



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	April 3, 2020	<b>Case/File No.:</b>	POD-20-002
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Update to the Landscaping Ordinance
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	All Districts
<b>Agenda Item:</b>	#6	<b>General Plan:</b>	Various
<b>Appeal Status:</b>	Board of Supervisors is the final decision maker	<b>Zoning:</b>	Various
<b>Applicant/Owner:</b>	County of San Diego	<b>Community:</b>	All
<b>Environmental:</b>	Addendum	<b>APNs:</b>	Various

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## A. EXECUTIVE SUMMARY

### 1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed amendments to the San Diego County Code of Regulatory Ordinances Relating to Water Conservation in Landscaping Ordinance, § 86.701 et seq. (Update to the Landscaping Ordinance) to implement the County's Climate Action Plan (CAP).

The CAP includes two measures that require an amendment to the existing Landscaping Ordinance. This Update to the Landscaping Ordinance will implement greenhouse gas (GHG) reduction strategies identified by Measures W-1.2, "Reduce Outdoor Water Use", and A-2.1, "Increase Residential Tree Planting."

Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that the Final Supplemental Environmental Impact Report (Final SEIR) dated February 14, 2018 on file with the Department of Planning and Development Services as Environmental Review Number PDS2016-ER-16-00-003 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto dated March 17, 2020 on file with PDS before approving the project; and
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Final SEIR dated February 14, 2018, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated March 17, 2020.
3. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (Attachment B - Clean & Attachment C - Strikeout).

## B. PROPOSAL

### 1. Background

On April 1, 2015, former Governor Brown issued Executive Order B-29-15 in response to severe ongoing drought conditions in the State of California (State). This Executive Order directed the State Department of Water Resources (DWR) to **revise the State's Model Water Efficient Landscape Ordinance (MWELO)** to require all projects with a landscaped area equal to or greater than 500 square feet to comply with the requirements, reduce water budgets, require more efficient irrigation systems, promote graywater use and stormwater recapture, and limit the use of turf in residential and non-residential landscaping.

On April 27, 2016 (6), the County of San Diego (County) Board of Supervisors (Board) adopted an ordinance amendment to the County Water Conservation in Landscaping Ordinance, San Diego County Code of Regulatory Ordinances § 86.701 et seq. (Landscaping Ordinance), to ensure it is as **effective as the State's 2015 MWELO update in conserving outdoor water use. The Landscaping Ordinance** was deemed consistent with the State MWELO requirements as it lowered the threshold of ordinance applicability to all projects with a landscaped area equal to or greater than 500 square feet and decreased water budgets according to State MWELO requirements.

**On February 14, 2018 (1), the Board adopted the Climate Action Plan (CAP) to reduce the County's community-wide and government operations GHG emissions. The County's CAP establishes GHG emissions reductions targets for 2020 and 2030, consistent with the State's Global Warming**

Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32). The CAP emissions reduction targets are to reduce 132,205 metric tons of GHG emissions by 2020 and 897,145 metric tons of GHG emissions by 2030. The County reduced 130,643 metric tons of GHG emissions through CAP implementation in 2018. The County is on track to meet the 2020 target. The CAP document can be found on the County website (<https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/cap/publicreviewdocuments/PostBOSDocs/San%20Diego%20County%20Final%20CAP.pdf>). The 2018 Annual Monitoring Report has additional information on CAP implementation progress (<https://www.sandiegocounty.gov/content/dam/sdc/sustainability/images/2018%20CAP%20Annual%20Monitoring%20Report-web.pdf>).

The CAP includes Measure W-1.2 **“Reduce Outdoor Water Use”** and A-2.1 **“Increase Residential Tree Planting”** which require an Update to the Landscaping Ordinance as part of implementation. Measure W-1.2 requires a 40% reduction from 2014 outdoor water use budgets for landscaping in new and existing residential and non-residential development. This represents a 24% reduction in outdoor water use for residential landscapes and a 7% reduction in non-residential landscapes from current water use budgets. Measure A-2.1 requires two trees be planted for every new single-family residential dwelling unit constructed.

By 2030, implementation of Measure W-1.2 will achieve 17,535 metric tons of GHG emissions reductions, or 2% of the County’s 2030 target. Implementation of Measure A-2.1 will achieve 1,735 metric tons of GHG emissions reductions, or 0.1% of the County’s 2030 target in the same timeframe. In addition to these emission reduction benefits, implementation of these measures will also improve regional water quality, reduce water and energy utility costs, and improve air quality and biological resources.

CAP Measures W-1.2 and A-2.1 are currently being implemented through the CAP Consistency Review Checklist during the discretionary review process for new development projects. The CAP Consistency Review Checklist is the mechanism by which discretionary review projects can demonstrate consistency with the CAP and qualify for a streamlined California Environmental Quality Act (CEQA) review process. The Update to the Landscaping Ordinance will not change or expand the criteria under which projects must comply with the ordinance. It will simply codify CAP measures that are currently being implemented through the CAP Consistency Review Checklist.

## 2. Update to the Landscaping Ordinance Project Description

The purpose of the proposed Update to the Landscaping Ordinance is to codify the outdoor water use reduction and residential tree planting requirements in the County’s adopted CAP while maintaining compliance with State legislation implemented through the MWEL. To develop the proposed Update to the Landscaping Ordinance, staff considered amendments to implement CAP Measures W-1.2 and A-2.1, public comments received during CAP development and during public review of the draft Update to the Landscaping Ordinance, and general clean-up items. In total, the proposed Update to the Landscaping Ordinance includes 45 items for consideration. Proposed Updates to the Landscaping Ordinance are described in detail in Attachment A. Attachments B and C include clean and strikeout versions of the proposed amendments recommended by staff. PDS evaluated each item in the Update to the Landscaping Ordinance for conformance with the guiding

principles and policies of the General Plan, CAP, and the California Environmental Quality Act (CEQA). Staff determined that the proposed changes are consistent with these documents and do not have the potential to create additional environmental impacts.

Staff conducted a comprehensive evaluation of the Update to the Landscaping Ordinance. The existing ordinance is implemented through the permit review process and any project that results in an irrigated landscaped area greater than 500 square feet is required to certify compliance with water budget calculations, the use of efficient irrigation systems, and turf limitations in residential and non-residential landscaping. Projects that result in an irrigated landscaped area from 500 to 2,500 square feet in area may use a streamlined submittal process in lieu of submitting a full landscape documentation plan. This proposed Update to the Landscaping Ordinance will not change or expand the types of projects that are currently required to comply with the ordinance nor the method of demonstrating compliance.

A summary of proposed revisions in the Update to the Landscaping Ordinance is provided below.

### CAP Implementation

Thirteen proposed revisions implement CAP Measures W-1.2 and A-2.1 to achieve GHG reductions from reducing outdoor water use in residential and non-residential development and increasing residential tree planting.

#### *Measure W-1.2:*

This Measure requires a 40% reduction from 2014 outdoor water use budgets for landscaping in new and existing residential and non-residential development. The 2016 Landscaping Ordinance update reduced water budgets by 22% for residential and 36% for non-residential development per State requirements. To achieve the required CAP water use reduction targets, water budget calculations are reduced by an additional 24% for residential and 7% for non-residential development from existing levels under this update.

#### *Measure A-2.1:*

This Measure requires two trees be planted for every new single-family residential dwelling unit constructed. To implement this requirement, single-family projects must comply by planting two new 24-inch trees in compliance with the Tree Planting Guidelines found in the **County's** Landscape Design Manual.

CAP Measure W-1.2 and A-2.1 requirements have been applied to projects subject to discretionary review since CAP adoption in 2018. There have been no identified issues associated with the implementation of these Measure requirements. To assist project applicants in designing and maintaining water efficient landscapes that comply with CAP Measure W-1.2 and A-2.1 **requirements, County staff have prepared updates to the County's Landscape Design Manual**, including Tree Planting Guidelines. A copy of draft Tree Planting Guidelines is provided as an informational item in Attachment D.

### Public Input

Five proposed revisions address public comments received during CAP development requesting clarification on how water use reductions would affect recreational opportunities for residents in

single-family sub-divisions and multi-family residential common areas and in construction activities. Proposed revisions allow for increased irrigation to recreational common areas such as passive play areas, greenbelts with walkable areas, and group useable open space, and further define which construction activities are subject to the Landscaping Ordinance water budget calculations.

#### General Clean-Up

The Update to the Landscaping Ordinance includes 27 general clean-up revisions that refine definitions and descriptions of ordinance requirements for consistency and clarity.

#### Cost

Implementation of the proposed Update to the Landscaping Ordinance will increase project costs for those projects that are required to plant the trees associated with CAP Measure A-2.1. These costs are estimated to be \$125-\$150 per tree installed, depending on the species of tree selected. No additional costs for project applicants result from the adoption of the Update to the Landscaping Ordinance.

### C. ANALYSIS AND DISCUSSION

The following section includes an analysis of the proposed changes for consistency with the General Plan and the CAP, and an evaluation of potential impacts through the California Environmental Quality Act.

#### 1. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and polices of the General Plan?
- b. Does the project implement the Climate Action Plan (CAP)?

#### 2. Consistency with the General Plan

The proposed project is consistent with the following relevant General Plan goals, policies, and actions.

*Table C-1: General Plan Consistency Summary*

General Plan Policy	Explanation of Project Conformance
COS-4.1 Water Conservation. Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that <b>minimize the County's dependence on imported</b> water and conserve groundwater resources.	Amending Sections 86.711 and 86.712 of the Landscaping Ordinance to update evapotranspiration adjustment factors in water budget calculations result in water conservation in landscaping.
COS-14.12 Heat Island Effect. Require that development be located and <b>designed to minimize the "heat island" effect</b> as appropriate to the location and density of development, incorporating such elements as	Amending Sections 86.709, 86.718, and 86.722 of the Landscaping Ordinance to include a residential tree planting requirement will increase the amount of shade trees in residential development and reduce the heat island effect.

General Plan Policy	Explanation of Project Conformance
cool roofs, cool pavements, and strategically placed shade trees.	
COS-19.1 Sustainable Development Practices. Require land development, building design, landscaping, and operational practices that minimize water consumption.	Amending Sections 86.711 and 86.712 of the Landscaping Ordinance to update evapotranspiration adjustment factors in water budget calculations result in water conservation in landscaping.
COS-20.1 Climate Change Action Plan. Prepare, maintain, and implement a Climate Action Plan for the reduction of community-wide (i.e., unincorporated County) and County Operations greenhouse gas emissions consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5.	<b>The proposed project implements the County's</b> Climate Action Plan by codifying implementing actions from Measure W-1.2 and A-2.1.

### 3. Consistency with the CAP

The proposed project is consistent with the following CAP measure implementing actions.

*Table C-2: CAP Consistency Summary*

CAP Measure Implementing Actions	Explanation of Project Conformance
W-1.2 Reduce Outdoor Water Use. Amend Title 8 of the San Diego County Code of Regulatory Ordinances (Water Conservation in landscaping).	Amending the Landscaping Ordinance to require a 40% reduction in outdoor water use budgets from 2014 levels completes Measure W-1.2 implementing action to achieve 17,535 metric tons of greenhouse gas emissions by 2030.
A-2.1 Increase Residential Tree Planting. Amend Title 8 of the San Diego County Code of Regulatory Ordinances (Water Conservation in landscaping).	Amending the Landscaping Ordinance to require two trees be planted for each new single-family residence constructed in the unincorporated area completes Measure A-2.1 implementing action to achieve 1,244 metric tons of greenhouse gas emissions by 2030.

### 4. California Environmental Quality Act (CEQA) Compliance

The proposed project is the Update to the Landscape Ordinance in order to codify requirements set forth by the Climate Action Plan Measures A-2.1 and W-1.2. These measures will result in a reduction in outdoor water use for all new and existing residential and non-residential uses and an increase in residential tree planting in new single-family residential uses. Adoption of this project will not alter any **development project's environmental review process or diminish regulatory requirements in any way.** There are no substantial changes that would result from the Update to the Landscape Ordinance from

the project that was evaluated in the Final Supplemental EIR (Final SEIR), dated February 14, 2018, as analyzed in the Environmental Checklist/Addendum dated March 17, 2020. There are no substantial changes in circumstances under which the project will be undertaken that will require major revisions to the previous Supplemental EIR due to the involvement of significant new environmental effects or a substantial **increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in the California Environmental Quality Act Guidelines Section 15162(a)(3).**

In addition, this project is exempt from CEQA under CEQA Guidelines Section 15304. The proposed project consists of minor public or private alterations in the condition of land, water, and/or vegetation. Specifically, the proposed project includes new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping. The proposed project also requires the addition of two new trees per residential unit. Therefore, the project is exempt from CEQA per Section 15304.

**This project is additionally exempt from CEQA pursuant to the “Common Sense” exemption Section 15061 (b)(3) of the state CEQA Guidelines** because it can be seen with certainty that there is no possibility that this activity in question may have a significant effect on the environment. The proposed project is designed to protect the environment through outdoor water use reductions that will reduce greenhouse gas emissions from the conveyance and treatment of potable water, and increased tree planting that will enhance the environment and increase carbon sequestration. Therefore, it can be seen with certainty that there is no possibility that the implementation of the Project would cause a significant effect on the environment.

#### D. OUTREACH AND PUBLIC INPUT

At the initiation of the Update to the Landscaping Ordinance project, a web page was created to provide the most current, direct source of information on the project. Additionally, an e-mail was sent to the 27 community planning and sponsor groups (CPGs/CSGs) chairs on February 14, 2020 to review the draft ordinance and supporting documents on the project website. Twin Oaks, Bonsall, and Fallbrook CPGs requested presentations on the Update to the Landscaping Ordinance project. Staff attended the Twin Oaks CSG meeting on February 16, 2020, the Bonsall CPG meeting on March 10, 2020, and the Fallbrook Design Review Board Committee on March 11, 2020 to discuss the project and answer questions. For other planning areas, staff coordinated closely with planning and sponsor group chairs through phone and email, to explain all portions of the project applicable to their planning area, and answer questions.

Staff also coordinated with stakeholder groups including the Land Development Technical Working Group, the American Society of Landscape Architects (ASLA), and the Building Industry Association (BIA). During these meetings stakeholders had the opportunity to provide comments, raise questions and concerns regarding all components proposed in the project. An email notification was sent to stakeholder groups who requested email notification for updates related to the CAP and Update to the Landscaping Ordinance which included a link to the web site with information on the project and the draft ordinance language on February 14, 2020.

Staff did not receive public comments on the proposed Update to the Landscaping Ordinance regulatory language during the public review period from February 14, 2020 to March 14, 2020. Staff did receive suggestions to provide additional educational resources and outreach to provide information on designing landscapes to conserve water. This feedback will be incorporated in **the County's Landscape Design Manual** revisions and CAP public outreach efforts.

#### E. RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. Find that the Final Supplemental Environmental Impact Report (Final SEIR) dated February 14, 2018 on file with the Department of Planning and Development Services as Environmental Review Number PDS2016-ER-16-00-003 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto dated March 17, 2020 on file with PDS before approving the project; and
2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Final SEIR dated February 14, 2018, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated March 17, 2020.
3. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO WATER CONSERVATION IN LANDSCAPING (POD-20-002) (Attachment B - Clean & Attachment C - Strikeout).



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**Report Prepared By:**

Rami Talleh, Deputy Director

858-495-5475

[rami.talleh@sdcounty.ca.gov](mailto:rami.talleh@sdcounty.ca.gov)

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**Report Approved By:**

Mark Wardlaw, Director

858-694-2962

[mark.wardlaw@sdcounty.ca.gov](mailto:mark.wardlaw@sdcounty.ca.gov)

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AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Summary of Proposed Updates to the Landscaping Ordinance

Attachment B – Landscaping Ordinance Amendment – Clean Copy

Attachment C – Landscaping Ordinance Amendment – Strike-out/Underline Copy

Attachment D – Draft Tree Planting Guidelines

Attachment E – Environmental Documentation

Attachment A  
Summary of Proposed Updates to the Landscape  
Ordinance

# 3-11

Amendment Item No.	Section / Title	Change	Purpose
1	Sec. 1	Add greenhouse gas (GHG) reduction context and remove outdated ordinance context.	Update history of Ordinance.
2	Sec. 86.701/ "Purpose"	Add reference to AB 32 and SB 32 GHG reduction strategy.	Describe that the ordinance includes strategies that contribute towards reducing GHGs in the County.
3	Sec. 86.702/ "Definitions"	Add definition of "Common Areas".	Define common areas acceptable for Measure A-2.1 residential tree plantings in cases where two trees per lot is infeasible.
4	Sec. 86.702/ "Definitions"	Update definition of "ET Adjustment Factor".	Implement CAP Measure W-1.2 outdoor water use reductions.
5	Sec. 86.702/ "Definitions"	Add definition of "Exclusive Use Area".	General clean-up. Add definition to refine Landscape Ordinance applicability.
6	Sec. 86.702/ "Definitions"	Add definition of "Fire Hazard Severity Zone".	General clean-up. Add definition to <b>remain consistent with the County's</b> Consolidated Fire Code.
7	Sec. 86.702/ "Definitions"	Add definition of "Group Usable Open Space".	Result of CAP SEIR comments. Allow for increased irrigation to recreational areas in residential development common areas.
8	Sec. 86.702/ "Definitions"	Update definition of "Initial Outdoor Water Use Authorization".	General clean-up.
9	Sec. 86.702/ "Definitions"	Update definition of "Irrigation and audit report".	General clean-up.

# 3-12

Amendment Item No.	Section / Title	Change	Purpose
10	Sec. 86.702/ "Definitions"	Update definition of "Landscaped Area".	General clean-up.
11	Sec. 86.702/ "Definitions"	Update definition of "Maximum Applied Water Allowance".	Update definition to implement CAP Measure W-1.2 water reduction requirements.
12	Sec. 86.702/ "Definitions"	Update definition of "Modified Landscape".	General clean-up.
13	Sec. 86.702/ "Definitions"	Update definition of "Mulch".	General clean-up. Refine definition of mulch used in structural BMP basins.
14	Sec. 86.702/ "Definitions"	Update definition of "Outdoor water use authorization".	General clean-up.
15	Sec. 86.702/ "Definitions"	Add definition of "Passive Play".	Result of CAP SEIR comments. Allow for increased irrigation to recreational areas in residential development common areas.
16	Sec. 86.702/ "Definitions"	Add definition of "QWEL".	General clean-up. Add definition to refine description of irrigation audit reports.
17	Sec. 86.702/ "Definitions"	Update definition of "Recreational Area".	Result of CAP SEIR comments. Allow for increased irrigation to recreational areas in residential development common areas.
18	Sec. 86.702/ "Definitions"	Update definition of "Special Landscaped Area".	Result of CAP SEIR comments. Allow for increased irrigation to recreational areas in vegetated structural BMP areas.

