

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
REGARDING WATER EFFICIENT LANDSCAPING AND  
PARKWAY SURFACES AND AMENDING THE BEVERLY  
HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY  
ORDAINS AS FOLLOWS:

Section 1. Section 9-4-401 of Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-401: PURPOSE:** Water is a precious commodity of limited supply. In accordance with the Water Conservation in Landscaping Act (“Act”), the purpose and intent of this ordinance is to:

A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

B. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new residential or commercial development projects and when landscape areas are altered by more than 50 percent in total area;

C. Promote water management practices and water waste prevention for existing landscapes;

D. 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;

Accordingly, this ordinance is intended to be as effective in conserving water as is the Department of Water Resources State Model Landscaping Ordinance set forth in Government Code Section 65595.”

Section 2. Section 9-4-402 of Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-402: APPLICABILITY:**

Except as set forth in section 9-4-404 of this article, this article shall apply to all Landscaped Areas of new residential or commercial development projects, all new installations of

Landscaped Area irrigation systems, and all Altered Landscaped Areas, whether proposed as part of projects subject to irrigation plan reviews by any design review body, or as part of projects not subject to review.”

Section 3: Section 9-4-403 of Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-403: DEFINITIONS:**

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

**ALTERED LANDSCAPED AREA:** A Landscaped Area that has been altered by more than fifty percent (50%) in total area.

**CERTIFICATE OF COMPLETION:** The document required under Section 4-4-411.

**CERTIFIED LANDSCAPE IRRIGATION AUDITOR:** A person certified to perform landscape irrigation audits by a recognized professional trade organization or other educational organization.

**ESTIMATED APPLIED WATER USE:** The portion of the ETWU that is derived from applied water as described in the Landscape Regulations.

**ESTIMATED TOTAL WATER USE (ETWU):** The total water used for the landscape subject to this Article determined pursuant to the formula set forth in the Landscape Regulations. The ETWU is based upon such factors as the local evapotranspiration rate, the size of the Landscaped Area, the types of plants and the efficiency of the irrigation system.

**IRRIGATION AUDIT:** An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An Irrigation Audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

**LANDSCAPE DOCUMENTATION PACKAGE:** The documents required under Section 9-4-405 required to be submitted to the Department for review and approval.

**LANDSCAPE REGULATIONS**

**LANDSCAPED AREA:** The entire lot, including, water features such as pools, spas, ponds, and fountains. “Landscaped Area” shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

**MAXIMUM APPLIED WATER ALLOWANCE (“MAWA”):** The upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ET<sub>o</sub> Adjustment Factor and the size of the Landscaped Area or Altered Landscaped Area.

**PROJECT APPLICANT:** The person or entity submitting a Landscape Documentation Package. A Project Applicant may include the property owner and/or an agent of the owner.

**SMART IRRIGATION CONTROLLER:** A weather-based device that automatically controls an outdoor irrigation system by using weather, site or soil moisture data as a basis for determining an appropriate watering schedule or utilizing prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the actual needs of the plants.

**WATER EFFICIENT LANDSCAPE WORKSHEET:** The document described in the Landscape Regulations.

Section 4: Section 9-4-404 of Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-404: EXCEPTIONS:**

This article shall not apply to:

- A. Projects which involve alterations or additions to, or retrofits of, existing residential or commercial structures, unless the Landscape Area is altered as defined in Section 9-4-403.
- B. Projects with a Landscaped Area of less than two thousand five hundred (2,500) square feet.
- C. Landscaping that is part of a property listed on the National Register of Historic Places.”

Section 5: A new Section 9-4-405 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-405: REVIEW AND APPROVAL REQUIREMENTS.**

A. Prior to issuance of a building permit for any project that involves Landscaped Areas or Altered Landscaped Areas subject to this Article, the Project Applicant must submit a Landscape Documentation Package for review and approval by the Community Development Department (“Department”). The Landscape Documentation Package shall include the following:

1. Project information as required by the Landscape Regulations;
2. Landscape design plan as described in Section 9-4-406;
3. Irrigation plan as described in Section 9-4-407;
4. Water Efficient Landscape Worksheet as described in Section 9-4-410
5. A soils report as described in Section 9-4-409;
6. Grading design plan as described in Section 9-4-408; and
7. Payment of the fee as prescribed by City Council upon submittal of the Landscape Documentation Package.

