

**CITY OF WALNUT CREEK
ORDINANCE NO. 2108**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
AMENDING TITLE 10 (PLANNING AND ZONING) OF THE MUNICIPAL CODE FOR
THE PURPOSE OF COMPLIANCE WITH THE WATER CONSERVATION IN
LANDSCAPING ACT**

This ordinance amends Chapter 2 (Zoning) of Title 10 (Planning And Zoning) of the Municipal Code to add new regulations pertaining to water efficient landscaping.

The City Council of the City of Walnut Creek does ordain as follows:

Section 1. Findings.

- a. On September 28, 2006, the Governor of the State of California signed into law The Water Conservation in Landscaping Act. The Act mandated that by January 1, 2009, the California Department of Water Resources adopt a model ordinance that would require the use of water efficient landscaping methods for certain new development across the state. The Act further mandated that local jurisdictions, including the City of Walnut Creek, begin enforcement of the model ordinance, or an equivalent local ordinance, by January 1, 2010.
- b. On September 10, 2009, the California Department of Water Resources adopted the Model Water Efficient Landscape Ordinance (MWELo).
- c. On January 1, 2010, the Model Water Efficient Landscape Ordinance (MWELo) became effective within the City of Walnut Creek, however no additional funding was provided to implement this new State mandate.
- d. On September 21, 2011 the Walnut Creek Design Review Commission held a study session to consider the proposed Zoning Ordinance amendment. Feedback was provided and the commission concurred that the proposed regulations were at least as effective in conserving water as the Model Water Efficient Landscape Ordinance (MWELo), and recommend their adoption by the City Council.
- e. On November 10, 2011 the Walnut Creek Planning Commission held a study session to consider the proposed Zoning Ordinance amendment. Feedback was provided, and staff was directed to return to the Planning Commission with a resolution recommending that the City Council adopt the proposed regulations.
- f. On December 8, 2011 the Walnut Creek Planning Commission held a public hearing and adopted a resolution finding that the proposed regulations were at least as effective in conserving water as the Model Water Efficient Landscape Ordinance (MWELo), and recommending their adoption by the City Council.

- g. The MWELO has been reviewed by the both the Planning and Design Review Commissions, and both found that it was at least as effective in conserving water as the MWELO, was easy to administer and understand, and recommended its adoption. Prior to review by the Commissions, an earlier draft of the ordinance was reviewed by four local landscape architects (one current and three former Design Review commissioners), with comments provided to staff. Staff has also reviewed some of the provisions of the draft ordinance with a local landscaping contractor.
- h. The primary purpose of the proposed amendment is to encourage water conservation through the use of water efficient landscaping methods. Based on evidence in the record these regulations are deemed to be at least as effective in conserving water as, and supersede the provisions of, the Model Water Efficient Landscape Ordinance (MWELO) contained within Title 23, Division 2, Chapter 2.7 of the California Code of Regulations and adopted by the California Department of Water Resources pursuant to section 65595(a) of the California Government Code. The water budget calculations contained within the proposed regulations are effectively the same as those contained within the MWELO, as are the various applicable development regulations and design requirements.
- i. The proposed water efficient landscaping regulations complies with the goals, policies, and actions of the Walnut Creek General Plan, specifically General Plan Policy 29.2 in Chapter 4 (promote water conservation throughout the community) and its related action items.

Section 2. CEQA Exemption.

The City Council finds that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15307 of the CEQA Guidelines (Actions by Regulatory Agencies for Protection of Natural Resources) based on the following:

- This ordinance promotes the conservation and efficient use of a natural resource (water);
- No construction activities will occur as a result of this ordinance; and
- This ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas.