Amendment Item No.	Section / Title	Change	Purpose
19	Sec. 86.702/ <b>"Definitions"</b>	<b>Update definition of "Turf".</b>	General clean-up. Refine definition of turf to include irrigated turf specifically.
20	Sec. 86.703/ <b>"Applicability"</b>	Refine applicability section to address residential sub-divisions.	General clean-up. Refine ordinance applicability for residential sub-divisions.
21	Sec. 86.703/ <b>"Applicability"</b>	Add applicability section to address projects under 500 square feet.	General clean-up. Explicitly exempt projects under 500 square feet from the ordinance.
22	Sec. 86.703/ <b>"Applicability"</b>	Add applicability section to address water use during site construction.	Result of CAP SEIR comments. Clarification of which construction activities are applicable to the Landscape Ordinance water budget requirements.
23	Sec. 86.707/ <b>"Landscape Documentation Package"</b>	Evidence of compliance for model homes.	General clean-up.
24	Sec. 86.708/ <b>"Soil Management Report"</b>	Update soil amendment recommendation description.	General clean-up.
25	Sec. 86.709/ <b>"Landscaping and Irrigation Plan"</b>	Add tree planting requirement in landscape plan for single family residential development.	CAP Measure A-2.1 implementation.
26	Sec. 86.709/ <b>"Landscaping and Irrigation Plan"</b>	Add landscape components that are required to meet stormwater regulations to the Landscaping and Irrigation Plan.	General clean-up.

Amendment Item No.	Section / Title	Change	Purpose
27	Sec. 86.709/ <b>“Landscaping and Irrigation Plan”</b>	Update mulch type indicated on Landscaping and Irrigation Plans.	General clean-up. Refine the requirements for mulch use in structural BMP water basins.
28	Sec. 86.709/ <b>“Landscaping and Irrigation Plan”</b>	Update fire safety information to remain consistent with the County Fire Code.	General clean-up.
29	Sec. 86.711/ <b>“Water Efficient Landscape Worksheet”</b>	Update evapotranspiration adjustment factor (ETAF) value to 0.42 for residential and non-residential landscapes.	Implement CAP Measure W-1.2 outdoor water use reductions.
30	Sec. 86.712/ <b>“Maximum Applied Water Allowance”</b>	Update evapotranspiration adjustment factor (ETAF) value to 0.42 for residential and non-residential landscapes.	Implement CAP Measure W-1.2 outdoor water use reductions.
31	Sec. 86.712/ <b>“Maximum Applied Water Allowance”</b>	<b>Update definition of “Landscaped Area” in the MAWA formula to afford increased water use for special landscape areas.</b>	General clean-up.
32	Sec. 86.716/ <b>“Limitations on Use of Turf in Landscaped Areas”</b>	Specify irrigated and non-irrigated turf requirements.	General clean-up.
33	Sec. 86.718/ <b>“Projects with Model Homes”</b>	Update requirements to include two trees per lot.	Implement CAP Measure A-2.1 in model homes.
34	Sec. 86.718/ <b>“Projects with Model Homes”</b>	Update signage requirements.	Provide outreach and educational components of CAP implementation and sustainable features to future homeowners.

Amendment Item No.	Section / Title	Change	Purpose
35	Sec. 86.722/ <b>"Prescriptive Compliance Option"</b>	Add tree planting requirement in landscape plan for single family residential development.	CAP Measure A-2.1 implementation.
36	Sec. 86.722/ <b>"Prescriptive Compliance Option"</b>	Specify irrigated and non-irrigated turf requirements.	General clean-up.
37	Sec. 86.722/ <b>"Prescriptive Compliance Option"</b>	Refine definition of landscape maintenance to include BMPs.	General clean-up.
38	Sec. 86.724/ <b>"Modification of Outdoor Water Use Authorization"</b>	Add provisions for residential tree plantings.	Allow for modifications of tree plantings after establishment period with written authorization from the Director of PDS.
39	Sec. 86.725/ <b>"Certificate of Completion"</b>	Add description of process for developer to provide homeowner disclosure statement of water budget and tree planting requirement.	Implement CAP Measure A-2.1 and W-1.2. Update to PDS Form 410 will include language to satisfy this requirement.
40	Sec. 86.725/ <b>"Certificate of Completion"</b>	Add description of HOA Architectural Guidelines.	General clean-up. Ensure compliance with ordinance water budget requirements. Staff will prepare standard language for HOA guidelines and include in the Landscape Design Manual after Counsel review. Update to PDS Form 410 will include language to satisfy this requirement.

Amendment Item No.	Section / Title	Change	Purpose
41	Sec. 86.725/ <b>"Certificate of Completion"</b>	Add photo documentation requirement for irrigation systems.	General clean-up. Ensure compliance with ordinance irrigation system requirements. Photo documentation would include: water meter connections, valves, irrigation controllers, irrigation components. Update to PDS Form 410 will include language to satisfy this requirement.
42	Sec. 86.725/ <b>"Certificate of Completion"</b>	Add photo documentation requirement for tree plantings in residential development.	Implement CAP Measure A-2.1 tree planting requirements.
43	Sec. 86.726/ <b>"Irrigation Schedule"</b>	Refine list of qualified irrigation schedule preparers.	General clean-up.
44	Sec. 86.727/ <b>"Landscaping and Irrigation Maintenance"</b>	Update description of the landscaping and irrigation maintenance schedule for BMPs.	General clean-up.
45	Sec. 86.727/ <b>"Landscaping and Irrigation Maintenance"</b>	Refine explanation of which vegetation shall be replaced with similar plantings.	General clean-up.



Attachment B  
Landscaping Ordinance Amendment  
Clean Copy

AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7, OF  
THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
RELATING TO WATER CONSERVATION IN LANDSCAPING

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines as follows:

The State of California has set standards for water efficiency in landscaping since 1990. These requirements are currently set forth in the Water Conservation in Landscaping Act, Government Code sections 65591 et seq., (“Act”). In accordance with the Act and its predecessor statute, the Department of Water Resources adopted and periodically amended a Model Water Efficient Landscape Ordinance (“MWELO”). The MWELO is currently codified at 23 California Code of Regulations sections 490 et seq. The County was at all times required to adopt an ordinance as effective as the MWELO at conserving water or apply the MWELO. The County adopted and has enforced its own water efficient landscape regulations since the first MWELO became effective on January 1, 1993.

Executive Order B-29-15 issued April 1, 2015 directed the Department of Water Resources to amend the MWELO to increase water efficiency standards for new and existing landscapes and to limit the use of turf. The Department of Water Resources revised the MWELO in accordance with the Executive Order and the California Water Commission approved the revised MWELO on July 15, 2015. Consistent with the requirements of the Act, the County amended its water efficient landscape requirements on April 27, 2016 as set forth at sections 86.701 et seq. of the San Diego County Code of Regulatory Ordinances to ensure that the County’s requirements are as effective as the current MWELO at conserving water. The ordinance was deemed consistent with the findings and declarations the State Legislature made when adopting the Act and went into effect on May 27, 2016.

Consistent with the Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32), the County is amending its water efficient landscape requirements on XX, 2020 to ensure that the County’s requirements reduce greenhouse gasses in the atmosphere by reducing outdoor water use and requiring increased residential tree planting.

Section 2. Title 8, Division 6, Chapter 7 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

## CHAPTER 7. WATER CONSERVATION IN LANDSCAPING

### SEC. 86.701. PURPOSE.

The State Legislature determined in the Water Conservation in Landscaping Act (the “Act”), Government Code sections 65591 et seq., that the State's water resources are in limited supply. The Legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. Consistent with the Legislature's findings the purpose of this chapter is to:

(a) Promote the values and benefits of landscaping practices that promote the conservation and efficient use of water in a manner at least as effective as the Act and implementing Regulations.

(b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and projects with modified landscapes.

(c) Promote the use, when available, of tertiary treated recycled water and graywater for irrigating landscaping.

(d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

(e) Encourage proper planning, design, installation, management, and maintenance of landscapes that will achieve the conservation and efficient use of water in landscapes by:

(1) Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and aesthetic benefits.

(2) Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

(3) Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

(4) Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

(5) Protecting existing habitat and promoting the creation of new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants, utilizing integrated pest management with least toxic methods as the first course of action.

(f) Incorporate greenhouse gas reduction strategies that contribute towards reducing greenhouse gas emissions in accordance with the Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32).

#### **SEC. 86.702. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) “Aggregate” means the sum total of landscaped areas on a given parcel.

(b) “Applied water” means the portion of water supplied by the irrigation system to the landscape.

(c) “Automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture sensor data.

(d) “Building permit” means a permit issued by the County Building Department authorizing the permit holder to among other things, erect, construct, enlarge, alter, repair or improve a building or structure.

(e) “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other accredited certification program.

(f) “Common areas” means all landscaped areas irrigated and maintained by a homeowners’ association or similar administrative structure designed to maintain shared areas normally including swimming pools, recreation courts, patios, open landscaped/passive play areas, and greenbelts with pedestrian walkways, equestrian and bicycle trails within designated communities.

(g) “Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 4100.

(h) “Cool season grass” means a type of grass that remains green in the winter months.

(i) “Defensible Space” means as defined in Section 4902 of the County’s Consolidated Fire Code and described in Section 4907.

(j) “Developer” includes the owner of a project and the owner’s partners, associates, employees, consultants, trustees or agents or any other persons who have any other business or financial relationship with the owner.

(k) “Director of PDS” means the Director of Planning & Development Services or anyone whom the Director has appointed or hired to administer or enforce this chapter.

(l) “Discretionary permit” means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial. Projects with conceptual landscape plans approved during discretionary review shall be conditioned to submit a final Landscape Documentation Package.

(m) “Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

(n) “Establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas may need three to five years for establishment, and trees, irrigated with a separately valved system, may require a minimum of five years.

(o) “Estimated total water use” (ETWU) means the estimated total water use in annual gallons per year for a landscaped area.

(p) “Evapotranspiration adjustment factor” (ETAF) means a factor of 0.42 for residential areas and non-residential areas that, when applied to reference evapotranspiration, adjusts for plant water requirements and irrigation efficiency, which are two major influences on the amount of water that is required for a healthy landscape. The ETAF for new and existing non-Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-modified landscapes is 0.48.

(q) “Exclusive Use Area” means all privately maintained Landscaped Areas within a single-family detached lot, or detached condominium lot.

(r) “Evapotranspiration rate” (ET<sub>o</sub>) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period.

(s) “Fire Hazard Severity Zone” means those geographical areas as described in Section 4902 of the County’s Consolidated Fire Code.

(t) “Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

(u) “Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

(v) “Graywater” means untreated wastewater that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs.

(w) “Grading” means any importation, excavation, movement, loosening or compaction of soil or rock.

(x) “Group Useable Open Space” means a contiguous space with no dimension less than 15’ in length in any direction intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped/passive play areas, and greenbelts with pedestrian walkways, equestrian and bicycle trails. Narrow strips of landscape areas adjoining but projecting away from the space shall not be counted towards the group useable open space. Requirements for screening of the group open space cannot be counted as part of the group useable open space.

(y) “Hardscape” means any durable surface material, pervious or non-pervious.

(z) “Hydrozone” means a portion of the landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

(aa) “Initial Outdoor Water Use Authorization” is achieved at time of Landscape Documentation Package approval, and prior to installation and submittal of the Certificate of Completion. This allows a property owner to

proceed with installation of the landscape prior to final Outdoor Water Use Authorization being granted. This also allows those applicants utilizing the Outdoor Water Use Application Using Prescriptive Compliance Option form to install landscaping prior to submittal of the Certificate of Completion (Prescriptive Compliance Option). Single-family tract homes will be issued Initial Outdoor Water Use Authorization to the developer after approval of either a Landscape Documentation Package establishing the maximum applied water allowance for each applicable lot or Outdoor Water Use Application Using Prescriptive Compliance Option.

(bb) ~~(w)~~ “Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

(cc) “Irrigation audit report” means an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor, including a Qualified Water Efficient Landscaper. An irrigation audit includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, soil moisture test/observation for drip and subsurface irrigation, reporting overspray or runoff that causes overland flow and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

(dd) “Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.90 for point source drip, 0.85 for in-line emitter tubing or subsurface, 0.85 for bubblers, 0.75 for overhead rotator or precision nozzle spray devices, 0.70 for rotor, and 0.60 for all other spray nozzles.

(ee) “Landscaped area” (LA) means all the planting areas, including special landscape areas, turf areas (artificial or natural), and water features in a landscape design subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). A landscape area may include design features adjacent to an area with vegetation when allowed under section 86.714.

(ff) “Landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use. Flow sensors connected to an automatic irrigation controller may also function as a landscape water meter.

(gg) “Licensed landscape contractor” means a person licensed by the State of California as a specialty contractor in the C-27 or other category, to construct, maintain, repair, install or subcontract the development of a landscape system.

(hh) “Landscape design manual” means the manual, approved by the Director of Planning & Development Services that establishes specific design criteria and guidance to implement the requirements of this chapter.

(ii) “Low head drainage” means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

(jj) “Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(kk) “Major grading permit” means all grading activities requiring a grading permit from the County that are considered to be “major grading” within the scope of section 87.208 of the San Diego County Code of Regulatory Ordinances.

(ll) “Mass grading” means the movement of more than 5,000 cubic yards of soil by mechanical means to alter the topographic features of a site.

(mm) “Median” means an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(nn) “Minor grading permit” means all grading activities requiring a grading permit from the County that are considered to be “minor grading” within the scope of section 87.206 of the San Diego County Code of Regulatory Ordinances.

(oo) “Master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(pp) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water measured in annual gallons for the established landscaped area as specified in Section 86.712. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor (0.42), and the size of the landscape



area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.  $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$ .

(qq) “Modified landscape” means a deviation from an approved landscape plan, that results in a cumulative increase or decrease from the original approved plan in excess of 10 percent of the landscaped area; or, whether a landscape plan was previously approved or not, the re-landscaping of any property where the modified landscape area is 2,500 square feet or greater, requiring discretionary review or issuance of a building permit. Any property proposing re-landscaping of an existing area with a total aggregate landscape from 500 square feet to less than 2,500 square feet shall conform to the restrictions of the Prescriptive Compliance Option (Section 86.722) before a new building permit is issued or may elect to be compliant with the performance requirements of this ordinance.

(rr) “Mulch” means an organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion. Mulch used in structural BMP basins shall be non-floating shredded hardwood.

(ss) “New construction” means a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(tt) “Non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

(uu) “Outdoor water use authorization” is granted by the County upon acceptance of the signed Water Use Application Using Prescriptive Compliance Form as per 86.706, or after a Landscape Documentation Package, as per 86.707 has been approved, landscape and irrigation has been installed, and a Certificate of Completion, per Section 86. 725 has been accepted and approved.

(vv) “Overspray” means the water from irrigation that is delivered outside a targeted area.

(ww) “Parkway” as defined by the County’s Public Road Standards, means the distance measured from the curb face, or edge of pavement where no curb is provided, to the property line of a road right-of-way. It may be planted or unplanted, and with or without pedestrian facilities.

(xx) “Passive Play” means an outdoor area designed, developed, and intended for low intensity recreational use by individuals, families, or small groups and may include landscaping, walkways, paths, trails, interpretive features, benches for seating, scattered picnic tables, and children’s play areas.

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

(zz) “Plant factor” means a factor that when multiplied by the ETo, estimates the amount of water a plant needs. The plant factor range for very low water use plants is 0.0 to 0.1, the plant factor range for low water use plants is 0.2 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors used shall be from the publication “Water Use Classification of Landscape Species” (WUCOLS). Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(aaa) “Point to source drip” means the application type of irrigation water with a matched precipitation rate at low pressure through a system of tubing or lateral lines with a dedicated field-installed low volume emitter or emitters at each specific plant. The distribution uniformity of this type of irrigation generally does not exceed 90 percent.

(bbb) “Public water purveyor” means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

(ccc) “Qualified Water Efficient Landscaper” (QWEL) means an individual recognized through the WaterSense labeled Professional Certification Program. Individuals with this certification can provide irrigation audit reports as per Section 86.725 (e) (1).

(ddd) “Recreational area” means areas, excluding private single family residential areas, designated for active and passive play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds, greens, and group useable open space areas.

(eee) “Recycled water” means waste water as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur and is regulated per Title 22 of the California Code of Regulations for various outdoor irrigation uses by either secondary or tertiary treatments.

(fff) “Reference evapotranspiration” (ET<sub>o</sub>) means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is expressed in inches per day, month, or year and is an estimate of the evapotranspiration of a large field of four-inches to seven-inches tall, cool season grass that is well watered. Reference evapotranspiration is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

(ggg) “Residential landscape” means landscapes surrounding single or multifamily homes, and also includes residential structures within a mixed-use development.

(hhh) “Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

(iii) “Special landscaped area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, vegetated structural BMP’s, those applicable vegetated Source Control and Site Design requirements associated with Priority Development Plans, fuel modification zones as established by a fire protection plan, or water features using recycled water.

(jjj) “Structural BMP” means a subset of best management practices (BMP’s) which detains, retains, filters, removes, or prevents the release of pollutants and control runoff discharge rates to surface waters from development projects in perpetuity, after construction of a project is completed. These BMP’s can satisfy the requirements for Pollutant Control BMP’s and Hydromodification BMP requirements for Priority Development Projects.

(kkk) “Submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter. Flow sensors connected to an automatic irrigation controller may also function as a landscape water meter, provided they accurately measure and record water applied to the landscape.

(lll) “Subsurface irrigation” means an irrigation device with a delivery line and water emitters installed below the soil surface that emit small amounts of water into the soil to irrigate plant roots.

