

ORDINANCE NO. 461

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING ZONING TEXT AMENDMENT NO. 19-004 TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN CHAPTER 3 (ZONING DESIGNATIONS AND PERMITTED USES) AND CHAPTER 2 (DEFINITIONS) AND MALIBU MUNICIPAL CODE TITLE 17 (ZONING) TO FOSTER THE CREATION OF FIRE-RESISTANT LANDSCAPES AND REPEALING ORDINANCE NOS. 343 AND 356, DELETING MALIBU MUNICIPAL CODE CHAPTER 9.22 (LANDSCAPE WATER CONSERVATION), ESTABLISHING MALIBU MUNICIPAL CODE CHAPTER 17.53 (LANDSCAPE WATER CONSERVATION AND FIRE PROTECTION) AND AMENDING MALIBU MUNICIPAL CODE SECTION 16.24.020 TO ELIMINATE REFERENCE TO MALIBU MUNICIPAL CODE CHAPTER 9.22 (CITYWIDE)

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On January 24, 2019, the City Council directed staff to prepare an item discussing potential restrictions on certain flammable plants, trees and materials in landscaping plans.

B. On October 14, 2019, the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City Council provided recommendations on key elements to amend the Local Coastal Program (LCP) Local Implementation Plan (LIP) Chapter 3 (Zoning Designations and Permitted Uses) and Malibu Municipal Code (MMC) Title 17 (Zoning) and Chapter 9.22 (Landscape Water Conservation) to foster the creation of fire-resistant landscapes.

C. On October 24, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties.

D. On October 28, 2019, the City Council adopted Resolution No. 19-47 and directed staff to prepare a zoning text amendment (ZTA) and local coastal program amendment (LCPA) to establish a citywide fire-resistant landscape ordinance. The purpose of the ordinance is to reduce fire hazard risk and spread by minimizing the fuels available to wildfires in the landscape. Amendments include restrictions on landscape species, spacing and placement, specifications for materials and siting for fences/walls and gates, and mulch/groundcover, and other similar measures aimed at reducing fuel loads, flammability and the potential for wildfire spread.

E. On November 18, 2019, the Planning Commission held a duly noticed public hearing on the draft ordinance, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

F. On December 19, 2019, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional,

state and federal agencies affected by the amendments; local libraries and media; and the California Coastal Commission.

G. On January 13, 2020, the City Council held a duly noticed public hearing on the proposed ordinance, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and approved the ordinance and directed staff to schedule second reading and adoption for January 27, 2020.

H. On January 27, 2020, the City Council directed staff to analyze the suggested revisions to the ordinance in Kraig Hill's letter dated January 24, 2020 and to bring the ordinance back for first reading.

I. On February 13, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional, state and federal agencies affected by the amendments; local libraries and media; and the California Coastal Commission.

J. On March 9, 2020, the City Council held a duly noticed public hearing on the proposed ordinance, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and approved the ordinance and directed staff to schedule second reading and adoption for March 23, 2020.

SECTION 2. Environmental Review.

The City Council has analyzed the project proposal described herein and has determined that the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), 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. As the scope of the amendments are limited and the purpose is to reduce the spread of wildfires, there will be no significant effect on the environment. The City Council has thus determined that there is no possibility the amendment will have a significant effect on the environment and that the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) – Common Sense Exemption, and 15308 – Actions by Regulatory Agencies for Protection of the Environment apply. Additionally, in accordance with the CEQA, Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect.

SECTION 3. Findings for Zoning Text Amendment No. 19-004.

