



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 1	DATE: November 10, 2009	PUBLIC HEARING: Yes
DESCRIPTION: Public Hearing and Approval of a Resolution Recommending Adoption of an Amendment to Chapter 23.77 of Title 23 of the Placentia Municipal Code pertaining to Xeriscape and Landscape Water Conservation Standards.		
APPLICANT: City of Placentia		
LOCATION: Not Applicable		
CEQA DETERMINATION: Exempt per Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.		
ZONING: City-wide	APN(S): Not Applicable	
GENERAL PLAN: Not Applicable	CITY COUNCIL ACTION REQUIRED: Yes	
PREPARED BY: Raynald F. Pascua, Development Services Manager		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

INTRODUCTION:

The City Council is required to enact a model landscape ordinance prior to January 1, 2010 that is at least as effective as the State model ordinance. An effort led by the Orange County Division, League of California Cities, recently produced an Orange County model ordinance for consideration by Orange County cities. The Planning Commission must hold a Public Hearing prior to adoption of a resolution recommending approval to the City Council.

POLICY CONSIDERATION:

The Planning Commission must consider the following:

- State law (California Government Code § 65595) requires that all municipalities adopt a landscape ordinance that is at least as effective as the State's Model Water Efficient Landscape Ordinance. This adoption must take place prior to January 1, 2010 or the jurisdiction must follow the State's model ordinance. The Planning Commission is asked to review the Orange County model ordinance and guidelines, as amended for the City of Placentia, and adopt a resolution recommending its approval to the City Council.

RECOMMENDED ACTION:

That the Planning Commission adopt Resolution No. R-2009-11, a Resolution of the Planning Commission of the City of Placentia recommending that the City Council adopt an ordinance (Amendment No. 09/04) amending Chapter 23.77 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to xeriscape and landscape water conservation standards.

DISCUSSION:

In 1992, the State of California enacted the Water Conservation in Landscaping Act, (AB 325) requiring the adoption of a water efficient landscape ordinance by cities and counties throughout the State. To assist local agencies, the California Department of Water Resources (DWR) developed a Model Water Efficient Landscape Ordinance that established water efficient landscape design standards for urban landscapes. This Model Ordinance served as a template for local agencies to utilize in the development of their own local water efficient landscape ordinance. Cities could adopt the DWR model ordinance outright, modify it to meet a city's local needs, or adopt an entirely different ordinance. The City currently has a xeriscape ordinance that meets these guidelines.

In 2004, the legislature passed Assembly Bill 2717 establishing a stakeholder-based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscapes and to report their findings to the governor and legislature by December 31, 2005. The report, "Water Smart Landscapes for California: AB 2717 Landscape Task Force Findings, Recommendations, & Actions," contained 43 recommendations to achieve greater landscape water use efficiency.

In 2006, Governor Schwarzenegger signed Assembly Bill 1881 (Laird, Water Conservation) amending the Water Conservation in the Landscape Act (Act). The bill requires two new things: 1) DWR is to update the original Model Water Efficient Landscape Ordinance; and 2) cities and counties are to update local Landscape Ordinances by January 1, 2010 so that they are "at least as effective as" DWR's updated Model Ordinance. Because of the new "at least as effective as" clause, meeting the requirements of AB 1881 will result in significant changes to most landscape ordinances in Orange County.

In response to the new landscape water efficiency requirements, a stakeholder group was formed under the leadership of the Municipal Water District of Orange County (MWDOC) and the Orange County Division of the League of California Cities (the Division). The stakeholder group includes representatives from the county, cities, local water agencies, Building Industries Association (BIA), Orange County Fire Authority, irrigation consultants, landscape architects, and other green industry professionals. The goal of the stakeholder group was to develop a locally-crafted Orange County Model Water Efficient Landscape Ordinance (OC Model) that will meet the "at least as effective as" requirement of State law, minimize the complexity and cost of compliance, and provide consistency between local jurisdictions. Stakeholder meetings and technical writing sessions have taken place since June of 2009. These sessions have produced an abbreviated OC Model and Guidelines for city consideration in pursuing adoption of their local ordinance. This foundational work will streamline ordinance adoption and result in costs savings to cities for ordinance development and legal review.

