

ORDINANCE NO. 386

AN ORDINANCE OF THE CITY OF CHINO HILLS APPROVING MUNICIPAL CODE AMENDMENT NO. 22MCA02 TO AMEND TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE CHAPTER 16.02 - DEFINITIONS, CHAPTER 16.06 - GENERAL DEVELOPMENT STANDARDS, CHAPTER 16.07 - LANDSCAPE AND WATER CONSERVATION REQUIREMENTS, AND CHAPTER 16.38 - SIGNS REGARDING ELECTRONIC SIGNS, AND DETERMINING THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- A. Municipal Code Amendment 22MCA02 proposes amendments to the Chino Hills Municipal Code (CHMC) related to clarification of certain definitions and features permitted within required setbacks, inclusion of items listed in the State of California's Model Water Efficient Landscape Ordinance, and new provisions for changeable message signs.
- B. On May 17, 2022, the Planning Commission held a public hearing to receive oral and documentary evidence from staff and the public, regarding the proposed amendment to the Municipal Code. The Commission adopted a resolution recommending to the City Council the adoption of the proposed Municipal Code Amendment.
- C. Notice of the public hearing was published in the Chino Hills Champion on June 4, 2022. As of the writing of this report, staff has not received any public comments concerning the proposed Municipal Code Amendment.
- D. A duly noticed public hearing before the City Council was conducted on June 14, 2022, at which time all interested persons were given an opportunity to testify in support of, or in opposition, to the project.

SECTION 2. The City Council finds that Municipal Code Amendment 22MCA02 is exempt from the provisions of the California Environmental Quality Act (CEQA) for

the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)), and (3) the ordinance does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378). Further, the proposed ordinance amendment is exempt from review pursuant to CEQA Guideline § 15305 because it consists only of minor alterations in land use limitations necessary to implement current state law.

SECTION 3. As required under Government Code § 65860, the City Council finds that CHMC amendments proposed in Municipal Code Amendment 22MCA02 are consistent with the Chino Hills General Plan as follows:

- A. Considering all of its aspects, the proposed amendments to the Municipal Code will further the goals, objectives, and policies of the General Plan and will not obstruct their attainment. The amendments are relatively minor in nature and are intended to bring clarity to existing provisions, correct clerical errors from previous updates, and provide consistency within the Municipal Code.

SECTION 4. In accordance with CHMC § 16.62.040, the City Council makes the following findings of fact:

- A. FINDING: That the proposed Municipal Code Amendment is consistent with the goals, policies, and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code will provide clarification and consistency between the definitions and the general development standards; provide compliance with the State Model Water Efficient Landscape Ordinance; and provide provisions for electronic changeable message signs. These standards and code amendments conform to the following General Plan goals and policies:

- i. General Plan Goal LU-3; Maintain the Integrity of City Neighborhoods and General Plan Policy LU-3.1: Maintain the integrity of city neighborhoods; and
- ii. General Plan Goal LU-4: Provide for Excellence in Urban Design and General Plan Policy LU-4.1: Promote high quality development.

- B. FINDING: That the proposed Municipal Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Municipal Code Amendment would be effective throughout the City. The Municipal Code Amendment provides clarification and consistency between the definitions and the general development standards; provide compliance with the State Model Water Efficient Landscape Ordinance; and provide provisions for electronic changeable

message signs. The amendment proposes minor updates consistent with state law and the General Plan and will not adversely affect surrounding properties.

SECTION 5. Amend in part Chapter 16.02 - Definitions, Title 16 of the Chino Hills Municipal Code to read as provided in the document labeled as Exhibit "A", attached to, and incorporated into, this ordinance by this reference.

SECTION 6. Amend in part Chapter 16.06 - General Development Standards, Title 16 of the Chino Hills Municipal Code to read as provided in the document labeled as Exhibit "B", attached to, and incorporated into, this ordinance by this reference.

SECTION 7. Amend in part Chapter 16.07 - Landscape and Water Conservation Requirements, Title 16 of the Chino Hills Municipal Code to read as provided in the document labeled as Exhibit "C", attached to, and incorporated into, this ordinance by this reference.

SECTION 8. Amend in part 16.38.012 of, and add Section 16.38.033 to, Chapter 16.38 - Signs, Title 16 of the Chino Hills Municipal Code, to read as provided in the document labeled as Exhibit "D", attached to, and incorporated into, this ordinance by this reference.

SECTION 9. Inconsistencies. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02. Any provision of the CHMC or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 10. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 11. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 12. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 13. Preservation. Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 14. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 15. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 16. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 12th day of July 2022.



RAY MARQUEZ, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 386 was duly introduced at a regular meeting held June 28, 2022; and adopted at a regular meeting of the City Council held on the 12th day of July 2022, by the following vote, to wit:

AYES: COUNCIL MEMBERS: MARQUEZ, BENNETT, JOHSZ,
MORAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: ROGERS

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on July 2, 2022, and July 16, 2022, in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this 13th day of July 2022.



CHERYL BALZ, CITY CLERK

Exhibit "A"

16.02.140 "B" definitions and illustrations.

"Balcony" means a structure with a walking surface at least thirty (30) inches above adjacent grade which extends from a building without support from the ground. See also "deck" and "platform."

"Barbeque structure" means an appliance or structure used to roast or broil food over or before a source of heat. The appliance or structure may include additional features (e.g. stovetop burners, small refrigerators, etc.).

"Basement" shall have the same meaning as that term is defined in the California Building Code, incorporated by reference and amended in Title 15 of this Code.

"Bay window" means a group of windows projecting from a room in a floor-level recess.

"Bed and breakfast" means a house, or portion of a house, where rooms and meals are provided for short-term stays. The operator of the bed and breakfast shall live on the premises or adjacent premises.

"Bedroom" means any habitable room used for sleeping purposes other than a living room, family room, or den.

