

Native Plant Ordinance Draft Outline

CHAPTER 23.27 PLANT AND TREE REGULATIONS

23.27.030 Native Plant Ordinance

1. Intent and Purpose.

It is the intent of this article that these minimum landscape requirements be incorporated in order to promote environmental sustainability and resilience, improve habitat and local native biodiversity, increase local pollinators, improve natural spaces including habitat linkages, promote community aesthetics and function, foster long-term successful native landscapes, and promote reduced water usage.

2. Definitions.

For the purpose of this chapter the following definitions shall apply:

“Adjacent” shall mean immediately next to, sharing a common property line, or adjoining together.

“City owned property” shall mean any property owned, occupied, or controlled by the City of Encinitas, including but not limited to, school grounds, parks, playgrounds, lawns, streets, sidewalks, right-of-ways, waters, waterways, trails, beaches, habitat restoration areas and open spaces.

“Cultivar” shall mean a selection from the wild of a native plant for its unique attributes and traits such as taste, smell, size, or color.

“Environmentally sensitive areas” shall mean any land or waters in which plants, animal life, or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development as defined per Public Resource Code 30107.5.

“Hybrid Plant” shall mean a naturally occurring cross between two different native plant species or varieties.

“Invasive plant species” shall mean any plant listed on either of the following lists: San Diego County Weed Management Area Watchlist and California Invasive Plant Council (CalIPC) list containing one of the following ratings: high, moderate, alert, and watch.

“Landscaping area” shall mean all existing or proposed planting areas located in the project boundaries including, but not limited to, at grade planter beds, raised planter boxes or beds, green roofs, and stormwater BMP’s. Landscaping areas shall not include structures, landscaped walls, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other similar previous or non-pervious hardscapes.

“Multi-family development” shall mean two or more primary units onsite.

“Native plant” any plant known (specimens, seeds, cuttings, etc.) to occur in California prior to European contact. These plants evolved in California over a very long period, and are the plants that have co-evolved with animals, fungi and microbes, to form a complex network of relationships. Native cultivars (i.e. select native plant specimens propagated for landscaping purposes) and naturally occurring hybrids of native plants will also be considered native for the purpose of the ordinance.

“Undeveloped areas” shall mean publicly or privately owned lands or water that have at least one of the following characteristics: disturbed land, undisturbed land, or mostly free from development project sites.

“Open space” shall mean publicly or privately owned areas that are deemed to be of significant community importance due to their ecological value and are protected from development.

“Southern California native plant” shall mean a plant or plants that have been identified from the native plant resources (EMC Section 23.27.030.5.a) as determined from the project sites address.

“Special purpose overlay” shall mean properties that qualify pursuant to Encinitas Municipal Code (EMC) Section 30.34.

3. Applicability.

The provisions of this Chapter shall apply to all the following projects:

- a. Private property subject to development including any new subdivision or new multi-family, mixed-use, mobile home park, commercial, or light industrial sites.
- b. Redevelopment or existing projects (multi-family, mixed-use, mobile home park, commercial, or light industrial) that require 75 percent or more of the existing landscaped area to be replaced.
- c. All City owned properties.
- d. The standards of this Chapter shall supersede the regulations in Chapter 15.02 and Chapter 23.26 of the Municipal Code.

4. Exemptions.

The following projects shall be exempt from the provisions of this Chapter:

- a. Construction or reconstruction of a single-family residences including additions of accessory dwelling units and/or junior accessory dwelling units.
- b. Athletic fields, athletic courts, open turf areas, picnic and informal gathering spaces that are located in a City owned park, community space, and/or recreational area.
- c. City operated properties including California State owned beaches.

- d. An area that is designated as a recreational amenity or facility to satisfy multifamily or mixed-use development requirements.