Furthermore, the City Council finds that the adoption of this ordinance is also exempt from CEQA review pursuant to pursuant to Section 15061(b)(3) of the CEQA Guidelines (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will result in a significant effect on the environment, based on the following:

- This ordinance promotes the conservation and efficient use of a natural resource (water);
- No construction activities will occur as a result of this ordinance;
- This ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas;

- The implementation of the MWELo or an equivalent local ordinance is mandated by the State of California; and
- The regulations contained within this ordinance are functionally equivalent to the MWELo.

Section 3. Amending definitions.

Section 10-2.1.303(A) of the Walnut Creek Municipal Code is hereby amended so that the definition of "landscape" is amended to read as follows:

Landscape: To plant and maintain some combination of native or exotic trees, ground cover, shrubs, vines, flowers or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, art work, screen, walls, fences or benches. Landscaped areas may also include container plants, walkways and concrete plazas when combined with other landscaping features. See also "Irrigated Landscape Area."

Section 4. Adding definitions.

Section 10-2.1.303(A) of the Walnut Creek Municipal Code is hereby amended to add the following definitions. Each of the following definitions shall be added alphabetically to section 10-2.1.303(A) and the City Clerk is hereby authorized and directed to renumber the entire amended section sequentially.

Hydrozone: A portion of the irrigated landscape area having plants with similar water needs. Hydrozones are differentiated by the plant factor (PF) of the plantings in each hydrozone.

Irrigated Landscape Area: All irrigated planting areas, turf areas, and water features. Irrigated landscape areas include areas where water is provided from any artificial source, including but not limited to water provided by a water utility or a ground well, or by artificial diversion from a natural source other than on-site rainwater collection. Irrigated landscape areas do not include footprints of buildings or structures, sidewalks, streets, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas including those with existing native vegetation.

Irrigation Device, Low-Volume: An irrigation device that delivers small volumes of irrigation water slowly at or near the root zone of plants. Low-volume irrigation devices include but are not limited to drip emitters and bubblers.

Irrigation Device, Overhead Spray: An irrigation device that delivers irrigation water through the air. Overhead spray irrigation devices include but are not limited to sprinklers, microspray devices, and stream rotor heads.

Irrigation Valve Circuit: An area where the irrigation devices are controlled by one valve or by a set of valves that operates simultaneously. Also known as an irrigation station.

Low-Volume Irrigation Device: See “Irrigation Device, Low-Volume.”

Mulch: Organic materials such as shredded bark or compost, or inorganic mineral materials such as gravel or decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Overhead Spray Irrigation Device: See “Irrigation Device, Overhead Spray.”

Plant Factor (PF): A factor used in estimating the amount of water needed by plants. The plant factors for individual plants other than turf grasses are based on their classification as high water usage plants, moderate water usage plants, low water usage plants, or very low water usage plants according to the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation.

Recycled Water: Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

Soil Amendment: A material added to soil to improve plant growth and health by correcting the soil's deficiencies in structure and/or nutrients.

Special Landscape Area (SLA): An area dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf course greens, recreational spas and swimming pools, and where turf provides a playing surface.

Turf Grass: A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass, and buffalo grass are warm-season grasses.

Water Feature: A design element where open artificially supplied water performs an aesthetic function. Water features include artificial ponds, waterfalls, fountains, streams, and decorative pools. Water features do not include naturally-occurring elements such as lakes, creeks, streams, and springs where the water comes from existing naturally-occurring sources.

Water Utility: Either the Contra Costa Water District or the East Bay Municipal Utility District.

Section 5. Amending R District.

Section 10-2.2.103 of the Walnut Creek Municipal Code is hereby amended by adding row X. in the Property Development table to read as follows:

X. Landscaping	See Part III, Article 11.	
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Section 6. Amending D-3 District.

Section 10-2.2.203 of the Walnut Creek Municipal Code is hereby amended by adding row V. in the Property Development table to read as follows:

V. Landscaping	See Part III, Article 11.	
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Section 7. Amending M District.

Section 10-2.2.303 of the Walnut Creek Municipal Code is hereby amended by amending row L. in the Property Development table to read as follows:

L. Landscaping	See Part III, Article 11.	D(12)
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Section 8. Amending M-H-D District.

