

ORDINANCE NO. 2292

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WEST COVINA CALIFORNIA APPROVING CODE
AMENDMENT NO. 15-01, RELATED TO WATER
EFFICIENT LANDSCAPING**

WHEREAS, the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses; and

WHEREAS, it is the policy of the State of California to promote the conservation and efficient use of water and to prevent the waste of this valuable resource; and

WHEREAS, landscaped areas 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; and

WHEREAS, landscape design, installation, maintenance, and management should be water efficient; and

WHEREAS, careful water management that includes water efficient landscaping and irrigation practices, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs; and

WHEREAS, on the 22nd day of September, 2015, the Planning Commission initiated a code amendment to revise standards for water efficient landscaping by adopting Resolution No. 15-5782; and

WHEREAS, the Planning Commission, upon giving required notice, did on the 26th day of January, 2016, conduct a duly advertised public hearing as prescribed by law, at which time the Planning Commission adopted Resolution No. 16-5803 recommending to the City Council approval of Code Amendment No. 15-01; and

WHEREAS, the City Council considered evidence presented by the Planning Commission, Planning Department, and other interested parties at a duly advertised public hearing on the 16th of February, 2016; and

WHEREAS, studies and investigations made by this Council and in its behalf reveal the following facts:

1. The code currently has standards for water efficient landscaping adopted in 2010.

2. Due to recent drought and water supply issues, the State is requiring cities and counties to take steps to utilize water in an efficient manner, thereby reducing unnecessary waste and runoff.
3. On April 1, 2015, Governor Brown issued Executive Order B-29-15, which updated California's Model Water Efficient Landscape Ordinance (MWELO). The revised ordinance was approved by the California Water Commission on July 15, 2015 and codified in 23 C.C.R. 490 et seq. MWELO requires cities to adopt local revised water efficient landscape ordinances by December 1, 2015 that are at least as effective as the State MWELO.
4. Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt (Class 7, Protection of Natural Resources) in that it consists of code revisions to conserve water resources.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Covina as follows:

SECTION NO. 1: The above recitals are true and correct and are incorporated herein as if set forth herein in full.

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 15-01 is hereby found to be consistent with the West Covina General Plan and the implementation thereof and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 15-01.

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 15-01 as shown on Exhibit A is at least as effective as the MWELO.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the City Council of the City of West Covina approves Code Amendment No. 15-01 to amend Chapter 26 (Zoning) of the West Covina Municipal Code to read as shown on Exhibit "A."

SECTION NO. 4: The City Council finds that adoption of this Ordinance is exempt as defined by the California Environmental Quality Act ("CEQA"), as the proposed project is considered to be categorically exempt (Class 7, Protection of Natural Resources) in that it consists of code revisions to conserve water resources.

SECTION NO. 5: Any provision of the West Covina Municipal Code 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 effect the provisions of this Ordinance.

SECTION NO. 6: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful,

unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of the City of West Covina declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this Ordinance are declared invalid.

SECTION NO. 7: The City Clerk shall certify to the passage and adoption of this ordinance, causing it to be posted or published as required by law and it shall be effective thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED on this 1st day of March, 2016.



James Toma
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

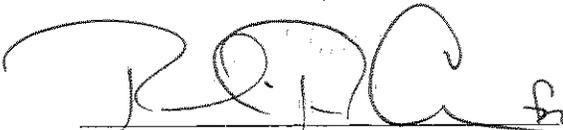
ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 16th day of February, 2016. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 1st day of March, 2016, by the following vote:

AYES: Johnson, Spence, Warshaw, Wu, Toma
NOES: None
ABSENT: None
ABSTAIN: None

A handwritten signature in black ink, appearing to read 'N. Lewis', written over a horizontal line.

Nickolas S. Lewis
City Clerk

Exhibit A

Chapter 26 – Zoning

Article XIV – Supplemental Planning Requirements

DIVISION 1. - WATER EFFICIENT LANDSCAPING

Sec. 26-750.1000. - Purpose.

- (a) The state legislature has found that:
- (1) The waters of the state are of limited supply and are subject to ever increasing demands;
 - (2) The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
 - (3) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
 - (4) 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;
 - (5) Landscape design, installation, maintenance, and management can and should be water efficient; and
 - (6) Article X, Section 2 of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable method of use of water.
- (b) The city hereby finds that:
- (1) The City of West Covina has an existing water efficient landscape ordinance that is required to be amended to comply with state requirements;
 - (2) Current local design practices in new landscapes typically strive to achieve the intent of the state model water efficient landscape ordinance water use goals;
 - (3) All water services within the city are metered;
 - (4) Landscape plan submittal and review is the standard practice in West Covina;
 - (5) The average rainfall in West Covina is approximately 17 inches per year and the annual reference evapotranspiration rate (Annual ETo) is 53.1; and
- (c) Consistent with these findings, the purpose of the city's water efficient landscape ordinance is to establish an alternative model acceptable under ~~California Government Code section 65595(e)(1)~~ Governor Brown's April 1, 2015 Drought Executive Order (B-19-25) as being at least as effective as the state model water efficient landscape ordinance in the context of conditions in the city in order to:

- (1) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible;
- (2) Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) Establish provisions for water management practices and water waste prevention for existing landscapes; and
- (4) Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

State Law reference— Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code. 23 California Code of Regulations, Sections 490 et seq.