"Boarding house" shall mean a dwelling, building, or accessory building rented to three (3) or more individuals under concurrent, separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of sleeping rooms or common kitchen facilities may be provided. This definition does not include any of the following:

- Hotel;
- Motel;
- Emergency shelter;
- Transitional housing;
- Single-room occupancy residential hotel;
- Small family day care home;
- Supportive housing;
- Skilled nursing facility;
- Group home;
- A residential facility as defined in the California Community Care Facilities Act (Health & Safety Code § 1500 et seq.) that serves six (6) or fewer persons;
- Housing for persons protected under the Fair Housing Act (42 USC § 3604(f)) or the California Fair Housing Act (Gov't Code § 12920 et seq.);
- Alcoholism or drug abuse recovery or treatment facility that serves six (6) or fewer persons (as defined in Health & Safety Code § 11834.23(b));

Exhibit "A"

- Employee housing providing accommodations for six (6) or fewer employees (as defined in Health & Safety Code § 17021.5);
- Residential care facility for the elderly that serves six (6) or fewer persons (Health & Safety Code § 1569.85);
- Intermediate care facility.

Any other use or arrangement expressly excluded from the definition of "boarding house" or "rooming house" pursuant to state or federal law, including household arrangements protected by *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123.

"Body" or "hearing body" means the individual or group duly authorized by this Development Code to grant changes to, relief from, or special consideration under the Development Code.

"Brewery, distillery, winery" means an establishment that brews, or produces beer, wine, or other alcoholic beverages in large quantities primarily for off-site sales and consumption.

"Building" shall have the same meaning as that term is according to the defined in the California Building Code, incorporated by reference and amended in Title 15 of this Code.

"Building height" means the vertical dimension of a building or any other type of structure measured from the grade plane (as defined in Section 16.02.190) to the highest point of the structure (as defined in Section 16.02.310), including mechanical equipment (as defined in Section 16.02.250), architectural projection(s) (as defined in Section 16.02.130), architectural roof screening, and appurtenance structure(s) (as defined in Section 16.02.130).

"Building coverage" means the percentage of the footprint which is covered by all the buildings on a lot, as seen from a plan view.

"Building pad" means the area of a lot designed for the construction of buildings and structures.

16.02.190 "G" definitions and illustrations.

Garage, Private. As defined in the latest edition of the California Building Code, incorporated by reference and amended in Title 15 of this Code.

Garage, Public. As defined in the latest edition of the California Building Code, incorporated by reference and amended in Title 15 of this Code.

"Garage" means an enclosed building, or structure, or part of such deck, building or structure, used or intended to be used for the parking and storage of vehicles which is not a carport. See also, "carport."

"Gate" means a moveable barrier that provides access through a fence or wall.

Exhibit "A"

"General plan" means the general plan of the City of Chino Hills, adopted pursuant to the State of California Government Code Section 65301 et seq. and adopted by the City Council.

"General office" means administrative office only, in which professional or consulting services are provided, such as in the fields of law, architecture, design, insurance, engineering, accounting, real estate, financial planning and similar professions.

"General retail" means a business, institution, or cooperative that sells goods to consumers. This includes restaurants, small storefront stores to large department stores.

"Generator" means a device that converts mechanical energy into electrical energy by the combustion of fossil fuels and is intended for use in emergency situations where electrical power to the structure is interrupted.

"Golf course" means an area of land laid out for playing golf as a commercial venture or within a private community. May include the sale of food, beverages and associated merchandise.

"Government offices" means the working location of any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

"Grade" and all related terms shall be defined according to the definition contained in the California Building Code, incorporated by reference and amended in Title 15 of this Code.

"Grade plane" means a horizontal reference plane for a structure as a whole, passing through the average of the finished grade elevations around the perimeter of a structure, as determined by the length-weighted formula below. All walls of six (6) feet or greater in length shall be included in this calculation.

$$\frac{\sum [(e1 + e2) / 2 \times L]}{P}$$

Where:

Σ is the sum of the calculation in the numerator $[(e1 + e2) / 2 \times L]$ for all segments.

e1 is the elevation of the finished ground level at the beginning point of a horizontal segment, taken at a point six-feet away perpendicular from the foundation or at the property line, whichever is closer.

e2 is the elevation of the finished ground level at the end point of a horizontal segment, taken at a point six-feet away perpendicular from the foundation or at the property line, whichever is closer.

L is the length of the segment.

P is the total horizontal length of all segments.

Exhibit "A"

"Gross acreage" means the total land area within a defined boundary (i.e., before the exclusion of areas including, but not limited to, slopes, public rights-of-way, public parks, public school sites, and sites for other public facilities).

"Gross floor area" means the total horizontal area of a building, in square feet, including the exterior walls of all floors.

"Group home" means any residential care facility for six (6) or fewer persons which is licensed by the state, as further described in Health and Safety Code § 1566.3.

"Guest house" means living quarters with interior access to a bathroom located on the same lot as, but without interior access to, the primary dwelling unit and intended for temporary occupancy by family members, guests, or persons employed on the premises. A guest house shall not contain a kitchen facility or any plumbing fixtures, except for bathroom fixtures (including a shower/bath, sink, and toilet) located within a single room. The floor area of a guest house shall not exceed four hundred fifty (450) square feet or twenty (20) percent of the primary dwelling unit, whichever is less.

"Guest parking" means parking spaces provided with a residential unit for intermittent use by visitors.

"Guest room" means any room which is used or designed to provide transient occupancy and sleeping accommodations for one (1) or more paying guests. Guest rooms occur in hotels, motels, time-shares, bed and breakfasts, private clubs, lodges, fraternal organizations, and other transient occupancy facilities.

16.02.200 "H" definitions and illustrations.

"Halloween pumpkin sales facility" means a retail sales operation, generally conducted wholly out-of-doors, that offers for sale on a temporary, limited basis pumpkins and related holiday items. The allowable sales period is defined in Chapter 16.36.060 of this Code.

"Hazardous fire area" means any land that is covered with grass, grain, brush, or forest, whether privately or publicly owned, and which is so situated or inaccessible that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire and resulting erosion. Hazardous fire areas are identified on fire hazard overlay maps maintained by the City.

"Hazardous waste facility" shall have the same meaning as that term is defined in the state Health and Safety Code, Section 25117.1.

"Hedge" means a boundary or barrier of plant material formed by a dense row of vegetation that encloses, divides or protects an area.