Section 10-2.2.404 of the Walnut Creek Municipal Code is hereby amended by adding row W. in the Property Development table to read as follows:

W. Landscaping	See Part III, Article 11.	
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Section 9. Amending H-P-D District.

Section 10-2.2.508 of the Walnut Creek Municipal Code is hereby amended by amending row J. in the Property Development table to read as follows:

J. Landscaping	See Part III, Article 11.	D(3)
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Section 10. Amending P-R District.

Section 10-2.2.603 of the Walnut Creek Municipal Code is hereby amended by amending row L. in the Property Development table to read as follows:

L. Landscaping	See Part III, Article 11.	
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Section 11. Amending C-R District.

Section 10-2.2.703 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	
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Section 12. Amending O-C District.

Section 10-2.2.803 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(13)
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Section 13. Amending M-U District.

Section 10-2.2.905 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	
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Section 14. Amending A-S District.

Section 10-2.2.1003 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(7)
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Section 15. Amending S-C District.

Section 10-2.2.1103 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(5)
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Section 16. Amending B-P District.

Section 10-2.2.1203 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(7)
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Section 17. Amending C-C District.

Section 10-2.2.1303 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(6)
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Section 18. Amending O-S-R District.

Section 10-2.2.1403 of the Walnut Creek Municipal Code is hereby amended by adding row T. in the Property Development table to read as follows:

T. Landscaping	See Part III, Article 11.	
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Section 19. Amending C-F District.

Section 10-2.2.1503 of the Walnut Creek Municipal Code is hereby amended by amending row K. in the Property Development table to read as follows:

K. Landscaping	See Part III, Article 11.	D(1)
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Section 20. Amending HO P-D District.

Section 10-2.2.1604 of the Walnut Creek Municipal Code is hereby amended by amending row I. in the Property Development table to read as follows:

I. Landscaping	See Part III, Article 11.	D(1)
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Section 21. Amending P-D District.

Section 10-2.2.1712 is hereby added to Article 17 of Part II of Chapter 2 of Title 10 of the Walnut Creek Municipal Code to read as follows:

Sec. 10-2.2.1712. Water Efficient Landscaping.

The provisions of Part III, Article 11 (Water Efficient Landscaping) shall apply to all Planned Development (P-D) Districts. In case of a conflict between the regulations contained within Part III, Article 11, and the regulations contained within a particular P-D District, the provisions which require the least amount of water for the purpose of landscape irrigation shall apply.

Section 22. Amending SFH-PD1 District.

Section 10-2.2.2003 of the Walnut Creek Municipal Code is hereby amended by adding row V. in the Property Development table to read as follows:

V. Landscaping	See Part III, Article 11.	
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Section. 23. Adding Water Efficient Landscaping regulations.

Article 11 (commencing with section 10-2.3.1101) is hereby added to Part III of Chapter 2 of Title 10 of the Walnut Creek Municipal Code to read as follows:

Article 11. Water Efficient Landscaping

Sec. 10-2.3.1101. Purpose.

Consistent with Title 23, Division 2, Chapter 2.7 of the California Code of Regulations and section 65595(c) of the California Government Code, the purpose of this Article is to encourage water conservation through the use of water efficient landscaping methods. These regulations are deemed to be at least as effective in conserving water as, and supersede the provisions of, the model ordinance adopted by the California Department of Water Resources pursuant to section 65595(a) of the California Government Code.

Sec. 10-2.3.1102. Applicability.

A. Installation or replacement of landscaping.

The provisions of this Article shall apply to any project that includes the installation or replacement of more than 2,500 square feet of irrigated landscape area and that requires any of the following:

1. Building Permit pursuant to Chapter 0.5 of Title 9;
2. Grading Permit or Site Development Permit pursuant to Chapter 9 of Title 9;
3. Tentative Map or Tentative Parcel Map pursuant to Chapter 1 of Title 10; or
4. Conditional Use Permit, Special Use Permit, Minor Use Permit, Variance, Planned Development Permit, Hillside Planned Development Permit, Design Review, or Rezoning pursuant to Chapter 2 of Title 10.