A. The City Council hereby finds that ZTA No. 19-004 is consistent with the General Plan and is designed to protect and promote public health, safety, welfare and quality of life. The ordinance further strives to protect property from damage caused by fires by restricting the fuels available for the spread of fires. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council hereby finds that ZTA No. 19-004 further advances the General Plan Land Use (LU) Objective 1.3 to develop “land uses consistent with flood, geologic and fire safety requirements” by implementing regulations, such as those used by fire protection districts that minimize the risk of loss of life and property as a result of fire. Land Use Policy 4.1.6 further states that the City shall promote extensive landscaping in new projects while emphasizing the use of native, fire-resistant and drought-tolerant plant materials. This LU Policy was implemented with the adoption of the landscape water conservation ordinance that encourages the use of native, drought-tolerant plant materials. The proposed fire-resistant landscape ordinance will further promote the LU Objective by emphasizing the use of fire-resistant plant and landscape materials.

C. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 4. Zoning Text Amendments.

- A. MMC Chapter 9.22 (Landscape Water Conservation) is hereby repealed and existing provisions are added to MMC Chapter 17.53 (Landscape Water Conservation and Fire Protection).
- B. MMC Section 16.24.020 (Subdivision Design Guidelines) is hereby amended to substitute the reference to MMC Chapter 9.22 with Chapter 17.53.
- C. MMC Chapter 17.53 is hereby established to read as follows:

MMC Chapter 17.53 (LANDSCAPE WATER CONSERVATION AND FIRE PROTECTION):

17.53.010 Purpose.

It is the policy of the city of Malibu to promote water conservation. The landscape water conservation standards detailed in this chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

17.53.020 Definitions.

“Application area” means the area, within the landscape, that is covered by mulch.

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

“Director” means the community development director.

“Estimated total water use or ETWU” means the estimated total water use in gallons per year for a landscape area, calculated by summing the estimated water use for

each landscape hydrozone as described in the water budget calculations of Section 17.53.060.

“ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for nonresidential areas that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for a new and existing (nonrehabilitated) special landscape area shall not exceed 1.0.

“ET or evapotranspiration” means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

“ETo or reference evapotranspiration” means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches for purposes of this chapter and is an estimate of the evapotranspiration (or water loss) per year from a large field of four- to seven-inch tall cool season grass that is not water stressed. ETo is used as the basis for determining the maximum applied water allowance so that regional differences in climate can be accommodated. For Malibu, the ETo is 44.2 inches.

“Flammable material” means combustible material capable of igniting at ambient temperatures at or below 37.8 degrees Celsius (100 degrees Fahrenheit).

“Guidelines” refers to the Guidelines for Implementation of the Landscape Water Conservation Ordinance to be prepared by the city to describe procedures, calculations, forms and requirements for landscape projects subject to this chapter. The guidelines shall also provide information on increasing water use efficiency and avoiding water waste in existing landscapes.

“Hardscapes” means any durable material or feature (pervious and nonpervious) installed in or around a landscape area, such as pavements or walls.

“Hydrozone” means a portion of a landscape area having plants with similar water needs that are served by an irrigation valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

“Landscape area” means all new or altered landscaping areas proposed as part of a development project. Landscape area shall include the planting areas, turf areas, water features, and design features as allowed in Section 17.53.090(A)(12). The

landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, and other nonirrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation).

“Maximum applied water allowance or MAWA” means the maximum annual gallons per year of water allowed for a landscape area, calculated as described in the water budget calculations of Section 17.53.060.

“Mulch” means material (such as decaying leaves, bark, compost, gravel, or rocks) spread around or over a plant or within the landscape to enrich soil or suppress the growth of weeds.

“Non-continuous” means having one or more interruptions in a sequence or in a stretch.

“Nonflammable material” means material that is not flammable.

“Plant factor” means a factor that when multiplied by the ETo, estimates the amount of water used by a given plant species. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors used in this chapter are derived from “Water Use Classification of Landscape Species” (WUCOLS).

“Power line” means a cable carrying electrical power, especially one supported by pylons or poles.

“Shade structure” means a structure with a temporary or permanent roof or a covering made of or supporting plants or vines which is designed to provide shelter from the heat or glare of the sunlight.

