

SUBJECT: IMPLEMENTING STATE LAW REGARDING THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

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ISSUE

This report provides recommendations on revisions needed to the landscaping water conservation requirements of the Zoning Code to comply with the most recent version of the state's Model Water Efficient Landscape Ordinance (MWELo).

CONTEXT

The State of California periodically updates its MWELo to reflect new technologies and changes in statewide water conditions. The updated 2015 MWELo increases water efficiency standards for new and retrofitted landscapes through encouraging the use of more efficient irrigation systems, greywater usage, on-site storm water capture, and by limiting the portion of landscapes that can be covered in turf. To maintain compliance with State law, West Hollywood must adopt the current version of the model ordinance and provide a streamlined process for applicants seeking to comply with the ordinance.

FINDINGS AND PROPOSED AMENDMENTS

The City is preparing a zone text amendment to adopt the State's Model Water Efficient Landscape Ordinance (MWELo) in its entirety. It amends the landscape water conservation and efficiency requirements found in Chapter 19.26 of the Zoning Code to refer to the MWELo requirements in Chapter 13.24 of the Municipal Code, and removes Chapter 15.54 (Water Conservation Landscaping) of the Municipal Code to resolve redundancies. The amendment also proposes prohibiting certain wasteful water uses as required by the State during the 2015-2016 declared drought emergency. Although these prohibitions are not required in MWELo, they are included in the forthcoming "Making Water Conservation a California Way of Life Plan," which is expected to be adopted by the State in 2019.

MWELo Standards

The State's MWELo standards apply to new landscapes of 500 square feet or larger, and existing rehabilitated landscapes of 2,500 square feet or larger, and applies to all residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review, regardless of landscaped area. The State's standards update

what currently exists in the City's Municipal Code and provide new and expanded requirements for water efficiency and water budgets for landscaping, a soil management report, a landscape design plan, an irrigation design plan, on-site storm water capture, and provisions for greywater and recycled water usage, where applicable.

Specifically, the proposed zone text amendment to adopt the State's Model Water Efficient Landscape Ordinance in its entirety resolves redundancies in the Municipal Code by:

1. Amending the drought tolerant requirements and irrigation requirements from the Zoning Code (Title 19 Chapter 19.26) to refer to the water-efficient landscape requirements defined by MWELO in Title 13 Chapter 13.24 of the Municipal Code, and;
2. Repealing Title 15 Chapter 15.54 of the Municipal Code in its entirety.

Aligning the Municipal Code with MWELO will allow for more flexibility in the future as the State amends water-efficient landscaping requirements over time. The detailed amended language can be found in Attachment A.

Additionally, the City's MWELO Toolkit (Attachment B) provides a streamlined process for an applicant to submit a Landscape Documentation Package in order to comply with the MWELO standards. It outlines the forms, procedures, and requirements needed for each of the two compliance pathways: prescriptive or performance. Staff will also add instructional content and relevant materials to the City's Building and Safety webpage for ease of public access.

Additional Proposed Wasteful Water Use Prohibitions

The proposed zone text amendment also prohibits certain wasteful water uses as required by the State's forthcoming "Making Water Conservation a California Way of Life Plan." Subsection B of Section 19.26.070 (Irrigation and Water Conservation) will prohibit:

1. Using sprinkler systems that create runoff onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
2. Washing automobiles with hoses not equipped with an automatic shut-off nozzle;
3. Using water to clean sidewalks and driveways, except to the extent necessary to address health and safety needs;
4. Using water in an ornamental fountain or other decorative water feature, except where the water is part of a recirculating system or the fountain is registered on the National Register of Historic Places;
5. Irrigating turf or ornamental landscapes during and within 48 hours of measurable rainfall; and
6. Homeowner's associations from:
 - a. Taking or threatening to take any action against an owner who reduces or stops watering landscaping during a declared drought emergency; or

- b. Requiring an owner to remove or reverse water-efficient landscaping measures installed in response to a declared drought emergency.

These local amendments reflect City Council direction to reduce communitywide water use and are included in Attachment A.

ATTACHMENTS

- A. Proposed Zone Text Amendment
- B. Model Water Efficient Landscape Ordinance Toolkit