

ORDINANCE NO. 19-1054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 15 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT ADDITIONAL PROHIBITIONS FOR OUTDOOR WATER USE PRACTICES AND AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO IMPLEMENT THE REQUIREMENTS OF THE STATE'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. California state law maintains water efficiency standards for new and rehabilitated existing 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. This amendment will provide consistency with state law on water-efficient landscaping and also modifies the City's current regulations on wasteful outdoor water use practices.

SECTION 2. For the amendments to Title 19, Zoning Ordinance, a public hearing was duly noticed for the Planning Commission meeting of November 15, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by November 1, 2018. The Planning Commission held a public hearing on November 15, 2018, and made a recommendation of approval to the City Council by a 7-0 vote, with no recommended revisions.

SECTION 3. A public hearing was duly noticed for the City Council meeting of December 17, 2018 by publication in the West Hollywood Independent and Beverly Press on December 7, 2018 and by announcement on City Channel 6, as well as the City website and City Hall on December 7, 2018. Notices were mailed to all West Hollywood Neighborhood Watch groups on December 7, 2018. On December 17, 2018, at their regularly scheduled public hearing, the City Council continued this item to a date certain of January 22, 2019. An updated notice was published for the City Council meeting of January 22, 2019 by publication in the West Hollywood Independent and Beverly Press on January 10, 2019 and by announcement on City Channel 6, as well as the City website and City Hall on January 10, 2019. Notices were mailed to all West Hollywood Neighborhood Watch groups on January 10, 2019.

SECTION 4. The amendments are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for

causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Adopting the model water efficient landscaping ordinance will encourage more water efficient landscapes and increase water conservation citywide. The amendments are also exempt pursuant to Section 15308, which involves regulatory processes and procedures undertaken to protect the environment, because introducing new standards to require water efficient landscaping and to prohibit wasteful water practices will reduce greenhouse gas emissions associated with the generation, distribution, and treatment of potable water.

SECTION 5. The City Council of the City of West Hollywood hereby finds the zone text amendment and municipal code amendments are consistent with the Goals and Policies of the General Plan, including Policy IRC-3, which states that the City should “reduce water use and ensure a long-term water supply” and Policy IRC-5, which states that the City should “reduce the City’s contribution to global climate change and adapt to its effects.” The amendments are also consistent with the Climate Action Plan by reducing outdoor water use, optimizing irrigation efficiency, and encouraging more drought-tolerant landscapes to mitigate heat-related impacts. This ordinance supports all of these goals and does not impede implementation of the General Plan and Climate Action Plan.

SECTION 6. The title of Chapter 15.52 in the numerical list of chapters and sections in Subsection (d) of Section 1.08.010, Classification of Offenses – Definitions, of Chapter 1.08 of Title 1 of the West Hollywood Municipal Code is amended to read as follows:

Chapter 15.52, Regulation of Outdoor Water Use Practices

SECTION 7. The title of Chapter 15.52 of Title 15 of the West Hollywood Municipal Code is amended to read as follows:

Chapter 15.52, Regulation of Outdoor Water Use Practices

SECTION 8. A new section, Section 15.52.055, is added to Chapter 15.52 of Title 15 of the West Hollywood Municipal Code as follows:

15.52.055 Prohibition of Homeowners’ Association Interference in Water-Efficient Landscaping Practices

- a. No homeowners’ association shall impose or threaten to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the water of vegetation or lawns during a declared drought emergency, as described in the California Civil Code.
- b. No homeowners’ association shall require the owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a

declared drought emergency, as described in the California Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

SECTION 9. Chapter 15.54, Water Conservation Landscaping, of Title 15 of the West Hollywood Municipal Code is repealed in its entirety.

SECTION 10. Subsection 19.20.060A(8), Water Conservation, of Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

8. Water-Efficient Landscaping. Projects shall comply with all applicable requirements in Section 19.26.060 (Plant Materials), Section 19.26.070 (Irrigation and Water Conservation), and Chapter 15.52 (Regulation of Outdoor Water Use Practices).

SECTION 11. Subsection 19.26.060(B), Drought Tolerant Requirements, of Chapter 19.26 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

B. Drought Tolerant Requirements. New and Rehabilitated Landscape Areas for residential and nonresidential projects shall comply with the Model Water Efficient Landscape Ordinance (MWELO), as may be amended from time to time, which is contained within and adopted by reference through Title 13 Chapter 13.24, Green Building Standards Code, of the West Hollywood Municipal Code.

SECTION 12. Section 19.26.070, Irrigation and Water Conservation, of Chapter 19.26 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. Irrigation systems of new and rehabilitated landscape areas for residential and nonresidential projects shall comply with all applicable requirements of Chapter 13.24, Green Building Standards Code of the West Hollywood Municipal Code.

B. General Standards for Outdoor Water Use Practices. Projects shall comply with all applicable requirements of Chapter 15.52, Regulation of Outdoor Water Use Practices of the Municipal Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 4th day of February, 2019 by the following vote:

AYES:	Councilmember:	Heilman, Horvath, Meister, Mayor Pro Tempore D'Amico, and Mayor Duran.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.


JOHN J. DURAN, MAYOR

ATTEST:


YVONNE QUARKER, CITY CLERK

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

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 19-1054 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 4th day of February, 2019, after having its first reading at the regular meeting of said City Council on the 22nd day of January, 2019.

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 5th DAY OF FEBRUARY, 2019.


YVONNE QUARKER, CITY CLERK