Analysis of New Requirements:

In evaluating the requirements of the new state Model Water Efficient Landscape Ordinance (State Model), significant differences between the new requirements and current regulations have been identified. The new requirements include the following:

1. Reduces the irrigated area compliance threshold from one acre to 2,500 square feet for developer-installed projects, public agency projects, and private development projects requiring a building or landscape permit, plan check, or design review.
2. Now requires homeowner-provided or homeowner-hired projects exceeding 5,000 square feet of irrigated area to acquire a building or landscape permit, plan check, or design review.
3. Collaboration between cities, counties, and water purveyors is now strongly encouraged in the development and implementation of water efficient landscape ordinances.
4. Local ordinances must now be “at least as effective as” the State Model and documented “on the record.”
5. Jurisdictions must now utilize evapo-transpiration based “Maximum Applied Water Allowance” (MAWA) rates of 0.7 instead of 1.0. The use of the new MAWA rate represents a 30% reduction in water allocation for new landscapes.
6. Water purveyors are now required to offer landscape surveys and/or incentive programs targeting landscape irrigation efficiency for new and existing landscapes.
7. Local ordinances must now address smaller landscaping projects including single-family residential projects.
8. Local jurisdictions must now regulate existing landscapes for water waste.
9. A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in the State Model.

In reviewing the requirements of the State Model, it appears that some of the steps may be duplicative or redundant to requirements already in place in Orange County, while other steps may be able to be repackaged to simplify the application process, depending on the scale of the proposed project. The comments received in the public dialogue meetings have emphasized local control and flexibility in the regulations to help avoid complexity, redundancy, and cost in the permitting process.

Guiding Principles for Orange County:

The Division, in partnership with MWDOC, has developed an OC Model for Orange County cities. Input into this process was broad including city council members, city planning staff, water agency staff, Building Industry Association-members, irrigation consultants, landscape architects, and other green industry representatives. There were three broad policy principles that drove the Technical Drafting Committee:

- 1) To protect **local control** and mitigate the creation of increased layers of government and oversight.
 - a) While the State Model meets the requirements of the law, it goes a step further by including detailed and prescriptive language identifying how local agencies will meet targets. However, the law only requires that local agencies adopt an ordinance that is “at least as effective” as the State Model in reaching targets.
 - b) In addition, one size does not fit all. Many of the prescriptive measures in the State Model are not the most effective solutions for the diversity of ecological realities that exist between the various cities in Orange County. In the spirit of local land use decision making, we wanted cities to be able to adopt an ordinance relevant to its particular situation.
 - c) Using the State Model as a starting point, the OC Model separates the “what” from the “how,” by creating a simple, clear model ordinance and a separate guidelines document that can be easily updated, edited, or augmented as a local agency sees fit for its particular situation.
- 2) To ensure as much **simplicity, efficiency, and flexibility** as possible.
 - a) The approach to protect local control also supports simplicity and efficiency. While the State Model is over 33-pages, the OC model is 11-pages, with a 13-page guidelines companion document. The customizable guidelines document provides flexibility to cities and can be easily updated as technologies and laws change.
 - b) The OC Model allows for self-certification, eliminating the need for additional layers of government and review, minimizes the cost of implementation, and yet allows cities to review in-house or out-source, if the self-certification option is not desired.
 - c) Because the OC Model reflects the minimum “at least as effective” requirements, it allows cities the flexibility to decide to implement more stringent requirements, or to add reference to methods and programs relative to their specific city in the guidelines document.
- 3) To provide for as much **consistency** among OC cities as possible, while mitigating the negative impacts that many different ordinances would have on the recovery of the building industry and the economy in general.
 - a) The OC Model provides consistency across the county. If a majority of OC cities adopt the OC Model, the negative impacts of many different ordinances and requirements will be mitigated, and cities will – in effect – help to promote the rebound of the building industry and jobs creation that is vital to our economy.
 - b) If a majority of OC cities adopt the OC Model, it will be easier to provide training and updates to cities in the future as technologies change and updated educational information becomes needed.

Proposed Orange County Approach:

The State Model contained 33 pages of both policy issues and technical procedures. The approach taken by the Technical Drafting Committee was to separate the policy issues and technical procedures into two documents; the OC Model Ordinance and Guidelines respectively. This resulted in a succinct 11 page ordinance supported by a 13 page guidelines document. The local amendments proposed for Placentia include minor changes not impacting the ability to be as least as effective as the State requirements.

