



# CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 2, 2010

ITEM NUMBER:

**SUBJECT:** SECOND READING OF ORDINANCE 10-2 ADOPTING CODE AMENDMENT CO-09-14 RELATED TO WATER EFFICIENCY IN LANDSCAPING IN ACCORDANCE WITH STATE STANDARDS

**DATE:** JANUARY 21, 2010

**FROM:** DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** MINOO ASHABI, SENIOR PLANNER  
KIMBERLY BRANDT, ACTING DIRECTOR

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## RECOMMENDATION:

Give second reading to Ordinance 10-2 that amends Zoning Code (Title 13) to update the City's Landscape Ordinance in accordance with the latest requirements of the State Department of Water Resources.

## ANALYSIS:

On January 19, 2010, City Council gave first reading to Ordinance 10-2 by a 5-0 vote for applicability of the new standards. Staff has no further information on this item.



MINOO ASHABI, AIA  
Senior Planner



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Acting Development Svs. Director

**DISTRIBUTION:** City Manager  
Asst. City Manager  
City Attorney  
Asst. Dev. Svs. Director  
Public Services Director  
City Clerk (2)  
Staff (4)  
Planning Staff (8)  
File (2)

**ATTACHMENT:** Ordinance 10-2

ORDINANCE NO. 10- 2

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA,  
CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-09-  
14, AMENDING TITLE 13, CHAPTER VII, LANDSCAPE  
STANDARDS OF THE COSTA MESA MUNICIPAL CODE  
REGARDING WATER EFFICIENT LANDSCAPE STANDARDS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS  
FOLLOWS:

SECTION 1: FINDINGS.

- a. Consistent with the findings of the State Legislature, the City Council finds 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 Council further finds that:
1. Orange County has an established, large reclaimed water infrastructure system;
  2. Allocation-based and tiered water rate structures allow public agencies to document water use in landscapes;
  3. Incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991;
  4. Current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals;
  5. All water services within the City are metered;
  6. Orange County is a leader in researching and promoting the use of smart automatic irrigation controllers with more than 4,500 installations as of June 2009;
  7. All new irrigation controllers sold after 2012 within Orange County will be smart controllers;
  8. Landscape plan submittal and review has been a long standing practice in Costa Mesa; and
  9. The average rainfall in Orange County is approximately 12 inches per year.
  10. Costa Mesa is served by two water purveyors, Irvine Ranch Water District (IRWD) and Mesa Consolidated Water District (MCWD). IRWD is implementing budget- based tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered

landscaped areas throughout its service area, which includes a portion of City containing business and industrial parks south of the 405 Freeway. MCWD is implementing enforcement of water waste prohibitions for all existing metered landscaped areas within its jurisdiction by a water conservation ordinance (Ordinance No. 21) that has been in effect since September 2009.

- c. Consistent with these findings, the purpose of the City's Water Efficient Landscape Ordinance is to establish an alternative model acceptable under AB 1881 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 benefits of consistent landscape ordinances with neighboring local and regional agencies;
  2. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
  3. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in *new construction* and rehabilitated projects;
  4. Establish provisions for water management practices and water waste prevention for existing landscapes;
  5. 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; and
  6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a budget-based tiered-rate structure.

**SECTION 2: WATER EFFICIENT LANDSCAPE GUIDELINES.** The submittal requirements for compliance with Assembly Bill 1881 are included in the Water Efficient Landscape Guidelines that are adopted by City Council Resolution No. 010-\_\_ and may be amended from time to time by resolution of the City Council.

**SECTION 3: TITLE 13.** Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

- a. Amend Chapter VII, Sections 13-101 and 13-101.1 as follows:

**"Sec. 13-101. PURPOSE**

It is the purpose of this chapter to establish reasonable requirements and standards for the design, installation, water conservation, and maintenance of landscape and irrigation to:

- (1) Enhance the aesthetic appearance of the City by providing standards relating to quality, quantity, and functional aspects of landscaping for developments in all areas of the City.
- (2) Address water conservation measures through the landscape and irrigation design.
- (3) Encourage sustainable landscapes through landscape techniques that conserve, recycle, and reuse the resources that are invested in landscapes.
- (4) Encourage landscape design that protects public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, erosion, and unsightly conditions. This includes promoting the use of canopy trees in parking lots, and limiting the overall use of palm trees.