(mmm) “Tertiary treated recycled water” means water that has been through three levels of treatment including filtration and disinfection and meets California Code of Regulations, Title 22 standards for use as outdoor irrigation.

(nnn) “Transitional area” means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.

(ooo) “Turf” means an irrigated groundcover surface of cool season or warm season mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue are cool season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysias grass and buffalo grass are warm season grasses.

(ppp) “Water conserving plant species” means a plant species identified as having a very low or low plant factor.

(qqq) “Water feature” means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool where a public water purveyor provides water for the feature. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are used solely for water treatment or stormwater retention are not water features.

(rrr) “WUCOLS” means Water Use Classification of Landscape Species and refers to the most recent version of the Department of Water Resources publication authored by the University of California Cooperative Extension and the Department of Water Resources 2014.

### **SEC. 86.703. APPLICABILITY.**

(a) The following projects in the unincorporated area of the County for which the County issues a building permit or a discretionary permit after the chapter's effective date shall be required to obtain an outdoor water use authorization as part of the permitting process:

(1) Any new construction where the aggregate landscaped area is 500 square feet or more.

(2) Any modified landscape that in the aggregate totals 2,500 square feet or more.

(3) A new single family residence served by a public water purveyor within the San Diego County Water Authority or the Borrego Water District. A

new single family residence served by an on-site well shall require landscape review to be compliant with the landscape regulations but does not need to provide water budget calculations to a water purveyor per Section 86.711. As used in this subsection, a new single family residence does not include a single family residence that is being rebuilt after it was destroyed due to a declared natural disaster, such as a fire, earthquake, hurricane or tornado.

(4) A model home that includes a landscaped area, where the home is served by a public water purveyor within the San Diego County Water Authority or by the Borrego Water District.

(5) A project not included in categories (a)(1) through (a)(4) that requires a new minor or major grading permit and contains an area served by temporary or permanent irrigation.

(6) A cemetery.

(b) The following projects for which the County issues a building permit or a discretionary permit may comply with the performance requirements of this ordinance, or conform to the Prescriptive Compliance Option set forth in this chapter, unless otherwise required through discretionary review to submit a Landscape Documentation Package:

(1) Any project, including single-family lots within a residential subdivision, with an aggregate landscaped area from 500 square feet to less than 2,500 square feet.

(2) Any lot or parcel within a project with less than 2,500 square feet of an aggregate landscaped area that meets the Estimated Total Water Use (ETWU) requirements, found in Section 86.713 entirely with treated or untreated graywater, or through stored rainwater captured on site. These projects need only comply with the requirements of Section 86.722(a)(5) & (6).

(c) The following projects shall be exempt from the requirements of this chapter:

(1) A registered local, State or federal historical site, based on a determination by the Director of Planning & Development Services (Director of PDS) in consultation with the County Archeologist.

(2) An ecological restoration project that does not require a permanent irrigation system.

(3) A mined land reclamation project that does not require a permanent irrigation system.

(4) Existing plant collections included in a botanical garden or arboretum that is open to the public.

(5) All projects containing under 500 square feet of aggregate landscaped area.

(6) Water use during site construction activities is exempt from water budget calculations required of Sections 86.712 and 86.713. Only final landscaped areas, including plant establishment and 70% slope coverage prior to grading release, shall require water budget calculations.

(d) Sections 86.728(a) and 86.729 shall apply to the owners and occupants of all property in the unincorporated area of the County, whether or not the property is subject to a water use allocation. Existing landscape projects that were installed before the effective date of this chapter where the landscape area is greater than one acre shall also be subject to section 86.730(b).

#### **SEC. 86.704. OUTDOOR WATER USE AUTHORIZATION.**

(a) No person who constructs a project subject to sections 86.703(a) and (b) shall use water for irrigation or a water feature without the authorization required by this chapter.

(b) A person constructing a project subject to sections 86.703(a) and (b) shall obtain a water use authorization to provide water to a landscaped area as follows:

(1) A person applying for a building permit shall obtain a water use authorization from the County as part of the permitting process.

(2) A person applying for a discretionary permit shall submit a landscape concept plan with the discretionary permit application. As used in this chapter, a landscape concept plan means a drawing of the site where the project will be located that includes a representation of the site features, proposed plantings areas and the proposed method and type of irrigation.

(3) A person issued a discretionary permit shall obtain a water use authorization as part of the permitting process for each building permit or for each project segment that requires installation of a water meter or connection to an existing water meter.

(c) A water use authorization issued by the County shall establish the allowed MAWA for property on which a project that is subject to this chapter is located.

(d) Once the County establishes the MAWA for a property, no person shall exceed the MAWA on that property, unless the County agrees to modify the MAWA, as provided in section 86.724.

(e) Any person may examine the water use authorization establishing the MAWA for a property at the Department of Planning & Development Services during normal business hours.

#### **SEC. 86.705. ADMINISTRATION, ENFORCEMENT AND LANDSCAPE MANUAL.**

(a) The Director of PDS shall administer and enforce this chapter, except that the Director of PDS may refer an application for a water use authorization to the Director of Public Works, Director of Parks and Recreation or the Director of General Services for processing.

(b) The Director of PDS shall prepare a landscape design manual that provides guidance to applicants on how to comply with the requirements of this chapter. The manual shall also provide guidance for a person with an existing landscaped area on how to increase water use efficiency and avoid wasting water.

#### **SEC. 86.706. NEW DEVELOPMENT PROJECTS WITH LIMITED LANDSCAPING.**

An applicant for a building permit for a new single family residence or non-residential project subject to this chapter where the aggregate landscaped area of the project is greater than 500 square feet but less than 2,500 square feet shall, as a condition of obtaining a building permit, submit a Landscape Documentation Package or a landscape plan compliant with the Prescriptive Compliance Option in this chapter. The application process shall include establishing a MAWA for the project.

#### **SEC. 86.707. LANDSCAPE DOCUMENTATION PACKAGE.**

(a) Except as otherwise provided, an applicant for a building permit for a project described in section 86.703(a) shall submit a Landscape Documentation Package with the permit application.

(b) An applicant for a building permit for a project described in section 86.703(b) is eligible to conform to the Prescriptive Compliance Option specified in this chapter in lieu of submitting a Landscape Documentation Package.

(c) The Landscape Documentation Package required by subsection (a) shall contain the following:



(1) A project description that includes the date, project applicant, project location identified by address or parcel/lot number, total landscaped area in square feet, project type (e.g., new, modified, public, private, cemetery), water supply type (e.g., potable, recycled, well, graywater), checklist of all documents included in the Landscape Documentation Package, and project contacts for the applicant and property owner if different.

(2) A soil management report that complies with section 86.708 that analyzes soil composition within each landscaped area of the project.

(3) A landscaping and irrigation plan that complies with section 86.709 that describes the landscaping and irrigation for the project.

(4) A water efficient landscape worksheet that complies with section 86.711 that calculates the MAWA and the ETWU for the project.

(5) A grading design plan that complies with section 86.710 that describes the grading of the project.

(6) Evidence of compliance with section 86.718 for projects with model homes.

#### **SEC. 86.708. SOIL MANAGEMENT REPORT.**

(a) The soil management report shall contain the following information:

(1) An analysis completed by a properly certified or accredited laboratory using accepted industry protocol. The analysis shall be of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter.

(2) Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques. Locally produced, non-petroleum based soil amendments shall be preferred.

(b) When a project involves mass grading of a site the applicant shall submit a soil management report that complies with subsection (a) above with the Certificate of Completion required by section 86.725.

(c) In projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent



to 1 in 7 lots. Mass grading projects shall provide a soil sampling test for every 25,000 square feet of area graded.

#### **SEC. 86.709. LANDSCAPING AND IRRIGATION PLAN.**

(a) The landscaping and irrigation plan shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a landscape and irrigation plan may prepare their own plans, or have a licensed landscape contractor prepare the landscaping and irrigation plan if the homeowner has contracted with that contractor to install the landscaping and irrigation pursuant to the plan. Property owners may also prepare plans and specifications for any property owned by that person.

(b) The landscaping and irrigation plan shall contain the following information in addition to any other information required to be shown by 23 California Code of Regulations sections 492.6 and 492.7:

(1) A list of all vegetation by common and botanical plant name which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.

(2) A list of all vegetation by common and botanical plant name which will be added to each landscaped area. The plan shall include the total quantities by container size and species. Provide the plant factor for each species on the list as per WUCOLS. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable germination specifications.

(3) A detailed description of each water feature that will be included in the landscaped area.

(4) The plan shall be accompanied by a drawing showing on a page or pages, delineating each hydrozone and specifying each as very low, low, moderate, high water or mixed water use; the specific location of all vegetation, retained or planted; the plant spacing and plant size; natural features that were created by natural processes; water features and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing, including the species' plant factor.

(5) The location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, landscape water meters, and backflow prevention devices.

(6) The static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required.

(7) The MAWA for the plan, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 86.712 and the Water Efficient Landscape Worksheet.

(8) The ETWU for the plan, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 86.713 and the Water Efficient Landscape Worksheet.

(9) A statement signed under penalty of perjury by the person who prepared the plan that provides, “I am familiar with the requirements for landscape and irrigation plans contained in the County Landscape Water Conservation Regulations, in Title 8, Division 6, Chapter 7 of the San Diego County Code of Regulatory Ordinances. I have prepared this plan in compliance with those regulations. I certify that the plan implements those regulations to provide efficient use of water.”

(10) To increase carbon sequestration in the unincorporated county, each new single-family residential project shall include two trees per dwelling unit in the Plan. Trees shall be located on private land outside of the public right-of-way. See the County’s Water Efficient Landscape Design Manual for tree planting guidelines and a definition of which single-family residential projects must comply with this requirement.

(11) The location, type, and size of vegetated structural BMPs, or any other vegetated BMPs, that will be installed on the property to meet stormwater requirements to reduce pollutant load.

(c) The landscape and irrigation plan shall be designed to include all mandatory elements specified by 23 Code of California Regulations sections 492.6 and 492.7 and such additional or alternative requirements as follows:

(1) All plants shall be grouped in hydrozones and the irrigation system shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use, and mix plants of high water use with plants of moderate water use, but no high water use plants shall be allowed in a low water use hydrozone. A high water use hydrozone may, however, provide for some low water use plants if the low water use plants are of a type that are likely to thrive and flourish with the

additional water. The plan shall also demonstrate how the plant groupings, based on site location, slope, sun exposure, soil conditions, and plant types, accomplish the most efficient use of water.

(2) The irrigation system shall be designed to prevent standing water and any condition such as runoff, overspray and low-head drainage where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques, such as avoidance of soil compaction in landscape areas, avoidance of disrupting natural drainage patterns and undisturbed soil, and grading to allow all irrigation and normal rainfall to remain within the property lines will promote healthy plant growth and prevent standing water, erosion and runoff.

(3) The plan shall provide for use of mulch as follows:

(A) A minimum three inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(B) Stabilizing mulch shall be applied on slopes that meet current engineering standards.

(C) The mulching portion of a seed/mulch slurry in hydro-seeded applications shall comply with subsection (B) above.

(D) Highly flammable mulch material, such as straw, leaves, bark, or small or mini size wood chips, shall not be used in a "Fire Hazard Severity Zone," as that term is defined in the County Fire Code. Inorganic mulches such as decomposed granite, gravel, or rocks may be used instead. Non-floating shredded hardwood shall be used in all structural BMP basins.

(E) Organic mulch materials made from recycled or post-consumer products/materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by County Fire Code.

(4) The plan shall identify the type and amount of mulch for each area where mulch is applied.

(5) On a project other than a single family residence, the plan shall identify recreational areas.

(6) The plan shall identify areas permanently and solely dedicated to edible plants.

(7) The plan shall identify each area irrigated with recycled water, graywater and other non-potable water.

(8) The plan shall identify soil amendments and their type and quantity.

(A) Prior to the planting of any materials (unless contraindicated by the soils report or in the case of native vegetation, as approved by the Director of PDS) compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.

(C) To meet the requirements of (A) above, all landscaped areas, except those described in (B) above, shall install-compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

(9) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing roadway users' (e.g., motorists', bicyclists', pedestrians', and equestrians') views of pedestrian crossings, driveways, roadways and other vehicular travel ways, traffic signs, and traffic signals. Sight distance lines, as provided by a California registered Civil Engineer using the sight distance requirements defined in the County Public Road Standards, shall be shown on the plans. If the landscaping will require maintenance to avoid obstructing roadway users' views, the plan shall describe the maintenance and the frequency of the proposed maintenance. The plan shall demonstrate that landscaping when planted and at full maturity shall not obscure sight distance for all roadway users. The plan shall also be compliant with requirements defined in the Landscape Architecture chapter of the most current Caltrans Highway Design Manual.

(10) The plan shall avoid the use of landscaping with known surface root problems adjacent to a sidewalk and paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots. Trees shall be planted a minimum of 24 inches from sidewalk. Root barriers are required when used in parkways with landscaped areas less than 3 feet in width and where specified.

(11) The plan shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with an application rate of 0.75 inches per hour or less to prevent runoff and erosion. As used in this chapter, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(12) Installation of irrigation mainlines under paved areas within the public right-of-way shall be avoided. When approved, the plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC sleeve pipe.

(13) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade using swing joints or other riser-protection components if they are within 24 inches of a vehicle or pedestrian use area. The Director of PDS may allow on-grade piping where landform constraints make below grade piping infeasible.

(14) The plan shall provide that only drip, drip line, or other low flow non-spray technology shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area. The setback may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material.

(15) The plan shall provide that plants in a transitional area consist of a combination of site adaptive and compatible native and non-native species. The plan shall also provide that no invasive plant species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(16) The plan shall demonstrate compliance with best management practices required by sections 67.801 et seq. (Watershed Protection, Stormwater Management and Discharge Control regulations), and the County's Best Management Practice's Design Manual.

(17) The plan shall address fire safety issues and demonstrate compliance with Section 4907 of the County's Consolidated Fire Code for defensible space around buildings and structures and shall avoid the use of fire prone vegetation.

(18) The irrigation system shall provide for the installation of an easily accessible manual shutoff valve as close as possible to the water supply.

Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

(19) The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller, along with sensors (rain, freeze, wind, etc.), appropriate to local climatic conditions, either integral or auxiliary, that will suspend or alter irrigation operation during unfavorable weather conditions.

(20) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.90 for point source drip, 0.85 for in-line emitter tubing or subsurface, 0.85 for bubblers, 0.75 for overhead rotator or precision nozzle spray devices, 0.75 for rotor and 0.60 for all other spray nozzles.

(d) The landscaping and irrigation plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is an evapotranspiration (weather based) system or moisture detection system, utilizing non-volatile memory. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or an automatic irrigation controller.

(e) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet or more and all residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either:

(1) a customer service meter dedicated to landscape use provided by the local water purveyor; or

(2) a privately owned meter or submeter.

(f) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5,000 square feet or larger.

(g) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(h) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(i) Soil moisture probes shall be located in the bottom and the toe of side slopes of all vegetated storm water detention basins to ensure that the irrigation controller does not activate those valves irrigating these areas during periods of inundation.

(j) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

#### **SEC. 86.710. GRADING DESIGN PLAN.**

(a) The grading design plan shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a grading design plan may prepare their own plans, or have a licensed landscape contractor prepare the grading design plan if the homeowner has contracted with that contractor to do the work covered by the plan. Property owners may prepare Grading Design Plans and specifications for any property owned by that person. Grading Plans required per the County's Grading Ordinance will satisfy these requirements, but shall be prepared by a California licensed civil engineer. The grading design plan shall comply with following requirements:

(1) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(2) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements. All Structural BMP's shall be labeled.

(3) The Grading Design Plan shall demonstrate grading has been designed to avoid obstructing roadway users' (e.g., motorists', bicyclists', pedestrians', and equestrians') views of pedestrian crossings, driveways, roadways, other vehicular travel ways, traffic signs, and traffic signals. Sight distance lines, as provided by a California registered Civil Engineer using the sight distance requirements defined in the County Public Road Standards, shall be shown on the plans as applicable.

(b) If the project applicant has submitted a grading plan with the application for the project the Director of PDS may accept that grading plan in lieu of the grading design plan required by this section, if the grading plan complies with subsection (a) above.

#### **SEC. 86.711. WATER EFFICIENT LANDSCAPE WORKSHEET.**



The Water Efficient Landscape Worksheet in Appendix B to Title 23 California Code of Regulations section 429.4 shall be submitted with the Landscape Documentation Package. The worksheet shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a water efficient landscape worksheet may prepare their own worksheet, or have a licensed landscape contractor prepare the water efficient worksheet if the homeowner has contracted with that landscape contractor to install the landscaping and irrigation covered by the plan for which the worksheet was prepared. Property owners may also prepare worksheets for any property owned by that person. The water efficient worksheet shall contain all of the following:

(a) Information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.42 for residential and non-residential areas, exclusive of Special Landscape Areas.

(1) The ETAF for a landscape project is based on the plant factors and irrigation methods selected, and when applied to reference evapotranspiration, a factor adjusts for plant water requirements and irrigation efficiencies.

(2) The MAWA is calculated based on the maximum ETAF allowed (0.42 for residential and non-residential areas) and shall be expressed in annual gallons.

(3) The Estimated Total Water Use is calculated based on the plants used and irrigation method selected for the landscape design. ETWU shall be expressed in annual gallons and must be below the MAWA.

(b) Water budget calculations shall adhere to the following requirements:

(1) The plant factor used shall be from WUCOLS, or may be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges from 0 to 0.1 for very low water use plants, 0.2 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants. If plants within a hydrozone have different water use requirements the hydrozone category shall be determined using the highest water using plant. Any plant may be selected for the landscape providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance.



(2) Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this chapter means the period of time when plantings only receive water until they become established.

(3) The surface area of a water feature shall be included in a high water use hydrozone unless the water feature is a pool or a spa with a durable cover. In that case, the water feature may be included in a moderate water use hydrozone. Pool and spa covers are not required but highly recommended in conserving water due to evaporation.