“Special landscape area or SLA” means park and recreational areas, areas permanently and solely dedicated to edible plants, such as orchards and vegetable gardens, and areas irrigated with nonpotable water. A SLA is subject to the MAWA with an ET adjustment factor not to exceed 1.0.

“Turf” means a groundcover surface of mowed grass with an irrigation water need of greater than thirty (30) percent of the ETo, except for low water using alternative turf blend.

“Water budget calculations” mean the maximum applied water allowance and estimated total water use calculations.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).

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

“Water Use Classifications of Landscape Species or WUCOLS” means the document prepared by the University of California Cooperative Extension and available from the State Department of Water Resources at: Department of Water Resources, Bulletins and Reports, P.O. Box 942836, Sacramento, California 94236-0001.

“Water wise plants” means those plants that are evaluated as needing “moderate” (forty (40) to sixty (60) percent of ETo), “low” (ten (10) to thirty (30) percent of ETo) and “very low” (less than ten (10) percent of ETo) amounts of water as defined and listed by WUCOLS. Other sources of water wise plant classifications may be used if approved by the director.

“Weather-based irrigation controller” means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

17.53.030 Applicability.

A. This chapter applies to the following projects for which the city issues an administrative plan review or discretionary permit after the effective date of the ordinance codified in this chapter:

1. A project for an industrial, commercial, institutional, or multifamily use or a subdivision, any of which propose a new or altered landscape area, including public agency projects.
2. A project for a single-family residential use proposing a new or altered landscape area of five hundred (500) square feet or more; in the case of a project associated with an existing single-family residence, the new or altered landscape area is subject to this chapter when the landscape area is two thousand five hundred (2,500) square feet or more.

B. The following projects shall be exempt from the requirements of this chapter:

1. A single-family residence being rebuilt pursuant to a planning verification or administrative plan review following destruction or damage due to a natural disaster except that such residences shall not be exempt from Section 17.53.090(C);
2. A registered local, state or federal historic site;

3. An ecological restoration project that does not require a permanent irrigation system;
4. A mined land reclamation project that does not require a permanent irrigation system;
5. A botanical garden or arboretum that is open to the public;
6. A cemetery, except that a new or altered cemetery shall meet the irrigation requirements of Section 17.53.090(B).

17.53.040 Administration, enforcement and landscape design guidelines.

A. The community development director (director) shall administer and enforce this chapter.

B. The director shall prepare landscape design guidelines that assist applicants with complying with the requirements of this chapter. The guidelines shall also provide information on increasing water use efficiency and avoiding water waste in existing landscapes.

17.53.050 Compliance requirements.

Applicants for projects covered by Section 17.53.030 (A) shall comply with this chapter as follows, unless an exception is granted pursuant to Section 17.53.070.

A. Prior to construction, the applicant shall obtain approval from the director of a landscape documentation package prepared in accordance with Section 17.53.080 which demonstrates compliance with this chapter.

B. Prior to certificate of occupancy or other final project sign off, the applicant shall obtain approval from the director of a certificate of completion prepared in accordance with Section 17.53.080.

17.53.060 Water budget calculations.

A. New or altered landscaping projects listed in Section 17.53.030 (A) shall comply with the following water budget calculations in the design, installation and maintenance of the landscape area, unless an exception is granted pursuant to Section 17.53.070. In the event that the State Department of Water Resources or other water agency develops a model ordinance with a different ET adjustment factor or enacts other provisions that affect water budget formulas, then that ET adjustment factor or any other water budget formula changes shall be automatically incorporated into this chapter and the guidelines. Abbreviations are defined in subsection D.