- (5) Deter graffiti on walls, break up continuous asphalt and/or concrete surfaces on existing properties, screen incompatible land uses, cool and shade vehicles and hardscape areas, preserve the integrity of neighborhoods, and enhance pedestrian and vehicular corridors.
- (6) Encourage applicants to take full advantage of the wide range of drought tolerant landscape materials and low water flow irrigation systems available within the framework established by this chapter.
- (7) Establish water efficient landscape regulations, pursuant to State Assembly Bill 1881 and as effective as the State Model Water Efficient Landscape Ordinance.
- (8) Promote the design, installation, and maintenance of landscaping in a manner that conserves regional water resources by ensuring that landscaping projects are not unduly water-needy and that irrigation systems are appropriately implemented to minimize water waste.
- (9) Refer to the "Water Efficient Landscape Guidelines" adopted by City Council Resolution No. 10- to provide procedural and design guidance for project applicants for specified landscape installation or rehabilitation projects except for the R-1 (single-family residential) district.

**Sec. 13-101.1 APPLICABILITY**

- (a) The provisions of this chapter apply to all zoning districts in the City.
- (b) Landscaping and irrigation which is a part of a registered historical site, public park, or golf course facility, or new or rehabilitated cemeteries may be exempted from the provisions of this chapter when deemed necessary and appropriate by the planning division and consistent with the state's requirements.
- (c) The Water Efficient Landscape Guidelines shall apply to projects that meet the following criteria unless exempted pursuant to the Water Efficiency Landscape Guidelines:
  - 1. New landscape installations or landscape rehabilitation projects in nonresidential zones (except for cemeteries) with a landscaped area equal to or greater than 2,500 square feet.
  - 2. New landscape installations or landscape rehabilitation projects in multi-family residential zones with a landscaped area equal to or greater than 2,500 square feet.
  - 3. New golf courses and parks.
  - 4. Modified landscaped area greater than 2,500 square feet affecting at least 50 percent of the total landscaped area; and planned to occur within one year."

c. Amend Chapter VII, Section 13-103, as follows:

**"Sec. 13-103. GENERAL PROVISIONS AND SUBMITTAL REQUIREMENTS**

- (a) **Requirements:** Landscape and irrigation plans shall be required for all development projects requiring discretionary land use approval and for all City-initiated projects. For landscape projects subject to the Water Efficiency

Landscape Guidelines, landscape plans shall be prepared and certified by a California licensed landscape architect.

**(b) Process:**

- (1) The plans shall be submitted to and approved by the planning division prior to issuance of any building permits, and shall be prepared in accordance with requirements listed in this chapter, Water Efficiency Landscape Guidelines (as applicable), and the City's Streetscape and Median Development Standards, which are incorporated herein by this reference, and which may be amended from time to time by resolution of the City Council. All unpaved areas shall be planted with an effective combination of trees, groundcover, turf, shrubbery and/or approved dry landscape materials."
- (2) Landscape and irrigation plans shall be fully dimensioned and shall include, but shall not be limited to, the following:
  - a. List of plants (common and Latin names)
  - b. Plant size
  - c. Location
  - d. Irrigation plan
  - e. Hardscape (sidewalks, driveways, 6" continuous concrete curbing)
  - f. Water elements
  - g. Decorative features (boulders, sculptures, arbors, etc.)
  - h. Planting and irrigation details
  - i. Maintenance information
  - j. Any other information deemed necessary by the planning division
- (3) **Modifications:** Any modification to an approved landscape or irrigation plan must be approved by the planning division prior to installation of the landscaping or irrigation system.
- (4) **Approval:** All plan approvals by the Planning Division are subject to and dependent upon the applicant complying with all applicable ordinances, codes, regulations, and adopted policies. All landscape plans for projects subject to the Water Efficiency Landscape Guidelines shall be prepared under the direction of a California licensed landscape architect.
- (5) All landscaping and irrigation materials shall be properly installed, inspected, and maintained in a healthy condition, prior to release of building utilities or the issuance of a Certificate of Occupancy, whichever is applicable or occurs first. Final inspection approvals or occupancy clearance shall not be granted until all of the landscaping and irrigation are installed in accordance with the approved plans.
- (6) **Conflicting code sections:** When the provisions of this chapter conflict with other sections of the Municipal Code, the more stringent shall apply."

d. Amend Chapter VII, Section 13-104, as follows:

**"Sec. 13-104. LANDSCAPE PLAN OBJECTIVES**

- (a) Each landscape plan shall be compatible with the shape and topography of the site and architectural characteristics of structure(s) on the site. Each landscape plan shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standard of these guidelines. However, it is not the intent of this section to require the use of identical plant materials or

landscape designs. Where existing mature landscaping is in good, healthy condition, every effort shall be made to retain trees and mature landscaping.