Sec. 26-750.1100. - Applicability.

- (a) New landscape installations or rehabilitation projects: As of the effective date of this ordinance, all sections of this chapter shall apply to the following landscape projects:
 - (1) ~~New landscape installations or landscape rehabilitation projects for non-residential developers with a landscaped area, including pools or other water features (but excluding hardscape) equal to or greater than two thousands five hundred (2,500) square feet, and which are otherwise subject to a discretionary approval of a landscape plan or which otherwise require a ministerial permit for a landscape or water feature. projects, with an aggregate landscape area equal to or greater than 500 square feet, requiring a building permit or landscape permit, plan check or design review.~~
 - (2) ~~New landscape installations or landscape rehabilitation projects which are developer installed for single-family and multi-family residential projects or complexes with a landscaped area, including pools or other water features (but excluding hardscape) equal to or greater than two thousands five hundred (2,500) square feet, and which are otherwise subject to a discretionary approval of a landscape plan or which otherwise require a ministerial permit for a landscape or water feature. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review.~~
 - (3) ~~New landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other water features (but excluding hardscape) equal to or greater than five thousand (5,000) square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature; New or rehabilitated landscape projects with an aggregate landscape area~~ New or rehabilitated landscape projects 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 measures contained in Appendix G of the Guidelines.

- (4) ~~Recognizing the special landscape management needs of cemeteries, new landscape installations or landscape rehabilitation projects at cemeteries shall prepare a water efficient landscape worksheet; landscape and irrigation maintenance schedule; and irrigation audit, survey and water use analysis as required in the guidelines. New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirements (Estimated Total Water Use) entirely with the treated or untreated graywater or through stored rainwater capture on site is subject only to Appendix G of the Guidelines.~~
- ~~(b) Existing landscapes: As of the effective date of this ordinance, all existing landscape areas are exempt from the provision of this Division I or Article XIV except as follows:~~
- ~~(1) Irrigation of all existing landscaped areas of one (1) acre or less shall be conducted in a manner conforming to the rules and requirements and shall be subject to penalties and incentives for water conservation and water waste prevention, as determined and implemented by the local water purveyor and as may be mutually agreed by the city.~~
- ~~(2) For all existing landscaped areas in the city over one (1) acre in size the city and/or the regional or local water purveyor may administer programs such as irrigation water use analyses, irrigation surveys and/or irrigation audits, tiered water rate structures, water budgeting by parcel, or other approaches to achieve landscape water use efficiency community wide to a level equivalent to or less than would be achieved by applying a MAWA calculated with an ETAF of 0.8.~~
- (eb) This water efficient landscape ordinance 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; or
 - (4) Plant collections, as part of botanical gardens and arboretums that are open to the public.
- State law reference—Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code. 23 California Code of Regulations, Sections 490 et seq.
- (dc) The architectural guidelines of a common interest development, including apartments, 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.
- d. The requirements of this chapter may be partially or wholly waived, at the discretion of the City Manager or his/her designee, for landscape rehabilitation projects that are limited to replacement of plantings with equal or lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to

be designed, operable, and programmed consistent with minimizing water waste in accordance with local water purveyor(s)' regulations or programs.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

Sec. 26-750.1150. - Planning commission guidelines.

The planning commission shall by resolution adopt guidelines providing rules, regulations, requirements and procedures to assure technical compliance with water efficiency standards at least as efficient as the model ordinance described in California Government Code section 65595(a).

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

Sec. 26-750.1200. - Implementation procedures.

- (a) Prior to installation, a landscape documentation package shall be submitted to the city for review and approval of all landscape projects subject to the provisions of this water efficient landscape ordinance. Any landscape documentation package submitted to the city shall comply with the provisions of the planning commission guidelines for water efficient landscaping.
- (b) The landscape documentation package shall include a certification by a landscape architect licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this water efficient landscape ordinance and the planning commission guidelines for water efficient landscaping.
 - (1) Landscape and irrigation plans shall be submitted to the city for review and approval with appropriate water use calculations.
 - (2) Water use calculations shall be consistent with calculations contained in the guidelines and shall be provided to the local water purveyor, as appropriate, under procedures determined by the city.
 - (3) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion in conjunction with a certificate of occupancy or permit final process, as provided in the planning commission guidelines for water efficient landscaping.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

State Law reference— Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code. 23 California Code of Regulations, Sections 490 et seq.

