

CITY OF WEST HOLLYWOOD

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**COMMUNITY
DEVELOPMENT
DEPARTMENT**

BUILDING & SAFETY

PLANNING

TRANSPORTATION

February 9, 2010

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
Post Office Box 942836
Sacramento, CA 94236-0001

RE: Landscape Ordinance Notification and Documents

Mr. Eching:

Per your request, enclosed is the document indicating the City of West Hollywood has adopted a modified version of the Department of Water Resources landscape ordinance:

Ordinance No. 09-834

If you have any questions or issues, please do not hesitate to contact me directly at 323-848-6393.

Sincerely

John Keho, AICP
Planning Manager
City of West Hollywood

cc: file



ORDINANCE NO. 09-834

AN ORDINANCE OF THE CITY OF WEST
HOLLYWOOD ADDING TITLE 15, ARTICLE 3,
CHAPTER 15.54 WATER CONSERVATION
LANDSCAPING TO THE WEST HOLLYWOOD
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1: ORDINANCE. Title 15, Article 3, Chapter 15.54 of the West
Hollywood Municipal Code, commencing with Section 15.54.010 is hereby added
to read as follows:

Chapter 15.54

WATER CONSERVATION LANDSCAPING

Sections:

- 15.54.010 Purpose.**
- 15.54.020 Applicability.**
- 15.54.030 Definitions.**
- 15.54.040 Compliance Requirements.**
- 15.54.050 Exceptions.**
- 15.54.060 Submittals.**
- 15.54.070 Determination of Conforming Installation.**
- 15.54.080 Compliance Verification.**

15.54.010 Purpose.

It is the policy of the City of West Hollywood to promote water conservation. The Landscape Water Conservation Standards detailed in this Chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

This Chapter is to be used in conjunction with the water conservation requirements of Chapter 19.26 the Municipal Code. Where conflicts in language may exist between this Chapter and Chapter 19.26, the more restrictive water conserving language shall prevail.

15.54.020 Applicability.

This Chapter applies to all new construction and rehabilitated landscape areas for public agency projects and private development projects with a landscaped area equal to or greater than 2,500 square feet requiring discretionary review by the City. For homeowner-provided or homeowner-hired landscaping in new single-family and new multi-family residential projects, this Chapter applies to all such landscape projects which are subject to discretionary review by the City and propose new landscape area of 5,000 square feet or more.

Cemeteries are exempt from compliance with all provisions of this Chapter, except Section 15.54.040.D.

Registered local, state or federal historic sites are exempt from compliance with all provisions of this Chapter.

15.54.030 Definitions

A. Landscape Area: All planting areas, turf areas and water features in a landscape design. 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 area designated for non-development (e.g. open spaces and existing native vegetation.)

B. ET: Evapotranspiration, which is the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

C. ETo: Reference Evapotranspiration, which is the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

D. ET Adjustment Factor: A factor used to set an efficiency goal, that when applied to ETo adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

E. Plant Factor: A factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

F. **Water Wise Plants:** Those plants that are evaluated as needing "moderate" (40-60% of ETo), "low" (10-30% of ETo) and "very low" (< 10% of ETo) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available at:

Department of Water Resources
Bulletins and Reports
P.O. Box 942836
Sacramento, California 94236-0001

Other sources of water wise plant classifications may be used if approved by the City's Director of Community Development.

G. **Turf:** A groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

H. **Weather Based Irrigation Controller:** An irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

I. **Landscape Plan:** Design plans with a planting plan, irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

J. **Water Budget Calculation:** The Maximum annual Applied Water Allowance shall be calculated using this formula:

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

- MAWA = Maximum Applied Water Allowance (maximum gallons per year available for the project).
Eto = Reference Evapotranspiration (52.8 inches per year for the City of West Hollywood).
0.7 = ET Adjustment Factor (as designated by the state of California).
LA = Landscape Area (square feet, including SLA)
0.62 = Conversion Factor (inches to gallons)
SLA = Special Landscape Area (square feet)
0.3 = The additional ET Adjustment Factor for the Special Landscape Area

K. **Special Landscape Area (SLA):** Including park and recreational 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 ET adjustment factor not to exceed 1.0.

L. Rehabilitated landscape: Any re-landscaping project that is subject to discretionary review by the City, meets the requirements of 15.54.020 and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

15.54.040 Compliance Requirements.

Applicants proposing new or rehabilitated landscape areas shall comply with each of the following requirements in the design, installation, and maintenance of the landscaped area, unless an exception is granted pursuant to Section 15.54.050.

A. Landscape Plan: Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot as determined by the Department of Community Development. Landscaping shall be designed to be irrigated at no more than 0.7 of the reference evapotranspiration (ET_o) and shall not exceed the MAWA. The City reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this Chapter.

B. Use of Turf and Water Wise Plants.

1. The landscape area of projects proposing exclusively commercial or industrial uses shall be designed without the use of turf and with 100% water wise plants. Notwithstanding that requirement, projects may use turf where a specific turf type is proposed for any required bio-swale or bio-filter systems, or areas adjacent to pedestrian traffic where walking travel or crossings are expected. These walking areas would include corner lot locations or linear areas located along pedestrian routes.