B. Maximum Applied Water Allowance (MAWA). New or altered

landscaping shall not exceed the MAWA. The MAWA shall be determined by the following calculations:

Residential Landscapes:

$$\text{MAWA} = (\text{ETo})(0.62)[0.55 \times \text{LA} + 0.3 \times \text{SLA}].$$

Commercial Landscapes:

$$\text{MAWA} = (\text{ETo})(0.62)[0.45 \times \text{LA} + 0.3 \times \text{SLA}].$$

C. Estimated Total Water Use.

1. The estimated total water use (ETWU) for the project shall be calculated as the sum of the estimated water use for each landscape area hydrozone, as described in subsections (C)(2) through (C)(4). The ETWU for a proposed project shall not exceed the MAWA.

2. Estimated water use for each hydrozone, except a special landscape area, shall be determined according to the following calculation:

$$\text{Estimated Water Use} = (\text{ETo})(0.62)(\text{PF} \times \text{HA}/\text{IE}).$$

3. Estimated water use for special landscape areas shall be determined according to the following calculation:

$$\text{Estimated Water Use} = (\text{ETo})(.62)(\text{SLA})$$

D. The abbreviations used in the equations shall have the following meanings:

ETo = Reference evapotranspiration (44.2 inches per year for the city of Malibu).

0.55 = ET adjustment factor for residential landscapes (ETAF).

0.45 = ET adjustment factor for commercial landscapes (ETAF).

LA = Landscape area (square feet, including SLA).

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

SLA = Special landscape area (square feet).

0.3 = The additional ETAF for the SLA ($1.0 - 0.7 = 0.3$).

PF = Average plant factor for each hydrozone based on whether the hydrozone is classified as high, medium or low water use. The hydrozone classification shall be based on the data included in the landscape and irrigation plans and WUCOLS.

HA = Hydrozone area in square feet.

IE = Irrigation efficiency of the irrigation method used in the hydrozone.

17.53.070 Exceptions.

Exceptions to the requirements of this chapter may be granted by the director upon a finding based on substantial evidence that the exceptions will promote equivalent or greater water conservation than that provided in this chapter. Requests for exceptions shall be in writing and shall be submitted to the director at the time the landscape documentation package is submitted to the city for review. Requests for exceptions shall be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

17.53.080 Submittals.

A. Landscape Documentation Package.

1. A landscape documentation package shall be prepared in accordance with the provisions of the California Business and Professions Code relating to the practice of landscape architecture (Business and Professional Code Section 5641 et seq.).
2. The landscape documentation package shall include a statement of compliance in a form approved by the director certifying that the landscape design complies with the mandatory elements of this chapter. The statement of compliance shall be signed by the person who prepared the landscape plan.
3. The landscape documentation package shall be designed in accordance with the landscape water conservation standards and the guidelines and shall include a landscape design and soils management plan, an irrigation plan and a water budget calculation worksheet.
 - a. The landscape design and soils management plan shall, at a minimum:
 - i. Delineate each hydrozone by number, letter or other method, and identify the water use level of each. Temporarily irrigated areas shall be included in the low water use hydrozone for the water budget calculations;
 - ii. Delineate any existing plant material to be retained or removed by type;
 - iii. Show the planting areas, plant spacing, plant location and size, natural features, recreational areas, areas dedicated permanently and solely to edible plants, areas irrigated with nonpotable water, surface areas and types of water features and all hardscape areas (pervious and nonpervious);
 - iv. Have a legend listing the common and botanical plant names and total quantities by container size and species;
 - v. Describe seed mixes with application rates and relevant germination

specifications;

vi. Identify soil amendments, type and quantity, based on soil test results and recommendations. Soils recommendations can be included as a generic specification if significant grading will occur on the site as part of the project prior to landscape installation. However, verification of a soils test, and compliance with soil amendment requirements must be completed after grading is complete and prior to the landscaping installation;

vii. Identify location and installation details of storm water best management practices, as applicable;

viii. Include as a separate sheet, a copy of the project grading plan, when applicable.

