

## **CITY OF PIEDMONT COUNCIL AGENDA REPORT**

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MEETING DATE: June 18, 2012

FROM: Kate Black, City Planner  
Kevin Jackson, Assistant Planner  
Jennifer Feeley, Planning Technician

SUBJECT: Reintroduction and 1<sup>st</sup> Reading of Ordinance 704 N.S. amending Chapter 17.18 of the Municipal Code regarding Bay Friendly Landscaping requirements

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### **RECOMMENDATION:**

Reintroduce and consider adoption of a 1<sup>st</sup> Reading of Ordinance 704 N.S. amending Chapter 17.18 of the Municipal Code regarding Bay Friendly Landscaping requirements and other minor changes (Exhibit B, page 13), citing the 8 findings listed on pages 5 and 6 of this report by reference.

### **BACKGROUND:**

On June 4, the City Council considered a first reading of the ordinance that would amend Section 17.18 of the Code to specify Bay-Friendly landscape requirements proposed in a model ordinance provided by Stopwaste.org. The proposed amendments had been reviewed and recommended for approval by the Park Commission and Planning Commission. The City's adoption of the ordinance would be the last of 5 steps the City must take in order to receive the last annual installment of \$22,000 of import mitigation grant funding from Stopwaste.org.

At the June 4<sup>th</sup> meeting, a number of concerns were raised by members of the public and City Council members, and the Council continued the discussion to the meeting of June 18<sup>th</sup>. As indicated in the Draft June 4<sup>th</sup> Council Meeting Minutes, the Council directed staff to address several aspects of the proposed ordinance, which are discussed in the Updated Information section below.<sup>1</sup>

### **UPDATED INFORMATION:**

The specific points the Council asked staff to address in this report are indicated by the subheadings below, with staff's response.

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<sup>1</sup> Some of the background information in the June 4, 2012 report has not been provided in this report to reduce confusion and paper, but the information can be found on the City's website at [www.ci.piedmont.ca.us](http://www.ci.piedmont.ca.us) on the homepage under the City Council heading by clicking Minutes Archive link.

## **I. Additional Revisions to Code**

The City Council asked staff to make changes to the model ordinance proposed by Stopwaste.org to provide better clarity of which categories of projects would be required to comply with the ordinance, and how the ordinance would affect individual properties. The model ordinance reviewed on June 4<sup>th</sup> uses language and definitions from a State mandated statute that already applies to Piedmont and other California jurisdictions, called the California Water Efficiency Landscape Ordinance, or CAWELO for short. Stopwaste.org meant to provide consistency between the state-mandated statute and their Bay-Friendly Landscape Ordinance (or BFLO for short), but unfortunately, the CAWELO language is not clearly written, and therefore, it is not surprising that the model ordinance led to confusion about the intent and application of the BFLO provisions as they would apply in Piedmont.

While it is typically not possible to make modifications to a model ordinance, Stopwaste.org agreed to allow Piedmont to make changes to address the unclear language. Exhibit B, page 13 is the revised ordinance that includes staff's modifications. The modifications include the following:

- Checklist: The ordinance defines the specific version of the Checklist that would apply in the future as version 2.1, dated 12/11. The intent of this is to alleviate concerns that future changes, and tightened restrictions to the Checklist made by Stopwaste.org would apply automatically to projects in Piedmont in the future without notice or hearing.
- Single-Family Properties. The ordinance language has been modified to define that only new houses on vacant lots that also propose 5,000 square feet or more of irrigated landscaping would be affected. This means that existing single-family properties would not be affected, even with the construction of new additions, new structures or large landscape renovations.
- Multi-Family Properties. The ordinance defines that the only category of multi-family properties that would be affected are those that propose rehabilitated landscaping of 2,500 square feet or more on lots with 5,000 square feet or more of irrigated landscaped area, and only if a building permit is required and the project is developer-installed. This means for example, that an existing multi-family property owner may change landscape materials without city review or compliance with this ordinance.
- Commercial and Public Properties. The ordinance defines that the only category of commercial or public properties that would be affected are those that propose rehabilitated landscaping of 2,500 square feet or more on lots with 5,000 square feet or more of irrigated landscaped area, and only if a building permit is required. Again, this means that it is possible to change landscaped materials without city review or compliance with this ordinance on such properties.

- Elimination of Extraneous Requirements. To reduce confusion, the ordinance has been modified to remove criteria which does not apply in Piedmont. For example, unlike some cities, Piedmont does not require or issue Landscape Permits, so all references to them were removed.

As a point of information, staff provided a draft of the revised ordinance to Stopwaste.org staff, and were notified that the changes appeared to be consistent with continued eligibility to receive the \$22,000 import mitigation funding.

## **II. Identify differences and similarities between BFLO and CAWEL**

Exhibit G, page 37 provides a comparison between BFLO and CAWEL.

## **III. Determine whether the provisions of the ordinance will be applied retroactively**

No property will be required to retroactively comply with the BFLO. The ordinance language has been adjusted to make it clearer that only certain limited categories of single-family, multi-family, commercial and public projects (as defined in heading I above) will be subject to the ordinance.

## **IV. Clarify the definition of "new construction"**

The Code has been modified to clarify that for single-family properties, only construction of a new residence would be affected by the ordinance, and would not apply to a renovation of a house (or yard) or an addition to an existing house. For multi-family, commercial and public properties, only those projects that propose new buildings and rehabilitated landscaping of 2,500 square feet or more on lots with 5,000 square feet or more of irrigated landscaped area, that also require a building permit would be affected.

## **V. Ascertain how many existing single-family properties in Piedmont could potentially meet the 5,000 sq. ft. threshold of irrigated landscaped area**

In attempting to provide the most realistic estimate of how many single-family properties (that are not currently developed with a house) might be affected by this ordinance in the future, staff evaluated 13 of the most recent applications for new houses proposed in the past few years. Among these new house applications, the average lot coverage by structures (the house, garage, and other structures), added to coverage by hardscaped surfaces (the driveways, walkways, patios, pools, etc) totaled 6,561 square feet, with the smallest combined coverage being 2,848 square feet and the largest being 21,273 square feet. By adding the minimum irrigated landscaped area of 5,000 square feet (required under the BFLO) to the average lot coverage for new houses in Piedmont of 6,561 square feet means that a lot of 11,561 square feet would be required to accommodate a future theoretical average house and 5,000 square feet of potentially irrigated landscaping. The City's General Plan Inventory of Vacant Lots in Piedmont lists 57 vacant lots in Zones A and E. Of those lots, 16 in Zone A and 7 in Zone E exceed 11,561 square feet. Of those 23 lots, 6 are completely landlocked with no current access, many are very steep and difficult to develop, and many are owned by adjacent owners who use them for accessory uses such as gardens, pools, garages, etc. Of course, it is possible that a few lots smaller than 11,561 square feet might be developed with a smaller house that has smaller paved

surfaces, but many of the smaller lots are also steep, owned by adjacent property owners who have no interest in selling, and/or have difficult access.

#### **VI. Prepare and post a *Question and Answer* page on the City's website**

Staff prepared a Frequently Asked Questions document which is attached as Exhibit D, page 23.

#### **OTHER FACTORS TO CONSIDER**

It has become clear in the last few weeks that public opinion on whether or not this ordinance should be adopted reflects strongly-held opinions in support and in opposition. To help navigate through some of the competing objectives, staff wanted to offer the following information for Council consideration.