"Highest adjacent grade" means the highest elevation of the ground surface next to the proposed structure and/or wall.

"Home improvement center" means a retail service engaged in providing retail sale, rental, service, or repair and installation of home improvement products including

Exhibit "A"

building materials; paint and wallpaper; carpeting and floor covering; decorating materials; heating, air conditioning, electrical, plumbing, and mechanical equipment; roofing; yard and garden supplies; home appliances; and similar home improvement products.

"Home occupation" means business activity generated from a dwelling unit, or buildings accessory to a dwelling unit which is incidental and secondary to the residential use of the dwelling unit, is carried out by a person/persons residing in any dwelling unit on the property, and does not change the character of the dwelling. If more than one business is operating from a dwelling unit, a separate Home Occupation Permit and Business License may be required.

"Hospital" means a health care institution providing organized patient treatment with medical doctors, nursing staff and medical equipment, which provides twenty-four (24) hour in-patient care, including, but not limited to, the basic following services: surgical, anesthesiology, laboratory, radiology, in-patient pharmacy, dietary services, but does not include a twenty-four (24) hour emergency room that has the capacity to receive ambulance services.

"Hospital with emergency services" shall have the same meaning as hospital except that it includes a twenty-four (24) hour emergency room that has the capacity to receive ambulance services.

"Hotel" means a building or group of buildings containing six (6) or more guest rooms offering transient lodging accommodations to the general public and incidental services that are customarily provided by a hotel, for the convenience of hotel guests, such as food service, recreational facilities, and retail services; and public banquet, reception, and meeting rooms. The incidental services that may be provided by a hotel shall be limited to the services permitted under an approved plan.

16.02.250 "M" definitions and illustrations.

"Manufactured home" shall have the same meaning as that term is defined in California Health and Safety Code Section 18007.

"Manufacturing" means a facility that engages in the manufacturing of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental processing of extracted or raw materials.

"Map act" means the Subdivision Map Act of the State of California.

"Marijuana" shall have the same meaning as the term "cannabis" as defined in California Health and Safety Code Section 11018.

"Masonry" means construction composed of shaped or molded units, usually small enough to be handled by one (1) person and composed of stone, ceramic brick or tile, concrete, glass, adobe, or the like; sometimes used to designate cast-in-place concrete.

Exhibit "A"

"Massage establishment" means and includes any massage establishment, parlor, or any room, place or institution where massage is given or administered by a massage practitioner or massage therapist for compensation.

"Massage practitioner" means a person who is currently certified as a massage practitioner by the CAMTC and who administers massage for compensation.

"Massage therapist" means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

"Mechanical equipment" means any type of equipment, device or machine located on the exterior of a structure which operates a system or amenity on the property. Examples include but are not limited to heating, cooling, and venting (HVAC), plumbing, pool/spa pumps/filters, whole house fans and energy storage systems. This definition excludes generators and similar equipment.

"Medical clinic" means a health care institution specializing in treating patients with medical conditions that may require twenty-four (24) hour care on an ongoing basis but no longer require intensive care or extensive diagnostic procedures. Can also include a medical walk-in facility, urgent care and outpatient surgical center. These facilities may not include emergency ambulance services as standard business operations.

"Medical laboratory" means an establishment where clinical pathology and diagnostic tests are carried out on clinical specimens to obtain information about the health of a patient to aid in diagnosis, treatment and prevention of disease. These establishments do not include in-patient services.

"Medical laboratory (collection only)" means an establishment that is intended for in-patient services that provides medical or dental laboratory services that includes diagnostic imaging or testing services that are performed on site but require diagnostic evaluations typically at another location.

"Medical laboratory (testing and research)" means a facility where diagnostic testing and research is performed on bio-material, generally blood, body fluids, tissues and cells, to obtain information about the health of a being to aid in diagnosis, treatment, and prevention of disease. May also be referred to as pathology laboratory.

"Medical marijuana collective" means a collective, cooperative, association, dispensary or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available or gives away marijuana in the City for medical purposes to qualified patients, or primary caregivers of qualified patients pursuant to Health and Safety Code Section 11362.5 (adopted as Proposition 215, the "Compassionate Use Act of 1996") or any state regulations adopted in furtherance thereof, including Health and Safety Code Section 11362.7 et seq., (adopted as the "Medical Marijuana Program Act"). Medical marijuana collective shall not include the following uses, so long as such uses comply with this Code, the California Health and Safety Code Section 11362.5, et seq., and other applicable law:

- a. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.

Exhibit "A"

- b. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
- c. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
- d. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
- e. A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

"Medical marijuana cultivation" shall mean the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.

"Medical office" means office space used to provide diagnosis and outpatient treatment for medical, dental, optical, chiropractic, physical therapy, psychiatric care or similar therapeutic services.

"Micro-brewery, distillery, winery" means a business that produces less than fifteen thousand (15,000) barrels (typical industry standard barrel is thirty-one (31) gallons, and approximately seven thousand fifty-six (7,056) cubic inches) per year and may include food sales.

"Mixed use" means the development in a compact urban form of a structure or site with both residential and commercial uses integrated with each other relative to architecture, landscape, common areas, and access.

"Mobilehome" shall have the same meaning as that term is defined in California Health and Safety Code Section 18008.

"Mobilehome park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobilehome lots for sale or rent.

"Motel" means an establishment otherwise defined as a hotel with at least twenty-five (25) percent of all rooms having direct access to the parking areas without the necessity of persons passing through the main lobby of the building.

"Motor vehicle" means a machine capable of self-propulsion, with or without human guidance, whether for the performance of work or as a mode of transportation.

"Multifamily," where referenced in this Code to determine applicable development standards and requirements, shall apply to all uses in the RM-1, RM-2, and RM-3 districts, regardless of the type of housing (i.e., attached or detached), and to similar developments in a PUD, where the PUD does not contain a specific standard.

"Multifamily dwelling" means a building, or portion of a building, used and/or designed as a residence with three (3) or more separate dwelling units (e.g., apartments, condominiums, or townhomes).

Exhibit “B”

16.06.070 Features permitted within required setbacks.

All required setback areas shall be open and unobstructed from finished grade to the sky, except that the following features are permitted within the setback areas subject to permissible projections into the setback and/or minimum distance to property lines as indicated in Tables 10-1(A), 10-1(B), and 10-1(C).