The cornerstone of the OC Model Ordinance and Guidelines is a self-certification process that will streamline the permitting process and reduce costs for applicants and local agencies. The self-certification includes two steps. First, the landscape designer will sign a Certification of Design, which includes their license number and/or professional stamp, stating that the landscape design is in conformance with the City ordinance and guidelines. The permit will not be issued unless the Landscape Documentation Package is complete, including this certification. Second, once construction of the landscape is complete, the installation contractor or designer will sign the Landscape Installation Certificate of Completion stating that the installation is complete and is in substantial conformance with the original plan. Once the Landscape Installation Certificate of Completion is accepted by the City, the permit will be completed. While this option has been established in the OC Model, some local agencies may choose the alternate approach of a formal plan check and design review.

Summary:

Overall, the impact to existing single-family residential properties in Placentia is extremely minimal given the square footage requirements. That is, the typical Placentia property is 7,000 square feet. The proposed ordinance requirements are that new landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other water features, but excluding hardscape, be equal to or greater than 5,000 square feet, **and** which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature. Accordingly, while the ordinance provides valuable guidance, it does not intend to negatively impact our residents.

Submitted by:

Reviewed and Approved by:

Raynald F. Pascua
Development Services Manager

Kenneth A. Domer
Assistant City Administrator

Attachments: Resolution R-2009-11
Proposed Ordinance
Proposed Guidelines

ORDINANCE NO. O-2009-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA AMENDING CHAPTER 23.77 OF TITLE 23 OF THE PLACENTIA ZONING ORDINANCE PERTAINING TO XERISCAPE AND LANDSCAPE WATER CONSERVATION STANDARDS.

City Attorney's Summary

This Ordinance amends Chapter 23.77 of Title 23 of the Placentia Municipal Code pertaining to xeriscape requirements and water efficient landscape design, installation, maintenance and management in the City of Placentia pursuant to the requirements of California Government Code § 65595 and provides for the adoption, by Administrative Regulation, of guidelines for implementation thereof.

A. Recitals.

(i) The Legislature has determined that it is the policy of the State of California to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

(ii) This City Council concurs in that legislative determination and further finds that landscapes are essential to the quality of life in the City 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.

(iii) Landscape design, installation, maintenance, and management can and should be water efficient.

(iv) Incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991.

(v) Current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals and all water services within the City are metered.

(vi) landscape plan submittal and review has been a

long standing practice in Placentia since the average rainfall in the City is approximately 12 inches per year.

(vii) The local water purveyor are implementing a budget- based tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered landscaped areas throughout its service area, which includes the City.

(viii) Consistent with these findings, the purpose of this Ordinance is to establish an alternative model acceptable under California Government Code § 65595 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 promote the benefits of consistent landscape ordinances with neighboring local and regional agencies; promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in *new construction* and rehabilitated projects; establish provisions for water management practices and water waste prevention for existing landscapes; 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 encourage the use of economic incentives that promote the efficient use of water, such as implementing a *budget-based tiered-rate structure*.

(ix) On November 10, 2009, the Planning Commission of the City of Placentia conducted and concluded a duly noticed public hearing, as required by law, concerning amendments to the provisions of Chapter 23.77 of Title 23 of the Placentia Municipal Code, as heretofore adopted, (the Placentia Zoning Ordinance) set forth hereinafter and recommended, by its Resolution No. _____ that the City Council adopt said amendments.

(x) On November 24, 2009, this City Council conducted and concluded a duly noticed public hearing, as required by law, concerning the amendments to the Placentia Zoning Ordinance set forth below.

(xi) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

SECTION 1. In all respects, as set forth in the Recitals, Part A, of this Ordinance.

SECTION 2. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder pursuant to § 15307 of Division 6 of Title 14 of the California Code of Regulations and this Ordinance is an action taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Administrator or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 3. Chapter 23.77 of Title 23 of the Placentia Municipal Code, hereby is amended to read, in words and figures, as follows:

"Chapter 23.77

"XERISCAPE AND WATER EFFICIENT LANDSCAPE ORDINANCE

"Sections:

"23.77.010	Purpose
"23.77.020	Definition
"23.77.030	Applicability
"23.77.040	Submittal of plans
"23.77.050	Xeriscape criteria
"23.77.060	Definitions
"23.77.070	Water Efficient Landscape Requirements - Applicability
"23.77.080	Implementation Procedures
"23.77.090	Landscape Water Use Standards
"23.77.100	Delegation

"Section 23.77.010 - Purpose

"The purpose of this chapter is to reduce the consumption of water in a landscape through the use of xeriscape principles and to implement water efficient

landscape requirements pursuant to the requirements of California Government Code § 65595.