Notwithstanding the foregoing, except as specified in subsection B, below, projects that are located on lots that contain the lot owner's primary residence, and that are located within a residential zoning district, need only comply with the provisions of this Article if they include the installation or replacement of more than 5,000 square feet of irrigated landscape area.

Notwithstanding the foregoing, community gardens, botanical gardens and arboretums open to the public are not subject to the provisions of this Article.

Refer to the California Green Building Standards Code for requirements applicable to smaller projects that are not subject to the provisions of this Article.

B. Existing Landscaping.

The provisions of Section 10-2.3.1110 (Existing Landscaping) shall apply to all existing irrigated landscape areas. The provisions of Section 10-2.3.1106 (Development Standards), Subsections A and B of Section 10-2.3.1108 (Operation and Maintenance), and Section 10-2.3.1110 (Existing Landscaping) shall continue to apply to all existing irrigated landscape areas

that were subject to the provisions of this Article (pursuant to subsection A, above) at the time of installation or replacement.

Sec. 10-2.3.1103. Landscape Plan Required.

A landscape and irrigation plan shall be included as part of the information required with the application for any of the permits listed in Section 10-2.3.1102. The landscape and irrigation plan shall be drawn to scale of an adequate size as determined by the Planning Manager or his or her designee and shall indicate clearly and with full dimensions the following data where applicable:

- A. Exterior boundary lines of the property indicating easements, dimensions, and lot size;
- B. All adjacent streets or rights-of-way, including bicycle, equestrian, and hiking trails;
- C. Location, size, dimensions, and proposed use of all building and structures (including walls, fences, signs, and shade structures) that are proposed or are existing and intended to remain on the site;
- D. Any nearby buildings that will cast a shadow on any irrigated landscape areas;
- E. Location of all paths, walkways, decks, and other hardscapes;
- F. Boundaries of all proposed irrigated landscape areas;
- G. Location, size, species, and (if applicable) variety of all proposed plantings and existing plantings that are intended to remain on the site;
- H. Boundaries of each hydrozone and special landscape area, labeled as appropriate;
- I. Location, type of mulch and application depth;
- J. Type and surface area of all water features (fountains, ponds, etc.).

Sec. 10-2.3.1104. Irrigation Plan Required.

An irrigation plan shall be included as part of the information required as part of the application for any of the permits listed in Section 10-2.3.1102. The irrigation plan shall be drawn to scale of an adequate size as determined by the Planning Manager or his or her designee and shall indicate clearly and with full dimensions the following data where applicable:

- A. Method of irrigation for all plantings;
- B. Location, type, precipitation rate, and spray coverage of all overhead spray irrigation devices. Indicate the boundaries of landscape areas using low-volume irrigation devices, and label each area with the type of irrigation devices used (bubblers, drip emitters, etc.);

C. Boundary and number/label of each irrigation valve circuit;

D. Location of all water meters, manual shut-off valves, automatic control valves, irrigation controllers, moisture and rain sensing devices, pressure regulators, and backflow prevention devices.

E. Include a written calculation of the Maximum applied water allowance (MAWA), Total adjusted hydrozone allowance (TA), and Estimated total water use (ETWU), as specified in Section 10-2.3.1107. A completed Water Allowance Worksheet, provided by the Community Development Department, may be substituted for this calculation.

Sec. 10-2.3.1105. Soil Analysis Required.