If the Landscaped Area or Altered Landscaped Area subject to this Article is a stand-alone project or does not otherwise require a building permit or formal planning or other commission approval or review, the Landscape Documentation Package shall be submitted to the Department for review and approval prior to the commencement of landscape improvements.

B. The documents listed in paragraph A shall be prepared and signed by a landscape architect, landscape designer, or irrigation designer, except that the soils report shall be prepared by a qualified soil and plant laboratory.”

Section 6: A new Section 9-4-406 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-406: LANDSCAPE DESIGN PLAN:**

A. Landscaped Areas or Altered Landscaped Areas subject to this Article shall be carefully designed and planned to ensure the efficient use of water. The Project Applicant shall submit to the Department a landscape design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The landscape design plan shall comply with or include the following:

1. A description of the plant material. Any plant may be selected for the landscape provided that the Estimated Applied Water Use in the Landscaped Area or Altered Landscaped Area does not exceed the Maximum Applied Water Allowance.

2. Landscape design plans for projects in the City's Very High Fire Hazard Severity Zones areas shall address fire safety and prevention. The Project Applicant shall ensure that the defensible space required by the Municipal Code is maintained and shall avoid fire-prone plant materials and mulches.

3. Invasive species of plants shall be prohibited near parks, buffers, greenbelts and open spaces and are generally discouraged for landscape use.

4. The architectural guidelines of 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.

5. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 + slope percent).

6. Recirculating water systems shall be used for water features.

7. Where available, recirculating water shall be used as a source for decorative water features.

8. The surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

9. Pool and spa covers are highly recommended.

10. A minimum two inch (2") layer of Mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications where Mulch is contraindicated.

11. Stabilizing mulching products shall be used on slopes.

12. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

13. Soil amendments shall be incorporated according to recommendations of the soil report, if any, and what is appropriate for the plants selected."

Section 7: A new Section 9-4-407 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-407: IRRIGATION PLAN.**

A. An irrigation system and its related components for Landscaped Areas and Altered Landscaped Areas subject to this Article shall be carefully designed and planned to allow for proper installation, management, and maintenance. The Project Applicant shall submit to the Department an irrigation design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. An irrigation design plan shall comply with or include the following:

1. Smart Irrigation Controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems. The controller must be able to accommodate all aspects of the landscape and irrigation design plans.

2. All irrigation systems shall be designed to avoid excessive pressure. Water pressure regulators are required. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the time of day the system will operate. These pressure and flow measurements shall be conducted at the design stage, if available, or prior to installation, if not available at the design phase.

3. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulators, or booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

4. Sensor (rain, freeze, wind, etc.), either integral or auxiliary, that suspend irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions.

5. High-flow check valves, or other technology to interrupt operations in high-flow conditions created by irrigation system damage or malfunction, shall be required.

6. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

7. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

8. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.”

Section 8: A new Section 9-4-408 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-408: GRADING DESIGN PLAN.**

A. Grading of a project site that contains a Landscaped Area or Altered Landscaped Area subject to this Article, shall be designed to minimize soil erosion, runoff and water waste. The Project Applicant shall submit to the Department a grading design plan that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The landscape grading plan shall indicate finished configurations and elevations of the landscape area including: (i) height of graded slopes; (ii) drainage patterns; (iii) pad elevations; (iv) finish grade; and (v) stormwater retention improvements, if applicable.

C. To prevent excessive erosion and runoff, grading shall avoid disturbing natural drainage patterns and avoid soil compaction in Landscaped Areas or Altered Landscaped Areas subject to this Article. All irrigation and normal rainfall should remain within the property lines so as not to drain onto non-permeable hardscapes.