b. Irrigation Plan. The irrigation plan shall be a separate document from, but use the same format as, the landscape design and soils management plan. The irrigation plan shall, at a minimum:

i. Identify location and size of separate water meters for landscape;

ii. Identify location, size and type of all components of the irrigation system, including controllers, main and lateral lines, valves, irrigation heads, moisture sensing devices, rain switches, quick couplers, pressure regulators and backflow prevention devices, and power supply, as applicable;

iii. Identify static water pressure at the point of connection to the public water supply, as applicable;

iv. Provide the flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (pressure per square inch) for each station;

v. Show nonpotable water irrigation systems as applicable.

c. Water Budget Calculation Worksheet. A water budget calculation worksheet shall include the following elements:

i. A hydrozone information table that summarizes the hydrozone and irrigation information of the landscape design and irrigation plans, including square footage and irrigation method for each hydrozone;

ii. Identification of the party(ies) responsible for long-term maintenance of the landscape and irrigation systems;

iii. Water budget calculations consistent with Section 17.53.060.

B. Certificate of Completion. Prior to final inspection or other final project sign off (as applicable), the applicant shall submit to the director for review and approval a certificate of completion. The certificate of completion shall be signed in accordance with the provisions of the California Business and Professions Code relating to the practice of landscape architecture (Business and Professional Code Section 5641 et seq.) and shall include the following:

1. A copy of a landscape management plan for the ongoing operation and maintenance of the landscape and irrigation system, including the water budget calculation worksheet with anticipated total annual water requirements, precipitation rates for the various hydrozones identified in the landscape plan, seasonal irrigation water schedules or procedures for programming of proposed weather-based controllers and certification that these have been provided to the property owner, along with a copy of the final landscape design and irrigation plans;
2. Certification that the landscaping and irrigation system have been installed in substantial conformance with the approved planting and irrigation plans and appropriate soil amendments have been made in accordance with soil tests. Where there have been significant changes to the landscape documentation package during the installation of landscaping or irrigation devices or irrigation system components, the applicant shall submit "as built" plans that show the changes, along with the statement of compliance required by Section 17.53.080;
3. Certification that the irrigation system and controller have been adjusted to maximize irrigation efficiency and eliminate overspray and runoff;
4. Certification that the water budget calculation worksheet has been provided to the appropriate water agency;
5. Acknowledgement that any changes to the irrigation system, plant materials or location or size of landscape areas that occur in the field due to site conditions or plant material availability must be submitted to the director prior to installation;
6. Installed landscaping found not to comply with the approved landscape plan is subject to correction. Under such circumstances, the director may require resubmittal of all or part of the landscape documentation package in accordance with Section 17.53.080.

17.53.090 Landscape water conservation design and fire protection standards.

All landscaping and irrigation systems associated with development regulated by this chapter shall be designed, installed and maintained in accordance with a landscape documentation package that meets the minimum standards of the guidelines and this section.

A. Planting Requirements.

1. Plants shall be selected to meet a MAWA determined by the water budget calculations and the guidelines.
2. Hydrozones. Plants shall be grouped into hydrozones with plant species having similar water demand and by their soil, sun and shade requirements.
3. The landscape area of projects proposing commercial or industrial uses shall be designed without the use of turf and with one hundred (100) percent water wise plants. Notwithstanding that requirement, projects may use turf where a specific turf type is proposed for any required bio-swale or bio-filter systems, or areas adjacent to pedestrian traffic where walking travel or crossings are expected. These walking areas would include corner lot locations or linear areas located along pedestrian routes. Any landscape trees and shrubs installed on commercial properties situated along public street frontage shall be limited to water wise species native to the Santa Monica Mountains area.
4. Turf is acceptable in parkways where vehicle parking is permitted adjacent to the parkway curb or edge; however, the use of a water wise alternative is encouraged. Where parking is not permitted adjacent to the parkway curb or edge, the parkway shall be designed using one hundred (100) percent water wise plants.
5. Single-family residential, multifamily residential and institutional use projects shall be designed so that turf occupies not more than twenty-five (25) percent or one thousand five hundred (1,500) square feet, whichever is less, of the landscape area. Approved turf parkways shall not be counted toward the twenty-five (25) percent turf limitation. For single-family residences, plants that are not water wise plants shall be limited to not more than twenty-five (25) percent of the landscape area or limited to an area within fifty (50) feet of the primary residential structure on the parcel, whichever results in less landscape area installed with plants that are not water wise species. For landscape areas more than fifty (50) feet from the primary residential structure and outside the required irrigated fuel modification zone, new or altered plantings shall be limited to water wise species native to the Santa Monica Mountains.
6. Turf is not permitted in medians or parking lot landscape finger planters.
7. Turf shall not be used on slopes exceeding twenty (20) percent or five to one within the landscape area.
8. Notwithstanding subsections (3) and (4), additional turf areas may be approved by the director for areas designed and used for outdoor sporting