"23.77.020 - Definition of Xeriscape

"'Xeriscape' means a combination of landscaping and irrigation techniques which reduce the demand for water required to maintain a given landscape. The primary techniques are:

- "A. Use of water-conserving plants;
- "B. Minimum amount of turf (grass area);
- "C. Plants grouped based on watering needs;

"D. Irrigation system designed to meet the needs of the plants in the landscape.

"23.77.030 - Applicability

"New developments, including move-ons, in all commercial, industrial and multiple-family districts and model homes for new projects in single-family districts shall be required to submit plans which comply with the provisions of this chapter.

"23.77.040 - Submittal of plans

"Both landscape and irrigation plans shall be submitted for plan check and approval by the department of development services. Landscape and irrigation plans shall be prepared by a licensed California landscape architect; irrigation plan may be prepared by a professional irrigation consultant. In the case of HCD defined affordable housing of four (4) units or less, the director of development services may permit plan to be designed by an alternate landscape professional. A list of water-conserving plants and/or plants native to hot/dry summers shall be kept on file with the development services department and made available for reference upon request.

"A. Landscape plans shall include the following:

"(1) Type, location and quantity of all species of plants utilized in the landscape including the percentage of low water use plants;

"(2) The type of and percentage of turf;

"(3) The location, percentage and types of mulch utilized;

"(4) A plant materials legend with both scientific and common names, quantity, size and descriptive remarks;

"(5) Planting notes and installation details.

"B. Irrigation plans shall include:

"(1) A system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems;

"(2) An irrigation legend with complete specifications;

"(3) Irrigation notes and construction details of all assemblies and components;

"(4) A recommended irrigation schedule, preferably on an annual basis.

"A summary block shall be required on the initial page of submitted plans which will present the above information clearly and accurately.

"23.77.050 - Xeriscape criteria

"Landscape and irrigation plans shall be reviewed for compliance with the xeriscape criteria. These comprise a point system with points awarded for both landscape and irrigation techniques. A total of one hundred (100) points shall be achieved in each technique category to obtain a landscaping/irrigation permit.

"Landscape technique	Points
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"Water conserving plants, and/or plants native to hot/dry summers, utilized in seventy-five (75) percent of the total plant area of the landscape.	40
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"Turf limited to thirty (30) percent of the total landscape area in residential projects;	30
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twenty (20) percent of the total landscape in all other projects. In no case shall turf make up more than fifty (50) percent of the total landscape.

"Plants in the landscape grouped based on the amount of water needed to sustain them. 20

"Mulch (wood chips, bark, manures, sawdust, etc.) utilized in the landscape. Two (2) inches minimum, three (3) inches preferred. 10

"Hardscape, or nonirrigated surfaces used in at least ten (10) percent of the total landscape. 10

"Where turf is utilized, the use of a proven water-conserving turf. 10

"Irrigation technique Points

"Low-water volume irrigation system. 40

"Automatic irrigation system adjusted seasonally (watering hours between 7:00 p.m. and 10:00 a.m.) 30

"Irrigation system designed to water different areas of the landscape based on watering need. (Drip/trickle system for shrubs, etc.) 20

"Use of reclaimed or recycled water in accordance with health and safety codes. 10

"Soil moisture sensor used in conjunction with the automatic irrigation system. 10

"Rain sensors used in conjunction with the automatic irrigation system. 10

"Additional comparable points (not to exceed twenty (20)) may be awarded for the use of any water-conserving method not listed above which the department of development services finds to be in accord with the purposes of this chapter.

"23.77.060 - Definitions

"The following definitions are applicable to this

chapter:

"*Applied water*" means the portion of water supplied by the irrigation system to the landscape.

"*Budget-based tiered-rate structure*" means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

"*Ecological restoration project*" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"*Estimated Applied Water Use*" means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

"*ET adjustment factor*" ('*ETAF*') is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The *ETAF* is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area.

"A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an *ET adjustment factor* of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this Water Efficient Landscape Ordinance and the Guidelines, except that the *ETAF* for a special landscape area shall not exceed 1.0.