A soil analysis of the planting areas shall be performed prior to the installation of any plant materials, but only after any grading has been completed. The soils analysis shall be conducted by a qualified laboratory and shall include tests appropriate for the laboratory to make recommendations for soil preparation and/or amendments. Such tests may include soil texture, infiltration rate, pH, sodium, soluble salts, and percent organic matter. Proof of the soils analysis and a written copy of the laboratory's recommendations shall be submitted as part of the Certificate of Completion required pursuant to Section 10-2.3.1109.

Sec. 10-2.3.1106. Development Standards.

All irrigated landscape areas shall comply with the following development standards:

A. Soil preparation.

1. Prior to the installation of plant materials, all planting areas shall be tilled as necessary and prepared with appropriate soil amendments as recommended by the soil analysis prepared pursuant to Section 10-2.3.1105.

2. Natural soil amendments, rather than artificial chemical amendments, should be used whenever possible.

B. Plant materials and ground cover.

1. Planting areas shall be grouped by hydrozone;

2. All exposed soil surfaces in irrigated non-turf areas shall be covered with a minimum two-inch deep layer of mulch. The mulch material shall be a type that will remain in place through wind and rain;

3. Turf grass shall not be planted on slopes greater than 25%.

C. Irrigation.

1. Irrigation valve circuits shall be grouped by hydrozone;
2. Overhead spray irrigation devices shall not be located on the same irrigation valve circuit as low-volume irrigation devices;
3. Overhead spray irrigation devices shall not be used in planting areas less than eight feet in length or width, or where the shape of the planting area does not conform to the spray pattern of the overhead spray irrigation device;
4. Overhead spray irrigation devices shall not be used for planting areas within 24 inches of a non-permeable surface unless the non-permeable surface drains directly into the planting area being irrigated;
5. Overhead spray irrigation devices with precipitation rates in excess of 0.75 inches per hour shall not be used on slopes greater than 25%;
6. Overhead spray irrigation devices located on the same irrigation valve circuit shall have matched precipitation rates.
7. Swing joints or riser protection devices shall be used for all overhead spray irrigation devices and above-ground rigid piping that is located within 12 inches of all turf areas, sidewalks and walkways, roads and driveways, bicycle trails, playgrounds, and other areas which are subject to pedestrian, bicycle or automobile traffic;
8. Irrigation valve circuits which include overhead spray irrigation devices shall be equipped with check valves or anti-drain valves that will retain water in the lateral lines after the irrigation system has completed its watering cycle;
9. All irrigation valve circuits located on slopes greater than 10% shall be equipped with check valves or anti-drain valves that will retain water in the lateral lines after the irrigation system has completed its watering cycle;
10. All irrigation systems shall be equipped with a manual shut-off valve at the point of connection to the domestic water supply, a backflow prevention device, an automatic irrigation controller that utilizes either evapotranspiration or soil moisture sensor data to automatically adjust watering schedules, and a rain sensor that suspends irrigation during rain;
11. All irrigation systems shall be designed to prevent water runoff where water flows beyond the irrigated landscape area.

D. Water features.

1. Recirculating water systems shall be used for all water features;

2. Water features that incorporate fountains, sprays, or other aerial features shall include a water catchment area sufficient to capture the water emitted from said aerial features for recirculation during windy weather.

Sec. 10-2.3.1107. Maximum Water Use.

The estimated total water use (ETWU) of the irrigated landscape area shall not exceed the maximum applied water allowance (MAWA), as calculated using the following formulas. A written copy of the completed formulas in a form approved by the Planning Manager shall be submitted as part of the Certificate of Compliance required pursuant to Section 10-2.3.1109. Notwithstanding the foregoing, a written copy of the completed formulas is not required if the landscape plan does not include any turf grasses, plants with a high water usage plant factor (PF), and/or water features.