5. General Requirements.

The following provisions shall apply:

- a. Plant materials chosen to satisfy the requirements of this Chapter shall be chosen from the following native plant resource(s) to generate a project specific list based on the address of the project site:
 - i. [To be determined after community outreach]
 - ii. [To be determined after community outreach]
 - iii. [To be determined after community outreach]
- b. The total square footage of all landscaped areas on the project site, shall be planted to consist of a minimum of 50 percent of southern California native plants, except as specified below:
 - i. A proposed landscaping area that is adjacent to any environmentally sensitive area, undeveloped area, or open space shall plant:
 - 1. 100 percent southern California native plants within the first 15 feet abutting the area or required setback; and
 - 2. 75 percent of southern California native plants within the next 10 feet abutting the area or required setback.
- c. Landscaping plans shall be designed at maturity.
- d. Landscaped areas shall also comply with any additional setbacks or regulations that are required by City (i.e. special purpose overlays, designated evacuation routes or hazardous fire area requirements per the Encinitas Municipal Code), State (i.e. California State Fire Marshal & Board of Forestry, California Coastal Commission, California Department of Fish and Wildlife) or Federal (i.e. U.S. Fish and Wildlife).
- e. A project site that is located in a fire hazard severity zone (FHSZ) as determined by Cal Fire shall first comply with all fire safety requirements and supersede this ordinance. Project's approved landscaping plan and fire protection plan shall be consistent and comply with all California state and Encinitas Fire Department requirements, to prioritize public health and safety as determined by the Fire Department.
- f. Seed mixes are not allowed to satisfy the requirements of this Chapter.
- g. Plants that are identified on the invasive plant lists shall not be allowed in any proposed landscaping area.
- h. Proposed plant palettes shall include a diversity and mix of species, form, blooming period, and life cycle.
- i. The City shall comply with the Integrated Pest Management (IPM) Policy.

6. Development Applications for Private and Public Projects.

- a. The landscaping plan submitted during the discretionary application shall be prepared and stamped by a licensed landscape architect certifying that the

plans have been developed utilizing one of the native plant resources to generate a native plant list based on the address of the project site and comply with the requirements of this ordinance.

- b. Prior to the issuance of certificate of occupancy of the building permit, the licensed landscape architect shall submit a landscape verification letter with the landscape architect's professional license stamp certifying the landscaping has been installed pursuant to the stamped approved landscaping plans.

7. Installation Requirements and Recommendations

a. Site Preparation

i. Weeding and weed suppression

1. Removal of unwanted plants shall occur prior to planting installation.
2. Weeding methods shall include hand-pulling in smaller areas and mulching or solarizing in larger areas.
3. Landscaping areas that previously had unwanted weeds may install weed cloth beneath the soil and mulch the area to suppress any unwanted plants.

ii. Soil preparation

1. Landscaping areas that contain native plants shall use native soils, or soils labeled as "Native Soil Mix", or "Well-Draining Mix for Drought-Tolerant Plants".
2. Soils that are used in native plant landscaping areas shall be well-draining, low-organic, and low-nutrient.
3. Soils that are standard potting soil, compost-heavy mixes, or peat-based shall be prohibited.

b. Planting

- i. If the ground is dry, deep watering is recommended a day or two prior to planting.
- ii. It is recommended that holes are dug twice as wide as the container and at container depth.
- iii. It is recommended to plant native plants during the rainy season/cooler months (late fall to early spring).

8. Maintenance, Replacement and Removal Requirements

a. Maintenance

- i. Approved landscaping plans shall be perpetually maintained by the property owner, assigns or any successors in interest in the property/homeowners' association.
- ii. Landscaping areas shall be pruned to avoid blocking walks, passageways and sight-distance views for vehicular traffic.

b. Removal and Replacement

- i. In areas of necessary disturbance, existing established native vegetation may be relocated for use in other areas.
- ii. In areas containing invasive plants, applicants shall remove and destroy such plants to maintain the health of existing vegetated areas.
- iii. Dead and missing native plants shall be removed and replaced to be in compliance with the approved landscaping plan.

9. Enforcement.

Projects that do not implement and maintain the project site's landscaping pursuant to the approved landscaping plan shall be in violation of the permit(s) and the City may issue a notice of violation, weed abatement, or stop work order suspending and/or prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until the landscaping is installed pursuant to the approved landscape plans and certified by a licensed landscape architect.

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