#### **Ordinance in Compliance with Prior Council Actions**

If the Council acts to approve the ordinance, it is in keeping with the following prior Council decisions to divert waste and to reduce the City's greenhouse gas emissions:

- On May 5, 2008, the City Council established a goal for the City of Piedmont of 75% reduction of waste going to landfills by 2010.
- On January 4, 2010, the City Council adopted several recommendations by the City's Environmental Task Force including one for the implementation of Bay-Friendly Landscaping practices.
- On March 15, 2010 Council adopted the Piedmont Climate Action Plan (CAP), which includes 32 measures that the City can implement to reduce waste, reduce water consumption, and reduce energy consumption in order to reach its greenhouse gas (GHG) emissions target of 15% below 2005 levels by 2020.

#### **Waiver**

The ordinance language permits the City Council to waive the requirements of this ordinance if the City Council determines that the public interest would not be served by complying with these provisions.

#### **Actions by Other Alameda County Cities**

Exhibit E, page 27 is an updated (6/13/12) table that shows the adoption status of the Bay Friendly Basics Landscape Ordinance by the other county jurisdictions, and their thresholds for compliance. Nine cities have decided to adopt the Bay Friendly Basics Landscaping requirements while three cities have decided not to adopt the requirements. Alameda County and Fremont are still in progress and have not yet had their ordinance acted on by their governing body.

#### **Other Minor Changes to the Landscape Code**

This ordinance also includes minor changes to eliminate an internal inconsistency that was confusing to applicants. Section 17.18.5(a) is proposed to be amended to clarify that

residential lots shall not have less than 30% landscaping in Zone A and no less than 40% in Zone E, consistent with the long-standing limits to hardscape coverage of 70% in Zone A and 60% in Zone E. The landscaping required in this sub-section refers to landscaping which is both irrigated and non-irrigated.

### **Bay-Friendly Information**

For members of the public who are interested, staff will continue to offer the Bay-Friendly Landscape Guidelines, Checklist and other information (such as a list of Bay-Friendly plant materials) to members of the public who want to voluntarily reduce their landscape maintenance and water usage. These materials are provided free of charge from Stopwaste.org. This can occur if the ordinance is not approved, or if it is, when a project would not otherwise be required to comply.

When recommending approval of the proposed ordinance at their May 2, 2012 hearing, the Park Commission recommended that staff provide a “Bay-Friendly Landscaping information form” to applicants for design review that included significant site modifications. The intent was to provide outreach and also collect information on voluntary landscaping practices. The proposed ordinance considered by Council on June 4, 2012 included a new section that required staff to include such a “Bay-Friendly Landscaping Information Form” in design review applications. However, this section was eliminated in the current proposed ordinance because Sections 17.18.3(a)(iii) and 17.18.3(b)(i) were revised to require that staff maintain and distribute Bay-Friendly Landscaping information developed by StopWaste.Org and the Director of Public Works, including such a form.

Should Council wish to include in the current proposed ordinance a requirement similar to that in the June 4<sup>th</sup> proposed ordinance, the ordinance could be modified to include Section 17.18.3(b)(v) as follows:

*All applicants required to submit Landscape Plans as outlined in Section 17.18.2 shall complete and submit a Bay-Friendly Information Form developed by the Director of Public Works or his/her designee for the purpose of establishing public outreach and education regarding Bay-Friendly Landscaping Practices and the collection of data on voluntary landscaping practices.*

The creation, collection and compilation of data from such forms is expected to require a moderate amount of staff time.

### **FINDINGS:**

Should the City Council wish to approve the ordinance, the Council may adopt the following findings recommended by the Parks and Planning Commissions:

1. The proposed ordinance is categorically exempt from the requirements of CEQA per Section 15308, “Actions by Regulatory Agencies for Protection of the

Environment” of the CEQA Guidelines, which exempts actions taken by regulatory agencies for protection of the environment.

2. The City finds that the design, construction, and maintenance of landscapes within the City can have a significant impact on the City’s environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the City.
3. The City finds, based on studies by StopWaste.Org, that plant debris from landscape construction, renovation and maintenance comprises 5.6% of the materials disposed in Alameda County landfills.
4. The City finds that Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property’s occupants over the life of the landscape.
5. The City finds that Bay-Friendly landscape design contributes to a reduction in greenhouse gas emissions in compliance with the City’s Climate Action goals, improves air quality and enhances urban sustainability.
6. The City finds that Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger SF Bay area ecosystem and the community. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Key components of Bay-Friendly landscaping include reducing waste and using materials that contain recycled content; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management (IPM) to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat.
7. The City finds that it is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of Bay-Friendly landscaping.
8. Bay-Friendly landscaping design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial landscape construction. In Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guidelines for residents.

#### COUNCIL ACTION:

First and second readings of the proposed code amendments are required by the City Council. Should the Council adopt a first reading on June 18, 2011 and a second reading on July 2, 2012, the ordinance would go into effect on August 1, 2012.

Date report prepared: June 13, 2012

#### ATTACHMENTS TO THIS REPORT:

Exhibit A, page 9      June 4, 2012 Draft City council Meeting Minutes  
Exhibit B, page 13      Revised Bay-Friendly Landscaping Ordinance

Exhibit C, page 19	Bay-Friendly Basics Landscape Checklist, version 2.1, 12/11
Exhibit D, page 23	Frequently Asked Questions
Exhibit E, page 27	Adoption Status by Other Alameda County Jurisdictions
Exhibit F, page 29	Parks and Planning Commission Actions and Minutes
Exhibit G, page 37	Comparison of CAWELO and BFLO

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**DRAFT****PIEDMONT CITY COUNCIL****Regular Meeting Minutes for Monday, June 4, 2012**

A Regular Session of the Piedmont City Council was held June 4, 2012, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on May 31, 2012.

**CALL TO ORDER**

Following a 7:00 p.m. Closed Session regarding pending litigation in the matter of *Friends of Moraga Canyon v. City of Piedmont* held pursuant to Government Code Section 54956.9 and potential litigation (Blair Park) held pursuant to Government Code Sections 54956.9(b)(1)(B) and 54956.9(b)(1)(E), Mayor Chiang called the meeting to order at 7:40 p.m. with the Pledge of Allegiance. He announced that the Council would resume its Closed Session deliberations immediately following the conclusion of tonight's regular agenda to discuss labor negotiations for all units pursuant to Government Code Section 54957.6.