"*Guidelines*" refers to the Administrative Regulations adopting '*Guidelines for Implementation of the Xeriscape and Water Efficient Landscape Ordinance*,' as adopted by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

"*Hardscapes*" means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water

features are considered part of the landscaped area and not considered hardscapes for purposes of this chapter.

"*Homeowner installed landscape*" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer-installed residential landscape projects.

"*Irrigation efficiency*" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

"*Landscaped area*" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"*Landscape contractor*" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"*Landscape Documentation Package*" means the documents required to be provided to the City for review and approval of landscape design projects, as described in the Guidelines.

"*Landscape project*" means total area of landscape in a project, as provided in the definition of 'landscaped area,' meeting the requirements under § 23.77.070 of this chapter.

"*Local agency*" means a city or county, including a charter city or charter county, that is authorized by the City to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City. The local agency may be

responsible for the enforcement or delegation of enforcement of this chapter including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

"*Local water purveyor*" means any entity, including a public agency, city, county, or private water company that provides retail water service within the jurisdictional boundaries of the City, as the same now exist or as may be modified in future.

"*Maximum Applied Water Allowance*" ('MAWA') means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

"*Mined-land reclamation projects*" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"*New construction*" means, for the purposes of this chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

"*Non-pervious*" means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

"*Pervious*" means any surface or material that allows the passage of water through the material and into the underlying soil.

"*Permit*" means an authorizing document issued by local agencies for new construction or rehabilitated landscape.

"*Plant factor*" or '*plant water use factor*' is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the

California Department of Water Resources 2000 publication 'Water Use Classification of Landscape Species.'

"*Recycled water*" or "*reclaimed water*" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. Such water is not intended for human consumption.

"*Reference evapotranspiration*" or "*ETo*" means a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

"*Rehabilitated landscape*" means any re-landscaping project that meets the applicability criteria of § 23.77.070.A, where the modified landscape area is greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are planned to occur within one year.

"*Smart automatic irrigation controller*" means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"*Special landscape area*" means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

"*Turf*" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

"*Valve*" means a device used to control the flow of water in an irrigation system.

"*Water feature*" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams,

spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

"23.77.070 - Applicability

"A. Commencing January 4, 2010, all planting, irrigation, and landscape-related improvements required by this chapter shall apply to the following landscape projects:

"(1) New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;

"(2) New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;

"(3) new landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;

"(4) Section 23.77.090 of this chapter shall apply to all landscaped areas installed after January 4, 2010 to which § 23.77.090 is applicable.

B. "This chapter does not apply to:

"(1) Registered local, state, or federal historical sites;

"(2) Ecological restoration projects that do not require a permanent irrigation system;

"(3) Mined-land reclamation projects that do not require a permanent irrigation system; or

"(4) Plant collections, as part of botanical gardens and arboretums open to the public.

"23.77.080 - Implementation Procedures

"A. Prior to installation, a Landscape Documentation Package shall be submitted to the City for review and approval of all landscape projects subject to the provisions of this chapter. Any Landscape Documentation Package submitted to the City shall comply with the provisions of the Guidelines.

"B. The Landscape Documentation Package shall include a certification by a professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this chapter and the Guidelines.

"C. Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the Guidelines and shall be provided to the local water purveyor, as appropriate, under procedures determined by the City

"D. Verification of compliance of the landscape installation with the approved plans shall be obtained through a Certification of Completion in conjunction with a Certificate of Use and Occupancy or Permit Final process, as provided in the Guidelines.

"23.77.090 - Landscape Water Use Standards

"A. For applicable landscape installation or rehabilitation projects subject to Section 1.1(a) of this Water Efficient Landscape Ordinance, the Estimated Applied Water Use

allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the Guidelines.

"B. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local water purveyor and the local agency.

"23.77.100 - Delegation.

"The City may delegate to, or into a contract with, a *local agency* to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

Section 6. Penalty for Violation.

It shall be unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance hereby adopted. Any person, firm, partnership or corporation violating any provision of this Ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each and every person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefor as provided in this Ordinance.

Section 7. Civil Remedies Available.

The violation of any of the provisions of this Ordinance hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order,

preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

Section 8. Severability.

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 9. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and

posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED and ADOPTED this ___ day of _____, 2009.