and recreational activities, or for an approved functional use. Such approved turf areas may be watered at a rate of 1.0 of the reference evapotranspiration (ET_o). However, water wise turf blends are encouraged as an alternative.

9. Soils Test. The applicant shall prepare a soils test that conforms to the guidelines, with recommendations for fertilizers, amendments and horticultural maintenance practices. Recommendations shall be based on soil samples taken from the site at the completion of finish grading. The soils testing requirement may be included as part of the specifications for installation.

10. Soil Amendments. Soil amendments shall be used when necessary to improve water retention in the soil, to improve the functional structure of the soil for greater water infiltration and percolation, to buffer pH and to optimize plant growth.

11. Mulch. Weed-free mulches of organic or inorganic material shall be used in all non-turf, irrigated areas to minimize evapotranspiration and runoff, and to moderate the temperature of the root zone. The landscape area, except those portions of the landscape area planted in turf, shall be covered with weed-free mulch material to a maximum depth of three inches throughout. In areas with groundcovers planted from flats, mulch shall be installed to an average thickness of one and one-half inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch. Refer to additional mulch requirements in Section 17.53.090(C)(2).

12. Non-Plant Material for Landscaping. The landscape area may include natural features such as decomposing granite groundcover, rock and stone, non-vegetated natural areas, and structural features, including but not limited to, fountains, reflecting pools, art work, screens, walls, and fences, provided all of these features are integrated into the design of the landscape area and the primary purpose of the feature is decorative. These areas shall be included in the water budget calculations for the project and its various hydrozones as specified in the guidelines.

13. Nothing in this chapter shall be construed to permit the installation or removal of plants, trees or shrubs of a type or in a manner which is prohibited by another chapter of this code or the Malibu Local Coastal Program.

B. Irrigation System Requirements.

1. Irrigation systems shall be designed, constructed and managed to maximize overall irrigation efficiency, and to meet the MAWA.

2. Irrigation systems shall be designed to prevent runoff, overspray,

low-head drainage, and other similar conditions where irrigation water flows or sprays on to areas not intended for irrigation and not part of the parcel's landscape area, such as walkways, driveways, roadways, neighboring properties or the public right-of-way.

3. Irrigation systems (valve systems, piping and pressure regulators) shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping.

4. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

5. Areas less than eight feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray onto adjacent surfaces.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement. Overhead sprays shall be set back a minimum of twenty-four (24) inches from nonpervious surfaces.

7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

8. Pressure regulators may be required on the irrigation system as determined by the Los Angeles County Waterworks District 29.

9. Installation of a separate landscape water meter is encouraged where feasible to facilitate water management.

10. Nonpotable and Recycled Water. If nonpotable water service, including recycled water, is determined to be required for the project by a local agency or water agency, the irrigation system shall be designed, installed and operated in compliance with state and local laws, requirements and regulations applicable to the nonpotable water use. The local water agency shall provide the customer with applicable conditions for the use of nonpotable water within its jurisdiction.