Table 10-1(A) Maximum Permitted Projections into Required Setbacks for Residentially Zoned Properties

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Setback				
Antenna/Satellite Dish larger than one (1) meter ¹	Not permitted ²	Allowed - See Chapter 16.44	Not Permitted	Not Permitted	See Chapter 16.44
Arbor—Freestanding	3'0"	3'0"	3'0"	3'0"	8'0"
Arbor as part of a fence	No Setback Required				8'0"
Architectural Projection: Cornice, Eave, Porte Cochere, Covered Porch, and Roof Overhang ³	4'0"	4'0"	2'0"	4'0"	N/A
Awning (when fully extended)	4'0"	4'0"	2'0"	4'0"	N/A
Balcony	2'6"	2'6"	Not Permitted	2'6"	N/A
Stairway and Stairway Landing ⁴	2'6"	2'6"	2'0"	2'6"	N/A
Bay Window ⁵	4'0"	4'0"	2'0"	4'0"	N/A
Deck ⁶	Not Permitted	4'0"	Not Permitted	Not Permitted	N/A
Chimney attached to habitable structure	4'0"	4'0"	2'0"	4'0"	Per minimum height above roof established by the CBC/CRC
Gate ⁷ and Pilaster as part of a fence/wall ⁸	No Setback Required.				2'0" above the maximum height of the fence/wall

Exhibit “B”

Table 10-1(B) Minimum Distance to the Property Line for Residentially Zoned Properties

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Front Setback	Minimum Distance to Property Lines			
Accessory Building or Structure (not exceeding 120 square feet)	Not Permitted ²	5'0"	5'0"	10'0"	10'0"
Barbecue Structure (Built-In), Countertop, and Pizza Oven	Not Permitted	5'0"	5'0"	5'0"	N/A
Fireplace or Fire Pit (non-wood burning; outdoor; free-standing)	Not Permitted	5'0"	5'0"	5'0"	6'0"
Generator ¹⁰	Not Permitted	5'0"	5'0"	5'0"	N/A
Patio Cover (Open Patio) ⁹ , Shade Structure	Not Permitted	5'0"	5'0"	10'0"	12'0"
Playground Equipment	Not Permitted	5'0"	5'0"	10'0"	10'0"
Mechanical Equipment ¹⁰	Not Permitted	3'0"	3'0"	3'0"	N/A
Second Story Deck	Not Permitted	10'0"	Not Permitted	Not Permitted	N/A
Swimming Pool and Spa, including any grotto, associated appurtenance, slide, waterfall, etc. ¹¹	Not Permitted	5'0"	5'0"	5'0"	10'0"
Water Feature (not associated with a swimming pool)	Not Permitted	5'0"	5'0"	5'0"	10'0"

Exhibit “B”

**Table 10-1(C) Maximum Permitted Projections into Required Setbacks
for Non-Residentially Zoned Properties**

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Setback				
Antenna/Satellite Dish larger than one (1) meter ¹	Not Permitted ²	Allowed - See Chapter 16.44	Not Permitted	Not Permitted	See Chapter 16.44
Architectural Projection: Cornice, Eave, Porte Cochere, Covered Porch, and Roof Overhang ³	4'0"	4'0"	2'0"	4'0"	N/A
Awning	4'0"	4'0"	2'0"	4'0"	N/A
Balcony or Stairway and Stairway Landing	2'6"	2'6"	2'0"	2'6"	N/A
Gate ⁷ and Pilaster as part of a fence/wall ⁸	No setback required.				2'0" above the maximum height of the fence/wall
Patio, Commercial Outdoor ¹²	15'0" ¹³	N/A	N/A	15'0" ¹³	N/A

Table Notes:

1. Exemptions. See Chapter 16.44.
2. When the matrix indicates that a feature is not permitted, that feature shall not be located within the specified building setback for the property.
3. Eave projections included in this section do not apply to patio covers; please see note (9) for eave overhangs for patio covers.
4. Steps at grade are permitted in all setback areas.
5. Bay windows shall have no livable area, except a bench seat, and shall not exceed fifty (50) percent of the length of the wall containing the window. Bay windows must be cantilevered and cannot extend to the foundation.
6. When located within a required setback, a deck shall be at a height of thirty (30) inches above adjacent grade.
7. Within a required setback, a pedestrian gate shall not exceed four (4) feet in width for a single gate or eight (8) feet in width for a double gate and a vehicular gate shall not exceed the width of the driveway up to a maximum of twenty-four (24) feet.
8. Fence posts may be a maximum of four (4) inches above the height of the fence.

Exhibit “B”

9. Patio cover setback is measured from the posts to the property line. Eaves are allowed to project a maximum of one foot beyond the permissible projection for the posts (supports).

10. Mechanical Equipment, generators, and similar apparatus visible from any right of way shall be screened from view pursuant to Chapter 16.10.050 and comply with noise standards pursuant to Chapter 16.48.020.

11. Setbacks for above-ground swimming pools, spas, or appurtenances shall be measured from the edge of the structure to the property lines. Setbacks for an in-ground swimming pool and/or spa shall be measured from the water's edge to the property lines.

12. See Chapter 16.09.100 for requirements and standards. Commercial patios may include shade structures, lighting, fire pits, water features, and similar features. Patio cover setback is measured from the posts to the property line. Eaves are allowed to extend a maximum of one foot past the posts (supports).

13. A minimum of 10'0" of landscaped area measured from the property line to the patio shall be provided.

Exhibit “C”

Chapter 16.07 LANDSCAPE AND WATER CONSERVATION REQUIREMENTS

Sections:

16.07.010 Intent and purpose.

This chapter is adopted in accordance with Government Code Section 65595(c) for the purpose of complying with California law and promoting water conservation. The intent and purpose of this chapter is to:

1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
2. Recognize that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
3. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction, and rehabilitated projects, by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government, and property owners to achieve the many benefits possible;
4. Establish provisions for water management practices and water waste prevention for existing landscapes;
5. Use water efficiently without waste by setting a Maximum Applied Water Allowance (MAWA) as an upper limit for water use, and reduce water use to the lowest practical amount without a decline in the quality or quantity of landscapes;
6. Create 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 esthetic benefits;
7. 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;
8. Conserve water by capturing and reusing rainwater and graywater wherever possible, and selecting climate appropriate plants that need minimal supplemental water after establishment;
9. 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; and
10. Protect existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives, and avoiding invasive plants.