2. Turf shall not be used on slopes of 20% (5:1) or greater within the landscape area

3. Notwithstanding subsection 1 above, additional turf areas may be approved by the City for areas designed and used for outdoor sporting and recreational activities, or for an approved functional use. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ET_o).

C. Mulch: The landscape area, except those portions of the landscape area planted in turf, shall be covered with mulch material to an average thickness of at least 3 inches throughout. In areas with groundcovers planted from flats, mulch shall be installed to an average thickness of 1 ½ inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Irrigation: All new or rehabilitated irrigation systems proposed as part of a landscape area shall incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. Water Budget Calculations (Section 15.54.030.J. above) shall be shown on Irrigation Plans.

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

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

5. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.

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

15.54.050 Exceptions.

Exceptions to these Landscape Water Conservation Standards may be granted by the City's Community Development Director upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the Community Development Director at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

15.54.060 Submittals.

A. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water-wise plants; water budget calculations; monthly irrigation schedule; and specific requests for any exceptions to the requirements of this Chapter. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. The landscape plan shall be prepared in accordance with the provisions of the California Business and Professions Code relating to the practice of landscape architecture (Business and Professional Code Section 5641 et seq.).

C. The landscape plan shall include a "Statement of Compliance" in a form approved by the Community Development Director certifying that the landscape design complies with the mandatory elements of this Chapter. The Statement of Compliance shall be signed by the person who prepared the landscape plan.

15.54.070 Determination of Conforming Installation:

The person who prepared the landscape plan shall inspect the installation of the landscaping and any irrigation system included in the plan and shall certify in writing to the Department of Community Development that the installation substantially conforms to the approved landscape plan prior to a final City landscape inspection or occupancy being requested.

15.54.080 Compliance Verification:

Verification of compliance with this Chapter, as applicable, shall be made by the Community Development Department in accordance with the following requirements:

A. No building permit shall be issued unless the statement of compliance required by Section 15.54.060.C. above has been included on the final landscape plan submitted for plan check approval.

B. No building permit shall be given a final landscape inspection or issued a permanent certificate of occupancy until the Department of Community Development receives a written determination of conforming installation as required by Section 15.54.070 above."

SECTION 2: CEQA. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") because it enacts regulations that are applicable to new or altered landscape projects subject to project specific discretionary review. Therefore, it can be seen with certainty that there is no possibility that this ordinance will cause a direct physical change in the environment, and therefore the adoption of this ordinance is not considered a project per section 21065 of CEQA. In addition, this ordinance is an action being taken for enhanced protection of the environment that does not have the potential to cause significant

effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

SECTION 3: FINDINGS. The City's findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource's updated Model Water Efficient Landscape Ordinance is as follows:

- A. The ordinance is applicable to all new or rehabilitated landscape areas subject to discretionary review by the City.
- B. Under the ordinance, landscaping shall be designed and irrigated so not to exceed 70% of the local evapotranspiration rate (ET_o) established by the State for the City of Santa Monica and surrounding areas of Los Angeles County.
- C. Under the ordinance, landscape areas for commercial and industrial projects must use 100% water wise plants without turf, with only minor exceptions.
- D. Under the ordinance, landscape areas for residential, mixed use, and institutional type projects shall be designed with less than 40% turf and non-water wise plant materials.
- E. Under the ordinance, automatic irrigation systems are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check valves at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.
- F. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.
- G. Under the ordinance, installation and compliance verifications are required of the landscape designer.
- H. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource's formula in its Model Water Efficient Landscape Ordinance.

- I. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resource's in its Model Water Efficient Landscape Ordinance; namely, the "Water Use Classification of Landscape Species" prepared by the University of California Cooperative Extension.

SECTION 4: SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections subsections, subdivisions, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional

SECTION 5: SUMMARY. Pursuant to Government Code Section 36933(c)(1), the City Clerk was designated to prepare and has published a summary of this ordinance, and a certified copy of it was posted in the Office of the City Clerk a minimum of five days before the City Council's public hearing to consider adoption of the ordinance.

SECTION 6: PUBLICATION. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993, for the City of West Hollywood.

SECTION 7: EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

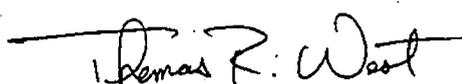
PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 21st day of December, 2009 by the following vote:

AYES:	Councilmember:	Duran, Horvath, Prang, Mayor Pro Tempore Heilman, and Mayor Land
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



ABBE LAND, MAYOR

ATTEST:



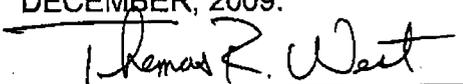
THOMAS R. WEST, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, THOMAS R. WEST, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 09-834 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 21st day of December, 2009, after having its first reading at the regular meeting of said City Council on the 7th day of December, 2009.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 22nd DAY OF DECEMBER, 2009.



Thomas R. West, City Clerk