(4) All Special Landscape Areas shall be identified and their water use calculated as shown on the Water Efficient Landscape Worksheet. The ETAF for new and existing Special Landscape Areas shall not exceed 1.0.

(c) Budget calculations for the MAWA and the ETWU shall use the formulas in section 86.712 and section 86.713.

#### **SEC. 86.712. MAXIMUM APPLIED WATER ALLOWANCE.**

(a) A landscape project subject to this chapter shall not exceed the MAWA. The MAWA for a new landscape project shall be determined by the following calculation:

$$\text{MAWA} = (\text{ETo})(0.62) [(\text{ETAF} \times \text{LA}) + ((1-\text{ETAF}) \times \text{SLA})]$$

(b) The abbreviations used in the equation have the following meanings:

(1) MAWA = Maximum Applied Water Allowance in gallons per year, or annual gallons allowed.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) ETAF = 0.42 for residential and non-residential areas.

(5) LA = Landscaped area, including the special landscaped area in square feet.

(6) 1-ETAF = the additional ET adjustment factor for a special landscaped area

(7) SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

(c) If a public water purveyor establishes a MAWA for a property that is different than the MAWA established pursuant to this chapter, the stricter MAWA shall prevail.

#### **SEC. 86.713. ESTIMATED TOTAL WATER USE.**

(a) An applicant for a project subject to this chapter shall calculate the estimated water use for each hydrozone using the following equation:

(1)  $ETWU = ETo \times 0.62 \times ETAF \times Area$

(2) The sum of all landscaped areas shall be the ETWU for the project.

(b) The abbreviations used in the equation have the following meanings:

(1) ETWU = Estimated total water use in gallons per year, or annual gallons required.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) ETAF = Evapotranspiration Adjustment Factor = Plant Factor/Irrigation Efficiency.

(5) Area = Landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

#### **SEC.86.714. ADJUSTMENT TO LANDSCAPED AREA FOR NON-VEGETATED AREA.**

Rock and stone or pervious design features such as decomposed granite ground cover that are adjacent to a vegetated area may be (but are not required to be) included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

#### **SEC. 86.715. LIMITATIONS ON USE OF WATER FEATURES.**

The total of all water features for a project, except for a swimming pool or spa, shall be limited to 15 percent of the total landscaped area of the project, or as determined by the Water Efficient Landscape Worksheet. Recirculating water systems must be used for all water features. Where available, recycled water shall be used as a source of water for decorative water features.

**SEC.86.716. LIMITATIONS ON USE OF TURF IN LANDSCAPED AREAS.**

The following regulations shall apply to the use of turf on a project subject to this chapter:

(a) Irrigated turf shall not exceed 25 percent of the total aggregate landscaped area for single family residences and multi-family residential projects.

(b) No irrigated turf is allowed in non-residential areas unless included in a special landscape area. In multi-family residential areas turf is only allowed where it is readily useable by residents and serves more than just an ornamental function.

(c) Only subsurface irrigation or other means that produces no runoff or overspray shall be used for turf in a landscaped area where any dimension of the turf area is less than ten feet wide.

(d) Turf and all other high water use plants, characterized by a plant factor of 0.7 to 1.0 are prohibited in street medians.

(e) Turf shall not be allowed on slopes greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.

(f) A ball field, park, golf course, cemetery and other similar use shall be designed to limit irrigated turf in any portion of a landscaped area not essential for the operation of the facility. Non-irrigated synthetic turf would be acceptable in these locations.

(g) No turf shall be allowed in a landscaped area if the turf cannot be irrigated without causing runoff, overspray or other wasteful water uses.

**SEC. 86.717. CEMETERIES.**

A person submitting an application for a Major Use Permit for a cemetery shall also submit the following:

(a) A concept plan, as described in section 86.704(b)(2).

(b) A water efficient irrigation worksheet that calculates the MAWA for the project with the application that complies with section 86.711.

(c) A landscape and irrigation maintenance schedule that complies with section 86. 727.

**SEC. 86.718. PROJECTS WITH MODEL HOMES.**

A person who obtains a permit to construct a single family residential development that contains one or more landscaped model homes shall use signs and written information to demonstrate the principles of water efficient landscapes and provide education on water efficient behaviors described in this ordinance.

(a) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(b) Signs shall include information about the site water use as designed per this ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems. Signs shall also include information about how the project is addressing carbon sequestration, harvesting rainwater with rain barrels to reduce demand on outdoor potable water use, the description and use of vegetated structural BMPs, or any other vegetated BMPs, installed to meet stormwater requirements to reduce pollutant load, and the placement of trees to provide summer shading and light during winter months to reduce demand on the use of electricity.

(c) Information shall be provided about designing, installing, managing, and maintaining water efficient and sustainable landscapes. Provide copies of all information as part of the Landscape Documentation Package.

(d) Plans shall show the locations of all signs and provide construction details of each sign along with a copy of the specific text included on each sign.

(e) Plans shall show location of two trees for each model home for compliance with Section 86.709(b)(10).

#### **SEC.86.719. RECYCLED WATER.**

(a) A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when tertiary treated recycled water is available from the water purveyor who supplies water to the property for which the County issues a permit.

(b) A person using recycled water from a public water purveyor shall install a distribution system that separates recycled water from potable water. Pipes carrying recycled water shall be purple and areas accessible to the public shall be posted with signs per the requirements of Title 22 California Code of Regulations.

(c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-modified) Special Landscape Areas shall not exceed 1.0.

(d) This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

#### **SEC. 86.720. GRAYWATER SYSTEMS.**

(a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16).

(b) Graywater shall only be used for subsurface although, graywater can be discharged to the ground surface in a mulch basin as long as it remains covered with at least two inches of mulch, rock, or soil. Graywater systems may include tanks, filters, pumps, and piping for subsurface landscape irrigation through mulch basins, disposal trenches, or subsurface drip irrigation fields.

(c) Graywater can be used to irrigate fruit trees, ornamental trees, shrubs, groundcovers, and lawns. Graywater shall not be used in vegetable gardens where the food is a root crop or touches the ground surface.

(d) Graywater does not include captured rainwater.

#### **SEC. 86. 721. STORMWATER MANAGEMENT AND RAINWATER RETENTION.**

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementation is encouraged for stormwater best management practices in the design of landscape and grading plans in order to minimize wet weather runoff, to increase harvest and use through on-site rainwater retention and to increase infiltration.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Projects shall be compliant with all applicable Fact Sheets within the County's Best Management Practice's Design Manual.

(c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration and to otherwise meet the requirements set forth in section 86.709. All vegetated structural BMPs or any other vegetated BMPs shall be labeled.

(d) All landscape areas shall be designed for capture and infiltration of stormwater and non-stormwater in accordance with the Watershed Protection,

Stormwater Management and Discharge Control Ordinance, San Diego County Code of Regulatory Ordinances section 67.801 et seq.

**SEC. 86. 722. PRESCRIPTIVE COMPLIANCE OPTION.**

(a) For those projects eligible to utilize and electing to use the Prescriptive Compliance Option to comply with this chapter, the following items are mandatory and must be submitted to the Director of PDS:

(1) A Prescriptive Compliance Option Plan which includes the following elements:

- (A) date
- (B) project applicant
- (C) project address (if available, parcel and/or lot number(s))
- (D) total landscape area (square feet), including a breakdown of turf and plant material
- (E) project type (e.g., new, modified, public, private, cemetery, homeowner-installed)
- (F) water supply type (e.g., potable, recycled, well, graywater) and identify the local retail water purveyor if the applicant is not served by a private well
- (G) contact information for the project applicant and property owner
- (H) applicant signature and date with statement, "I agree to comply with the requirements of the Prescriptive Compliance Option contained in Title 8, Division 6, Chapter 7, of the San Diego County Code of Regulatory Ordinances related to water conservation in landscaping.

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test in which prescribed volumes of compost can be modified as approved by the Director);

(3) Plant material shall comply with all of the following:

(A) for residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water; for

non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area excluding edibles and areas using recycled water;

(B) a minimum three inch (3inch) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. Prescribed depths of mulch and location may be modified as approved by the Director;

(C) to increase carbon sequestration in the unincorporated county, each new single-family residential project shall include two trees per dwelling unit. Trees shall be located on private land outside of the public right-of-way. See the County's Water Efficient Landscape Design Manual for tree planting guidelines and a definition of which single-family residential projects must comply with this requirement.

(4) Irrigated turf shall comply with all of the following:

(A) Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

(A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.

(B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

(D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(F) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(6) For non-residential projects with landscape areas of 1,000 square feet or more, a private submeter(s) to measure landscape water use shall be installed. Flow sensor's connected to an automatic irrigation controller may also function as a landscape water meter, provided they accurately measure and record water applied to the landscape.

(b) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

#### **SEC. 86.723. INSTALLATION BEFORE FINAL INSPECTION.**

A person issued an outdoor water use authorization for a project, shall install the approved landscaping and irrigation system before final inspection of the project.

#### **SEC. 86.724. MODIFICATION OF OUTDOOR WATER USE AUTHORIZATION.**

(a) A person may submit an application to modify the outdoor water use authorization required by this chapter on a form provided by the Director of PDS.

(b) An applicant requesting modification of an authorization where the total landscaped area after modification is greater than 500 square feet but less than 2,500 square feet shall comply with section 86.706.

(c) An applicant requesting modification of an authorization other than the type of project in subsection (b) above, shall comply with sections 86.707 - 86.711.

(d) Residential tree plantings associated with an approved Landscape Documentation Package may not be modified after the establishment period is over unless written authorization by the Director of PDS has been obtained.

#### **SEC. 86.725. CERTIFICATE OF COMPLETION.**



All projects requiring the issuance of a water use authorization that have installed approved landscaping and irrigation, shall submit to the Director of PDS a Certificate of Completion that contains the following elements:

(a) A Certificate of Completion on a form provided by the Director of PDS within 10 days after installation, verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, that all approved soil amendments were implemented and the installed irrigation system is functioning as designed and approved. The certificate of completion shall be signed under penalty of perjury by the person to whom the water use authorization has been issued and by a California licensed, landscape architect, civil engineer or architect. Where the water use authorization has been issued to a single family homeowner who either hired a licensed landscape contractor to install the landscaping and irrigation, or installed it themselves, the certificate shall be signed under penalty of perjury by the homeowner and the contractor, or by the homeowner if installed by them. Property owners who designed and installed landscape on their own property shall also be required to sign certificates.

(b) For those single family residential projects required to comply with Section 86.709(b)(10) with an approved Landscape Documentation Package, a copy of the developer/homebuilder signed disclosure statement to be provided to each new homeowner about their obligations to design, install, and maintain their landscapes based on the water budgets established for their lot and their obligations to install and maintain two trees for carbon sequestration, as well as, their obligation to install and maintain vegetated structural BMPs or any other vegetated BMP as applicable, shall be provided.

(c) Copy of the HOA's Architectural Guidelines (or similar) indicating that all homes are required to be compliant with the Prescriptive Compliance Option guidelines established on the approved Landscape Documentation Package and instructions to homeowner's to submit a landscape plan to the County if they so choose to adjust their water budget calculations.

(d) An irrigation schedule that complies with section 86.726 that describes the irrigation times and water usage for the project

(e) A landscape and irrigation system maintenance schedule that complies with section 86.727.

(f) A soil management report that complies with section 86.708 if the applicant did not submit the report with the landscape documentation package.

(g) For new construction and modified landscape projects installed after the effective date of this ordinance, as described in Section 86.703:

(1) the project applicant shall submit an irrigation audit report with the Certificate of Completion that shall include, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, soil moisture test/observation for drip and subsurface irrigation, reporting overspray or run-off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

(2) Photo documentation of all components of the irrigation system and evidence of planting, including residential tree plantings required by section 86.709(b)(10), per the approved Landscape Documentation Package shall be provided.

#### **SEC. 86.726. IRRIGATION SCHEDULE.**

The irrigation schedule required by section 86.725 shall be prepared by a California licensed, landscape architect, civil engineer, architect, landscape contractor, QWEL, or property owner and provide the following information:

(a) A description of the automatic irrigation system that will be used for the project.

(1) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes. A copy shall be provided with the submittal of the Certificate of Completion to verify compliance.

(b) The time period when overhead irrigation will be scheduled and confirm that overhead irrigation shall only be used during the shorter of the following two intervals; 1) between 8:00 p.m. and 10:00 a.m., or 2) any more restrictive period mandated by a public water purveyor.

(c) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance. Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(d) The parameters used for setting the irrigation system controller for watering times for:

(1) The plant establishment period.

- (2) Established landscaping.
- (3) Temporarily irrigated areas.
- (4) Different seasons during the year.
- (e) The parameters used for each station for the following factors:
  - (1) The days between irrigation.
  - (2) Station run time in minutes for each irrigation event, designed to avoid runoff.
  - (3) Number of cycle starts required for each irrigation event, designed to avoid runoff.
  - (4) Amount of water to be applied on a monthly basis.
  - (5) The root depth setting.
  - (6) The plant type setting.
  - (7) The soil type.
  - (8) The slope factor.
  - (9) The shade factor.
  - (10) Application rate setting.
  - (11) Irrigation uniformity or efficiency setting.

**SEC. 86.727. LANDSCAPING AND IRRIGATION MAINTENANCE.**

(a) A person using water under a water use authorization that the County issued pursuant to this chapter shall maintain the landscaping and irrigation on the property to ensure compliance with the MAWA.

(b) A property owner using water on property subject to a water use authorization shall prepare a regular maintenance schedule for the landscaping and irrigation on the project. The schedule shall provide for, but not be limited to: (1) routine inspections to guard against runoff and erosion and detect plant or irrigation system failure (2) replacement of dead, dying and diseased vegetation, (3) eradication of invasive plant species in transitional areas, (4) auditing, repairing and adjusting the irrigation system and its components when necessary, (5) replenishing mulch, topdressing with compost (6) soil amendment when

necessary to support and maintain healthy plant growth, (7) fertilizing, pruning, weeding and mowing and, (8) aerating and dethatching turf areas, (9) maintenance to avoid obstruction of motorists' view, (10) ongoing maintenance of all vegetated BMP as per an approved Landscape Documentation Package. The schedule shall also identify who will be responsible for maintenance and include emergency contact information.

(c) A person who uses water pursuant to a water use authorization shall maintain the irrigation system to meet or exceed an average irrigation efficiency of 0.75.

(d) A person who replaces broken or malfunctioning irrigation system components shall replace the components with the same materials or their equivalent, or with components with greater efficiency, however, the precipitation/application rates shall remain matched on any given valve.

(e) A person who replaces vegetation shall replace it with plantings that are representative of the hydrozone in which the plants were removed and shall be typical of the water use requirements of the plants removed provided that the replaced vegetation does not result in mixing plants contrary to the requirements of this chapter. This shall also apply to vegetated structural BMPs or any other vegetated BMPs installed on the property per approved plans.

(f) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

#### **SEC. 86.728. PROHIBITION ON WASTING WATER AND EXCEEDING THE MAXIMUM ALLOWED WATER ALLOWANCE**

(a) No person who owns or occupies property in the unincorporated area of the County shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, results in water flowing onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas. This section is not intended to apply to circumstances beyond the control of the property owner or other person in possession of the property.

(b) No person whose property is subject to an outdoor water use authorization pursuant to this chapter shall exceed the MAWA for the property.

(c) A person who violates subsections (a) or (b) above shall be subject to the Administrative Citation Procedures in sections 18.101 et seq. of this code.

(d) The County may also obtain an injunction against a person who continues to violate subsections (a) or (b) after receiving a warning of an Administrative Citation pursuant to section 18.103.

**SEC. 86.729. COUNTY'S RIGHT TO INSPECT.**

Whenever the County has reasonable grounds to believe that a person is violating section 86.728 the County may inspect the property and any irrigation system or water feature on the property. If a person refuses to consent to an inspection the County may obtain an inspection warrant pursuant to Code of Civil Procedure sections 1822.50 et seq. No person shall interfere with a County inspector conducting an inspection authorized by this chapter.

**SEC. 86.730. OUTDOOR WATER USE AUDIT.**

(a) The County may randomly audit outdoor water use on any property for which it issued a water use authorization pursuant to this chapter to determine compliance with the authorization. A person who owns or occupies property subject to a water use authorization, shall be deemed to consent to the audit of outdoor water use if the person engages in outdoor water use on the property.

(b) The County may also analyze, survey and audit outdoor water use using methods described in 23 California Code of Regulations sections 490 et seq., on an existing landscape project where the landscaped area exceeds one acre and the County has reasonable grounds to believe that due to irrigation runoff, low head drainage, overspray or other similar condition, water is flowing onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas of the project.

**SEC. 86.731. FEES.**

An applicant for a project subject to this chapter shall include with the application, all fees established by the Board of Supervisors to cover the County's costs to review an application, any required landscape documentation package and any other documents the County reviews pursuant to the requirements of this chapter.

**SEC. 86.732. APPEAL**

A person whose application for a water use authorization, modification of a water use authorization, or Certificate of Completion is denied may appeal the denial to the Planning Commission by making a written request for the appeal to the Director of PDS within 10 days of the denial. The Planning Commission shall consider the matter within 45 days after the appeal is file. The 45 day period may be extended upon written consent of the appellant. The Planning Commission's decision shall be final.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary

hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2020.

Approved as to form and legality

County Counsel

Attachment C  
Landscaping Ordinance Amendment  
Strike-out/Underline Copy

AN ORDINANCE AMENDING TITLE 8, DIVISION 6, CHAPTER 7, OF  
THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
RELATING TO WATER CONSERVATION IN LANDSCAPING

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines as follows:

The State of California has set standards for water efficiency in landscaping since 1990. These requirements are currently set forth in the Water Conservation in Landscaping Act, Government Code sections 65591 et seq., (“Act”). In accordance with the Act and its predecessor statute, the Department of Water Resources adopted and periodically amended a Model Water Efficient Landscape Ordinance (“MWELo”). The MWELo is currently codified at 23 California Code of Regulations sections 490 et seq. The County was at all times required to adopt an ordinance as effective as the MWELo at conserving water or apply the MWELo. The County adopted and has enforced its own water efficient landscape regulations since the first MWELo became effective on January 1, 1993.

