

ORDINANCE NO. 16-03

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-15-05, 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:

WHEREAS, consistent with the findings of the State Legislature, the City Council finds that the waters of the State are of limited supply and are subject to ever increasing demands;

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

WHEREAS, 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;

WHEREAS, allocation-based and tiered water rate structures allow public agencies to document water use in landscapes;

WHEREAS, all water services within the City are metered and billed based on volume of use;

WHEREAS, Costa Mesa is served by two water purveyors, Irvine Ranch Water District (IRWD) and Mesa Consolidated Water District (Mesa). 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. Mesa is implementing enforcement of water waste prohibitions for all existing metered landscaped areas within its jurisdiction by Water Conservation Ordinance No. 46 adopted on November 12, 2015, which limits the watering and irrigation of landscaping to one day a week;

WHEREAS, On January 19, 2010, the City Council adopted Water Efficient Landscape Ordinance and corresponding Guidelines consistent with the requirements of AB 1881;

WHEREAS, the purpose of the amendment to City's Water Efficient Landscape Ordinance and Guidelines is to establish an alternative model acceptable under 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 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, providing rebate incentives and offering educational programs.

WHEREAS, on February 16, 2016, City Council of the City of Costa Mesa held a duly-noticed public hearing and considered the staff report, recommendations by Planning Commission and the City Attorney, and public testimony regarding amendments to Title 13, Chapter VII of the Costa Mesa Municipal Code and the Guidelines attached as Exhibit A.

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

SECTION 1: Title 13, Chapter VII, Section 13-101 of Costa Mesa Municipal Code is hereby amended as follows:

- (a) The provisions of this chapter apply to all zoning districts in the City, except R-1.
“[...]

- (e) 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 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. 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 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 A of the *Guidelines*;
4. 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 requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix A of the *Guidelines*.

(d) This water Efficient Landscape Ordinance does not apply to:

1. Registered local or state historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;

SECTION 2: Title 13, Chapter VII, Section 13-106 of the Costa Mesa Municipal Code is hereby amended as follows:

(a) All required landscaped areas, including landscape areas within parking lots, shall consist of drought tolerant plan material and shall meet the following minimum requirements:

[...]

(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 layer of uncontaminated compost or mulch as required per Water Efficient Landscape Guidelines. 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 thresholds established by the Guidelines, except for active play areas such as parks, sports fields and golf courses. 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.

SECTION 3: Title 13, Chapter VII, Section 13-107, as follows:

“Sec. 13-107. IRRIGATION REQUIREMENTS

(a) Irrigation and drip systems shall be provided in accordance with Section 2.5 of the Water Efficient Landscape Guidelines. All landscaped areas as specified in the Guidelines shall be provided with an approved irrigation system. Landscaped areas 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:** The Irrigation and/or drip system shall consist of

underground piped water lines with low water flow sprinklers and/or a drip or trickle irrigation system as specified in the Guidelines. 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.

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 Municipal 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 _____ 2016.

Stephen Mensinger, Mayor

ATTEST:

Brenda Green
City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF COSTA MESA)
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2016, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2016, was duly passed and adopted by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brenda Green
City Clerk of the City of Costa Mesa