar untargeted areas.
- B. Landscape design and maintenance shall additionally comply with the requirements of Chapters 8.44 and 8.56, Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.
- C. The City shall administer programs that may include, but are not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use, and provision of recommendations as necessary to reduce landscape water use to a level that does not exceed a Maximum Applied Water Allowance calculated as: $MAWA = (0.8) (ET_o)(LA)(0.62)$. Programs for landscapes without a water meter may include, but are not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

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8.60. 090 Penalties and Remedies.

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

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