~~In response to prolonged drought conditions in the State, Governor Edmund G. Brown, Jr. by Executive Order B-29-15 issued April 1, 2015 directed the Department of Water Resources to amend the MWELo to increase water efficiency standards for new and existing landscapes and to limit the use of turf. The Department of Water Resources revised the MWELo in accordance with the Executive Order and the California Water Commission approved the revised MWELo on July 15, 2015. Consistent with the requirements of the Act, the County is amending its water efficient landscape requirements on April 27, 2016 as set forth at sections 86.701 et seq. of the San Diego County Code of Regulatory Ordinances to ensure that the County’s requirements are as effective as the current MWELo at conserving water. The ordinance was deemed consistent with the findings and declarations the State Legislature made when adopting the Act and went into effect on May 27, 2016.~~

Consistent with the Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32), the County is amending its water efficient landscape requirements on XX, 2020 to ensure that the County’s requirements reduce greenhouse gasses in the atmosphere by reducing outdoor water use and requiring increased residential tree planting.

~~This ordinance is consistent with the findings and declarations the State Legislature made when adopting the Act and is as effective as the State’s current MWELo at conserving water. Upon the effective date of this ordinance, the~~



~~County's water efficient landscape requirements shall apply to all covered new and existing landscapes in place of the State's MWELQ.~~

Section 2. Title 8, Division 6, Chapter 7 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**CHAPTER 7. WATER CONSERVATION IN LANDSCAPING****SEC. 86.701. PURPOSE.**

The State Legislature determined in the Water Conservation in Landscaping Act (the “Act”), Government Code sections 65591 et seq., that the State's water resources are in limited supply. The Legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. Consistent with the Legislature's findings the purpose of this chapter is to:

(a) Promote the values and benefits of landscaping practices that promote the conservation and efficient use of water in a manner at least as effective as the Act and implementing Regulations.

(b) Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and projects with modified landscapes.

(c) Promote the use, when available, of tertiary treated recycled water and graywater for irrigating landscaping.

(d) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

(e) Encourage proper planning, design, installation, management, and maintenance of landscapes that will achieve the conservation and efficient use of water in landscapes by:

(1) Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and aesthetic benefits.

(2) Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

(3) Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

(4) Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

(5) Protecting existing habitat and promoting the creation of new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants, utilizing integrated pest management with least toxic methods as the first course of action.

(f) Incorporate greenhouse gas reduction strategies that contribute towards reducing greenhouse gas emissions in accordance with the Global Warming Solutions Acts of 2006 (Assembly Bill 32) and 2016 (Senate Bill 32).

## **SEC. 86.702. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) “Aggregate” means the sum total of landscaped areas on a given parcel.

(b) “Applied water” means the portion of water supplied by the irrigation system to the landscape.

(c) “Automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture sensor data.

(d) “Building permit” means a permit issued by the County Building Department authorizing the permit holder to among other things, erect, construct, enlarge, alter, repair or improve a building or structure.

(e) “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other accredited certification program.

(f) “Common areas” means all landscaped areas irrigated and maintained by a homeowners’ association or similar administrative structure designed to maintain shared areas normally including swimming pools, recreation courts, patios, open landscaped/passive play areas, and greenbelts with pedestrian walkways, equestrian and bicycle trails within designated communities.

(g) ~~(f)~~ “Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 4100.

(h) ~~(g)~~ “Cool season grass” means a type of grass that remains green in the winter months.

(i) ~~(h)~~ “Defensible Space” means as defined in Section 4902 of the County’s Consolidated Fire Code and described in Section 4907.

(j) ~~(i)~~ “Developer” includes the owner of a project and the owner’s partners, associates, employees, consultants, trustees or agents or any other persons who have any other business or financial relationship with the owner.

(k) ~~(j)~~ “Director of PDS” means the Director of Planning & Development Services or anyone whom the Director has appointed or hired to administer or enforce this chapter.

(l) ~~(k)~~ “Discretionary permit” means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial. Projects with conceptual landscape plans approved during discretionary review shall be conditioned to submit a final Landscape Documentation Package.

(m) ~~(l)~~ “Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

(n) ~~(m)~~ “Establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas may need three to five years for establishment, and trees, irrigated with a separately valved system, may require a minimum of five years.

(o) ~~(n)~~ “Estimated total water use” (ETWU) means the estimated total water use in annual gallons per year for a landscaped area.

(p) ~~(o)~~ “Evapotranspiration T-adjustment factor” (ETAF) means a factor of 0.4255 for residential areas and 0.45 for non-residential areas that, when applied to reference evapotranspiration, adjusts for plant water requirements and irrigation efficiency, which are two major influences on the amount of water that is required for a healthy landscape. The ETAF for new and existing non-Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-modified landscapes is 0.488.

(q) ~~(p)~~ “Exclusive Use Area” means all privately maintained Landscaped Areas within a single-family detached lot, or detached condominium lot.

(r) ~~(e)~~ “Evapotranspiration rate” (ETo) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period.

(s) “Fire Hazard Severity Zone” means those geographical areas as described in Section 4902 of the County’s Consolidated Fire Code.

(t) ~~(p)~~ “Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

(u) ~~(q)~~ “Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

(v) ~~(r)~~ “Graywater” means untreated wastewater that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs.

(w) ~~(s)~~ “Grading” means any importation, excavation, movement, loosening or compaction of soil or rock.

(x) “Group Useable Open Space” means a contiguous space with no dimension less than 15’ in length in any direction intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped/passive play areas, and greenbelts with pedestrian walkways, equestrian and bicycle trails. Narrow strips of landscape areas adjoining but projecting away from the space shall not be counted towards the group useable open space. Requirements for screening of the group open space cannot be counted as part of the group useable open space.

(y) ~~(t)~~ “Hardscape” means any durable surface material, pervious or non-pervious.

(z) ~~(u)~~ “Hydrozone” means a portion of the landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

(aa) ~~(v)~~ “Initial Outdoor Water Use Authorization” is achieved at time of Landscape Documentation Package approval, and prior to installation and submittal of the Certificate of Completion. This allows a property owner to proceed with installation of the landscape prior to final Outdoor Water Use Authorization being granted. This also allows those applicants utilizing the Outdoor Water Use Application Using Prescriptive Compliance Option form to install landscaping prior to submittal of the Certificate of Completion (Prescriptive Compliance Option). Single-family tract homes will be issued Initial Outdoor Water Use Authorization to the developer after approval of either a Landscape Documentation Package establishing the maximum applied water allowance for each applicable lot or Outdoor Water Use Application Using Prescriptive Compliance Option.

(bb) ~~(w)~~ “Invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

(cc) ~~(x)~~ “Irrigation audit report” means an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor, including a Qualified Water Efficient Landscaper. An irrigation audit includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, soil moisture test/observation for drip and subsurface irrigation, reporting overspray or runoff that causes overland flow and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

(dd) ~~(y)~~ “Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.90 for point source drip, 0.85 for in-line emitter tubing or subsurface, 0.85 for bubblers, 0.75 for overhead rotator or precision nozzle spray devices, 0.70 for rotor, and 0.60 for all other spray nozzles.

(ee) ~~(z)~~ “Landscaped area” (LA) means all the planting areas, including special landscape areas, turf areas (artificial or natural), and water features in a landscape design subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation). A landscape

area may include design features adjacent to an area with vegetation when allowed under section 86.714.

(ff) ~~(aa)~~ “Landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use. Flow sensors connected to an automatic irrigation controller may also function as a landscape water meter.

(gg) ~~(bb)~~ “Licensed landscape contractor” means a person licensed by the State of California as a specialty contractor in the C-27 or other category, to construct, maintain, repair, install or subcontract the development of a landscape system.

(hh) ~~(ee)~~ “Landscape design manual” means the manual, approved by the Director of Planning & Development Services that establishes specific design criteria and guidance to implement the requirements of this chapter.

(ii) ~~(dd)~~ “Low head drainage” means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

(jj) ~~(ee)~~ “Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(kk) ~~(ff)~~ “Major grading permit” means all grading activities requiring a grading permit from the County that are considered to be “major grading” within the scope of section 87.208 of the San Diego County Code of Regulatory Ordinances.

(ll) ~~(gg)~~ “Mass grading” means the movement of more than 5,000 cubic yards of soil by mechanical means to alter the topographic features of a site.

(mm) ~~(hh)~~ “Median” means an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(nn) ~~(ii)~~ “Minor grading permit” means all grading activities requiring a grading permit from the County that are considered to be “minor grading” within the scope of section 87.206 of the San Diego County Code of Regulatory Ordinances.

(oo) ~~(jj)~~ “Master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve

is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(pp) ~~(kk)~~ “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water measured in annual gallons for the established landscaped area as specified in Section 86.712. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor (0.42), and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.  $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$ .

(qq) ~~(H)~~ “Modified landscape” means a deviation from an approved landscape plan, that results in a cumulative increase or decrease from the original approved plan in excess of 10 percent of the landscaped area; or, whether a landscape plan was previously approved or not, the re-landscaping of any property where the modified landscape area is 2,500 square feet or greater, requiring discretionary review or issuance of a building permit. Any property proposing re-landscaping of an existing area with a total aggregate landscape from 500 square feet to less than 2,500 square feet shall conform to the restrictions of the Prescriptive Compliance Option (Section 86.722) before a new building permit is issued or may elect to be compliant with the performance requirements of this ordinance.

(rr) ~~(mm)~~ “Mulch” means an organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature or prevent soil erosion. Mulch used in structural BMP basins shall be non-floating shredded hardwood.

(ss) ~~(nn)~~ “New construction” means a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(tt) ~~(oo)~~ “Non-residential landscape” means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

(uu) ~~(pp)~~ “Outdoor water use authorization” is granted by the County upon acceptance of the signed Water Use Application Using Prescriptive Compliance Form as per 86.706, or after a Landscape Documentation Package, as per 86.707



has been approved, landscape and irrigation has been installed, and a Certificate of Completion, per Section 86. 725 has been accepted and approved.

(vv) ~~(qq)~~ “Overspray” means the water from irrigation that is delivered outside a targeted area.

(ww) ~~(rr)~~ “Parkway” as defined by the County’s Public Road Standards, means the distance measured from the curb face, or edge of pavement where no curb is provided, to the property line of a road right-of-way. It may be planted or unplanted, and with or without pedestrian facilities.

(xx) “Passive Play” means an outdoor area designed, developed, and intended for low intensity recreational use by individuals, families, or small groups and may include landscaping, walkways, paths, trails, interpretive features, benches for seating, scattered picnic tables, and children’s play areas.

(yy) ~~(ss)~~ “Pervious” means any surface or material that allows the passage of water through the material and into underlying soil.

(zz) ~~(tt)~~ “Plant factor” means a factor that when multiplied by the ETo, estimates the amount of water a plant needs. The plant factor range for very low water use plants is 0.0 to 0.1, the plant factor range for low water use plants is 0.2 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors used shall be from the publication “Water Use Classification of Landscape Species” (WUCOLS). Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(aaa) ~~(uu)~~ “Point to source drip” means the application type of irrigation water with a matched precipitation rate at low pressure through a system of tubing or lateral lines with a dedicated field-installed low volume emitter or emitters at each specific plant. The distribution uniformity of this type of irrigation generally does not exceed 90 percent.

(bbb) ~~(vv)~~ “Public water purveyor” means a public utility, municipal water district, municipal irrigation district or municipality that delivers water to customers.

(ccc) “Qualified Water Efficient Landscaper” (QWEL) means an individual recognized through the WaterSense labeled Professional Certification Program. Individuals with this certification can provide irrigation audit reports as per Section 86.725 (e) (1).

(ddd) ~~(ww)~~ “Recreational area” means areas, excluding private single family residential areas, designated for active and passive play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds, ~~and~~ greens, and group useable open space areas.

(eee) ~~(xx)~~ “Recycled water” means waste water as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur and is regulated per Title 22 of the California Code of Regulations for various outdoor irrigation uses by either secondary or tertiary treatments.

(fff) ~~(yy)~~ “Reference evapotranspiration” (ET<sub>o</sub>) means a standard measurement of environmental parameters which affect the water use of plants. ET<sub>o</sub> is expressed in inches per day, month, or year and is an estimate of the evapotranspiration of a large field of four-inches to seven-inches tall, cool season grass that is well watered. Reference evapotranspiration is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

(ggg) ~~(zz)~~ “Residential landscape” means landscapes surrounding single or multifamily homes, and also includes residential structures within a mixed-use development.

(hhh) ~~(aaa)~~ “Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

(iii) ~~(bbb)~~ “Special landscaped area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, vegetated structural BMP’s, those applicable vegetated Source Control and Site Design requirements associated with Priority Development Plans, fuel modification zones as established by a fire protection plan, or water features using recycled water.

(jjj) ~~(eee)~~ “Structural BMP” means a subset of best management practices (BMP’s) which detains, retains, filters, removes, or prevents the release of pollutants and control runoff discharge rates to surface waters from development projects in perpetuity, after construction of a project is completed. These BMP’s can satisfy the requirements for Pollutant Control BMP’s and Hydromodification BMP requirements for Priority Development Projects.

(kkk) ~~(ddd)~~ “Submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter. Flow sensors connected to an automatic irrigation controller may also function as a landscape water meter, provided they accurately measure and record water applied to the landscape.

(lll) ~~(eee)~~ “Subsurface irrigation” means an irrigation device with a delivery line and water emitters installed below the soil surface that emit small amounts of water into the soil to irrigate plant roots.

(mmm) ~~(fff)~~ “Tertiary treated recycled water” means water that has been through three levels of treatment including filtration and disinfection and meets California Code of Regulations, Title 22 standards for use as outdoor irrigation.

(nnn) ~~(ggg)~~ “Transitional area” means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ~~i~~ensure that the natural area remains unaffected by plantings and irrigation installed on the property.

(ooo) ~~(hhh)~~ “Turf” means an irrigated groundcover surface of cool season or warm season mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue are cool season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysias grass and buffalo grass are warm season grasses.

(ppp) ~~(iii)~~ “Water conserving plant species” means a plant species identified as having a very low or low plant factor.

(qqq) ~~(jjj)~~ “Water feature” means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool where a public water purveyor-provides water for the feature. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are used solely for water treatment or stormwater retention are not water features.

(rrr) ~~(kkk)~~ “WUCOLS” means Water Use Classification of Landscape Species and refers to the most recent version of the Department of Water Resources publication authored by the University of California Cooperative Extension and the Department of Water Resources 2014.

### **SEC. 86.703. APPLICABILITY.**

(a) The following projects in the unincorporated area of the County for which the County issues a building permit or a discretionary permit after the chapter's effective date shall be required to obtain an outdoor water use authorization as part of the permitting process:

(1) Any new construction where the aggregate landscaped area is 500 square feet or more.

(2) Any modified landscape that in the aggregate totals 2,500 square feet or more.

(3) A new single family residence served by a public water purveyor within the San Diego County Water Authority or the Borrego Water District. A new single family residence served by an on-site well shall require landscape review to be compliant with the landscape regulations but does not need to provide water budget calculations to a water purveyor per Section 86.711. As used in this subsection, a new single family residence does not include a single family residence that is being rebuilt after it was destroyed due to a declared natural disaster, such as a fire, earthquake, hurricane or tornado.

(4) A model home that includes a landscaped area, where the home is served by a public water purveyor within the San Diego County Water Authority or by the Borrego Water District.

(5) A project not included in categories (a)(1) through (a)(4) that requires a new minor or major grading permit and contains an area served by temporary or permanent irrigation.

(6) A cemetery.

(b) The following projects for which the County issues a building permit or a discretionary permit may comply with the performance requirements of this ordinance, or conform to the Prescriptive Compliance Option set forth in this chapter, unless otherwise required through discretionary review to submit a Landscape Documentation Package:

(1) Any project, including single-family lots within a residential subdivision, with an aggregate landscaped area from 500 square feet to ~~below~~ less than 2,500 square feet.

(2) Any lot or parcel within a project with less than 2,500 square feet of an aggregate landscaped area that meets the Estimated Total Water Use (ETWU) requirements, found in Section 86.713 entirely with treated or untreated graywater, or through stored rainwater captured on site. These projects need only comply with the requirements of Section 86.722(a)(5) & (6).

(c) The following projects shall be exempt from the requirements of this chapter:

(1) A registered local, State or federal historical site, based on a determination by the Director of Planning & Development Services (Director of PDS) in consultation with the County Archeologist.

(2) An ecological restoration project that does not require a permanent irrigation system.

(3) A mined land reclamation project that does not require a permanent irrigation system.

(4) Existing plant collections included in a botanical garden or arboretum that is open to the public.

(5) All projects containing under 500 square feet of aggregate landscaped area.

(6) Water use during site construction activities is exempt from water budget calculations required of Sections 86.712 and 86.713. Only final landscaped areas, including plant establishment and 70% slope coverage prior to grading release, shall require water budget calculations.

(d) Sections 86.728(a) and 86.729 shall apply to the owners and occupants of all property in the unincorporated area of the County, whether or not the property is subject to a water use allocation. Existing landscape projects that were installed before the effective date of this chapter where the landscape area is greater than one acre shall also be subject to section 86.730(b).

#### **SEC. 86.704. OUTDOOR WATER USE AUTHORIZATION.**

(a) No person who constructs a project subject to sections 86.703(a) and (b) shall use water for irrigation or a water feature without the authorization required by this chapter.

(b) A person constructing a project subject to sections 86.703(a) and (b) shall obtain a water use authorization to provide water to a landscaped area as follows:

(1) A person applying for a building permit shall obtain a water use authorization from the County as part of the permitting process.

(2) A person applying for a discretionary permit shall submit a landscape concept plan with the discretionary permit application. As used in this chapter, a landscape concept plan means a drawing of the site where the project will be located that includes a representation of the site features, proposed plantings areas and the proposed method and type of irrigation.

(3) A person issued a discretionary permit shall obtain a water use authorization as part of the permitting process for each building permit or for each project segment that requires installation of a water meter or connection to an existing water meter.

(c) A water use authorization issued by the County shall establish the allowed MAWA for property on which a project that is subject to this chapter is located.

(d) Once the County establishes the MAWA for a property, no person shall exceed the MAWA on that property, unless the County agrees to modify the MAWA, as provided in section 86.724.

