



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 16, 2016

ITEM NUMBER: PH-1

SUBJECT: AN ORDINANCE TO ADOPT CODE AMENDMENT CO-15-05: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE PLAN AND RELATED GUIDELINES

DATE: JANUARY 25, 2016

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

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RECOMMENDATION

The Planning Commission recommends that City Council:

- 1) Give first reading to Ordinance 16-03 to adopt Code Amendment CO-15-05 amending Costa Mesa Municipal Code Title 13 Chapter VII, Landscape Standards,
- 2) Adopt resolution approving an update to the Water Efficient Landscape Guidelines.

BACKGROUND

On January 25, 2016, the Planning Commission held a public hearing and recommended first reading of the ordinance and approving an update to the Water Efficient Landscape Guidelines in accordance with the latest State requirements.

Assembly Bill 1881 and Current Requirements

In 2006, Assembly Bill 1881 amended the Water Conservation in the Landscape Act. The bill required that: 1) DWR update the original Model Water Efficient Landscape Ordinance; and 2) cities and counties update local Landscape Ordinances by January 1, 2010 so that they are "at least as effective as" DWR's updated Model Ordinance.

On February 2, 2010, the City Council adopted Ordinance No. 10-02 that provided the Water Efficient Landscape requirements currently in effect and applicable to the following public and private projects in all zones:

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 by developers or property managers 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 areas greater than 2,500 square feet affecting at least 50 percent of the total landscaped area; and planned to occur within one year.

Governor's Executive Order

On April 1, 2015, the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent from 2013 levels.

Order actions to save water include:

- Replace 50 million square feet of lawns throughout the state with drought tolerant landscaping in partnership with local governments;
- Direct the creation of a temporary, statewide consumer rebate program to replace old appliances with more water and energy efficient models;
- Require campuses, golf courses, cemeteries and other large landscapes to make significant cuts in water use;
- Prohibit new homes and developments from irrigating with potable water unless water-efficient drip irrigation systems are used; and,
- Ban watering of ornamental grass on public street medians.

In response to the executive order, the State Department of Water Resources, developed a new model ordinance with more restrictive water usage for public and private landscape areas. Similar to the process in 2010, the state model ordinance was used by the Municipal Water District of Orange County to draft an updated county ordinance and guideline. The proposed ordinance, which is an amendment to the existing is following the same ordinance and guidelines to meet the state requirements.

Requirements of the state ordinance has become effective December 1, 2015; and the cities were required to adopt the state model or ordinance with the same or more restrictive requirements. The Cities were also required to start reporting on projects under the requirements on December 31st of each year. The first report on compliance with the state requirements was submitted on December 23, 2015.

ANALYSIS

Draft Ordinance and 2016 Water Efficient Landscape Guidelines

The proposed ordinance and guidelines are amendments to 2010 Water Efficient Landscape requirements. The current Guidelines can be referred to at the following link:

<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=255>

The following include the major changes to the state ordinance that has been included in the attached ordinance and guidelines:

- 1) Landscape Threshold Subject to Ordinance
 - New construction reduced to 500 square feet
 - a) Previous size thresholds :2500 square feet for public and private development and 5000 square feet for owner built custom homes
 - Rehabilitated landscape projects
 - a) 2,500 square feet requiring a building or landscape permit, plan check, or design review
- 2) Efficient Irrigation Systems required for the following:
 - Residential landscape areas over 5000 square feet
 - Non-residential areas over 1000 square feet
 - Minimum width of turf irrigated with overhead irrigation from 8 to 10 feet
 - Areas of turf below this threshold must be irrigated with subsurface drip or other technology
 - Pressure regulators and master valves
- 3) Gray Water Usage:
 - Encourages the installation of graywater systems
 - All graywater systems shall conform to any applicable local ordinance standards and the California Plumbing Code (Title 24, Part 5, Chapter 16)
- 4) Soil Preparation:
 - Stormwater Management to maximize water retention and infiltration
 - Planted landscape areas required to have friable soil
- 5) Compost and Mulch application:
 - At a rate of a minimum of four cubic yards per 1,000 square feet of permeable area incorporated to a depth of six inches into the soil
 - A minimum three inch (3") layer of mulch applied on all exposed soil surfaces of planting areas except in turf areas
- 6) Limiting the Portion of Landscapes that can be Covered in Turf
 - a) The landscape water budget (Maximum Applied Water Allowance) was reduced from 70% of the reference evaporation (ETo) to 50% for residential areas
 - This reduces the area that can be planted by turf in the residential landscapes from 33% to 25%
 - 40% of ETo for non-residential areas (this does not provide enough water for planting of turf)
 - b) Turf installation is permitted when it is used for specific functions and purposes:

- The landscape ordinance water budget provides extra water allowances for functional turf (sports, recreational, picnic areas and areas irrigated with recycled water)
- No turf will be allowed in street medians or in parkways Unless the parkways is next to a parking strip and a flat surface is required to enter and exit vehicles.

PUBLIC NOTICE

Code requires publication of a display Ad in the local newspaper (Daily Pilot) for Title 13 Code Amendments. At the time of publication of this report, no public comments have been received. Any correspondence will be forwarded to the City Council under separate cover. In addition to the newspaper ad, homeowners associations and other neighboring cities and government agencies were notified by mail.

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 it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

ALTERNATIVES

Direct staff to make modifications to the draft. However, the City will need to have an ordinance in effect by March 2016 as reported to the State Department of Water Resources.

LEGAL REVIEW

The draft ordinance has been reviewed by the City Attorney's Office.

CONCLUSION

The proposed ordinance and guidelines are prepared in compliance with the latest state requirements and as directed by Governor's Executive Order issued on April 1, 2015.

MINOO ASHABI, AIA
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Economic and Development Services
Director

Attachments:

1. [Draft Resolution](#)
2. [Draft Ordinance](#)
3. [Information from League of California Cities](#)