C. Fire Protection Standards.

1. Planting Restrictions.

a. Palm trees are prohibited.

b. Trees and shrubs are prohibited between zero and five feet from a structure.

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- c. The following species are prohibited within 50 feet of structures: Eucalyptus (Eucalyptus gum tree), Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), and Tree of Heaven (Ailanthus altissima).
- d. Non-continuous planting of trees and shrubs (except those in (a) and (c) above, is allowed between five feet and 50 feet from a structure.
- e. Eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
- f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs.
- g. Trees planted within or near existing utility easements where overhead power lines are present are limited as follows:
- i. Trees planted below or within 20 feet of a power line shall have a maximum growth height of 25 feet at maturity.
 - ii. Trees planted within 20 feet and 50 feet of a power line shall have a maximum growth height of 40 feet at maturity.
 - iii. The distances for trees and shrubs subject to this subsection (g) shall be measured from the center of the trunk.
2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. The distance shall be measured from the outermost projection of the structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area.
3. Roadway Clearance. All flammable vegetation or other

combustible growth shall be removed or cleared, and new vegetation shall not be planted, for a minimum of 10 feet on each side of every roadway or driveway (whether public or private) improved, designed or ordinarily used for vehicular travel, unless otherwise approved by the fire department. This section shall not apply to single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

D. Maintenance. Installed landscaping and irrigation systems shall be managed and maintained in conformance with these standards.

D. MMC Section 17.40.030(A) "General Development Standards" is hereby amended to read as follows:

A. Hedges, Fences and Walls. Hedges, fences and walls may be erected and maintained in required yards subject to the requirements specified herein:

MMC Section 17.40.030(A)(11) is hereby added to read as follows:

11. Hedges and flammable fences and walls are prohibited within five feet of a building. For fences and walls the distance shall be measured from the outermost projection of the building to the fence or wall, including eaves, overhangs, and second floor balconies. For hedges, the distance shall be measured from the outermost projection of the building to the canopy of the hedge at its projected maturity, including eaves, overhangs, and second floor balconies.

E. MMC Section 17.40.050 "Distance between buildings" is hereby amended to read as follows:

A. Where more than one building is placed on a lot or parcel of land, the following minimum distances shall apply.

1. Distance Between Main Buildings. A minimum distance of ten (10) feet shall be required between all main residential buildings established on the same lot or parcel of land.

2. Projections Permitted Between Buildings, including detached Shade Structures, on the Same Lot or Parcel of Land. The following projections are permitted within six (6) feet of the required ten (10) feet between buildings, including detached shade structures, provided they are developed subject to the same standards as and not closer to a line midway between such buildings than is permitted

in relation to a side lot line within a required interior side yard:

- a. Eaves and cantilevered roofs;
- b. Fireplace structures, buttresses and wing walls;
- c. Rain conductors and spouts, water tables, sills, capitals, cornices, and belt courses;
- d. Awnings and canopies;
- e. Water heaters, water softeners, gas or electric meters, including service conductors and pipes;
- f. Stairways and balconies above the level of the first floor.

B. Distance Between Accessory and Main Buildings. A minimum distance of six feet shall be required between any main residential building and an accessory building established on the same lot or parcel of land.

C. Uncovered porches, platforms, landings and decks, including access stairs thereto, which do not extend above the first floor are permitted within the required distance between buildings without distance restriction.

SECTION 5. Findings for Local Coastal Program Amendment No. 19-002.

A. The City Council hereby finds that LCPA No. 19-002 is consistent with and furthers the following Land Use Plan (LU) Policies:

LU Policy 4.2: All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.

LU Policy 4.45: New development shall minimize risks to life and property from fire hazard through:

- a. Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;
- b. Siting and designing development to avoid hazardous locations;
- c. Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;
- d. Use of appropriate building materials and design features to insure the minimum amount of required fuel modification;
- e. Use of fire-retardant, native plant species in landscaping.