(e) Any person may examine the water use authorization establishing the MAWA for a property at the Department of Planning & Development Services during normal business hours.

#### **SEC. 86.705. ADMINISTRATION, ENFORCEMENT AND LANDSCAPE MANUAL.**

(a) The Director of PDS shall administer and enforce this chapter, except that the Director of PDS may refer an application for a water use authorization to the Director of Public Works, Director of Parks and Recreation or the Director of General Services for processing.

(b) The Director of PDS shall prepare a landscape design manual that provides guidance to applicants on how to comply with the requirements of this chapter. The manual shall also provide guidance for a person with an existing landscaped area on how to increase water use efficiency and avoid wasting water.

#### **SEC. 86.706. NEW DEVELOPMENT PROJECTS WITH LIMITED LANDSCAPING.**

An applicant for a building permit for a new single family residence or non-residential project subject to this chapter where the aggregate landscaped area of the project is greater than 500 square feet but less than 2,500 square feet shall, as a condition of obtaining a building permit, submit a Landscape Documentation Package or a landscape plan compliant with the Prescriptive Compliance Option in this chapter. The application process shall include establishing a MAWA for the project.

#### **SEC. 86.707. LANDSCAPE DOCUMENTATION PACKAGE.**

(a) Except as otherwise provided, an applicant for a building permit for a project described in section 86.703(a) shall submit a Landscape Documentation Package with the permit application.

(b) An applicant for a building permit for a project described in section 86.703(b) is eligible to conform to the Prescriptive Compliance Option specified in this chapter in lieu of submitting a Landscape Documentation Package.

(c) The Landscape Documentation Package required by subsection (a) shall contain the following:

(1) A project description that includes the date, project applicant, project location identified by address or parcel/lot number, total landscaped area in square feet, project type (e.g., new, modified, public, private, cemetery), water supply type (e.g., potable, recycled, well, graywater), checklist of all documents included in the Landscape Documentation Package, and project contacts for the applicant and property owner if different.

(2) A soil management report that complies with section 86.708 that analyzes soil composition within each landscaped area of the project.

(3) A landscaping and irrigation plan that complies with section 86.709 that describes the landscaping and irrigation for the project.

(4) A water efficient landscape worksheet that complies with section 86.711 that calculates the MAWA and the ETWU for the project.

(5) A grading design plan that complies with section 86.710 that describes the grading of the project.

(6) Evidence of compliance with section 86.718 for projects with model homes.

#### **SEC. 86.708. SOIL MANAGEMENT REPORT.**

(a) The soil management report shall contain the following information:

(1) An analysis completed by a properly certified or accredited laboratory using accepted industry protocol. The analysis shall be of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter.

(2) Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques. Locally produced, non-petroleum based soil amendments shall be preferred.

(b) When a project involves mass grading of a site the applicant shall submit a soil management report that complies with subsection (a) above with the Certificate of Completion required by section 86.725.



(c) In projects with multiple landscape installations (i.e., production home developments) a soil sampling rate of 1 in 7 lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots. Mass grading projects shall provide a soil sampling test for every 25,000 square feet of area graded.

#### **SEC. 86.709. LANDSCAPING AND IRRIGATION PLAN.**

(a) The landscaping and irrigation plan shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a landscape and irrigation plan may prepare their own plans, or have a licensed landscape contractor prepare the landscaping and irrigation plan if the homeowner has contracted with that contractor to install the landscaping and irrigation pursuant to the plan. Property owners may also prepare plans and specifications for any property owned by that person.

(b) The landscaping and irrigation plan shall contain the following information in addition to any other information required to be shown by 23 California Code of Regulations sections 492.6 and 492.7:

(1) A list of all vegetation by common and botanical plant name which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.

(2) A list of all vegetation by common and botanical plant name which will be added to each landscaped area. The plan shall include the total quantities by container size and species. Provide the plant factor for each species on the list as per WUCOLS. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable germination specifications.

(3) A detailed description of each water feature that will be included in the landscaped area.

(4) The plan shall be accompanied by a drawing showing on a page or pages, delineating each hydrozone and specifying each as very low, low, moderate, high water or mixed water use; the specific location of all vegetation, retained or planted; the plant spacing and plant size; natural features that were created by natural processes; water features and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing, including the species' plant factor.

(5) The location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller,



water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, landscape water meters, and backflow prevention devices.

(6) The static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required.

(7) The MAWA for the plan, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 86.712 and the Water Efficient Landscape Worksheet.

(8) The ETWU for the plan, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 86.713 and the Water Efficient Landscape Worksheet.

(9) A statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the County Landscape Water Conservation Regulations, in Title 8, Division 6, Chapter 7 of the San Diego County Code of Regulatory Ordinances. I have prepared this plan in compliance with those regulations. I certify that the plan implements those regulations to provide efficient use of water."

(10) To increase carbon sequestration in the unincorporated county, each new single-family residential project shall include two trees per dwelling unit in the Plan. Trees shall be located on private land outside of the public right-of-way. See the County's Water Efficient Landscape Design Manual for tree planting guidelines and a definition of which single-family residential projects must comply with this requirement.

(11) The location, type, and size of vegetated structural BMPs, or any other vegetated BMPs, that will be installed on the property to meet stormwater requirements to reduce pollutant load.

(c) The landscape and irrigation plan shall be designed to include all mandatory elements specified by 23 Code of California Regulations sections 492.6 and 492.7 and such additional or alternative requirements as follows:

(1) All plants shall be grouped in hydrozones and the irrigation system shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and

low water use, and mix plants of high water use with plants of moderate water use, but no high water use plants shall be allowed in a low water use hydrozone. A high water use hydrozone may, however, provide for some low water use plants if the low water use plants are of a type that are likely to thrive and flourish with the additional water. The plan shall also demonstrate how the plant groupings, based on site location, slope, sun exposure, soil conditions, and plant types, accomplish the most efficient use of water.

(2) The irrigation system shall be designed to prevent standing water and any condition such as runoff, overspray and low-head drainage where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques, such as avoidance of soil compaction in landscape areas, avoidance of disrupting natural drainage patterns and undisturbed soil, and grading to allow all irrigation and normal rainfall to remain within the property lines will promote healthy plant growth and prevent standing water, erosion and runoff.

(3) The plan shall provide for use of mulch as follows:

(A) A minimum three inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(B) Stabilizing mulch shall be applied on slopes that meet current engineering standards.

(C) The mulching portion of a seed/mulch slurry in hydro-seeded applications shall comply with subsection (B) above.

(D) Highly flammable mulch material, such as straw, leaves, bark, or small or mini size wood chips, shall not be used in a “~~Hazardous Fire Area~~ Fire Hazard Severity Zone,” as that term is defined in the County Fire Code. Inorganic mulches such as decomposed granite, gravel, or rocks may be used instead. Non-floating shredded hardwood shall be used in all structural BMP basins.

(E) Organic mulch materials made from recycled or post-consumer products/materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by County Fire Code.

(4) The plan shall identify the type and amount of mulch for each area where mulch is applied.

(5) On a project other than a single family residence, the plan shall identify recreational areas.

(6) The plan shall identify areas permanently and solely dedicated to edible plants.

(7) The plan shall identify each area irrigated with recycled water, graywater and other non-potable water.

(8) The plan shall identify soil amendments and their type and quantity.

(A) Prior to the planting of any materials (unless contraindicated by the soils report or in the case of native vegetation, as approved by the Director of PDS) compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.

(C) To meet the requirements of (A) above, all landscaped areas, except those described in (B) above, shall install-compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6 percent organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

(9) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing roadway users' (e.g., motorists', bicyclists', pedestrians', and equestrians') views of pedestrian crossings, driveways, roadways and other vehicular travel ways, traffic signs, and traffic signals. Sight distance lines, as provided by a California registered Civil Engineer using the sight distance requirements defined in the County Public Road Standards, shall be shown on the plans. If the landscaping will require maintenance to avoid obstructing roadway users' views, the plan shall describe the maintenance and the frequency of the proposed maintenance. The plan shall demonstrate that landscaping when planted and at full maturity shall not obscure sight distance for all roadway users. The plan shall also be compliant with requirements defined in the Landscape Architecture chapter of the most current Caltrans Highway Design Manual.

(10) The plan shall avoid the use of landscaping with known surface root problems adjacent to a sidewalk and paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface

roots. Trees shall be planted a minimum of 24 inches from sidewalk. Root barriers are required when used in parkways with landscaped areas less than 3 feet in width and where specified.

(11) The plan shall provide that any slope greater than 25 percent will be irrigated with an irrigation system with an application rate of 0.75 inches per hour or less to prevent runoff and erosion. As used in this chapter, 25 percent grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(12) Installation of irrigation mainlines under paved areas within the public right-of-way shall be avoided. When approved, the plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC sleeve pipe.

(13) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade using swing joints or other riser-protection components if they are within 24 inches of a vehicle or pedestrian use area. The Director of PDS may allow on-grade piping where landform constraints make below grade piping infeasible.

(14) The plan shall provide that only drip, drip line, or other low flow non-spray technology shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area. The setback may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material.

(15) The plan shall provide that plants in a transitional area consist of a combination of site adaptive and compatible native and non-native species. The plan shall also provide that no invasive plant species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(16) The plan shall demonstrate compliance with best management practices required by sections 67.801 et seq. (Watershed Protection, Stormwater Management and Discharge Control regulations), and the County's Best Management Practice's Design Manual.

(17) The plan shall address fire safety issues and demonstrate compliance with Section 4907 of the County's Consolidated Fire Code ~~State and County~~

~~requirements~~ for defensible space around buildings and structures and shall avoid the use of fire prone vegetation.

(18) The irrigation system shall provide for the installation of an easily accessible manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

(19) The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller, along with sensors (rain, freeze, wind, etc.), appropriate to local climatic conditions, either integral or auxiliary, that will suspend or alter irrigation operation during unfavorable weather conditions.

(20) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.90 for point source drip, 0.85 for in-line emitter tubing or subsurface, 0.85 for bubblers, 0.75 for overhead rotator or precision nozzle spray devices, 0.75 for rotor and 0.60 for all other spray nozzles.

(d) The landscaping and irrigation plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is an evapotranspiration (weather based) system or moisture detection system, utilizing non-volatile memory. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or an automatic irrigation controller.

(e) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet or more and all residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either:

(1) a customer service meter dedicated to landscape use provided by the local water purveyor; or

(2) a privately owned meter or submeter.

(f) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5,000 square feet or larger.

(g) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(h) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(i) Soil moisture probes shall be located in the bottom and the toe of side slopes of all vegetated storm water detention basins to ensure that the irrigation controller does not activate those valves irrigating these areas during periods of inundation.

(j) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

#### **SEC. 86.710. GRADING DESIGN PLAN.**

(a) The grading design plan shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a grading design plan may prepare their own plans, or have a licensed landscape contractor prepare the grading design plan if the homeowner has contracted with that contractor to do the work covered by the plan. Property owners may prepare Grading Design Plans and specifications for any property owned by that person. Grading Plans required per the County's Grading Ordinance will satisfy these requirements, but shall be prepared by a California licensed civil engineer. The grading design plan shall comply with following requirements:

(1) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(2) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements. All Structural BMP's shall be labeled.

(3) The Grading Design Plan shall demonstrate grading has been designed to avoid obstructing roadway users' (e.g., motorists', bicyclists', pedestrians', and equestrians') views of pedestrian crossings, driveways, roadways, other vehicular travel ways, traffic signs, and traffic signals. Sight distance lines, as provided by a California registered Civil Engineer using the sight distance requirements defined in the County Public Road Standards, shall be shown on the plans as applicable.

(b) If the project applicant has submitted a grading plan with the application for the project the Director of PDS may accept that grading plan in lieu of the grading design plan required by this section, if the grading plan complies with subsection (a) above.

#### **SEC. 86.711. WATER EFFICIENT LANDSCAPE WORKSHEET.**

The Water Efficient Landscape Worksheet in Appendix B to Title 23 California Code of Regulations section 429.4 shall be submitted with the Landscape Documentation Package. The worksheet shall be prepared by a landscape architect, civil engineer or architect licensed by the State of California. A homeowner of a single family residence required to submit a water efficient landscape worksheet may prepare their own worksheet, or have a licensed landscape contractor prepare the water efficient worksheet if the homeowner has contracted with that landscape contractor to install the landscaping and irrigation covered by the plan for which the worksheet was prepared. Property owners may also prepare worksheets for any property owned by that person. The water efficient worksheet shall contain all of the following:

(a) Information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.5542 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas.

(1) The ETAF for a landscape project is based on the plant factors and irrigation methods selected, and when applied to reference evapotranspiration, a factor adjusts for plant water requirements and irrigation efficiencies.

(2) The MAWA is calculated based on the maximum ETAF allowed (0.5542 for residential areas and 0.45 for non-residential areas) and shall be expressed in annual gallons.

(3) The Estimated Total Water Use is calculated based on the plants used and irrigation method selected for the landscape design. ETWU shall be expressed in annual gallons and must be below the MAWA.

(b) Water budget calculations shall adhere to the following requirements:

(1) The plant factor used shall be from WUCOLS, or may be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources. The plant factor ranges from 0 to 0.1 for very low water use plants, 0.2 to 0.3 for low



water use plants, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants. If plants within a hydrozone have different water use requirements the hydrozone category shall be determined using the highest water using plant. Any plant may be selected for the landscape providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance.

(2) Temporarily irrigated areas shall be included in the low water use hydrozone. Temporarily irrigated as used in this chapter means the period of time when plantings only receive water until they become established.

(3) The surface area of a water feature shall be included in a high water use hydrozone unless the water feature is a pool or a spa with a durable cover. In that case, the water feature may be included in a moderate water use hydrozone. Pool and spa covers are not required but highly recommended in conserving water due to evaporation.

(4) All Special Landscape Areas shall be identified and their water use calculated as shown on the Water Efficient Landscape Worksheet. The ETAF for new and existing Special Landscape Areas shall not exceed 1.0.

(c) Budget calculations for the MAWA and the ETWU shall use the formulas in section 86.712 and section 86.713.

#### **SEC. 86.712. MAXIMUM APPLIED WATER ALLOWANCE.**

(a) A landscape project subject to this chapter shall not exceed the MAWA. The MAWA for a new landscape project shall be determined by the following calculation:

$$\text{MAWA (Annual Gallons Allowed)} = \frac{(\text{ETo})(0.62) [(\text{ETAF} \times \text{LA}) + ((1-\text{ETAF}) \times \text{SLA})]}{1}$$

(b) The abbreviations used in the equation have the following meanings:

(1) MAWA = Maximum Applied Water Allowance in gallons per year, or annual gallons allowed.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) ETAF = ~~(0.5542~~ for residential areas and ~~0.45~~ for non-residential areas).



(5) LA = Landscaped area, ~~exclusive of~~ including the special landscaped area in square feet.

(6) 1-ETAF = the additional ET adjustment factor for a special landscaped area

(7) SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

(c) If a public water purveyor establishes a MAWA for a property that is different than the MAWA established pursuant to this chapter, the stricter MAWA shall prevail.

### **SEC. 86.713. ESTIMATED TOTAL WATER USE.**

(a) An applicant for a project subject to this chapter shall calculate the estimated water use for each hydrozone using the following equation:

$$(1) \text{ ETWU } (\text{Annual Gallons Required}) = \text{ETo} \times 0.62 \times \text{ETAF} \times \text{Area}$$

(2) The sum of all landscaped areas shall be the ETWU for the project.

(b) The abbreviations used in the equation have the following meanings:

(1) ETWU = Estimated total water use in gallons per year, or annual gallons required.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) ETAF = Evapotranspiration Adjustment Factor = Plant Factor/Irrigation Efficiency.

(5) Area = Landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

### **SEC.86.714. ADJUSTMENT TO LANDSCAPED AREA FOR NON-VEGETATED AREA.**

Rock and stone or pervious design features such as decomposed granite ground cover that are adjacent to a vegetated area may be (but are not required to be) included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.

**SEC. 86.715. LIMITATIONS ON USE OF WATER FEATURES.**

The total of all water features for a project, except for a swimming pool or spa, shall be limited to 15 percent of the total landscaped area of the project, or as determined by the Water Efficient Landscape Worksheet. Recirculating water systems must be used for all water features. Where available, recycled water shall be used as a source of water for decorative water features.

**SEC.86.716. LIMITATIONS ON USE OF TURF IN LANDSCAPED AREAS.**

The following regulations shall apply to the use of turf on a project subject to this chapter:

(a) Irrigated ~~Turf~~ shall not exceed 25 percent of the total aggregate landscaped area for single family residences and multi-family residential projects.

(b) No irrigated turf is allowed in non-residential areas unless included in a special landscape area. In multi-family residential areas turf is only allowed where it is readily useable by residents and serves more than just an ornamental function.

(c) Only subsurface irrigation or other means that produces no runoff or overspray shall be used for turf in a landscaped area where any dimension of the turf area is less than ten feet wide.

(d) Turf and all other high water use plants, characterized by a plant factor of 0.7 to 1.0 are prohibited in street medians.

(e) Turf shall not be allowed on slopes greater than 25 percent grade where the toe of the slope is adjacent to an impermeable hardscape.

(f) A ball field, park, golf course, cemetery and other similar use shall be designed to limit irrigated turf in any portion of a landscaped area not essential for the operation of the facility. Non-irrigated synthetic turf would be acceptable in these locations.

(g) No turf shall be allowed in a landscaped area if the turf cannot be irrigated without causing runoff, overspray or other wasteful water uses.

**SEC. 86.717. CEMETERIES.**

A person submitting an application for a Major Use Permit for a cemetery shall also submit the following:

- (a) A concept plan, as described in section 86.704(b)(2).
- (b) A water efficient irrigation worksheet that calculates the MAWA for the project with the application that complies with section 86.711.
- (c) A landscape and irrigation maintenance schedule that complies with section 86. 727.

#### **SEC. 86.718. PROJECTS WITH MODEL HOMES.**

A person who obtains a permit to construct a single family residential development that contains one or more landscaped model homes shall use signs and written information to demonstrate the principles of water efficient landscapes and provide education on water efficient behaviors described in this ordinance.