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16.07.020 Definitions.

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

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

"Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"Certificate of completion" means the document required under Section 16.07.100.

"Certified Irrigation Designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the U.S. Environmental Protection Agency's WaterSense Irrigation Designer Certification program and Irrigation Association's Certified Irrigation Designer program.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense Irrigation Auditor Certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

"Check valve" or "Anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

"Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

"Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

"Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

"Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

"Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.

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"Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

"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.

"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 and trees may need three to five years for establishment.

"Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 16.07.060.

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

"Evapotranspiration rate" (ETo) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time. The monthly and annual evapotranspiration rate used for the City of Chino Hills is as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6

"Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

"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.

"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.

"Fuel modification plan guideline" means guidelines from the Chino Valley Fire District to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to,

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wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

"Hardscapes" means any durable material (pervious and non-pervious).

"Hydrozone" means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

"Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "WaterSense" labeled auditing program.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this Chapter is 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape architect" means a person who holds a license to practice landscape architecture in the State of California Business and Professions Code, Section 5615.

"Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan 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).

"Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

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"Landscape documentation package" means the documents required under Section 16.07.050.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this chapter, meeting requirements under Section 16.07.030.

"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.

"Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

"Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

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

"Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

"Master shut-off valve" is an automatic valve installed at the irrigation supply point that 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.

"Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 16.07.060. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$.

"Median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

"Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and

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applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

"New construction" means, for the purposes of this Chapter, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"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.

"Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

"Overhead sprinkler irrigation systems" or "overhead spray irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

"Overspray" means the irrigation water that is delivered beyond the target area.

"Parkway" means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

"Permit" means an authorizing document issued by the City for new construction or rehabilitated landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Plant factor" or "plant water use factor" (PF) is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the publication "Water Use Classification of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Project applicant" means the individual or entity submitting a Landscape Documentation Package to request a permit, plan check, or design review from the City of Chino Hills. A project applicant may be the property owner or his or her designee.

"Rain sensor" or "rain sensing shut-off device" means a component that automatically suspends an irrigation event when it rains.

"Record drawing" or "As-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas, excluding private single-family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheatres or golf course tees, fairways, roughs, surrounds and greens.

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"Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled wastewater of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A of the California Model Water Efficient Landscape Ordinance, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

"Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 16.07.030, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet.

"Residential landscape" means landscapes surrounding single or multifamily homes.

"Run off" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

"Soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

"Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

"Special landscape area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

"Sprinkler head" or "spray head" means a device that delivers water through a nozzle.

"Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

"Station" means an area served by one valve or by a set of valves that operate simultaneously.

"Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

"Submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses.

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Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water conserving plant species" means a plant species identified as having a very low or low plant factor.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

"Watering window" means the time of day irrigation is allowed.

"WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014 (or most current edition).

(Ord. No. 316, § 3, 9-12-2017)

16.07.030 Applicability and exemptions.

A. Applicability. This chapter applies to all of the following landscape projects:

1. New construction projects with an aggregate landscape area equal to, or greater than, five hundred (500) square feet requiring a building or landscape permit, plan check or design review;
2. Rehabilitated landscape projects with an aggregate landscape area equal to, or greater than, two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review.
3. Existing landscapes that were installed before December 1, 2015 and are over one acre in size.
4. Cemeteries.

B. Prescriptive compliance method. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive compliance option measures contained in Section 16.07.150.

C. Exemptions. This chapter does not apply to:

1. Registered local, State or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system;
4. Existing plant collections, as part of botanical gardens and arboretums open to the public; and
5. Any project that is lawfully constructed, erected, or approved prior to the effective date of this chapter, or for which the application for entitlement is deemed complete prior to the effective date of this chapter, in compliance with applicable laws, and which project does not conform to the requirements of this Chapter shall be accepted and allowed as a legal nonconforming project. Legal nonconforming projects shall comply at all times with the laws, ordinances, and regulations in effect at the time the application was deemed complete, and any applicable Federal or State laws as they may be amended or enacted from time to time, and shall at all times comply with the conditions of approval. Any legal nonconforming project which fails to comply with applicable laws, ordinances, regulations, or conditions of approval may be required to conform to the provisions of this chapter.

16.07.040 Authority; compliance with landscape documentation package.

- A. The Community Development Director, or designee, has the duty and authority to administer and enforce this chapter.
- B. Prior to construction, the project applicant shall submit a Landscape Documentation Package, as described in Section 16.07.050 to the Community Development Director or designee.
- C. Prior to construction, the City shall:
 1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 2. Review the Landscape Documentation Package submitted by the project applicant;
 3. Approve or deny the Landscape Documentation Package;
 4. Issue a permit or approve the plan check or design review for the project applicant; and
 5. Upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- D. Upon approval of the Landscape Documentation Package by the City, the project applicant shall:
 1. Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 2. Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

3. Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

16.07.050 Elements of the landscape documentation package.

A. The landscape documentation package shall include the following six elements:

1. Project information;
 - a. Date,
 - b. Project applicant,
 - c. Project address (if available, Assessor's parcel number, tract and/or lot number(s)),
 - d. Total landscape area (square feet),
 - e. Project type (e.g., new, rehabilitated, public, private, single-family, multi-family, retail, and/or commercial),
 - f. Water supply type (e.g., potable, recycled, and/or well) and identify the retail water purveyor if the applicant is not served by a private well,
 - g. Checklist of all documents in landscape documentation package,
 - h. Project contacts to include contact information for the project applicant and property owner, and
 - i. Applicant signature and date with statement, "I agree to comply with the requirements of the Water Efficient Landscape Ordinance and submit a complete Landscape Documentation Package".
2. Water Efficient Landscape Worksheet;
 - a. Hydrozone information table, and
 - b. Water budget calculations,
 - i. Maximum Applied Water Allowance (MAWA)
 - ii. Estimated Total Water Use (ETWU)
3. Soil management report;
4. Landscape design plan, as described in Section 16.07.060,
5. Irrigation design plan; and
6. Grading design plan.