Sec. 26-750.1300. - Landscape water use standards.

- (a) For landscape installation or rehabilitation projects subject to the applicability requirements of section 26-750.1100(a), the estimated applied water use allowed for the landscaped area shall not exceed the maximum applied water allowance (MAWA) calculated using an evapotranspiration adjustment factor (ETAF) of 0.7, except for special landscaped areas where the MAWA is calculated using an ETAF of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the city; as provided in the planning commission guidelines for water efficient landscaping.
- (b) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local water purveyor and the city.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

Sec. 26-750.1400. - Delegation.

The city may delegate to, or enter into a contract with, a local agency to implement, administer, and/or enforce any of the provisions of the water efficient landscape ordinance on behalf of the city.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

Sec. 26-750.1500. - Definitions.

The following definitions are applicable to this chapter:

"Aggregate landscape areas" pertains to the areas undergoing development as one project or for production home neighborhoods or other situations where multiple parcels are undergoing development as one project, but will eventually be individually owned.

- (a) "Applied water" means the portion of water supplied by the irrigation system to the landscape.
- (b) "Budget-based tiered-rate structure" means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

"Community Aesthetics Evaluation" means that when a project is not subject to a permit, plan check, or design review, the Community Aesthetics Evaluation may be performed to ensure the aesthetic standards of the community and irrigation efficiency intent is maintained.

- (c) "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (d) "Estimated applied water use" means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the guidelines. It is

based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

- (e) "Evapotranspiration" or "ET_o" see "Reference Evapotranspiration"
- (f) "Evapotranspiration adjustment factor" or "ETAF" is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this water efficient landscape ordinance and the guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.
- (g) "Guidelines" refers to the guidelines for implementation of the water efficient landscape ordinance, as adopted by the city, which describes procedures, calculations, and requirements for landscape projects subject to this water efficient landscape ordinance.
- (h) "Hardscapes" means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this water efficient landscape ordinance.
- ~~(i) *Homeowner installed means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired and paid directly by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer installed residential landscape projects.*~~
- ~~(j) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. *Irrigation efficiency* is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this water efficient landscape ordinance is are 0.71. Greater irrigation efficiency can be expected from well designed 0.75 for overhead spray devices and maintained 0.81 for drip systems.~~
- (k) "Landscaped area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped 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).
- (l) "Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (m) "Landscape documentation package" means the documents required to be provided to the city for review and approval of landscape design projects, as described in the guidelines.

- (n) "Landscape project" means total area of landscape in a project, as provided in the definition of "landscaped area," meeting the applicability requirements under section 26-750.1100 of this water efficient landscape ordinance.
- (o) "Local agency" means a city or county, including a charter city or charter county, that is authorized ~~by the city~~ to implement, administer, and/or enforce any of the provisions of the water efficient landscape ordinance ~~on behalf of the city~~. The local agency may be responsible for the enforcement or delegation of enforcement of this water efficient landscape ordinance including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.
- (p) "Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (q) "Maximum applied water allowance" or "MAWA" means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + (1-ETAF) \times SLA]$
- (r) "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.
- (s) "New construction" means, for the purposes of this water efficient landscape ordinance, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.
- (t) "Non-pervious" means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.
- (u) "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- (v) "Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscape.
- (w) "Plant factor" or "plant water use factor" is a factor, when multiplied by ET_o , that estimates the amount of water needed by plants. For purposes of this Water Efficient Landscape Ordinance, the plant factor range for low water use plants is 0 to 0.1; 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 Water Efficient Landscape Ordinance are derived from the ~~Department of Water Resources 2000~~ 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).
- (x) "Recycled water" or "reclaimed 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.
- (y) "Reference evapotranspiration" or " ET_o " means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given expressed in inches per day,

month, or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four (4) to seven (7) inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances.

- (z) "Rehabilitated landscape" means any re-landscaping project that meets the applicability criteria of Section 16.131.020(a), where the modified landscape area is greater than two thousand five hundred (2,500) square feet, ~~is fifty (50) percent of the total landscape area, and the modifications are planned to occur within one (1) year.~~
- (aa) ~~"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using controllers utilizing either evapotranspiration (weather based) or soil moisture sensor data with non-volatile memory shall be required for irrigation scheduling in all irrigation systems, recommending U.S. EPA WaterSense labeled devices as applicable.~~
- (bb) "Special landscape area" means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and recreational areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- (cc) "Turf" means 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.
- (dd) "Valve" means a device used to control the flow of water in an irrigation system.
- (ee) "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 landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

(Ord. No. 2205, § 3(Exh. A), 4-6-2010)

State Law reference— Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code. 23 California Code of Regulations, Sections 490 et seq.