A. ***Maximum applied water allowance (MAWA).*** The maximum applied water allowance shall be calculated as follows, where MAWA is the maximum applied water allowance (measured in gallons of water per year), LA is the irrigated landscape area including all special landscape areas (measured in square feet), and SLA is the special landscape area (measured in square feet):

$$\text{MAWA} = 28.64 \times [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

B. ***Adjusted hydrozone allowance (AHA).*** The adjusted hydrozone allowance for each unique combination of hydrozone and irrigation device identified in the landscape and irrigation plans shall be calculated as follows, where AHA is the adjusted hydrozone allowance, PF is the plant factor for a particular hydrozone, HA is the hydrozone area of each particular hydrozone (measured in square feet), and IE is the irrigation efficiency of the irrigation devices used for each hydrozone. The plant factor (PF) is 0.8 for high water usage plants and cool-season turf grasses, 0.6 for warm-season turf grasses, 0.5 for moderate water usage plants, 0.3 for low water usage plants, and 0.1 for very low water usage plants. The irrigation efficiency (IE) is 0.9 for subsurface irrigation devices, 0.85 for drip emitters, 0.8 for bubblers, 0.75 for stream rotor heads, 0.75 for microspray devices, and 0.71 for all other overhead spray irrigation devices:

$$\text{AHA} = (\text{PF} \times \text{HA}) / \text{IE}$$

C. ***Estimated total water use (ETWU).*** The estimated total water use shall be calculated as follows, where ETWU is the estimated total water use (measured in gallons of water per year), AHA^T is the sum of all of the adjusted hydrozone allowances (AHA) calculated pursuant to subsection B, SLA is the special landscape area measured in square feet, and WFA is the total surface water area of all water features measured in square feet:

$$\text{ETWU} = 28.64 \times ((\text{AHA}^T + \text{SLA}) + (\text{WFA} \times 0.8))$$

Sec. 10-2.3.1108. Operation and maintenance

A. Irrigation schedule

1. Operation of the irrigation system shall be regulated by automatic irrigation controllers;
2. All irrigation schedules shall be developed and managed to utilize the minimum amount of water require to maintain plant health;
3. Overhead spray irrigation devices shall not be used between the hours of 10:00 a.m. and 8:00 p.m.;
4. Where available, the applicant is strongly encouraged to consult with the domestic water purveyor when developing the irrigation schedule;
5. The irrigation schedule shall be submitted in writing as part of the Certificate of Completion required pursuant to Section 10-2.3.1109.

B. *System maintenance*

1. The irrigation system shall be maintained to ensure water use efficiency. This includes but is not limited to repair or replacement of broken or missing components, the removal of obstructions and blockages to irrigation devices, and the repair or replacement of components resulting in water runoff.
2. All irrigated landscape areas shall be regularly maintained to ensure proper operation of the irrigation system. This includes, but is not limited to, trimming plants that are obstructing irrigation devices and replenishing mulch.

C. *Landscape irrigation audit*

1. A landscape irrigation audit shall be conducted by an EPA WaterSense Certified Irrigation System Auditor upon completion of the landscape installation.
2. The auditor shall prepare an audit report, in a form approved by the Planning Manager, certifying that the installed landscaping, irrigation system, and irrigation schedule meets the requirements of this Article.
3. The audit report shall be submitted in writing as part of the Certificate of Completion required pursuant to Section 10-2.3.1109.

Sec. 10-2.3.1109. Self-certification.

To ensure compliance with the provisions of this Article, the applicant shall provide written certification as follows:

- A. ***Certificate of Compliance.*** At the time of submittal of an application for a permit or approval listed in Section 10-2.3.1102, the property owner or applicant shall provide a signed

and completed Certificate of Compliance, in a form approved by the Planning Manager, certifying the compliance of the landscape plan and irrigation plan to the provisions of this Article. A written copy of the completed maximum water use formulas required pursuant to Section 10-2.3.1107 shall be submitted with the Certificate of Compliance. Notwithstanding the foregoing, a written copy of the completed formulas is not required if the landscape plan does not include any turf grasses, plants with a high water usage plant factor (PF), and/or water features.