**ROLL CALL**

Present: Mayor John Chiang, Vice Mayor Margaret Fujioka and Councilmembers Garrett Keating, Robert McBain and Jeff Wieler

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, Police Chief John Hunt, Fire Chief Edward Tubbs, Finance Director Mark Bichsel, Public Works Director Chester Nakahara, Recreation Director Mark Delventhal, City Clerk John Tulloch, City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technician Jennifer Feeley, Parks & Projects Manager Mark Feldkamp and Recording Secretary Chris Harbert

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Proposed Bay-Friendly Landscaping Ordinance**

The City Planner submitted for first reading consideration proposed Ordinance 704 N.S. amending Section 17.18 of the City Code to add Bay-Friendly Landscaping requirements. The Alameda County Waste Management Authority Board (StopWaste.Org) is requiring cities within its jurisdiction to adopt a Bay-Friendly Landscaping Ordinance in order to receive FY 2011-12 Import Mitigation Grant Funding. In Piedmont's case, the anticipated grant funding for FY 11-12 would be approximately \$22,000. For the past several years, this grant funding has been used to help fund the cost of the City's residential curbside E-waste recycling program, the C&D recycling and drop box incentive program, participation in the Alameda County climate protection program, the recycling outreach materials program and implementation of the recycling and receptacle plan for Piedmont's public spaces. The proposed ordinance would require adherence to Bay-Friendly landscaping techniques for all commercial and residential landscaping projects that meet the ordinance's thresholds for compliance. This new ordinance mirrors one previously adopted by the City pertaining to civic projects. Under the proposed ordinance, the City Council would maintain the right to waive ordinance provisions when the public interest is not served by compliance with the Bay-Friendly landscaping standards and in actuality the proposed compliance thresholds are such

that most residential projects would not meet the eligibility requirements. Both the Park and Planning Commissions recommended Council adoption of the proposed ordinance at their respective meetings of May 2 and 14, 2012. The City Planner added that in response to recent resident concerns over certain provisions of the ordinance, a revised version has been submitted tonight clarifying that only the December 2011 version of the Bay-Friendly Guidelines is applicable, shearing is no longer included as a Checklist item, multi-use turf is exempt and a re-emphasis of the fact that the intended target of these regulations are large, commercial development projects; very few Piedmont residential landscaping projects will be affected.

**Correspondence** was received from: Aaron Salloway; Nancy Lehrkind; Mr. & Mrs. Arthur Edmonds, Jr.; Linda Horne; MJ Dodds; Valerie Matzger & Michael Bruck; Joseph Gold; Linda Roodhouse; Patty White; Clay Colvin; Jennifer Hughes; Margaret Ovenden; Timothy Rood; Judy Kelly; Rebecca Schnier

**Public testimony** was received from:

George Childs requested that ordinance consideration be tabled until the public has an opportunity to review the proposed text changes submitted tonight. He preferred that the Bay-Friendly principles be adopted as an educational policy rather than as City law.

Nancy Lehrkind voiced strong opposition to the proposed ordinance, believing that it is unnecessary given that the California Model Water Efficiency Landscaping Ordinance (WELO) adequately addresses landscaping conservation issues and Piedmont residents are already very committed to green waste recycling. She felt that the proposed ordinance was too intrusive, noted that several Alameda County cities are refusing to adopt the ordinance and stressed that individual landscaping choices and practices should be voluntary and not mandated. She referenced the concerns and objections of many Piedmont residents to the proposed ordinance, reading excerpts from letters of opposition from former Piedmont Mayors Craig Lundin and Valerie Matzger as well as former Deputy City Attorney Linda Roodhouse.

Teresa Eade, StopWaste.Org representative, explained that the intent of the proposed ordinance is to reduce green waste production and preemptively prepare for anticipated future water shortages by requiring large development projects to adhere to Bay-Friendly, sustainable landscaping practices. The restrictions will apply to only new construction -- individual, residential homeowners are not the intended target.

William Blackwell also requested that the matter be tabled for more public review, voicing concern that Bay-Friendly landscaping practices are incompatible with the existing visual character of Piedmont neighborhoods. He urged that the Planning Commission be requested to reconsider the Bay-Friendly regulations in conjunction with its on-going re-examination of all Chapter 17 code requirements.

Anne Weinberger supported ordinance adoption, stressing that Bay-Friendly principles are not incompatible with beautiful, formal garden

designs and sustainable landscaping practices should be encouraged. She supported lowering the compliance thresholds, like the cities of Berkeley, Albany and Emeryville have done, to further promote Bay-Friendly sustainable practices in Piedmont.

Nancy Kent, Park Commission representative and landscape architect, summarized the Commission's consideration of the matter, agreed that Bay-Friendly practices do not limit the ability to create beautiful, formal landscaped gardens, felt that ordinance adoption would have no negative impact on residents and Piedmont's garden-focus, landscaped character is compatible with Bay-Friendly principles and practices.

The Council supported continuing first reading consideration to allow time for public review of the clarifying revisions to the ordinance, believing that residents will support ordinance approval once they clearly understand the intent and scope of the Bay-Friendly regulations. The Council agreed that the proposed ordinance was consistent with the recommendations of the City's Environmental Task Force and the objectives and action plans of the City's General Plan and Climate Action Plan. The Council acknowledged that delaying ordinance approval could jeopardize City receipt of FY 11-12 Import Mitigation Grant funding but voiced optimism that StopWaste.Org. would still favorably consider Piedmont's grant status even if the passage deadline for the ordinance was missed. In advance of the Council's June 18 reconsideration of the proposed ordinance, staff was requested to:

- make any additional revisions to the ordinance based upon input/suggestions from the public and StopWaste.Org;
- identify the differences and similarities between the Bay-Friendly ordinance and WELO;
- determine whether the provisions of the ordinance will be applied retroactively;
- clarify that the ordinance's definition of "new construction" does not apply to home additions and remodels;
- ascertain how many existing properties in Piedmont could potentially meet the 5,000 sq. ft. threshold of irrigated landscaped area;
- post a *Question and Answer* page on the City's website explaining the major provisions and objectives of the ordinance, including the above-requested information;

#### **Resolution 49-12**

RESOLVED, that the City Council continues until June 18, 2012, first reading consideration of proposed Ordinance 704 N.S. amending Section 17.18 of the City Code to add Bay-Friendly Landscaping requirements.

Moved by Wieler, Seconded by McBain

Ayes: Chiang, Fujioka, Keating, McBain, Wieler

Noes: None

Absent: None

(0705)

The Council encouraged residents to continue to provide input regarding the proposed ordinance.

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**ORDINANCE NO. 704 N.S.****AN ORDINANCE AMENDING SECTION 17.18 OF THE PIEDMONT MUNICIPAL CODE ADDING BAY-FRIENDLY LANDSCAPING REQUIREMENTS AND MAKING OTHER MINOR CHANGES**

The City Council of the City of Piedmont hereby ordains as follows:

**SECTION 1.**

The City Council of the City of Piedmont intends to promote economic and environmental health in the City by providing information on Bay-Friendly Landscaping practices to the public and through the application of the Bay-Friendly Basics Checklist for certain projects.

**SECTION 2.**

Section 17.18 is amended as follows:

**SEC. 17.18    LANDSCAPING**

**17.18.1:**        **Intent.** In order to maintain and enhance the residential character, preserve the architectural heritage, and protect the natural beauty and visual character of the City, and to improve property values and prevent blighted areas, landscaping and irrigation commensurate with the use of property shall be required where appropriate. (Ord. No. 488 N.S., 10/87)

**17.18.2:**        **Landscape Plans.** An application for a conditional use permit, design review or variance for a completely new residence or other building shall include landscape plans. All other applications for building permits, conditional use permits, design review, or variances for improvements which substantially affect existing vegetation shall include landscape plans upon the request of the Director of Public Works, Planning Commission or City Council. Plans shall set forth clearly the areas and types of landscaping to be placed upon and already located upon the property in question, and their relation to the structure or structures requiring the approval or permit. Landscaping must conform to guidelines which the City Council may adopt from time to time. All landscaping shall be completed to the satisfaction of the Director of Public Works. A cash deposit or letter of credit to ensure completion of the landscaping may be required by the Director of Public Works, the Planning Commission and the City Council as a condition to approval of any project described in this section, to be released to the homeowner in increments proportionate to the progress of landscape completion. Final approval of a project may be withheld until landscaping is completed. (Ord. No. 488 N.S., 10/87, Ord. 662 N.S. 1/06)