LU Policy 4.45: New development shall minimize risks to life and property from fire

hazard through:

- a. Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;
- b. Siting and designing development to avoid hazardous locations;
- c. Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;
- d. Use of appropriate building materials and design features to insure the minimum amount of required fuel modification;
- e. Use of fire-retardant, native plant species in landscaping.

LU Policy 4.52: Where applicable, property owners shall comply with applicable fire safety regulations for management of flammable materials (controlled burns) in fire hazardous areas.

B. The proposed ordinance does not authorize a use other than that already designated in the LCP. The proposed ordinance is consistent with the Coastal Act because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed ordinance will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal zone, or interfere with the priorities established for coastal-dependent or coastal-related development.

SECTION 6. Local Coastal Program Amendments.

A. LIP Chapter 2.1 “Definitions” is hereby added to read as follows:

“Shade structure” means a structure with a temporary or permanent roof or a covering made of or supporting plants or vines which is designed to provide shelter from the heat or glare of the sunlight.

B. LIP Chapter 3.5.3(A) “General Development Standards” is hereby amended as follows:

A. Hedges, Fences and Walls. Hedges, fences and walls may be erected and maintained in required yards subject to the requirements specified herein:

LIP Chapter 3.5.3(A)(11) is hereby added to read as follows:

11. Hedges and flammable fences and walls are prohibited within five feet of a building. For fences and walls, the distance shall be measured from the outermost projection of the building to the fence or wall, including eaves, overhangs, and second floor balconies. For hedges, the distance shall be measured from the outermost projection of the buildings to the canopy of the hedge at its projected maturity, including eaves, overhangs, and

second floor balconies.

C. LIP Section 3.6(R)(1) "Distance between buildings" is hereby amended to read as follows:

1. Where more than one building is placed on a lot or parcel of land, the following minimum distances shall apply.

a. **Distance Between Main Buildings.** A minimum distance of ten (10) feet shall be required between all main residential buildings established on the same lot or parcel of land.

b. **Projections Permitted Between Buildings, including detached Shade Structures, on the Same Lot or Parcel of Land.** The following projections are permitted within six (6) feet of the required ten (10) feet between buildings, including detached shade structures, provided they are developed subject to the same standards as and not closer to a line midway between such buildings than is permitted in relation to a side lot line within a required interior side yard:

i. Eaves and cantilevered roofs;

ii. Fireplace structures, buttresses and wing walls;

iii. Rain conductors and spouts, water tables, sills, capitals, cornices, and belt courses;

iv. Awnings and canopies;

v. Water heaters, water softeners, gas or electric meters, including service conductors and pipes;

vi. Stairways and balconies above the level of the first floor.

c. **Distance Between Accessory and Main Buildings.** A minimum distance of six feet shall be required between any main residential building and an accessory building established on the same lot or parcel of land.

SECTION 7. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit the Local Coastal Program amendments contained in Section 6 of this Ordinance to the California Coastal Commission per Title 14, California Code of Regulations Section 13554.5(a).

SECTION 8. Severability.

If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any

reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Effectiveness.

The LCP amendment and corollary ZTA approved in this Ordinance shall become effective only upon certification by the California Coastal Commission of this amendment to the LCP.

SECTION 10. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this 13th day of April 2020.

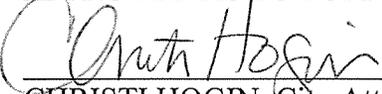

KAREN FARRER, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)

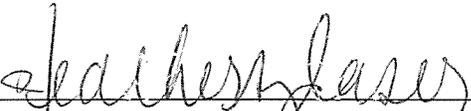
Date: April 14, 2020

APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 461 was passed and adopted at the Regular City Council meeting of April 13, 2020, by the following vote:

AYES: 5 Councilmembers: Mullen, Peak, Wagner, Pierson, Farrer
NOES: 0
ABSTAIN: 0
ABSENT: 0


HEATHER GLASER, City Clerk
(seal)