GREG SOWARDS, MAYOR

ATTEST:

PATRICK J. MELIA, CITY CLERK

I, PATRICK J. MELIA, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on the ____ day of _____, 2009 and was finally adopted at a regular meeting held on the ____ day of _____, 2009, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

PATRICK J. MELIA, CITY CLERK

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

**RESOLUTION NO. R-2009-11
AMENDMENT NO. 09/04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE (AMENDMENT NO.09/04) AMENDING CHAPTER 23.77 OF TITLE 23 (ZONING ORDINANCE) OF THE PLACENTIA MUNICIPAL CODE PERTAINING TO XERISCAPE AND LANDSCAPE WATER CONSERVATION STANDARDS.

A. Recitals.

(i) On November 10, 2009, this Planning Commission conducted a duly noticed public hearing, as required by law, to consider Amendment No. 09/04 with said public hearing having been concluded prior to adoption of this Resolution.

(ii) This Planning Commission has reviewed and considered all elements of proposed Amendment No. 09/04, including written staff reports and verbal testimony presented during the above-referenced public hearing.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

1. This Commission hereby specifically finds that all the facts as set forth in the Recitals, Part A, of this Resolution are true and correct.

2. This Commission finds, and recommends the City Council find, that Amendment No. 09/04 is in conformance with the Placentia General Plan.

3. This Commission finds, and recommends the City Council find, that Amendment No. 09/04 specified within the proposed Ordinance attached hereto as "Exhibit A" and made a part hereof, will promote the orderly development of the City and the public health, safety and welfare.

4. This Commission finds, and recommends the City Council find, that Amendment No. 09/04 will not have a detrimental effect upon land available for housing within the City.

5. Amendment No. 09/04 responds to requirements of State and other laws, and provides findings, definitions, procedures and standards which support proactive land use, code enforcement and development activities within the City.

6. Amendment No. 09/04 promotes implementation of the goals and policies set forth in the General Plan and Redevelopment Guidelines.

7. Amendment No. 09/04 will not be (a) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to property or improvements within the neighborhood of the proposed amendment or within the City. Amendment No. 09/04 allows for xeriscape requirements and water efficient landscape design, installation, maintenance and management.

8. The Planning Commission hereby makes, and recommends the City Council make, the following finding: Pursuant to the provisions of the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15307) and Placentia Environmental Guidelines, Amendment No. 09/04 will not have a significant effect on the environment and is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

9. The Planning Commission hereby recommends that, upon adoption of Amendment No. 09/04, a Notice of Exemption be filed with the Orange County Clerk/Recorder, as required by law.

10. This Commission finds, and recommends the City Council find, that the facts supporting the above specified findings are contained in the staff report and exhibits, and information provided to this Planning Commission during the public hearing conducted with respect to Amendment No. 09/04.

11. This Commission hereby recommends that the City Council of the City of Placentia approve Amendment No. 09/04 as specified within "Exhibit A" attached hereto.

12. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution; and

b. Forthwith transmit a certified copy of this Resolution to the City Council of the City of Placentia together with all documents prepared with respect to these considerations and transcripts of any and all hearings conducted with respect to the Ordinance recommended for approval herein.

PASSED AND ADOPTED this 10th day of November, 2009, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

Chairman

ATTEST:

Secretary



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 2	DATE: November 10, 2009	PUBLIC HEARING: No
DESCRIPTION: General Plan Conformity Finding Per Government Code Section 65402(a) for 911 Bradford Avenue for Street/Sidewalk and Public Right-of-Way Purposes.		
APPLICANT: City of Placentia		
LOCATION: 911 N. Bradford Avenue		
CEQA DETERMINATION: N/A		
ZONING: R-1 Residential	APN(S): 339-283-18	
GENERAL PLAN: Low Density Residential	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Raynald F. Pascua, Development Services Manager		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

INTRODUCTION:

In accordance with Government Code Section 65402(a), it is necessary for the Planning Commission to make a General Plan consistency finding with respect to the acquisition and/or disposition of certain properties. City Staff has determined that the contemplated property acquisition is consistent with the adopted General Plan and is recommending that the Planning Commission formally so find.

POLICY CONSIDERATION:

The Planning Commission must answer the following question:

- Is the proposed *use* of the property to be acquired consistent with the General Plan land use designation?

RECOMMENDED ACTION:

City Staff recommends the Planning Commission find that the property acquisition discussed in this Report conforms to the adopted General Plan and direct City staff to report these findings to the City Council.