17.18.3 Bay-Friendly Landscaping Regulations. *Landscape plans in compliance with regional and state regulations, as they may apply to projects in the City of Piedmont pursuant to this section, shall be subject to the following regulations:*

(a) Definitions. *As used in this section 17.18, the following words and definitions shall have the meanings listed:*

- (i) Bay-Friendly Basics Landscape Checklist. *"Bay-Friendly Basics Landscape Checklist", version 2.1, dated December 2011, is a short selection of Bay-Friendly landscape practices that have significant environmental benefit for water conservation, reducing erosion, improving storm water quality and reducing green house gases. The Bay-Friendly Basics Landscape Checklist is a subset of the more comprehensive Bay-Friendly Landscape Scorecard and is based upon the required practices in that sustainable landscape rating system.*
- (ii) Bay-Friendly Landscaping Guidelines. *"Bay-Friendly Landscaping Guidelines" means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes.*
- (iii) Bay-Friendly Landscape Information. *"Bay-Friendly Landscaping Information" means booklets, brochures and documents provided by Stopwaste.org or as created by the Director of Public Works or his/her designee for the purpose of establishing public outreach and education regarding Bay-Friendly Landscaping Practices.*
- (iv) Bay-Friendly Landscaping Compliance Official. *"Bay-Friendly Landscaping Compliance Official" means the Director of Public Works or his or her designee.*
- (v) Landscape Area. *"Landscape Area" means the parcel area less the building pad and hardscape surfaces (driveway, parking, walkways, patios, and other hardscape surfaces), and includes only irrigated planted areas.*
- (vi) New Construction. *"New Construction" means a new freestanding building.*
- (vii) Rehabilitated Landscape. *"Rehabilitated Landscape" means any re-landscaping project on a commercial, multi-family, or public property, subject to Section 17.18.3(b)(ii)(1) and (2), that requires design review and/or a building permit, and the modified landscape area is equal to or greater than 2,500 square feet and is 50% of the total landscape area.*

(b) Regulations and Standards for Compliance.

- (i) *At all times, City staff shall maintain the most recent versions of Bay-Friendly Landscape Information as defined in Section 17.18.3(a)(iii), and shall make copies available to the public.*
- (ii) *The following projects shall meet the requirements of the Bay-Friendly Basics Landscape Checklist version 2.1, dated December 2011.*
  - (1) *Rehabilitated Landscapes and new construction associated with Rehabilitated Landscapes for public agency projects and private commercial developments that require design review and/or a building permit;*
  - (2) *Rehabilitated Landscapes and new construction associated with Rehabilitated Landscapes which are developer-installed in multi-family developments that require design review and/or a building permit; and*
  - (3) *Construction of a new single-family residence on a vacant property which is homeowner-provided and/or homeowner-hired that includes a total project Landscape Area equal to or greater than 5,000 square feet, and that requires design review and/or a building permit.*
- (iii) *The following projects are not required to adhere to the Bay-Friendly Basics Checklist:*
  - (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;*
  - (4) *plant collections, as part of botanical gardens and arboretums open to the public; or*
  - (5) *existing single-family residential properties, and renovations or rehabilitations of single-family residential properties.*
- (iv) *Projects which meet the applicable thresholds shall submit a completed Bay-Friendly Basics Landscape Checklist, version 2.1, dated December 2011, along with any Landscape Plans prior to the issuance of a building permit, to the Bay-Friendly Landscaping Compliance Official to ensure compliance with the Checklist.*

- (c) *Unusual Circumstances.* Compliance with the provisions of this Article may be waived in unusual circumstances where the City Council has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

17.18.4 ~~17.18.3~~: Approval. The individual or decision-making body making the required determination on the accompanying application shall determine whether the proposed landscaping submitted under this section is consistent with the general objectives and the criteria and standards of review as set forth in this section, and shall approve or disapprove the plan accordingly. That individual or body may modify the design and attach conditions as appropriate to the approval of the landscaping of any project subject to this section in order to assure compliance with this section. Such conditions may include installation of an irrigation system.

17.18.5 ~~17.18.4~~: Location. The required landscaping shall have a minimum dimension on any side of not less than three feet (3'). The following minimum areas for landscaping shall be required:

- (a) Lots devoted to residential occupancies shall have not less than *thirty percent (30%)* ~~fifteen percent (15%)~~ of the site devoted to landscaping, *irrigated or not, in Zone A and forty percent (40%) devoted to landscaping, irrigated or not, in Zone E.* With the exception of areas paved for ingress and egress, all required street setbacks shall be landscaped.
- (b) Lots devoted primarily to commercial or public occupancies shall have not less than twenty percent (20%) of the site devoted to landscaping. No less than seventy-five percent (75%) of the required landscaping shall be provided in the area of the site next to the street frontage; the remaining twenty-five percent (25%) may be placed elsewhere on the site. With the exception of areas paved for ingress and egress, all required street setbacks shall be landscaped.
- (c) Lots devoted to parking shall have fifteen percent (15%) of the site area devoted to landscaping. Such landscaped areas shall be distributed along not less than ninety percent (90%) of the street frontage of the site not required for driveways. Such landscaping shall be a type which shall achieve a height of at least four feet (4') for the purpose of providing a screen to the parking area and an attractive facade to the public street and abutting property. (Ord. No. 488 N.S., 10/87)

17.18.6 ~~7.18.5~~: Maintenance. All landscaped areas required herein or required as a condition of approval of any use shall be planted with living materials. All such areas shall be maintained in a healthy and attractive state, with irrigation, weeding, and replacement as needed. The decision maker may, as a condition of approval of any landscaping, require execution of a contract for the maintenance of any or all landscaping on a building site. (Ord. No. 488 N.S., 10/87)



17.18.7 ~~17.18.6:~~      Application Fees. The fee for approval of a landscape plan shall be included in the fee for the accompanying application as provided in section 17.29. (Ord. No. 488 N.S., 10/87)

17.18.8 ~~17.18.7:~~      Action. Action on a landscape plan shall be taken at the same time and in the same manner as that required for approval of the accompanying application. (Ord. No. 488 N.S., 10/87)

17.18.9 ~~17.18.8:~~      Appeals. Any disapproval of landscape plans by the Director of Public Works may be appealed to the Planning Commission; any disapproval of landscape plans by the Planning Commission may be appealed to the City Council, as provided in section 17.25. (Ord. No. 488 N.S., 10/87)"

### SECTION 3.

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least thirty (30) days and shall become effective thirty (30) days after such second reading.