16.07.060 Landscape design requirements and plan.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan, prepared by a licensed landscape architect, meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. Fire restrictive requirements for structures in high fire hazard areas.
 - a. All new residential construction or any replacement landscape installations shall not have any combustible mulch within a five (5) foot zone measured from the furthest attached exterior point of the home. Landscape planting shall be irrigated lawn or low-growing properly spaced fire-resistant shrubs or herbaceous (non-woody) plants. Vegetation shall not come in contact with the structure and specimen spacing shall be such as not to allow the transfer of fire from plant to plant, or from plant to the structure.
2. Plant Material.
 - a. Any plant may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscape area does not exceed the Maximum Applied Water Allowance (MAWA). Methods to achieve water efficiency shall include one or more of the following:
 1. Protection and preservation of native species and natural vegetation;
 2. Selection of water-conserving plant, tree and turf species, especially local native plants;
 3. Selection of plants based on local climate suitability, disease, and pest resistance;
 4. Selection of trees based on applicable local tree ordinance or tree shading guidelines, and size at maturity as appropriate for the planting area. Refer to the Recommended Shade Tree List on the City of Chino Hills website; and
 5. Selection of plants from local and regional landscape program plant lists.
 6. Selection of plants from local Fuel Modification Plan Guidelines.
 - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use if:
 1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 2. the plant factor of the higher water using plant is used for calculations.
 - c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

1. Use the Sunset Western Climate Zone System¹ which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 2. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth; and
 3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- d. Turf areas shall be minimized and used wisely in response to functional needs and shall not cause the ETWU to exceed the MAWA. Where turf is installed the use of warm season turf is strongly encouraged.
 - e. Turf is not allowed on slopes greater than twenty-five (25) percent where the toe of the slope is adjacent to an impermeable hardscape, and where twenty-five (25) percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run × 100 = slope percent).
 - f. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.
 - g. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention consistent with the regulations from the Chino Valley Independent Fire Department. Refer to City's Municipal Code Chapter 16.22 - Fire Hazard Overlay District for additional information.
 - h. The use of invasive plant species, such as those listed by the California Invasive Plant Council², is prohibited near parks, buffers, greenbelts, water bodies, and open spaces because of their potential to cause harm in sensitive areas.
 - i. The architectural guidelines of a common interest development, which includes community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
3. Water Features.
 - a. Recirculating water systems shall be used for water features.
 - b. Where available, recycled water shall be used as a source for decorative water features.

¹ Refer to the University of California's The California Garden Web. <https://cagardenweb.ucanr.edu/>

² Refer to the California Invasive Plant Council website. <https://www.cal-ipc.org/plants/horticulture-plants/>

- c. Surface area of water features shall be included as a high water use hydrozone in the water budget calculation.
 - d. Pool and spa covers are highly recommended.
4. Soil Management Report, Amendments and Mulch.
- a. Prior to the planting of any materials, 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. For landscape installations, 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% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.
 - d. Soil samples shall be collected and submitted to a laboratory to obtain a soil management report. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - 1. The project applicant, or his/her designee, shall comply with one of the following:
 - a. If significant mass grading is not planned, the soil management report shall be submitted to the Community Development Director or designee as part of the Landscape Documentation Package; or
 - b. If significant mass grading is planned, the soil management report shall be submitted to the Community Development Director or designee as part of the Certificate of Completion as defined in Section 16.07.100.
 - 2. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. These landscape projects shall sample at a rate equivalent to 1 in 7 lots.
 - 3. Soil management report shall include a written analysis of soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and soil amendment recommendations.
 - 4. The soil management report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
 - 5. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil management

report recommendations to the Community Development Director or designee with Certificate of Completion.

- e. Soil preparation and amendments shall comply with the recommendations of the soil management report and what is appropriate for the plants selected.
- f. Documentation (e.g., soil amendment delivery tickets) shall be submitted verifying implementation of soil management report recommendations with the certificate of completion.
- g. A minimum three-inch 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. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
- h. Stabilizing mulching products shall be used on slopes that meet current engineering standards.
- i. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
- j. Organic mulch made from recycled or post-consumer material 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 local Fuel Modification Plan Guidelines or other applicable local ordinances.

B. The landscape design plan, at a minimum, shall:

1. Delineate and label each hydrozone by number, letter, or other method;
2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
3. Identify recreational areas;
4. Identify areas permanently and solely dedicated to edible plants;
5. Identify areas irrigated with recycled water;
6. Identify type of mulch and application depth;
7. Identify soil amendments, type, and quantity;
8. Identify type and surface area of water features;
9. Identify hardscapes (pervious and non-pervious);
10. Identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants

shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater technical requirements;

11. Identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity;
12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;
13. Contain the following statement: "I have complied with the criteria of the Ordinance and applied them accordingly for the efficient use of water in the landscape design plan"; and
14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or other person authorized to design a landscape pursuant to the California Business and Professions Code or Title 14, California Code of Regulations, section 832.27.

16.07.070 Irrigation design requirements and plan.

- A. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan, prepared by a licensed landscape architect or a certified irrigation designer, meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. System.

- a. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of one thousand (1,000) sq. ft. or greater and residential irrigated landscapes of five thousand (5,000) sq. ft. or greater. A landscape water meter may be either:
 1. a customer service meter dedicated to landscape use provided by the City; or
 2. a privately owned meter or submeter.
- b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- c. 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 to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
 1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other

devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- d. Sensors (rain, freeze, wind, etc.) that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual shut-off valves shall be required, at the point of connection, to minimize water loss in case of an emergency or routine repair.
- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
- g. 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) sq. ft. or larger.
- h. 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.
- i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 1. Restrictions regarding overspray and runoff may be modified if:
 - a. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - b. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.
- j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria set by the Maximum Applied Water Allowance (MAWA).