DISCUSSION:

In particular, § 65402(a) states no real property shall be acquired by dedication or otherwise for ... public purposes, ... until the location, purpose and extent of such acquisition ... [has] been submitted to and reported upon by the planning agency. In this case, the planning agency is deemed to be the Planning Commission.

The government code allows the legislative body (City Council) to create a blanket provision by ordinance or resolution so the provisions of this subdivision shall not apply

to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature. Accordingly, at a future City Council meeting the City Attorney will propose such an ordinance so that ministerial acquisitions for public street purposes are considered to be in conformity. However, since the proposed blanket ordinance is not in effect, the Planning Commission is asked to make a finding of conformity.

The City is considering the acquisition of a small portion of a property for the purpose of a street widening and sidewalk installation project. This is a Safe-Routes-to-School project at Bradford Avenue and Madison Avenue. The subject property and their current and future anticipated uses are as follows:

Address	Assessor's Parcel Number	General Plan Land Use Designation	Zoning Designation	Current Use of Property	Future Use of Property
911 N. Bradford Avenue	APN: 339-283-18	Low Density Residential	R-1	Residential front yard	Street and Sidewalk

In accordance with Government Code Section 65402, the location, purpose and extent of this acquisition must be submitted to and reported upon by the Planning Agency, in this case the Development Services Department and the Planning Commission as to conformity with the adopted General Plan.

City Staff has reviewed the location, purpose and extent of the above-described property acquisition being considered by the City, as well as the applicable provisions of the General Plan, and has concluded that they are in conformity with the General Plan based on street and sidewalk purposes and proposed safety improvements which will benefit, and is in harmony with, the low density land use designation.

Submitted by:

Reviewed and Approved by:

Raynald F. Pascua
Development Services Manager

Kenneth A. Domer
Assistant City Administrator

Attachments: Project Map
Resolution No. R-2009-10
Plat Map

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF PLACENTIA MAKING CERTAIN
FINDINGS CONCERNING THE PROPOSED
ACQUISITION FOR STREET/SIDEWALK AND PUBLIC
RIGHT OF WAY AND PUBLIC UTILITY PURPOSES,
LOCATED 911 BRADFORD AVENUE, WITH RESPECT TO
THE CONSISTENCY OF THE PROPOSED ACQUISITION
WITH THE CITY OF PLACENTIA GENERAL PLAN
PURSUANT TO CALIFORNIA GOVERNMENT CODE
§ 65402**

A. Recitals.

(i) The City of Placentia desires to acquire that certain parcel of real property located 911 Bradford Avenue, in the City of Placentia, (“Property”) for the purpose of street/sidewalk improvements/widening, right of way and public utilities.

(ii) The Property is depicted on the map in Exhibit “A,” attached hereto and incorporated herein by this reference.

(iii) California Government Code § 65402(a) provides, in relevant part, as follows:

“If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for . . . public purposes, . . .if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition . . . [has] been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.”

(iv) The proposed acquisition of the Property will constitute an action within the meaning of § 65402 (a).

(v) The Planning Commission has reviewed the proposed acquisition of the Property and is fully advised with respect thereto. The Property in question is to provide for street/sidewalk improvements/widening, right of way and public utilities and the acquisition thereof will enhance the circulation element and other planned uses for the general plan district where the Property is located.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

1. The Planning Commission hereby specifically finds that all the facts as set forth in the Recitals, Part A, of this Resolution are true and correct.

2. In accordance with, and pursuant to, the requirements of California Government Code § 65402(a), the proposed acquisition of the Property hereby is found to conform to the General Plan of the City of Placentia.

3. The Secretary to the Planning Commission shall certify to the adoption of this resolution and transmit a full, true and correct copy to the City Clerk of the City of Placentia.

PASSED AND ADOPTED this 10th day of November, 2009, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAINED: COMMISSION MEMBERS:

Chairman

ATTEST:

Secretary

RESOLUTION NO. R-2009-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA MAKING CERTAIN FINDINGS CONCERNING THE PROPOSED ACQUISITION PUBLIC PARKING AND RELATED PURPOSES, LOCATED 101 AND 125 EAST CROWTHER AVENUE WITH RESPECT TO THE CONSISTENCY OF THE PROPOSED ACQUISITION WITH THE CITY OF PLACENTIA GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE § 65402

A. Recitals.

(i) The Redevelopment Agency of City of Placentia desires to acquire those certain parcels of real property generally located at 101 - 125 East Crowther Avenue, in the City of Placentia, (Assessor's Parcel Nos. 339-063-01, 339-063-02 and 339-063-03) ("Property") for the purpose of public parking and related uses.