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## Bay-Friendly Basics Landscape Checklist



This Bay-Friendly Basics Checklist is for all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater and require a permit. The Bay-Friendly Basics represents the 9 required practices from the Bay-Friendly Landscape Scorecard. It is considered a minimum set of practices to improve the environmental performance of the landscape. Projects are recommended to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, check "N/A" and make a note of why the measure does not apply to the project (attach additional sheets if necessary). For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: [www.BayFriendly.org](http://www.BayFriendly.org)

**Project:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Earthwork & Soil Health

Yes	No	N/A	Measure & Requirement	Documentation	Notes
<b>1. Mulch</b>					
			<p><b>Requirement</b> All soil on site is protected with a minimum of 3 inches of mulch after construction.</p> <p><b>Recommendation</b> Use recycled or greenwaste mulch instead of landscape fabric. Trees identified for removal are chipped and used on site as mulch, on-site storage space permitting.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.1; <i>Bay-Friendly Guide to Mulch</i>, available at <a href="http://www.BayFriendly.org">www.BayFriendly.org</a>. Provides sources of recycled mulch and proper application of mulch and information on sheet mulching.</p>	<ul style="list-style-type: none"> <li>• Submit square footage of planting areas as well as cubic yards required to cover planting areas to a minimum three-inch (3") depth.</li> <li>• Submit a delivery ticket or receipt of purchased mulch and/or,</li> <li>• Submit receipts for sheet mulching materials and/or,</li> <li>• (Optional) Submit photos of trees being chipped for mulch (if applicable).</li> </ul>	
<b>2. Amend the Soil with Compost Before Planting</b>					
			<p><b>Requirement</b> Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived.</p> <p><b>Recommendation</b> Purchase compost from a producer who participates in the U.S. Composting Council's Standard Testing Assurance(STA) program to ensure quality.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.1; Model Bay-Friendly Soil specifications, at <a href="http://www.BayFriendly.org">www.BayFriendly.org</a>; U.S. Composting Council Standard Testing Assurance program explanation and list of participating producers can be found at: <a href="http://www.compostingcouncil.org">www.compostingcouncil.org</a></p>	<ul style="list-style-type: none"> <li>• Submit the site soil or imported topsoil analysis. No soils analysis is required if 1" of compost is used.</li> <li>• Submit+H35 compost details from construction documents.</li> <li>• Submit the receipt or delivery ticket for the compost, indicating the amount of the compost delivered/purchased.</li> </ul> <p><u><i>If a waiver is requested based on soil organic matter content or the needs of plant palette,</i></u></p> <ul style="list-style-type: none"> <li>• Submit a completed plant palette with species that need little/no soil organic matter identified, and include the source of information on their soil needs OR</li> <li>• Submit a soils report that indicates the soil has an organic matter content of 3.5% or greater.</li> </ul>	

## Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<b>Materials</b>			

### 3. Reduce and Recycle Landscape Construction Waste

#### Requirement

Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.

#### Reference:

StopWaste.Org, *Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials* and sample Waste Management Plan for recycling C&D materials at [www.BuildGreenNow.Org](http://www.BuildGreenNow.Org).

- State the percent diversion goal in the design documents.
- List specific goals and recycling and reuse requirements in plans and specifications.
- Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan.
- Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at [www.BuildGreenNow.org](http://www.BuildGreenNow.org).
- After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%).

## Planting

### 4. Choose & Locate Plants to Grow to Natural Size

#### Requirement

Species will be selected and plants spaced to allow them to grow to their natural size and shape. Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into their planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements.

#### Reference

*Bay-Friendly Landscape Guidelines*, Practices 2.1, Bay-Friendly Plant lists are available at [www.BayFriendly.org](http://www.BayFriendly.org); Bronsetin, Carol, David Fross and Bart O'Brien, *California Native Plants for the Garden*; East Bay Municipal Utility District, *Plants and Landscapes for Summer Dry Climates*; Sunset, *Western Garden Book*.

- Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread.
- Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.

## Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<b>5. Do Not Plant Invasive Plant Species</b>			
	<p><b>Requirement</b> None of the plant species listed by CAL-IPC's Don't Plant a Pest as invasive in the San-Francisco, Bay Area are included in the planting plan.</p> <p><b>Definition</b> An invasive speices is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likeley to cause economic or environmental harm or harm to human health. Federal Executive Order 1311.</p> <p><b>Reference</b> Bay-Friendly Landscape Guielines, Practice 2.1d; Don't Plant A Pestbrochures for trees and plants available at <a href="http://www.cal-ipc.org">www.cal-ipc.org</a>; <a href="http://www.cal-ipc.org/ip/inventory/weedlist.php">www.cal-ipc.org/ip/inventory/weedlist.php</a>.</p>	<ul style="list-style-type: none"> <li>• Compare the complete list of plants in the plant palette to the Cal-IPC list of plants that are invasive to the San Francisco Bay-Area.</li> <li>• Submit the complete plant palette.</li> <li>• Submit a statement signed by the Landscape Architect, Designer or Contractor confirming that no invasive species were substituted for specified species.</li> </ul>	
<b>6. Grow drought tolerant CA native, Mediterranean or climate adapted plants</b>			
	<p><b>Requirement</b> A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a published plant reference. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately.</p> <p><b>Recommendation</b> California native or Mediterranean species are strongly recommended.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i> Practice 4.2; <a href="http://www.owue.water.ca.gov/docs/wucols00.pdf">www.owue.water.ca.gov/docs/wucols00.pdf</a>.</p>	<ul style="list-style-type: none"> <li>• Submit a plant legend that identifies species, number of plants, irrigation requirements (and reference source of the water requirement), total number of drought tolerant plants and total number of non-turf plants. (download a Bay-Friendly plant legend template to facilitate this process at <a href="http://www.BayFriendly.org">www.BayFriendly.org</a>).</li> <li>• Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.</li> </ul>	

Irrigation	
1. <b>Water Source</b>	<ul style="list-style-type: none"> <li>Surface Water: Rivers, lakes, reservoirs.</li> <li>Groundwater: Wells, boreholes.</li> <li>Atmospheric: Fog harvesting, rainwater harvesting.</li> </ul>
2. <b>Water Distribution</b>	<ul style="list-style-type: none"> <li>Open Channel: Gravity flow through canals, ditches.</li> <li>Pressurized: Pipes, tunnels, siphons.</li> <li>Gravity: Sloped terrain for surface flow.</li> </ul>
3. <b>Water Application</b>	<ul style="list-style-type: none"> <li>Flood Irrigation: Water applied over the entire field surface.</li> <li>Surface Irrigation: Water applied to the surface, allowing it to infiltrate.</li> <li>Subsurface Irrigation: Water applied directly to the root zone through buried pipes.</li> <li>Sprinkler Irrigation: Water applied through a network of pipes and nozzles, simulating natural rainfall.</li> <li>Drip Irrigation: Water applied directly to the plant roots through small emitters.</li> </ul>
4. <b>Water Management</b>	<ul style="list-style-type: none"> <li>Canal Lining: Reduces seepage losses.</li> <li>Flow Control: Weirs, gates, valves.</li> <li>Water Scheduling: Timing and amount of water application.</li> <li>Soil Moisture Monitoring: Sensors to optimize water use.</li> </ul>

### Requirement

Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems.

## Reference

*Bay-Friendly Landscape Guidelines*, Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at [www.ebmud.com](http://www.ebmud.com).

- Submit the make and model and product sheet of the irrigation controller.
- Provide a statement signed by the Landscape Architect, Designer or Contractor that the installed controller is a self-adjusting model and includes shut off capacity.

### Requirement

Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.

- Submit statement signed by the Landscape Architect, Designer or Contractor verifying that irrigation as installed does not have sprinkler or spray heads in planted areas less than 8 feet wide.

This checklist works well with the Small Commercial Green Building Checklist available at [www.dfi.ca.org/smallcommercial](http://www.dfi.ca.org/smallcommercial)

## Frequently Asked Questions Relating to the Bay-Friendly Basics Landscaping Ordinance

### Applicability to Residential Properties

Q. I have a single-family residence in Piedmont. Does this ordinance affect me if I want to re-landscape part or all of my yard?