B. Certificate of Completion. Prior to any of the following actions listed below, the property owner or applicant shall provide a signed and completed Certificate of Completion, in a form approved by the Planning Manager, certifying the completion of a soil analysis and implementation of its recommendations, the completed installation of the landscaping and irrigation indicated on the landscape plan and the irrigation plan, the proper operation of the irrigation system, and the irrigation schedule's compliance with the provisions of this Article. A written copy of the soils analysis report required pursuant to Section 10-2.3.1105 and a written copy of the irrigation schedule and audit report required pursuant to Section 10-2.3.1108 shall be submitted with the Certificate of Completion. A copy of the signed and completed Certificate of Completion shall also be provided to the water utility providing service to the property upon which the landscaping is located. The following actions listed below shall only occur upon satisfactory verification of compliance with this Article and acceptance of the Certificate of Completion and associated documents by the Planning Manager.

1. Issuance of a Certificate of Occupancy for a Building Permit;
2. Final Inspection for a Grading Permit, when a Building Permit is not otherwise required for the project;
3. Approval of improvements completed under a Site Development Permit, when a Building Permit is not otherwise required for the project;
4. Establishment of the use approved by a Conditional Use Permit, Special Use Permit, or Minor Use Permit, when installation of the landscaping was required as a condition of approval, and when a Building Permit is not otherwise required for the project;
5. Acceptance of improvements pursuant to Article 8 of the Subdivision Ordinance (Chapter 1 of Title 10), when the landscaping was required as part of the improvement plan as a condition of approval for a Tentative Map or Tentative Parcel Map.

Sec. 10-2.3.1110. Existing Landscaping.

To prevent water waste resulting from inefficient landscape irrigation, the following provisions apply to all existing irrigated landscape areas, regardless of their size:

A. Water waste prevention. No property owner or tenant shall permit runoff from an irrigated landscape area due to excessive irrigation run times, low head drainage, overspray, or other similar conditions where water flows onto an adjacent property, walkways, roadways,

parking lots, structures, or other non-permeable surface, unless the non-permeable surface drains directly into the planting area being irrigated.

B. *No prohibition of low-water use plants.* The architectural guidelines of a homeowners association or a common interest development, which include 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.

C. *Water use efficiency.* Property owners and tenants are strongly encouraged to utilize resources and services meant to increase water use efficiency, such as irrigation surveys and landscape water use analyses offered by the water utility providing service to the property upon which the irrigated landscape area is located.

Section. 24. Effect on prior applications.

The provisions of Sec. 10-2.3.1102(A) as added to Part III of Chapter 2 of Title 10 of the Walnut Creek Municipal Code pursuant to Section 23 of this Ordinance shall not apply to projects whose permit applications were deemed complete pursuant to the Permit Streamlining Act (Title 7, Chapter 4.5 of the California Government Code) prior to the effective date of this Ordinance. Notwithstanding the forgoing, a developer (as defined by Section 10-2.1.303 of the Walnut Creek Municipal Code) may upon written notice to the Planning Manager opt to comply with the full provisions of this Ordinance in place of the model ordinance adopted by the California Department of Water Resources pursuant to section 65595(a) of the California Government Code.

Section 25. Effective date.

This Ordinance shall take effect on the 60th day following its adoption.

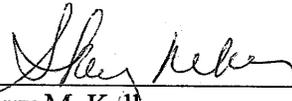
PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 7th day of February 2012, by the following called vote:

AYES:	Councilmembers:	Silva, Lawson, Skrel, Rajan, Mayor Simmons
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None



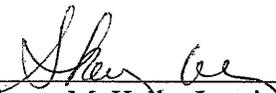
 Bob Simmons
 Mayor of the City of Walnut Creek

Attest:



Sherry M. Kelly
Interim City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Ordinance No. 2108, duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 7th day of February 2012.



Sherry M. Kelly, Interim City Clerk
City of Walnut Creek