(ii) The Property is depicted on the map in Exhibit "A," attached hereto and incorporated herein by this reference.

(iii) California Government Code § 65402(a) provides, in relevant part, as follows:

"If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for . . . public purposes, . . .if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition . . . [has] been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof."

(iv) The proposed acquisition of the Property will constitute an action within the meaning of § 65402 (a).

(v) The Planning Commission has reviewed the proposed acquisition of the Property and is fully advised with respect thereto. The Property in question is to provide for street/sidewalk improvements/widening, right of way and public utilities and the acquisition thereof will enhance the

circulation element and other planned uses for the general plan district where the Property is located.

NOW, THEREFORE, the Planning Commission of the City of Placentia does hereby find, determine, and resolve as follows:

1. The Planning Commission hereby specifically finds that all the facts as set forth in the Recitals, Part A, of this Resolution are true and correct.

2. In accordance with, and pursuant to, the requirements of California Government Code § 65402(a), the proposed acquisition of the Property hereby is found to conform to the General Plan of the City of Placentia.

3. The Secretary to the Planning Commission shall certify to the adoption of this resolution and transmit a full, true and correct copy to the Secretary of the Redevelopment Agency of the City of Placentia.

PASSED AND ADOPTED this 10th day of November, 2009, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAINED:	COMMISSION MEMBERS:

Chairman

ATTEST:

Secretary



Placentia Planning Commission Agenda Staff Report

AGENDA ITEM NO.: 4	DATE: November 10, 2009	PUBLIC HEARING: No
DESCRIPTION: Report on Agency and City Owned Residential Properties		
APPLICANT: Not Applicable		
LOCATION: Not Applicable		
CEQA DETERMINATION: Not Applicable		
ZONING: Not Applicable	APN(S): Not Applicable	
GENERAL PLAN: Not Applicable	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Kenneth A. Domer, Assistant City Administrator		
REVIEWED BY: Raynald F. Pascua, Development Services Manager		

INTRODUCTION:

The City of Placentia and Placentia Redevelopment Agency own several residential parcels. This report lists those properties, current uses, and potential uses according to City or Agency plans.

POLICY CONSIDERATION:

- This is a receive and file report. The Planning Commission must make findings of conformity to the General Plan when the City or Agency acquire or dispose of properties. No such policy consideration is required for this report.

RECOMMENDED ACTION:

Receive and file.

DISCUSSION:

The City of Placentia and Placentia Redevelopment Agency own several residential and commercial properties. As discussed at prior Planning Commission meetings, this is to report on those residential properties that the City or Agency own. This does not include potential property purchases. This report does not include City-owned properties used for park, governmental activities such as community centers, landscape areas or other easements.

City Owned Residential Property:

Address	APN	Use
117 N. Main Street	339-033-05	Adjacent to Kraemer Memorial Park, property is currently leased to Evidence of Change, a non-profit psychological counseling center.

Agency Owned Residential Properties:

Address	APN	Use
312 Baker Street	339-391-15	Vacant Lot. To be used for larger housing development.
314 Baker Street	339-391-14	Vacant SFR. To be used for larger housing development.
323 Baker Street	339-392-19	Vacant SFR. To be used for larger housing development.
307 Baker Street	339-392-14 339-392-15	Vacant Commercial. To be used for larger housing development.
336 W. Santa Fe	339-392-05	SFR. Affordable rental housing.
229 Alta Street	339-061-10	SFR. Affordable rental housing.
913 N Bradford Ave	339-283-17	SFR. Currently leased to HIS House for transitional living facility.
127 S Main Street	339-354-17	SFR. Affordable rental housing.

The Planning Commission has made conformity findings for several proposed Agency property acquisitions. These proposed acquisitions are not listed but include property located at 1616 Atwood/Oak Street in the Atwood community. This transaction is ongoing. A proposed property acquisition near 1700 Vincente in the Atwood community is no longer proposed by the Agency due to changing priorities and funding availability. Additional findings have been made for commercial properties related to parking or transit related opportunities in the downtown Placentia area.

Submitted by:

Kenneth A. Domer
Assistant City Administrator