A. No. Existing single-family residences are not covered under the ordinance and are not required to adhere to the Bay-Friendly Basics Landscape Checklist when making changes to the property.

Q. I have a single-family residence in Piedmont. Does this ordinance affect me if I want to renovate my house, construct an addition to my house, construct a new detached structure on my property, or demolish my house and replace it with a new house?

A. No. Existing single-family residences are not covered under the ordinance and are not required to adhere to the Bay-Friendly Basics Landscape Checklist when making changes to the property.

Q. I have a single-family residence in Piedmont. Am I limited to certain plant materials, or maintenance practices?

A. No. Existing single-family residences are not covered under the ordinance. You may make any plant choices or maintenance practices (such as hedge trimming) that you want. You do not need design review or a building permit for projects which are solely landscaping.

Q. I own a vacant lot and want to construct a new single-family residence on the property. Will I have to comply with the ordinance and adhere to the Bay-Friendly Basics Landscape Checklist?

A. Yes - only if you are *also* planning to install 5,000 square feet or more of irrigated planted areas;

No - if you are proposing less than 5,000 square feet of irrigated planted areas.

Q. I own an existing multi-family residential building in Piedmont. Does this ordinance apply to me if I just want to re-landscape the front yard?

A. The ordinance would ONLY apply if you were proposing something that requires design review or a building permit (such as a new retaining wall 30" or higher) *and* the re-landscaped area is at least 2,500 square feet of 5,000 square feet or more (50% of irrigated planted area). If you just want to replace plants – even if it is more than 5,000

square feet of irrigated landscaped area – you would not need to comply with this ordinance, as long as no building permit is required.

### **Applicability to Commercial or Public Properties**

Q. I own an office building in Piedmont. Does this ordinance affect me if the building burns down and I need to reconstruct?

A. You would ONLY be required to comply if the new or rehabilitated landscaped area associated with the reconstruction was equal to or greater than 2,500 square feet of 5,000 square feet or more (50%) of irrigated planted area.

Q. If the City plans to re-landscape an area in a park or next to a City facility, will it need to adhere to the Bay-Friendly Basics Landscape Checklist?

A. ONLY if the project requires design review or a building permit *and* the re-landscaped area is at least 2,500 square feet of 5,000 square feet or more (50%) of irrigated planted area.

### **General Information**

Q. What is the difference between conventional and bay-friendly landscape practices?

A. Conventional landscaping provides beauty, recreation, and positive environmental effects. But it often relies on large lawns, non-native plants, abundant irrigation, and heavy use of fertilizers and pesticides. In addition, conventional landscaping requires significant mowing, blowing, trimming and removal of plant debris. Conventional landscaping maintenance often removes food and habitat for birds, insects and beneficial soil organisms, and degrades soil health by depriving it of nutrients. The result is often an increased dependency on labor and machinery, fertilizers and irrigation, greater storm water runoff, erosion, pollution of the bay, and global warming. Bay-Friendly Landscaping is a “whole systems” approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Bay-Friendly landscapes are designed to maintain the health, safety and environment of both humans and wildlife while lowering the costs of water consumption, maintenance, and waste hauling and disposal. The guidelines for Bay-Friendly Landscaping were developed by StopWaste.Org and are organized around nine basic practices for protecting the environment.

Q. What are the Nine Bay-Friendly Basics Landscape Practices?

A. There are nine landscaping practices on the Bay-Friendly Basics Landscape Checklist. They are:

1. Mulch. A minimum of 3 inches of mulch to protect the soil and retain water after construction.



2. Compost. A minimum 1 inch of compost applied as a soil amendment so that the soil organic matter content is at least 3.5%.
3. Reduce and Recycle Waste. Divert at least 50% (by weight) of the landscape construction and demolition waste from the landfill.
4. Choose Plants to Grow to Natural Size. Select and space plants to allow them to grow to their natural size and shape. Pruning for structural integrity and plant health is permitted.
5. Avoid Invasive Plant Species. Do not plant species listed as invasive in “Don’t Plant a Pest,” published by the California Invasive Plant Council (cal-ipc.org).
6. Grow Climate Adapted Plants. A minimum of 75% of the total number of plants in non-turf areas will be a climate-adapted species that requires no or little summering watering once established, including California native and Mediterranean species.
7. Minimize the Lawn. A maximum of 25% of total irrigated area for turf (which requires a surfeit of water, chemical fertilizers and maintenance), with sports or multiple-use fields exempted.
8. Specify Weather-Based Irrigation Controllers. Automatic or self-adjusting weather-based or soil moisture-based irrigation controllers for all irrigation systems.
9. No Sprinkler & Spray Heads for Areas Less Than 8-Feet Wide. To prevent overspray and runoff, alternative water distributors such as drip, subsurface drip, bubblers or no irrigation shall be specified for areas less than or equal to 8-feet in width.

It is also important to note that no plant species is forbidden, except the invasive plant species listed by CAL-IPC's *Don't Plant a Pest* as invasive in the San-Francisco Bay Area. Water-loving non-native plants can be used, but with limits on the amount and placement (normally high-visibility areas where showy displays are desired). For covered projects in Piedmont and other Alameda County jurisdictions, StopWaste.Org has landscape architects on contract who provide design review and Bay-Friendly assessment for free.

Q. How might future changes in Stopwaste.org criteria affect Piedmont if the current ordinance is adopted?

- A. If Stopwaste.org makes changes to their criteria in the Checklist, Scorecard, or Guidelines, most of the changes will not affect Piedmont. Criteria embodied within the ordinance adopted by the City, such as the landscaped area square footage limits, and the categories of projects, will remain until the Council specifically acts to change them at a noticed public hearing. For example, if Stopwaste.org decided to change the applicable square footage from a minimum of 5,000 square feet for new residences to 2,000 square feet for new residences, that change would not apply to Piedmont.

Likewise, if Stopwaste.org changes the criteria under the Checklist it would not affect Piedmont because Piedmont would have adopted a specific version (version 2.1, dated 12/11). For example, if Stopwaste.org wanted to place limits on hedge trimming, those limits would not apply to Piedmont.

If Stopwaste.org makes changes to the criteria under the Scorecard, it would not affect any residential or commercial properties in Piedmont, but would affect very large public projects on public land under the existing Civic Bay-Friendly Landscape Ordinance that affects public properties in Zone B.

Q. Can the Piedmont City Council waive these requirements?

- A. Yes, under either this ordinance or the Civic Bay Friendly ordinance related to public projects in Zone B, the City Council has the right to determine that for any given project, the public interest would not be served by complying with the provisions, and may waive compliance.

Q. What are the Impacts and Benefits of Bay-Friendly Landscaping?

- A. Visual qualities: The visual impact of Bay-Friendly landscapes may be discernable. Although no plant species is forbidden by Bay-Friendly landscaping, species with characteristics that improve the health of the San Francisco Bay watershed are preferred. Mediterranean and native plant species might be more abundant. Water-loving plant species would remain available but would be grouped together in high-visibility areas. Ornamental lawns would give way to ornamental flowers, bunch grasses, shrubs and trees.