- (a) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- (b) Signs shall include information about the site water use as designed per this ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems. Signs shall also include information about how the project is addressing carbon sequestration, harvesting rainwater with rain barrels to reduce demand on outdoor potable water use, the description and use of vegetated structural BMPs, or any other vegetated BMPs, installed to meet stormwater requirements to reduce pollutant load, and the placement of trees to provide summer shading and light during winter months to reduce demand on the use of electricity.
- (c) Information shall be provided about designing, installing, managing, and maintaining water efficient and sustainable landscapes. Provide copies of all information as part of the Landscape Documentation Package.
- (d) Plans shall show the locations of all signs and provide construction details of each sign along with a copy of the specific text included on each sign.
- (e) Plans shall show location of two trees for each model home for compliance with Section 86.709(b)(10).

#### **SEC.86.719. RECYCLED WATER.**

- (a) A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when tertiary treated recycled water is

available from the water purveyor who supplies water to the property for which the County issues a permit.

(b) A person using recycled water from a public water purveyor shall install a distribution system that separates recycled water from potable water. Pipes carrying recycled water shall be purple and areas accessible to the public shall be posted with signs per the requirements of Title 22 California Code of Regulations.

(c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-modified) Special Landscape Areas shall not exceed 1.0.

(d) This section does not excuse a person using recycled water from complying with all State and local laws and regulations related to recycled water use.

#### **SEC. 86.720. GRAYWATER SYSTEMS.**

(a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16).

(b) Graywater shall only be used for subsurface although, graywater can be discharged to the ground surface in a mulch basin as long as it remains covered with at least two inches of mulch, rock, or soil. Graywater systems may include tanks, filters, pumps, and piping for subsurface landscape irrigation through mulch basins, disposal trenches, or subsurface drip irrigation fields.

(c) Graywater can be used to irrigate fruit trees, ornamental trees, shrubs, groundcovers, and lawns. Graywater shall not be used in vegetable gardens where the food is a root crop or touches the ground surface.

(d) Graywater does not include captured rainwater.

#### **SEC. 86. 721. STORMWATER MANAGEMENT AND RAINWATER RETENTION.**

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementation is encouraged for stormwater best management practices in the design of landscape and grading plans in order to minimize wet weather runoff, to increase harvest and use through on-site rainwater retention and to increase infiltration.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements. Projects shall be compliant with all applicable Fact Sheets within the County's Best Management Practice's Design Manual.

(c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration and to otherwise meet the requirements set forth in section 86.709. All ~~Structural BMP's~~ vegetated structural BMPs or any other vegetated BMPs shall be labeled.

(d) All landscape areas shall be designed for capture and infiltration of stormwater and non-stormwater in accordance with the Watershed Protection, Stormwater Management and Discharge Control Ordinance, San Diego County Code of Regulatory Ordinances section 67.801 et seq.

#### **SEC. 86. 722. PRESCRIPTIVE COMPLIANCE OPTION.**

(a) For those projects eligible to utilize and electing to use the Prescriptive Compliance Option to comply with this chapter, the following items are mandatory and must be submitted to the Director of PDS:

(1) A Prescriptive Compliance Option Plan which includes the following elements:

- (A) date
- (B) project applicant
- (C) project address (if available, parcel and/or lot number(s))
- (D) total landscape area (square feet), including a breakdown of turf and plant material
- (E) project type (e.g., new, modified, public, private, cemetery, homeowner-installed)
- (F) water supply type (e.g., potable, recycled, well, graywater) and identify the local retail water purveyor if the applicant is not served by a private well
- (G) contact information for the project applicant and property owner
- (H) applicant signature and date with statement, "I agree to comply with the requirements of the Prescriptive Compliance Option contained in

Title 8, Division 6, Chapter 7, of the San Diego County Code of Regulatory Ordinances related to water conservation in landscaping.

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test in which prescribed volumes of compost can be modified as approved by the Director);

(3) Plant material shall comply with all of the following:

(A) for residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water; for non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area excluding edibles and areas using recycled water;

(B) a minimum three inch (3inch) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. Prescribed depths of mulch and location may be modified as approved by the Director;

(C) to increase carbon sequestration in the unincorporated county, each new single-family residential project shall include two trees per dwelling unit. Trees shall be located on private land outside of the public right-of-way. See the County's Water Efficient Landscape Design Manual for tree planting guidelines and a definition of which single-family residential projects must comply with this requirement.

(4) Irrigated ~~T~~turf shall comply with all of the following:

(A) Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

- (A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
- (B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
- (C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
- (D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
- (E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- (F) Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- (6) For non-residential projects with landscape areas of 1,000 square feet or more, a private submeter(s) to measure landscape water use shall be installed. Flow sensor's connected to an automatic irrigation controller may also function as a landscape water meter, provided they accurately measure and record water applied to the landscape.
- (b) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

#### **SEC. 86.723. INSTALLATION BEFORE FINAL INSPECTION.**

A person issued an outdoor water use authorization for a project, shall install the approved landscaping and irrigation system before final inspection of the project.

#### **SEC. 86.724. MODIFICATION OF OUTDOOR WATER USE AUTHORIZATION.**

- (a) A person may submit an application to modify the outdoor water use authorization required by this chapter on a form provided by the Director of PDS.



(b) An applicant requesting modification of an authorization where the total landscaped area after modification is greater than 500 square feet but less than 2,500 square feet shall comply with section 86.706.

(c) An applicant requesting modification of an authorization other than the type of project in subsection (b) above, shall comply with sections 86.707 - 86.711.

(d) Residential tree plantings associated with an approved Landscape Documentation Package may not be modified after the establishment period is over unless written authorization by the Director of PDS has been obtained.

### **SEC. 86.725. CERTIFICATE OF COMPLETION.**

All projects requiring the issuance of a water use authorization that have installed approved landscaping and irrigation, shall submit to the Director of PDS a Certificate of Completion that contains the following elements:

(a) A Certificate of Completion on a form provided by the Director of PDS within 10 days after installation, verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, that all approved soil amendments were implemented and the installed irrigation system is functioning as designed and approved. The certificate of completion shall be signed under penalty of perjury by the person to whom the water use authorization has been issued and by a California licensed, landscape architect, civil engineer or architect. Where the water use authorization has been issued to a single family homeowner who either hired a licensed landscape contractor to install the landscaping and irrigation, or installed it themselves, the certificate shall be signed under penalty of perjury by the homeowner and the contractor, or by the homeowner if installed by them. Property owners who designed and installed landscape on their own property shall also be required to sign certificates.

(b) For those single family residential projects required to comply with Section 86.709(b)(10) with an approved Landscape Documentation Package, a copy of the developer/homebuilder signed disclosure statement to be provided to each new homeowner about their obligations to design, install, and maintain their landscapes based on the water budgets established for their lot and their obligations to install and maintain two trees for carbon sequestration, as well as, their obligation to install and maintain vegetated structural BMPs or any other vegetated BMP as applicable, shall be provided.

(c) Copy of the HOA's Architectural Guidelines (or similar) indicating that all homes are required to be compliant with the Prescriptive Compliance Option guidelines established on the approved Landscape Documentation Package and



instructions to homeowner's to submit a landscape plan to the County if they so choose to adjust their water budget calculations.

(d) ~~(b)~~ An irrigation schedule that complies with section 86.726 that describes the irrigation times and water usage for the project

(e) ~~(e)~~ A landscape and irrigation system maintenance schedule that complies with section 86.727.

(f) ~~(d)~~ A soil management report that complies with section 86.708 if the applicant did not submit the report with the landscape documentation package.

(g) ~~(e)~~ For new construction and modified landscape projects installed after the effective date of this ordinance, as described in Section 86.703:

(1) the project applicant shall submit an irrigation audit report with the Certificate of Completion that shall include, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, soil moisture test/observation for drip and subsurface irrigation, reporting overspray or run-off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

(2) Photo documentation of all components of the irrigation system and evidence of planting, including residential tree plantings required by section 86.709(b)(10), per the approved Landscape Documentation Package shall be provided.

## **SEC. 86.726. IRRIGATION SCHEDULE.**

The irrigation schedule required by section 86.725 shall be prepared by a California licensed, landscape architect, civil engineer, architect, landscape contractor, QWEL, or property owner and provide the following information:

(a) A description of the automatic irrigation system that will be used for the project.

(1) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes. A copy shall be provided with the submittal of the Certificate of Completion to verify compliance.

(b) The time period when overhead irrigation will be scheduled and confirm that overhead irrigation shall only be used during the shorter of the following two

intervals; 1) between 8:00 p.m. and 10:00 a.m., or 2) any more restrictive period mandated by a public water purveyor.

(c) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance-~~(MAWA)~~. Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(d) The parameters used for setting the irrigation system controller for watering times for:

- (1) The plant establishment period.
- (2) Established landscaping.
- (3) Temporarily irrigated areas.
- (4) Different seasons during the year.

(e) The parameters used for each station for the following factors:

- (1) The days between irrigation.
- (2) Station run time in minutes for each irrigation event, designed to avoid runoff.
- (3) Number of cycle starts required for each irrigation event, designed to avoid runoff.
- (4) Amount of water to be applied on a monthly basis.
- (5) The root depth setting.
- (6) The plant type setting.
- (7) The soil type.
- (8) The slope factor.
- (9) The shade factor.
- (10) Application rate setting.

- (11) Irrigation uniformity or efficiency setting.

**SEC. 86.727. LANDSCAPING AND IRRIGATION MAINTENANCE.**

(a) A person using water under a water use authorization that the County issued pursuant to this chapter shall maintain the landscaping and irrigation on the property to ensure compliance with the MAWA.

(b) A property owner using water on property subject to a water use authorization shall prepare a regular maintenance schedule for the landscaping and irrigation on the project. The schedule shall provide for, but not be limited to: (1) routine inspections to guard against runoff and erosion and detect plant or irrigation system failure (2) replacement of dead, dying and diseased vegetation, (3) eradication of invasive plant species in transitional areas, (4) auditing, repairing and adjusting the irrigation system and its components when necessary, (5) replenishing mulch, topdressing with compost (6) soil amendment when necessary to support and maintain healthy plant growth, (7) fertilizing, pruning, weeding and mowing and, (8) aerating and dethatching turf areas, (9) maintenance to avoid obstruction of motorists' view, (10) ongoing maintenance of all vegetated BMP as per an approved Landscape Documentation Package. The schedule shall also identify who will be responsible for maintenance and include emergency contact information.

(c) A person who uses water pursuant to a water use authorization shall maintain the irrigation system to meet or exceed an average irrigation efficiency of 0.75.

(d) A person who replaces broken or malfunctioning irrigation system components shall replace the components with the same materials or their equivalent, or with components with greater efficiency, however, the precipitation/application rates shall remain matched on any given valve.

(e) A person who replaces vegetation shall replace it with plantings that are representative of the hydrozone in which the plants were removed and shall be typical of the water use requirements of the plants removed provided that the replaced vegetation does not result in mixing plants contrary to the requirements of this chapter. This shall also apply to vegetated structural BMPs or any other vegetated BMPs installed on the property per approved plans.

(f) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

**SEC. 86.728. PROHIBITION ON WASTING WATER AND EXCEEDING THE MAXIMUM ALLOWED WATER ALLOWANCE**

(a) No person who owns or occupies property in the unincorporated area of the County shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, results in water flowing onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas. This section is not intended to apply to circumstances beyond the control of the property owner or other person in possession of the property.

(b) No person whose property is subject to an outdoor water use authorization pursuant to this chapter shall exceed the MAWA for the property.

(c) A person who violates subsections (a) or (b) above shall be subject to the Administrative Citation Procedures in sections 18.101 et seq. of this code.

(d) The County may also obtain an injunction against a person who continues to violate subsections (a) or (b) after receiving a warning of an Administrative Citation pursuant to section 18.103.

#### **SEC. 86.729. COUNTY'S RIGHT TO INSPECT.**

Whenever the County has reasonable grounds to believe that a person is violating section 86.728 the County may inspect the property and any irrigation system or water feature on the property. If a person refuses to consent to an inspection the County may obtain an inspection warrant pursuant to Code of Civil Procedure sections 1822.50 et seq. No person shall interfere with a County inspector conducting an inspection authorized by this chapter.

#### **SEC. 86.730. OUTDOOR WATER USE AUDIT.**

(a) The County may randomly audit outdoor water use on any property for which it issued a water use authorization pursuant to this chapter to determine compliance with the authorization. A person who owns or occupies property subject to a water use authorization, shall be deemed to consent to the audit of outdoor water use if the person engages in outdoor water use on the property.

(b) The County may also analyze, survey and audit outdoor water use using methods described in 23 California Code of Regulations sections 490 et seq., on an existing landscape project where the landscaped area exceeds one acre and the County has reasonable grounds to believe that due to irrigation runoff, low head drainage, overspray or other similar condition, water is flowing onto adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas of the project.

#### **SEC. 86.731. FEES.**

An applicant for a project subject to this chapter shall include with the application, all fees established by the Board of Supervisors to cover the County's costs to review an application, any required landscape documentation package and any other documents the County reviews pursuant to the requirements of this chapter.

#### **SEC. 86.732. APPEAL**

A person whose application for a water use authorization, modification of a water use authorization, or Certificate of Completion is denied may appeal the denial to the Planning Commission by making a written request for the appeal to the Director of PDS within 10 days of the denial. The Planning Commission shall consider the matter within 45 days after the appeal is file. The 45 day period may be extended upon written consent of the appellant. The Planning Commission's decision shall be final.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this \_\_\_\_<sup>th</sup> day of \_\_\_\_, 2020.

Approved as to form and legality

County Counsel

Attachment D  
Draft Tree Planting Guidelines

## SECTION 5

### TREE PLANTING GUIDELINES

#### A. General Information

1. In support of Strategy A-2 (**Increase Carbon Sequestration**) of the County's adopted Climate Action Plan, Measure A-2.1 (Increase Residential Tree Planting) requires that two trees be planted for every new residential dwelling unit constructed in the unincorporated County.
2. During photosynthesis plants take carbon dioxide from the atmosphere and convert it to oxygen and carbon-based plant matter, storing carbon in their structures and in the soil. As part of the natural carbon cycle, trees store significant amounts of carbon because of their size and longevity while also providing habitat, clean air, beauty, shade, and contributing to community wellbeing. Trees draw greenhouse gas emissions from the atmosphere to sequester carbon within the tree roots, wood, leaves, and soil. As the tree grows, it continues to absorb more carbon adding both habitat benefit and value to a home. In addition, trees can reduce electricity use by providing shade and temperature regulation benefits for residents.

#### B. Applicability

1. The residential tree planting requirement applies to new single-family residential dwelling units with a main entrance on the ground level including subdivisions, non-tract single-family homes, and single-family detached condominium projects. **From the County's Zoning Ordinance definitions,** these projects include single detached, semi-detached, duplex or double-detached, triplex or three unit multiple, or multi-dwelling building types.
2. This requirement applies to residential projects submitting a Landscape Document Package or utilizing the Prescriptive Compliance Option.

#### C. Location of Tree Plantings

1. In order of priority:
  - a. Trees shall first be located on private property, outside of the public right-of-way. Trees can be located in front yards, side yards, or rear yards depending upon space available and mature canopy sizes of species selected.
  - b. Trees shall be located outside of any utility easements or open space lots. Tree locations shall be compliant with Section 2.D.7 (Fuel Management) of the Water Efficient Landscape Design Manual, and any Fire District restrictions, or as approved within a Fire Protection Plan for the development (if the subdivision has an approved Fire Protection Plan, then trees shall be compliant with that document. If none exists, trees **need to be compliant with the County's 'Fire, Defensible Space and You'** brochure and/or any restrictions imposed by the local Fire District having jurisdiction).

- c. Trees unable to be located on private individual lots due to spacing, and/or other restrictions, shall be located within common use areas of the subdivision. This includes group useable open space areas, and street trees only if an Encroachment Maintenance and Removal Agreement has been approved by the Department of Public Works.
  - d. When no other space is available for remaining trees, they may be located on slopes (in excess of all required planting per Section 87.418 of the Grading Ordinance).
  - e. Engineered Tree Wells that are planted to meet stormwater compliance may be counted towards meeting this requirement only if they are substituting the required two (2) trees per residence.
2. Tree planting may not occur within mitigation areas associated with a Landscape Revegetation Plan, they may not be located in adjacent open space areas, or areas of existing native habitat.
  3. Trees being used to satisfy County regulations other than this Measure (compliance with the Parking Design Manual, Community Design Guidelines, specific Conditions associated with a discretionary permit requiring tree planting, or street trees proposed by the developer) may not be counted towards satisfying this Measure. These trees are in addition to all other trees within a development.
  4. Street trees required within a Landscape Zone associated with a Community Design Guidelines for detached condominium projects do not count towards meeting this Measure.
  5. Locations and species of trees shall take into consideration shading capabilities for summer cooling and letting light in during winter months to reduce demand on the use of electricity.
  6. Adequate justification shall be required for a project not being able to meet the required tree counts, either within each individual lot, or spread out in common areas, slopes, or storm water basins of the development or residential lot.

#### D. Tree Species and Specifications

1. Trees shall be low to moderate water use and have a Plant Factor between 0.3 and 0.5 per the **State's Water Use Classification of Landscape Species** (WUCOLS) publication and are primarily drought tolerant, native, and fire friendly varieties.
2. Fruit trees (considered a Special Landscape Area) may be used. Graywater, if available can be used to irrigate fruit trees.
3. No invasive or fire prone species shall be allowed. Only native palm trees (California fan palm) will be counted towards meeting this requirement. Other species of palm trees do not satisfy this requirement due to insufficient data demonstrating their carbon sequestration capabilities (as a single specimen).
4. **Trees shall be installed from a minimum 24" boxed container.**



5. Trees can be single or multi-trunked.
6. Tree staking shall be provided in windy areas, and those trees with a trunk diameter less than two inches (as measured three feet above grade).
7. Areas prone to gopher activity shall provide gopher cages to protect the roots from damage during establishment.
8. Tree selection shall be based upon their adaptability to the climate, geologic, and topographical conditions. Any tree species can be selected providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance per the requirements of the Prescriptive Compliance Option requirements. See Appendix H (Low Water Use, Ignition Resistant Plants), Appendix I (Undesirable Plants), and Appendix J (Invasive Species) within this Manual to assist in tree selections. See Appendix E (Plant **Palette**) within the **County's Low Impact Development Manual** ([https://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED\\_PROTECTION\\_PROGRAM/susmpdf/lid\\_appendix\\_e\\_plant\\_palette.pdf](https://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmpdf/lid_appendix_e_plant_palette.pdf)) for additional species. All tree locations shall be compliant with Section 4907 (Defensible Space) of the County's Consolidated Fire Code.
9. Trees shall be irrigated on a separate valve from other plantings, independently of shrubs, groundcovers, and turf.
10. In order to maintain community character, for those projects within a community that contains tree selection guides, tree species shall be selected from these lists.

