



PLANNING COMMISSION

SUPPLEMENTAL MEMORANDUM *VI.2a.*

MEETING DATE: DECEMBER 14, 2009

SUBJECT: CODE AMENDMENT CO-09-14 TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO WATER EFFICIENCY IN LANDSCAPING IN ACCORDANCE WITH STATE STANDARDS

DATE: DECEMBER 10, 2009

MS FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
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Subsequent to the release of the Planning Commission staff reports, the City Attorney's office advised that two minor changes for clarification purposes be made to the draft ordinance. These changes are highlighted in yellow below and further described as follows:

#1. Delete unnecessary reference to "developers and property managers" in draft ordinance.

Sections 13-101.1 and 13-103 of the proposed ordinance are hereby amended as follows:

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:
 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 area greater than 2,500 square feet affecting at least 50 percent of the total landscaped area; and planned to occur within one year."

#2: Include reference to Water Efficiency Landscape Guidelines for text consistency and delete reference to one-acre landscape projects:

"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. ~~In the planned development, commercial shopping center, and Town Center zones, and for all~~

~~proposed development over one acre, the plans shall be prepared under the direction of a California licensed landscape architect.~~ 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. ~~and All landscape plans for projects subject to the Water Efficiency Landscape Guidelines the developments over one acre, the plans 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."

Staff recommends that these changes be reflected in the Draft Ordinance for Council consideration.

Distribution: Deputy City Attorney
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