Benefits: The benefits of Bay-Friendly landscaping practices include:

- A reduction in the amount of waste generated by landscaped areas. The waste that can be reduced or eliminated includes plant debris, greenhouse film, plastic pots, plastic groundcover, leftover pesticides and leftover insecticides;
- A healthier environment and San Francisco Bay watershed through the reduction of runoff and pollution;
- A reduction in greenhouse gas emissions through the elimination of conventional landscaping practices (fossil fuels for powering equipment, transporting landscape materials and waste, manufacturing pesticides and fertilizer, and pumping and using water), the elimination of organic debris going to the landfill, the reduction of mowing and trimming, and the increase in soil organic matter; and
- A reduction in the cost of landscaping maintenance.

Q. Where may I obtain more information on Bay-Friendly Landscaping practices?

- A. The City of Piedmont Public Works Department can provide you free of charge copies of Bay-Friendly Landscaping literature, including the *Bay-Friendly Basics Landscape Checklist*, the *Bay-Friendly Gardening* guide, the *Bay-Friendly Landscaping Guidelines: Sustainable Practices for the Landscape Professional*, and the *Bay-Friendly Landscape Scorecard*. These and additional information and literature can be obtained by visiting [www.BayFriendlyCoalition.org](http://www.BayFriendlyCoalition.org). The list of invasive species to avoid can be found at <http://www.cal-ipc.org/>.

**ADOPTION STATUS OF BAY FRIENDLY LANDSCAPE  
ORDINANCES BY ALAMEDA COUNTY JURISDICTIONS**

<b>Jurisdiction</b>	<b>Adopted Bay Friendly?</b>	<b>Thresholds</b>
Alameda County	In Progress	<ul style="list-style-type: none"> <li>• Going to the County Board of Supervisors July 10, 2012</li> </ul>
Alameda City	Yes	<ul style="list-style-type: none"> <li>• New or rehabilitated commercial, industrial, and developer installed residential landscapes over 2,500 square feet</li> <li>• New or rehabilitated residential landscapes over 5,000 square feet</li> </ul>
Albany	Yes	<ul style="list-style-type: none"> <li>• New construction and rehabilitation of public and private landscapes of 2,500 square feet of irrigated area or greater.</li> </ul>
Berkeley	Yes	<ul style="list-style-type: none"> <li>• All new and renovated irrigated landscape of over 2,500 square feet.</li> </ul>
Dublin	No	<ul style="list-style-type: none"> <li>• Has a Civic Bay Friendly in place, aesthetics of projects not well received by residents</li> <li>• Growing city does not want the economic disincentive of requiring these types of landscapes</li> <li>• Would require additional staff time which is beyond the amount of Import Mitigation funds received</li> </ul>
Emeryville	Yes	<ul style="list-style-type: none"> <li>• New and rehabilitated landscapes with a landscape area equal to or greater than 2,500 square feet</li> </ul>
Fremont	In progress	<ul style="list-style-type: none"> <li>• new or renovated irrigated landscape areas that cumulatively include 2,500 or more square feet</li> </ul>
Hayward	Yes	<ul style="list-style-type: none"> <li>• New construction and rehabilitated landscapes for public agency projects and private development projects and developer installed landscapes in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet.</li> <li>• New construction and rehabilitated landscapes which are homeowner provided and or homeowner hired in single-family and multi-family residential projects with a total project landscape area of 5,000 square feet or more.</li> <li>• Certain existing landscapes</li> <li>• Cemeteries</li> </ul>
Livermore	Yes	<ul style="list-style-type: none"> <li>• Does not specifically use the checklist, built the checklist into their local ordinance regulating the California Water Efficiency Landscape Ordinance</li> </ul>
Newark	No	<ul style="list-style-type: none"> <li>• The staff time needed to implement this ordinance would require more money than was available in Import Mitigation Funds.</li> </ul>

Oakland	Yes	<ul style="list-style-type: none"> <li>• New Construction</li> <li>• 500 sq. ft. or more floor area additions- residential</li> <li>• 1,000 sq. ft. or more floor area additions- non-residential</li> </ul>
Pleasanton	No	<ul style="list-style-type: none"> <li>• The Bay Friendly Basics was not in line with some of their Climate Action Plan goals and so the city put off adopting the Ordinance until a later date</li> </ul>
San Leandro	Yes	<ul style="list-style-type: none"> <li>• Does not specifically use the checklist, built the checklist into their local ordinance regulating the <u>California Water Efficiency Landscape Ordinance</u></li> </ul>
Union City	Yes	<ul style="list-style-type: none"> <li>• New construction and rehabilitated landscapes for both public and private development projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet.</li> <li>• New construction and modifications to existing landscapes for both public and private development projects with a landscape area less than two thousand five hundred (2,500) square feet, which require site development review approval or administrative site development review;</li> <li>• Certain existing landscapes</li> <li>• Cemeteries</li> </ul>

## **ACTIONS OF THE PARKS AND PLANNING COMMISSIONS**

### **PARK COMMISSION ACTION:**

At the May 2, 2012 meeting of the Park Commission, the Bay-Friendly Ordinance was unanimously approved to be recommended to the City Council with one modification noted below. The minutes follow.

#### **Bay-Friendly Landscape Information Form**

As a part of their recommendation, the Commission requested that staff add to the ordinance a requirement that applicants needing to submit landscape plans complete and submit an information form of Bay-Friendly Basics Landscaping practices for applicants to consider when developing their landscaping plans. This information form would be developed by the Director of Public Works or his/her designee and be included as part of design review applications. The information forms will serve as outreach to publicize and promote Bay-Friendly Landscaping practices, and as a data gathering device so that the City may learn how many and which of the practices are voluntarily implemented in landscapes not subject to the Bay-Friendly Landscaping practices. By providing this checklist, applicants would have the opportunity to learn more about Bay-Friendly landscaping projects, consider using these practices in their landscaping choices, and potentially increase the number of landscapes using Bay-Friendly landscaping techniques. As indicated on page 5 of this report, such a form would be included in the information required in Sections 17.18.3(a)(iii) and 17.18.3(b)(i). However, Council may choose include a specific requirement of a form by amending the current ordinance as indicated on page 5.

#### **Bay-Friendly Landscape Design Award**

In addition, the Commission strongly encouraged the Planning Commission to consider adding to its annual *Design Awards* program, a category recognizing Bay-Friendly Landscaping projects as a means of further incentivizing residents to embrace Bay-Friendly Landscaping principles.

### **PLANNING COMMISSION ACTION:**

At its May 14, 2012 hearing, the Planning Commission unanimously approved a recommendation that the City Council approve the proposed Bay-Friendly Landscaping Ordinance as modified by the Park Commission. The Planning Commission also expressed great interest and approval of the Park Commission's recommendation to add a Bay-Friendly Landscaping category to the annual *Design Awards* program. The minutes follow.

## PIEDMONT PARK COMMISSION

### Regular Meeting Minutes for Wednesday, May 2, 2012

A Regular Session of the Piedmont Park Commission was held May 2, 2012, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on April 24, 2012.

#### CALL TO ORDER

Chairman Valkonen called the meeting to order at 5:30 p.m.

#### ROLL CALL

Present: Commissioners Sue Herrick, Nancy Kent, John Lenahan, Patty Siskind, Jamie Totsubo and Jukka Valkonen

Absent: Commissioner Mary Geong (excused)

Staff: Parks & Projects Manager Mark Feldkamp, Public Works Superintendent Dave Frankel and Recording Secretary Chris Harbert

City Council Liaison: Councilmember Garrett Keating

#### PUBLIC FORUM

Nancy Jacobs on behalf of the Piedmont Garden Club presented the City with a check in the amount of \$5,000 to be used toward funding the construction of the proposed Ramona/Ronada Avenue Triangle Master Plan. The Commission thanked the Garden Club for its generous donation.