D. A comprehensive grading plan prepared by a civil engineer for a project which includes Landscaped Areas or Altered Landscaped Areas subject to this Article, can satisfy this requirement.

Section 9: A new Section 9-4-409 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-409: SOIL MANAGEMENT REPORT.** The Project Applicant shall submit to the Department a soil management plan that meets the criteria set forth in the Landscape Regulations.

Section 10: A new Section 9-4-410 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-410: WATER EFFICIENT LANDSCAPE WORKSHEET.**

A. The Project Applicant shall complete and submit to the Department a Water Efficient Landscape Worksheet that meets the criteria set forth in this section and the criteria set forth in the Landscape Regulations.

B. The Water Efficient Landscape Worksheet shall contain two sections; (i) a hydrozone information table and (ii) a water budget calculation for the Landscaped Areas or Altered Landscaped Areas subject to this Article. The water budget calculation shall include the Maximum Applied Water Allowance and the Estimated Total Water Use.

Section 11: A new Section 9-4-411 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-411: CERTIFICATION OF COMPLETION.**

A. Upon completion of the installation of the Landscaped Areas or Altered Landscaped Area subject to this Article, the Project Applicant shall submit a Certificate of Completion, in the form provided by the City, for review and approval by the Director. The Certificate of Completion shall be executed by either the licensed landscaped architect, licensed landscape contractor or the certified irrigation designer that signed any of the documents submitted as part of the Landscape Documentation Package.

B. The Certificate of Completion shall certify and/or include the following:

1. The Landscaped Areas or Altered Landscaped Areas subject to this Article has been installed in conformance with the Landscaped Documentation Package;
2. The automatic controller has been set according to the irrigation schedule described in Section 9-4-413;
3. Documentation that the soil report recommendations, if any, have been implemented;
4. The Irrigation Audit Report.
5. The landscape and irrigation maintenance schedule.

C. The Director shall approve the Certificate of Completion if it is determined the project conforms to the provisions of this Section. If the Director determines that the Certificate of Completion is incomplete or does not conform to the provisions of this Section, the Director shall:

1. Notify the Project Applicant in writing that the Certificate of Completion has been denied and include a statement of reasons; or
2. Notify the Project Applicant in writing that the Certificate of Completion is incomplete with an indication of additional information necessary. The Project Applicant may re-submit the Certificate of Completion for review by the Director.

D. The Project Applicant shall provide a copy of the approved Certificate of Completion to the property owner within 7 days of its approval.

Section 12: A new Section 9-4-412 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-412: IRRIGATION SCHEDULE**

The Project Applicant shall prepare an irrigation schedule in accordance with the Landscape Regulations that evaluates and manages the amount of water required to maintain plant health.

Section 13: A new Section 9-4-413 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-413: LANDSCAPE AND IRRIGATION MAINTENANCE**

The Project Applicant shall prepare a landscape and irrigation maintenance plan in accordance with the Landscape Regulations the efficiency of water use.

Section 14: A new Section 9-4-414 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-414: IRRIGATION AUDIT**

A. For Landscaped Areas or Altered Landscaped Areas subject to this Article, the Project Applicant shall prepare an Irrigation Audit Report.

B. For all existing Landscaped Areas installed prior to January 1, 2010, irrigation audits shall be prepared as set forth in the Landscape Regulations.

Section 21: A new Section 9-4-421 is hereby added to Article 4 of Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

**“9-4-421. PENALTIES.**

Violation of any provision of this Article shall be punishable as provided for in Chapter 3 of Title 1. In addition, the City Building Official may deny any project subject to this Article its certificate of occupancy or equivalent until the Certificate of Completion has been submitted, reviewed and approved by the City.”

Section 21: Section 8-4-1 of Chapter 8 of Title 8 of the City of Beverly Hills Municipal Code is hereby amended to read as follows:

“The abutting property owner shall plant and maintain the parkway with grass or other plant material that is maintained at no more than 6 inches in height as approved by the City’s Arborist with the following exception: the parkway area abutting commercially zoned property may be surfaced in concrete in lieu of grass.”