- m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (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.
- n. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- o. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- p. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turf-grass.
- q. Check valves, or anti-drain valves, are required on all sprinkler heads where low point drainage could occur.
- r. Planting areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- s. Overhead irrigation shall not be permitted within a 24-inch setback of any non-permeable surface. Allowable irrigation within that setback may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - 1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
 - 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 - 3. The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates strict adherence to irrigation system design criteria in subsection "i" above prevention of overspray and runoff must be confirmed during the irrigation audit.
- t. Slopes greater than twenty-five (25) percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone.

- a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- c. 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.
- d. Individual hydrozones that mix moderate and low water use plants, or moderate and high water use , may be allowed if:
 - 1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - 2. the plant factor of the higher water using plant is used for calculations.
- e. Individual hydrozones that mix high and low water use plants shall not be permitted.
- f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Landscape Plan Compliance Review Application). This table can also assist with the irrigation audit and programming the controller.

3. Recycled Water.

- a. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless the City Engineer has granted a written exemption stating that recycled water will not be available in the foreseeable future.
- b. All recycled water irrigation systems shall be designed and operated in accordance with all applicable City and State laws. Refer to the City's Guidelines for new development and retrofit projects that outline the requirements and procedures involved in applying for recycled water services.
- c. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

4. 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) and any applicable City Ordinance standards. Refer to §

16.07.030(A.5) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

C. The irrigation design plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;
2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
3. Static water pressure at the point of connection to the public water supply;
4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
5. Recycled water irrigation systems;
6. Contain the following statement: "I have complied with the criteria of the Ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
7. Bear the signature of a licensed landscape architect or certified irrigation designer, licensed landscape contractor, or any other person authorized to design a landscape pursuant to the California Business and Professions Code or Title 14, California Code of Regulations, section 832.27.

16.07.080 Grading design requirements and plan.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for city permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan, for Community Development Director or designee review and approval, that indicates finished configurations and elevations of the landscape area including:
 - a. height of graded slopes;
 - b. drainage patterns;
 - c. pad elevations;
 - d. finish grade; and
 - e. stormwater retention improvements, if applicable.
2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - a. grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

- b. avoid disruption of natural drainage patterns and undisturbed soil; and
 - c. avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

16.07.090 Stormwater management and rainwater retention.

- A. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- B. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration.
- D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
- E. It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:
 - 1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - 2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
 - 3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
 - 4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
 - 5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
 - 6. Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
 - 7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

16.07.100 Certificate of completion.

- A. The certificate of completion, refer to the Landscape Plan Check Information and Application, includes the following six elements:
1. Project information sheet that contains:
 - a. date;
 - b. project name;
 - c. project applicant name, telephone, and mailing address;
 - d. project address and location; and
 - e. property owner name, telephone, and mailing address;
 2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - a. where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;
 - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
 3. Irrigation scheduling parameters used to set the controller;
 4. Landscape and irrigation maintenance schedule;
 5. Irrigation audit report; and
 6. Soil management report, if not previously submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations.
- B. The project applicant shall:
1. submit the signed Certificate of Completion to the Community Development Director or designee for review;
 2. ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his/her designee.
- C. The Community Development Director or designee shall:
1. receive the signed Certificate of Completion from the project applicant;
 2. approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the Community Development Director or designee shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

16.07.110 Irrigation scheduling.

- A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall be developed and submitted for each of the following conditions: plant establishment period, established landscape, and temporarily irrigated areas. Irrigation schedules shall meet the following criteria:
 - 1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - 2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- B. 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.
- C. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - 1. the plant establishment period;
 - 2. the established landscape; and
 - 3. temporarily irrigated areas.
- D. Each irrigation schedule shall consider for each station all of the following that apply:
 - 1. irrigation interval (days between irrigation);
 - 2. irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - 3. number of cycle starts required for each irrigation event to avoid runoff;
 - 4. amount of applied water scheduled to be applied on a monthly basis;
 - 5. application rate setting;
 - 6. root depth setting;
 - 7. plant type setting;
 - 8. soil type;
 - 9. slope factor setting;
 - 10. shade factor setting; and
 - 11. irrigation uniformity or efficiency setting.

16.07.120 Landscape and irrigation maintenance schedules.

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- D. A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

16.07.130 Irrigation audit, irrigation survey and irrigation water use analysis.

- A. All landscape irrigation audits shall be conducted by a city landscape irrigation auditor, or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- B. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.
- C. For new construction and rehabilitated landscape projects installed after December 1, 2015:
 - 1. The project applicant shall submit an irrigation audit report with the Certificate of Completion to the Community Development Director or designee that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, 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. The Community Development Director or designee shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.
- D. For existing landscapes that were installed before December 1, 2015 and are over one acre in size:
 - 1. For all landscapes that have a water meter, the Community Development Director or designee shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce

landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: MAWA = (0.8) (Eto) (LA) (0.62).

2. For all landscapes noted above in Section 16.07.130.D that do not have a meter, the Community Development Director or designee shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
3. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

16.07.140 Public Education.

- A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
- B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.
 1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
 2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

16.07.150 Prescriptive Compliance Option for Projects Under 2,500 SF.

- A. Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
 1. Submit a Landscape Documentation Package 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, rehabilitated, public, private, cemetery, homeowner-installed)
 - f. water supply type (e.g., potable, recycled, well) 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 to the MWEL0".
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);
 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% 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% of the plant area excluding edibles and areas using recycled water;
 - b. A minimum three inch (3") 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.
 4. Turf shall comply with all of the following:
 - a. Turf shall not exceed 25% 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 ten (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 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.
- 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.

16.07.160 Enforcement.

- A. It is unlawful and a misdemeanor for any person, firm, or corporation to violate, disobey, omit, neglect, refuse to comply with, or resist the enforcement of any of the provisions of this chapter. Such behavior shall subject the violator to penalty as set forth in Section 1.36.020 of this Code. Each day that a violation exists shall constitute a separate offense.
- B. In addition to Subsection A above, any violation of the provisions of this chapter or the conditions of operation of any permit issued pursuant to this chapter constitute a public nuisance subject to abatement by the City through obtaining a court injunction from a court of competent jurisdiction or through the procedures set forth in Chapter 8.12 of this Code.