#### E. Installation and Verification

1. All trees and supporting irrigation system(s) shall be installed and verified prior to final occupancy being granted.
  - a. Projects utilizing the Prescriptive Compliance Option shall provide photographic proof of tree and irrigation installation as required by Form PDS-407A (Appendix G).
  - b. Projects with an approved Landscape Documentation Package shall provide photographic proof of tree planting and irrigation installation as required by Form PDS-406.



## County of San Diego

**MARK WARDLAW**  
DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

**March 17, 2020**

### **ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM FOR PROJECTS WITH PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENTS FOR PURPOSES OF CONSIDERATION OF THE UPDATE TO THE LANDSCAPING ORDINANCE**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the Update to the Landscaping Ordinance project.

#### **1. Background on the previously certified EIR:**

A Final Supplemental EIR for the County's Climate Action Plan, Environmental Review Number PDS2016-ER-16-00-003, State Clearing House Number 2016101055, was certified by the Board of Supervisors on February 14, 2018. The certified Final Supplemental EIR evaluated potentially significant effects for the following environmental areas of potential concern: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural, Historical and Paleontological Resources; Energy, Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Transportation and Traffic; and Tribal Cultural Resources.

It was determined that only Energy, Geology/Soils, Mineral Resources, Population/Housing, Public Services, Recreation, and Utilities and Services would not involve potentially significant impacts. Effects to Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation and Traffic, and Tribal Cultural Resources remained significant and unavoidable. A Statement of Overriding Considerations was made in approving the Climate Action Plan.

The previously certified Final Program EIR is available at <https://www.sandiegocounty.gov/content/sdc/pds/advance/climateactionplan/capfinalseir.html>.

2. Lead agency name and address:

County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

- a. Contact: Kelly Bray, Project Manager- Sustainability
- b. Phone number: (858) 495-5384
- c. E-mail: Kelly.Bray@sdcounty.ca.gov

3. Project applicant's name and address:

Kelly Bray  
County of San Diego  
Planning & Development Services  
5510 Overland Ave., Suite 310  
San Diego, CA 92123

4. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES  
☐

NO  
☒

### Project Background

On February 14, 2018 (1), the Board of Supervisors (Board) adopted the Climate Action Plan which included two Measures, W-1.2 and A-2.1, with implementing actions that require an amendment to Title 8 of the San Diego County Code of Regulatory Ordinances. This Update to the Landscape Ordinance would implement the GHG reduction strategies identified below:

- W-1.2 Reduce Outdoor Water Use: Require a 40% reduction from 2014 outdoor water use budgets for landscaping in new and existing residential and non-residential development.
- A-2.1 Increase Residential Tree Planting: Require two trees be planted for every new, detached residential dwelling unit.

These strategies are supported by concurrent efforts to promote and encourage water conservation and minimize water use including the use of recycled water and greywater infrastructure. Additional supporting efforts include collaboration with the San Diego County Water Authority (SDCWA) and local water districts to provide education and outreach to property owners on drought-tolerant landscaping and use of drought-tolerant plant species. The update to the Landscape Ordinance will be reflected in the outdoor water use supporting documents and relevant Planning and Development Services (PDS) forms that are typically submitted during project processing.

The Landscape Ordinance is currently implemented through the existing permit review process and any project that creates an irrigated landscaped area greater than 500 square feet is required to certify compliance with water budget calculations, the use of efficient irrigation systems, and turf limitations in residential and non-residential landscaping. Projects that create a landscaped area from 500 to 2,500 square feet may use a streamlined submittal process in lieu of submitting a full landscape documentation plan. This proposed Update to the Landscaping Ordinance will not change or expand the types of projects that are currently required to comply with the ordinance nor the methods of demonstrating compliance.

This project would Update the Landscape Ordinance to make the County's Regulatory Code (Title 8) consistent with CAP Measures W-1.2 and A-2.1, and includes the specific actions identified below:

- W-1.2
  - Current Maximum Applied Water Allowance (MAWA) calculations for new and existing residential and non-residential landscaping utilize an evapotranspiration factor (ETAF) of 0.55 and 0.45, respectively.
  - The ordinance update will reduce the ETAF to 0.42 for both new and existing residential and non-residential development to achieve a 40% reduction in water use from 2014 levels. This is an effective 24% decrease in MAWA for residential projects and an approximate 7% decrease for non-residential projects from current water budget calculation values.
- A-2.1
  - The County does not have an existing residential tree planting requirement.
  - The ordinance update will include a new requirement to plant two trees per new detached single-family dwelling unit.

### **Evaluation of Project Impacts**

The CAP Final Supplemental EIR (Final SEIR) evaluated impacts resulting from all CAP measures, including the CAP Measures W-1.2 and A-2.1 that would be implemented by this project.

As evaluated throughout the Final SEIR, Measure W-1.2 which requires the reduction of outdoor water use in new irrigated landscape projects would not result in direct or indirect physical changes to the environment. This measure was determined to be less than significant as described on page 1-61 of the Final SEIR.

Measure A-2.1 which requires two trees to be planted for every new residential dwelling unit would result in beneficial impacts because of the resulting carbon sequestration that would occur from the trees as they mature. As described on page 1-66 of the Final SEIR, physical impacts may occur related to the consumption of water during the tree establishment period as well as a nominal increase in air quality, energy, and GHG related to the distribution, installation, and early maintenance of trees. Overall impacts were found to be less than significant related to hydrology and water quality because tree planting would occur primarily in areas that rely on municipal water (not groundwater) and water use would not result in impacts related to water quality, drainage, or flood hazards. Impacts related to air quality, energy and GHG were also found to be less than significant because air emissions would be

temporary and minimal and would not result in air quality violations, tree planting would not result in a substantial new demand or inefficient use of energy, and increases in GHG emissions related to activities associated with planting trees would be finite and temporary, and would be offset by GHG reductions achieved once the measures are implemented.

Updates to the Landscape Ordinance would not result in any changes to the CAP or result in new significant environmental impacts that were not previously considered in the certified Final SEIR, or that would cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

The project would also qualify for exemptions under CEQA Guidelines Sections 15304 and 15061(b)(3) as described below.

***Categorical Exemption: Section 15304 – Minor Alterations to Land***

Section 15304 of the CEQA Guidelines details the exemption that falls under Class 4. According to Section 15304, Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

This exemption is appropriate for the project. The project consists of minor public or private alterations in the condition of land, water, and/or vegetation. Specifically, the project includes new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping. The Project also requires the addition of two new trees per residential unit. Therefore, the project is exempt from CEQA per Section 15304.

**Section 15061(b)(3) – ‘Common-Sense’ Exemption**

Section 15061(b)(3) of the CEQA Guidelines details the ‘common-sense’ exemption. According to Section 15061(b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This exemption is appropriate for the project. The project cannot possibly cause significant effects on the environment because encouraging water conservation would reduce the amount of runoff from landscaping uses, conserve natural resources, and reduce water treatment and conveyance energy use. Increased residential tree planting will result in cleaner air and reduced GHG emissions through increase air quality and increased carbon sequestration..

Therefore, the project is exempt from CEQA per Section 15061(b)(3).

5. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forest Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population & Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Wildfire	<input type="checkbox"/> Tribal Cultural Resources	<input type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified Supplemental EIR (February 2018) can be relied on without modification.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

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**March 17, 2020**

Signature

Date

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**Kelly Bray**

Printed Name

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**Project Manager-  
Sustainability**

Title



**INTRODUCTION**

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

**I. AESTHETICS** – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

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NO

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The project would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final Supplemental EIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**II. AGRICULTURE AND FORESTRY RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to agricultural and forestry resources

including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use; conflicts with existing zoning for agricultural use or Williamson Act contract; or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned for Timberland Production. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**III. AIR QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to air quality including: conflicts with or obstruction of implementation of the RAQS or SIP; violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**IV. BIOLOGICAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities

Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final Supplemental EIR related to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**V. CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**VI. ENERGY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects regarding energy use including: resulting in potentially significant environmental impact due to wasteful, inefficient, or

unnecessary consumption of energy resources, during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to energy use including: resulting in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**VII. GEOLOGY AND SOILS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**VIII. GREENHOUSE GAS EMISSIONS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**IX. HAZARDS AND HAZARDOUS MATERIALS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified

environmental impacts in the certified Final SEIR related to hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**X. HYDROLOGY AND WATER QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with

groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XI. LAND USE AND PLANNING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XII. MINERAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified



environmental impacts in the certified Final SEIR related to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XIII. NOISE** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; and a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. The Project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XIV. POPULATION AND HOUSING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XV. PUBLIC SERVICES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XVI. RECREATION** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XVII. TRANSPORTATION/TRAFFIC** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES  
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NO  
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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XVIII. TRIBAL CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the

project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to tribal cultural resources including a site, feature, place or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources, or a significant resource pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XIX. UTILITIES AND SERVICE SYSTEMS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2014. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected

demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR.

**XX. MANDATORY FINDINGS OF SIGNIFICANCE:** Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

YES  
☐

NO  
☒

The project as described under item no. 4 beginning on page 2, would not cause any changes to the Climate Action Plan or involve new significant environmental impacts that were not previously considered in the certified Final SEIR for the Climate Action Plan from February 2018. The project would not cause a substantial increase in the severity of previously identified environmental impacts in the certified Final SEIR related to degrading the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threatening to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; having impacts that are individually limited, but cumulatively considerable; or having environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly. The project does not constitute new information of substantial importance that would affect the previous environmental analysis of the certified Final SEIR

## **ATTACHMENTS**

- Landscape Ordinance
- Supplemental EIR for the County of San Diego Climate Action Plan, February 2018 – On file with Planning & Development Services and online at

<https://www.sandiegocounty.gov/content/sdc/pds/advance/climateactionplan/capfinaleir.html>

## **REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM**

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Climate Action Plan, 2018.

County of San Diego Climate Action Plan Final Supplemental EIR, certified on February 14, 2018.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources, approved March 19, 2007.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Air Quality, approved March 19, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, approved September 15, 2010

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historical Resources, approved December 5, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Geologic Hazards, approved July 30, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Mineral Resources, approved July 30, 2008

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Noise, approved March 19, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Transportation and Traffic, approved August 24, 2011

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Vectors, approved January 15, 2009

UPDATE TO THE LANDSCAPING ORDINANCE  
March 17, 2020

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County of San Diego Guidelines for Determining Significance and Report Format and Content  
Requirements for Visual Resources, approved July 30, 2007

County of San Diego Guidelines for Determining Significance and Report Format and Content  
Requirements for Wildland Fire and Fire Protection, approved August 31, 2010

County of San Diego Zoning Ordinance

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control  
Board, San Diego Region

**3-120**  
**NOTICE OF EXEMPTION**

TO: Recorder/County Clerk  
Attn: James Scott  
1600 Pacific Highway, M.S. A33  
San Diego, CA 92101

FROM: County of San Diego  
Planning & Development Services, M.S. 0650  
Attn: Advance Planning

SUBJECT: **FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152**

Project Name: POD-20-002: Update to the Landscaping Ordinance

Project Location: County of San Diego (All Districts)

Project Applicant: County of San Diego; 5510 Overland Ave, M.S.0650, San Diego, CA92123  
(858) 495-5468

Project Description: Update the Water Conservation in Landscaping Ordinance and Outdoor Water Use Authorization Materials to implement Climate Action Plan (CAP) Measures W-1.2 and A-2.1. The Water Efficiency Updates to the Landscaping Ordinance project will include revisions to Title 8 of the San Diego County Code of Regulatory Ordinances to implement the CAP and provide clear and consistent language throughout. The following two CAP measures are the subject of this ordinance update.

CAP Measure W-1.2 Reduce Outdoor Water Use: Require 40% reduction from the 2014 outdoor water use budgets for landscaping in new and existing residential and non-residential development.

CAP Measure A-2.1 Increase Residential Tree Planting: Require two trees to be planted for every new residential dwelling unit.

Agency Approving Project: County of San Diego  
County Contact Person: Kelly Bray; Telephone Number: 858-495-5384  
Date Form Completed: March 17, 2020

This is to advise that the County of San Diego Board of Supervisors has approved the above described project (Water Efficiency Updates to the Landscaping Ordinance) on June 3, 2020 and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)
  - ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
  - ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
  - ☐ Statutory Exemption. C Section:
  - ☒ **Categorical Exemption. G Section: 15304**
  - ☒ **G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.**
  - ☐ G 15182 – Residential Projects Pursuant to a Specific Plan
  - ☐ G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
  - ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.
2. Mitigation measures ☐ were ☒ were not made a condition of the approval of the project.
3. A Mitigation reporting or monitoring plan ☐ was ☒ was not adopted for this project.

Statement of reasons why project is exempt: It can be seen with certainty that there is no possibility this project may have a significant effect on the environment. See Attachment A.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: \_\_\_\_\_ Telephone: (858) 495-5384

Name (Print): Kelly Bray Title: Project Manager – Advance Planning

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.



## ATTACHMENT A

*Substantiation for Exemption*

The proposed project is exempt from the California Environmental Quality Act of 1970 (CEQA). **Table 1** below lists the applicable category of exemptions that applies to the project.

**Table 1: Exemption Applicability and Substantiation**

Exemption	Definitions	Applicability and Substantiation
Minor Alterations to Land (Section 15304)	<p><i>Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:</i></p> <p><i>(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.</i></p> <p><i>(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.</i></p> <p><i>(c) Filling of earth into previously excavated land with material compatible with the natural features of the site;</i></p> <p><i>(d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;</i></p> <p><i>(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;</i></p> <p><i>(f) Minor trenching and backfilling where the surface is restored;</i></p> <p><i>(g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;</i></p> <p><i>(h) The creation of bicycle lanes on existing rights-of-way.</i></p> <p><i>(i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.</i></p>	<p>The Project consists of minor public or private alterations in the condition of land, water, and/or vegetation. Specifically, the Project includes new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping. The Project also requires the addition of two new trees per residential unit.</p> <p>Therefore, the project is exempt from CEQA per Section 15304.</p>

<p>'Common-Sense' Exemption</p> <p>(Section 15061(b)(3))</p>	<p><i>Section 15061(b)(3): "The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."</i></p>	<p>The Project cannot possibly cause significant effects on the environment, as it would establish additional regulatory requirements for the protection of natural resources and the environment.</p> <p>Therefore, the project is exempt from CEQA per Section 15061(b)(3).</p>
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Section 15061(b) of the CEQA Guidelines identifies that a project is exempt from CEQA if:

- (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
- (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
- (3) The activity is covered by the common-sense exemption that CEQA applies only to projects which will have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The County has determined that the project is categorically exempt from CEQA pursuant to Section 15304 as the project consists of minor public or private alterations in the condition of land, water, and/or vegetation. Specifically, the project includes new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.. The proposed project has been analyzed pursuant to CEQA Guidelines, Appendix G, and CEQA Section 15300.2, Exceptions, as detailed below.

### Section 15300.2 – Exceptions

The proposed project does not pose any potentially significant impacts and additionally meets the criteria of the exceptions pursuant to CEQA Section 15300.2. The proposed project was reviewed for the exceptions outlined in the CEQA Guidelines, Section 15300.2 (a – f) for those reasons a project may not be considered categorically exempt under any of the following classes or projects (Section 15300 et al.). The following summarizes the reasons that the project would not trigger any of the exceptions, and the above categorical exemption would apply to the project.

**15300.2(a) – Location:** The CEQA categorical exemption identified for the proposed project is a Class 4 (Section 15304, Minor Alterations to Land). Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located; a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The project is not anticipated to be located on a site which would change the significance of the impact. Additionally, the project scope applies to all projects receiving a building permit or discretionary review.

**15300.2(b) – Cumulative Impact:** A categorical exemption may not be used where a project would have a cumulative impact as defined in Section 15300.2(b). The project is not associated with any major impacts and would be minimal in nature. No cumulative impacts would occur.

**15300.2(c) – Significant Effect:** The proposed project was reviewed for potential significant impacts under Appendix G of the CEQA Guidelines. Given the scope of the project, it was determined that there would be no significant impacts.

**15300.2(d) – Scenic Highways:** A categorical exemption may not be used when a project may result in damage to scenic resources as defined in Section 15300.2(d). The proposed project is not anticipated to have an impact on any scenic resources (trees, historic buildings, rock outcroppings, or similar resources) within the state scenic highways. Water use reductions do not have direct or indirect physical changes to the environment and tree plantings may increase scenic resources within the state scenic highways.

**15300.2(e) – Hazardous Waste Sites:** A categorical exemption may not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The project is not anticipated to be located on a site which is included on any list compiled pursuant to Section 65962.5. Additionally, the project scope applies to all projects receiving a building permit or discretionary review.

**15300.2(f) – Historic Resources:** A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. No historical resources are anticipated to be impacted by this project. Water use reductions do not have direct or indirect physical changes to the environment and the tree planting requirement is flexible regarding the location of the tree installation.

The proposed project is consistent with Sections 15304 and 15300.2 – Exceptions and Appendix G of the CEQA Guidelines. Therefore, the project may rely on Section 15304 for the reasons documented above.

The Project is additionally exempt from CEQA pursuant to the “Common Sense” exemption (§15061(b)(3)) because it can be seen with certainty that there is no possibility the Project will have a significant effect on the environment. Rather, the Project is designed to protect the environment and natural resources by reducing water use and increasing tree planting. Therefore, it can be seen with certainty that there is no possibility that the implementation of the Project would cause a significant effect on the environment.