



POLICY AND PROCEDURE

SCANNED

Subject: Private Landscaping of Public Property	Index: Land Use Number: 301-1
Effective Date: 11-18-93	Prepared By: Beaches, Parks and Recreation
Supersedes:	Approved By: <i>Luna Benedict</i>

1.0 PURPOSE:

It is the purpose of this policy to provide a process that allows for the installation of private landscape improvements upon undeveloped portions of city owned property and establishes adequate controls to manage the improvements so as to insure the health, safety and welfare of the general public.

2.0 ORGANIZATIONS AFFECTED:

All city departments.

3.0 REFERENCES:

San Clemente Municipal Code Section 7C-4.

4.0 POLICY:

It is the desire of the City of San Clemente to provide for aesthetically pleasing landscapes throughout the community. The City owns a variety of undeveloped properties, community wide, that have a potential for a variety of uses. However, in their present state, these properties are undeveloped.

This policy is designed to allow for the installation of landscape improvements upon undeveloped City owned property based upon the following procedures.

5.0 DEFINITIONS:

5.1 Applicant: Resident or property owner who is interested in installing and maintaining landscape improvements upon the City owned parcel.

5.2 City Owned Undeveloped Property: A parcel of land, owned and maintained by the City of San Clemente that has not been developed to its ultimate potential. The property generally consists of natural vegetation or is barren.

5.3 Landscape Improvements: Landscape improvements consist of irrigation systems, and plant materials.

6.0 **PROCEDURE:**

6.1 An applicant requesting the utilization of undeveloped City owned property shall be required to submit a written request of consideration and a proposed landscape site plan for the installation of landscape plant materials upon the City owned property. It is preferred that the applicant own or reside on property adjacent to the City owned property, however, it is not a requirement. The written request shall be submitted to the Beaches, Parks and Recreation Director. The Director may impose conditions of approval on the project which include but are not limited to the following:

6.1.1 The applicant shall defend, indemnify and hold harmless the City of San Clemente and its agents, officers and employees from and against any and all liability that may arise from property damage or personal injury caused by or associated with any and all landscaping, plant materials and/or other improvements installed and/or maintained by the applicant pursuant to this permit.

6.1.2 No plant material or improvements installed by applicant shall exceed four feet (4') in height. In the event that any plant material or improvements exceed 4' in height, the City shall so notify the applicant of the excess height and the applicant shall, within fifteen (15) days of receipt of such notification, reduce the height of the plant material or improvement so that it does not exceed 4' in height.

6.1.3 The applicant shall remove or cause to be removed all landscape improvements and plant material from the public property identified on the final plans submitted by applicant, approved by the Department of Beaches, Parks and Recreation and on file in the Department of Beaches, Parks and Recreation within thirty (30) days of the City's issuance of a written order requiring such removal. In the event that the applicant does not remove the plant material and/or improvements as required by the order, the City shall, at its option, remove such plant material and/or improvements, and the cost of such removal shall be both a personal obligation of the applicant and, if such removal is accomplished through a nuisance abatement procedure, shall constitute a lien against the property.

6.1.4 Prior to the installation of any landscaping and/or improvements, the applicant may be required to provide to the City insurance in the amount deemed necessary by the City's Risk Manager to insure the City and applicant against any and all liability that may arise as a result of personal injury or property damage caused by or related to the

installation and/or maintenance of the plant material and/or improvements installed and/or maintained pursuant to this permit.

- 6.1.5 Applicant shall be responsible to pay for any and all costs of the installation and maintenance of the landscaping and improvements authorized by this permit.
- 6.1.6 Applicant shall not landscape any public property with different plant materials or in a manner different than indicated on the final plans approved pursuant to this permit and currently on file in the Department of Beaches, Parks and Recreation.
- 6.1.7 Applicant shall maintain all landscaping in a good and reasonable condition and replace any dead or substantially damaged landscaping with new landscaping of the type and size originally approved by this permit.
- 6.2 The Beaches, Parks and Recreation Director shall review the request and make a determination to approve or deny said request. Denied requests can be appealed by the applicant to the City Manager.
- 6.3 Upon approval of the landscape site plan, applicant shall compile a mailing list (from the current county assessor's rolls) containing the names, addresses and assessor's parcel numbers of all property owners adjacent to or within 100 feet (as measured from the exterior boundaries of the parcel) of the City owned parcel.

From this mailing list, the applicant shall prepare a business sized envelope for mailing to each name on the mailing list. The applicant shall be responsible for the cost of all postage and postage shall be included on the envelopes. The Beaches, Parks and Recreation Department shall be listed on the return address.

The City shall prepare a notification letter that is to be included in the envelopes that provide an outline of the request to landscape the City owned parcel and notification of the time and place for a public meeting to receive input regarding the proposed improvements.

The Beaches, Parks and Recreation Department shall be responsible for mailing the notification letters to the property owners and hosting the public meeting to receive public input.

- 6.4 After a consensus has been reached with the notified property owners, applicant shall prepare final landscape, and irrigation plans of the improvements proposed to be located upon City property. Plans shall be submitted to the Beaches, Parks and Recreation Director for approval.

- 6.5 Upon approval of the final plans, the Director of Beaches, Parks and Recreation shall prepare a letter that will constitute a permit authorizing the applicant to install and maintain the landscape improvements. The letter shall incorporate conditions of approval that the Director deems appropriate for the particular site and design approved.
- 6.6 Applicant shall be responsible for all permits and inspection costs associated with the review of plans and installation of the improvements as established by the City Council by Resolution.
- 6.7 The Beaches, Parks and Recreation Department shall provide annual inspection of landscapes installed through this process to insure compliance with the conditions of approval. All infraction(s) of the conditions of approval shall be brought to the attention of the applicant in writing for resolution. Applicant shall have 30 calendar days to resolve the infraction(s). If infraction(s) is not resolved within this 30 period, the City shall have the authority to terminate the permit and require removal and restoration of the City owned property as described in 6.1.4.
- 6.8 The City shall have sole authority to terminate the permit with the applicant at any time without cause, providing that a minimum of thirty (30) day written notice is provided to the applicant. The applicant shall have no right to appeal the City's decision.