Exhibit "D"

16.38.012 Definitions.

- A. "Animated" means having the appearance of movement using computerized, electrical or mechanical animation techniques.
- B. "Business" for purposes of this chapter has the same meaning as set forth in Section 5.04.010 of this Code and means any employment avocation, occupation, profession, trade, calling, lawful game, show, exhibition, event, venture, fund-raising activity, commercial enterprise, company, corporation, joint enterprise, place of business, partnership or other activity or enterprise engaged in for gain, profit, benefit, advantage or livelihood, whether or not a gain, profit, benefit, advantage or livelihood is earned by such business.
- C. "Business tenant" means the business occupying a specific lease space within a commercial center.
- D. "Business tenant sign" means a sign that is attached to the exterior of the building entry that a business occupies.
- E. "Cabinet sign" (also known as a "box" sign or "can" sign) means a sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.
- F. "Copy" means the words, letters, numbers, figures, designs, or other symbolic representations incorporated into the visually communicative elements of a sign.
- G. "Electronic Changeable Message" means an alphabetic, graphic, or symbolic informational content or display, either in whole or in part, that is composed of electrically illuminated or mechanically driven changeable segments, which may be changed or altered by means of electrical, electronic, or computerized programming.
- H. "Freestanding sign" means a monument sign or pylon sign as defined in this Code.
- I. "Freeway-oriented sign" means a sign on a commercial property immediately adjacent to the Chino Valley Freeway and as regulated by this Code.
- J. "Hindu-Arabic numerals" means a positional decimal numeral system utilizing ten different glyphs, 0 through 9.
- K. "Modern Latin Alphabet" means the most widely used alphabetic writing system in the world utilizing 26 letters in upper and lower case type.
- L. "Monument sign" means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.
- M. "Neighborhood Identification Sign" means a sign located at the entry to a single-family neighborhood for the purpose of identifying the location of the neighborhood within the community.
- N. "Pedestrian pathway" means a public sidewalk, private sidewalk or internal pedestrian circulation path.

Exhibit "D"

- O. "Vehicular way" means a highway, street, drive aisle or driveway.
- P. "Project identification entry wall sign" means a sign face incorporated within the street facing entry wall of a commercial, business park, industrial, multi-family development or a single-family neighborhood.
- Q. "Property" means a building or buildings and the land belonging to it or them.
- R. "Pylon sign" means a freestanding sign with a visible support structure such as a pole or post.
- S. "Public right-of-way" for purposes of this chapter has the same meaning as set forth in Code Section 12.44.020 and means any place, of any nature, which is dedicated to use by the public for pedestrian and/or vehicular travel, and includes; but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park, square, and any other similar public way.
- T. "Sign" means the entire sign, including structure, sign face, lettering and logo.
- U. "Sign face" means the area or portion of a sign on which copy is intended to be placed.
- V. "Temporary sign" means a sign that is intended to display information to the public for a limited period of time.

16.38.033 Electronic Changeable Message Standards.

Notwithstanding any other provision in this chapter, in public and private institutional districts only, an electronic changeable message may be permitted as part of one permanent freestanding sign. The following standards apply to electronic changeable messages:

1. The permanent freestanding sign containing an electronic changeable message shall comply with the provisions of Section 16.38.032.B, above except only one sign per property shall contain an electronic changeable message component.
2. The electronic changeable message portion shall not exceed sixty percent (60%) of the total sign face.
3. The electronic changeable message portions shall be internally illuminated or self-illuminating, including light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the electronic display panel(s).
4. The electronic changeable message shall not change more frequently than one (1) frame every seven (7) seconds, and the duration or interval of time between each individual message is a maximum of two (2) seconds.
5. The electronic changeable message shall have a sensor or other device that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.

Exhibit "D"

6. The electronic changeable message shall not include fading movement, flashing, spinning, revolving, shaking, scrolling, fluctuation in light intensity, use sudden transitory bursts, nor any other type of movement or motion.

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of San Bernardino

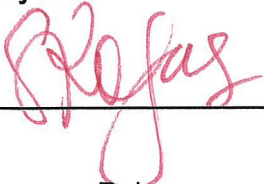
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the CHINO CHAMPION, a newspaper of general circulation, printed and published weekly in the City of Chino, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of August 5, 1952, Case Number 73453; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 16, all in the year 2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Chino, California, this 16th day of

July 2022



(Signature)

Suzanne Rojas

Champion

Serving the Chino Valley and Chino Hills

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Adjudicated August 5, 1952
Case No. 73453

This stamp is for the City Clerk's Filing Stamp

PUBLIC NOTICE OF
ADOPTION OF
CITY OF CHINO HILLS
ORDINANCE NO. 386

NOTICE IS HEREBY GIVEN that on July 12, 2022, the City Council of the City of Chino Hills adopted Ordinance No. 386 entitled:

AN ORDINANCE OF THE CITY OF CHINO HILLS APPROVING MUNICIPAL CODE AMENDMENT NO. 22MCA02 TO AMEND TITLE 16 OF THE CHINO HILLS MUNICIPAL CODE CHAPTER 16.02 - DEFINITIONS, CHAPTER 16.06 - GENERAL DEVELOPMENT STANDARDS, CHAPTER 16.07 - LANDSCAPE AND WATER CONSERVATION REQUIREMENTS, AND CHAPTER 16.38 - SIGNS, AND DETERMINE THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Ordinance amends several code sections to clarify certain definitions and features permitted within required setbacks, ensure conformance with the State of California's Model Water Efficient Landscape Ordinance, and establish new provisions for changeable message signs.

Ordinance No. 386 was adopted by the City Council by the following vote:

Ayes: Marquez, Bennett, Johsz, Moran

Noes: None

Absent: Rogers

A certified copy of the full text of Ordinance No. 386 is available for review in the office of the City Clerk, City of Chino Hills, 14000 City Center Drive, Chino Hills.

DATED: July 13, 2022

s/CHERYL BALZ, CITY CLERK

PUBLISH: Chino Hills Champion

Saturday, July 16, 2022

Chino Valley Champion 385-22

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City of Chino Hills
City Clerk's Department

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ACCOUNTS PAYABLE