- (b) Each landscape plan shall illustrate a concern for design elements such as balance, scale, texture, form, water conservation, and unity.
- (c) Each landscape plan shall address the functional aspects of landscaping such as grading, drainage, minimal runoff, erosion prevention, wind barriers, provisions for shade and reduction of glare, and water conservation. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas.
- (d) Landscaping shall be used to relieve solid, unbroken elevations, soften continuous wall expanses and deter graffiti.
- (e) Landscaping shall be required to screen storage areas, trash enclosures, parking areas, public utilities, freeways, highways, and other similar land uses or elements which do not contribute to the enhancement of the surrounding area. Where possible, planting islands and perimeter landscaping shall be designed as concave-shaped swales instead of convex-shaped berms in order to capture runoff and reduce dependence on water. If mounding or berms are required as part of a project, the slopes shall not exceed a 3:1 (horizontal:vertical) ratio, nor shall they exceed 3 feet in height. Where plants are required for screening, such screening shall consist of the use of evergreen shrubs (minimum 5 gallons), vines and/or evergreen trees closely spaced.
- (f) Water elements (pools, ponds, fountains, and other similar ornamental water features) incorporated into the project shall be of a design, shape, and size that minimizes water loss through evaporation. Recirculating water shall be used for decorative water features.
- (g) Landscape and irrigation plans shall be designed and implemented to meet the water conservation measures described in the Water Efficient Landscape Guidelines as applicable.”

e. Amend Chapter VII, Section 13-106, as follows:

**“Sec. 13-106. REQUIRED LANDSCAPING MATERIALS**

- (a) All required landscaped areas, including landscaped areas within parking lots, shall consist of drought tolerant plant material and shall meet the following minimum requirements:
  - (1) **Tree count:** One tree (15-gallon or larger) shall be provided for every 200 square feet of landscaped area. 50 percent of all trees shall be evergreen. 25 percent of the required trees shall be 24-inch box or larger. Canopy trees for parking lot areas shall be included in the tree calculation. Canopy trees shall be installed throughout parking lot areas at the ratio of one tree per 6 parking spaces, with an average of 36 square feet of planter area provided per tree. Upon written request, the number of required trees may be reduced by the planning division when it is determined that an alternative design will meet the intent of section 13-104, LANDSCAPE PLAN OBJECTIVES.
    - a. **Tree count exception:** One tree (minimum 24-inch box or larger) shall be provided for every 300 square feet of landscaped area for automobile dealerships.
  - (2) **Tree selection:** Trees shall be selected based on their suitability and sustainability in tree wells, narrow planters, and medians. Trees shall also be

selected on the basis of quality and diversity as indicated below:

- a. 24-inch box trees shall be a minimum 8 feet in height as measured from top of soil line in the box, and shall have a caliper of approximately 3 inches in diameter, 18 inches above the top of the root ball, or meeting with approval by the planning division. Selected trees shall be healthy, vigorous, and free from plant disease and insect pests. Selected trees shall be symmetrical and typical for variety and species. All trees shall have a normal and healthy root system free from being root bound. 15-gallon trees recently transplanted into 24-inch box, and 24-inch box recently transplanted into 36-inch box, and so forth, shall not be substituted for the required tree size.
  - b. Trees shall be selected from either the City's Recommended Street Tree Palette (Appendix B) or Private Property Tree Palette (Appendix D), included in the Streetscape and Median Development Standards. Trees not selected from these sources shall be approved or disapproved by the planning division based on the objectives in this chapter.
  - c. All trees shall be staked in accordance with standards contained in the Streetscape and Median Development Standards.
  - d. At least 2 different tree species shall be identified on plans and installed as part of the project landscaping.
  - e. Palm trees shall not be used in the landscaped street setback, except as an accent plant to highlight main driveway entrances, to accessorize the front of a building, or for unique or theme uses. Two palms shall constitute one tree in the ratio of required trees for required landscape areas. Palm trees shall not be used as a parking lot tree.
- (3) Shrub count:** One shrub shall be provided for every 25 square feet of open space. 60 per cent of the required shrubs shall be a minimum of 5 gallons. Upon written request, the number of required shrubs may be reduced by the planning division when it is determined that an alternative design will meet the objectives in this chapter.
- (4) Groundcover:** At least 70 per cent of all landscaped areas containing trees and shrubs shall be underplanted with groundcover, with the remaining areas to incorporate a minimum two-inch layer of uncontaminated compost or mulch. Decorative (commercial) bark is not acceptable. Groundcover shall be planted in a triangular-spaced pattern to ensure 100 percent coverage within one year of planting. A minimum 2-foot diameter clearance, measured from each tree trunk, shall be maintained free of groundcover or turf. Uncontaminated shredded mulch or compost shall be applied and maintained in these areas.
- (5) Turf:** Turf incorporated into the landscape design shall not exceed 50 per cent of the total landscaping area. All turf shall be of a drought tolerant variety. Redwood headerboard, or other material acceptable by the planning division, shall be installed to separate turf from planter and groundcover areas.
- (b) Street trees located within the public parkway, or any public right-of-way, shall be approved by the public services department.
  - (c) The plant material selected shall be suitable for the given soil and climate conditions. Plant selection shall take into consideration water conservation through appropriate use, and groupings of plants that are well adapted to particular sites and to particular watering needs, climatic, geological or topographical conditions.
  - (d) Materials such as crushed rock, redwood chips, pebbles and stone are not satisfactory substitutes for live plant materials although their limited use may be approved by the planning division. Uncontaminated mulch, shredded bark, or

compost may be used to fulfill part of the groundcover requirement as noted in section 13-106(a). Uncontaminated mulch, shredded bark, and/or compost used as a groundcover shall maintain a consistent 2-inch minimum layer and provide complete coverage under shrubs and trees.

- (e) Artificial plants are prohibited.

**(6)\_Water Conservation:** For projects that are subject to Water Efficient Landscape Guidelines, landscape and irrigation plans shall meet all the specified requirements.”

- f. Amend Chapter VII, Section 13-107, as follows:

**“Sec. 13-107. IRRIGATION REQUIREMENTS**

- (a) All landscaped areas shall be provided with an approved irrigation system. Landscaped areas shall be provided with an automatically time-controlled sprinkler system when the site is zoned commercial or industrial, or when the site is zoned residential and permits more than 2 dwelling units.
- (b) **Irrigation system:** Irrigation system shall consist of underground piped water lines with low water flow sprinklers and/or a drip or trickle irrigation system. The system chosen shall be designed to provide adequate coverage to all plant material, existing and proposed. Water meter and line sizes shall be calculated from total water demand, which should be, at least, the sum of the maximum irrigation demand and all building demand. Due to varying irrigation requirements, separate control valves and/or sprinkler/emitter heads shall be used when shrubs and turf all appear on the same landscape plan. The irrigation system shall be designed so that overspray, runoff, and low-head drainage onto streets, sidewalks, windows, walls, and fences are minimized. Automatic systems for watering cycles shall be scheduled to maximize ground infiltration rates and further minimize runoff.
- (c) **Acceptable watering time:** Landscaped areas should be watered consistent with the requirements of the applicable water district to provide maximum benefit to the plant material and to reduce unnecessary water loss through drift and evaporation.
- (d) **Reclaimed water systems:** Irrigation systems for projects one acre or more in area shall use reclaimed water whenever such water is available to the site. The systems shall be subject to appropriate health standards and review by the applicable water agency.”

**SECTION 4: ENVIRONMENTAL DETERMINATION.** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15061 (b) (3) (general rule) of the CEQA Guidelines, in that the City Council hereby finds that it can be seen with certainty that there is no possibility that the passage of this ordinance amending the zoning code will have a significant effect on the environment.

**SECTION 5: INCONSISTENCIES.** Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

**SECTION 6: APPLICABILITY.** The provisions of this ordinance shall be applicable to all properties within City limits as applicable noted hereto.

**SECTION 7: SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 8: PUBLICATION.** This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2010.**

\_\_\_\_\_  
ALLAN R. MANSOOR  
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

\_\_\_\_\_  
City Attorney