#### REGULAR CALENDAR

The Commission considered the following items of regular business:

##### Minutes

**Resolved**, that the Park Commission approves as submitted its meeting minutes of April 4, 2012.

Moved by Herrick, Seconded by Siskind

Ayes: Herrick, Kent, Lenahan, Siskind, Totsubo, Valkonen

Noes: None

Absent: Geong

##### Bay-Friendly Landscape Ordinance

Assistant Planner Kevin Jackson and Planning Technician Jennifer Feeley reported that the Alameda County Waste Management Authority Board (StopWaste.Org) is requiring cities within its jurisdiction to adopt a Bay-Friendly Landscaping Ordinance in order to receive FY 2011-12 Import Mitigation Grant Funding. In Piedmont's case, the anticipated grant funding for FY 11-12 would be approximately \$22,000. For the past several years, this grant funding has been used to help fund the cost of the City's residential curbside E-waste recycling program, the C&D recycling and drop box incentive program, participation in the Alameda County climate protection program, the recycling outreach materials program and implementation of the recycling and receptacle plan for Piedmont's public spaces. The proposed ordinance would require adherence to Bay-Friendly landscaping techniques for all commercial and residential landscaping projects that meet the ordinance's thresholds for compliance. This new ordinance mirrors one previously adopted by the City pertaining to civic projects. Under the proposed ordinance, the City Council would maintain the right to waive ordinance provisions when the public interest is not served by compliance with the Bay-Friendly landscaping standards and in actuality the proposed compliance thresholds are such that most residential projects would not meet the eligibility requirements. However, ordinance adoption would indicate City support and leadership in promoting Bay-Friendly landscaping, waste reduction, healthy environments and climate protection

objectives and spur public awareness and interest in voluntarily complying with the Bay-Friendly principles.

**Public testimony** was received from:

Margaret Ovenden voiced support for ordinance adoption, noting that conservation efforts are well-received by Piedmont residents. Therefore, she suggested that the compliance thresholds be lowered so that more landscaping related projects are subject to ordinance requirements.

The Commission supported Council adoption of the proposed ordinance, agreeing that Bay-Friendly principles are already being incorporated into many private landscaping projects. The Commission also recommended that rather than lower compliance thresholds at this time, residents who inquire/apply for landscaping related permits and approvals, be provided a copy of the Bay-Friendly Basics Landscape Checklist as a public education tool to inform them of Bay-Friendly Landscape principles and encourage the incorporation of these principles into their designs/projects. It was also felt that completed checklist information would be helpful to the City for data collection purposes. In addition, the Commission strongly encouraged the Planning Commission to consider adding to its annual *Design Awards* program, a category recognizing Bay-Friendly landscaping projects as a means of further incentivizing residents to embrace Bay-Friendly principles. The Commission also supported ordinance adoption so that the City could continue to receive Import Mitigation Grant funding.

**Resolved,** that the Park Commission recommends City Council adoption of the Bay-Friendly Landscaping Ordinance, finding that:

1. The proposed ordinance is categorically exempt from the requirements of CEQA per Section 15308, "Actions by Regulatory Agencies for Protection of the Environment" of the CEQA Guidelines, which exempts actions taken by regulatory agencies for protection of the environment.
2. The design, construction and maintenance of landscapes within the City can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers and visitors to the City.
3. Based on studies by StopWaste.Org, plant debris from landscape construction, renovation and maintenance comprises 5.6% of the materials disposed in Alameda County landfills.
4. Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the landscape.
5. Bay-Friendly landscape design contributes to a reduction in greenhouse gas emissions in compliance with the City's Climate Action goals, improves air quality and enhances urban sustainability.
6. Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger SF Bay area ecosystem and the community. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Key components of Bay-Friendly landscaping include reducing waste and

using materials that contain recycled content; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management (IPM) to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat.

7. It is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of Bay-Friendly landscaping.
8. Bay-Friendly landscaping design, construction, operation and maintenance techniques are increasingly widespread in residential and commercial landscape construction. In Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guidelines for residents; and

**Resolved Further**, the Commission recommends that residents pursuing landscaping projects be provided with a copy of the Bay-Friendly Basics Landscape Checklist for their consideration and completion in connection with the development of their landscaping plan.

Moved by Herrick, Seconded by Siskind

Ayes: Herrick, Kent, Lenahan, Siskind, Totsubo, Valkonen

Noes: None

Absent: Geong



## **PIEDMONT PLANNING COMMISSION**

### **Regular Meeting Minutes for Monday, May 14, 2012**

A Regular Session of the Piedmont Planning Commission was held May 14, 2012, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on May 4, 2012.

#### **CALL TO ORDER**

Chairman Chase called the meeting to order at 5:00 p.m.

#### **ROLL CALL**

Present: Commissioners Phillip Chase, Jim Kellogg, Melanie Robertson, Tom Zhang and Alternate Commissioner Susan Ode

Absent: Commissioner Michael Henn (excused)

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technicians Sylvia Toruno, Andrea Arguelles and Jennifer Feeley and Recording Secretary Chris Harbert

City Council Liaison: Councilmember Robert McBain

#### **Proposed Bay Friendly Landscaping Code Changes**

Planning Technician Feeley requested Commission consideration and support for City Council approval of a proposed ordinance

amending Section 17.18 of the City Code to add Bay-Friendly Landscaping Requirements. She reported that the Alameda County Waste Management Authority Board (StopWaste.Org) is requiring cities within its jurisdiction to adopt a Bay-Friendly Landscaping Ordinance in order to receive FY 2011-12 Import Mitigation Grant Funding. In Piedmont's case, the anticipated grant funding for FY 11-12 would be approximately \$22,000. For the past several years, this grant funding has been used to help fund the cost of the City's residential curbside E-waste recycling program, the C&D recycling and drop box incentive program, participation in the Alameda County climate protection program, the recycling outreach materials program and implementation of the recycling and receptacle plan for Piedmont's public spaces. The proposed ordinance would require adherence to Bay-Friendly

landscaping techniques for all commercial and residential landscaping projects that meet the ordinance's thresholds for compliance. This new ordinance mirrors one previously adopted by the City pertaining to civic projects. Under the proposed ordinance, the City Council would maintain the right to waive ordinance provisions when the public interest is not served by compliance with the Bay-Friendly landscaping standards and in actuality the proposed compliance thresholds are such that most residential projects would not meet the eligibility requirements. However, ordinance adoption would indicate City support and leadership in promoting Bay-Friendly landscaping, waste reduction, healthy environments and climate protection objectives and spur public awareness and interest in voluntarily complying with the Bay-Friendly principles. She noted that on May 2, the Park Commission also endorsed City Council adoption of the proposed ordinance, suggesting that residents needing to submit landscape plans be requested to complete and submit a checklist (or information form) of Bay Friendly Basics Landscaping practices so that these applicants would have an opportunity to learn more about Bay-Friendly practices and consider incorporating these practices into their landscaping designs/plans. It was also felt that completed checklist information would be helpful to the City for data collection purposes. Staff has amended the proposed ordinance to include this provision. In addition, the Park Commission strongly encouraged the Planning Commission to consider adding to its annual *Design Awards* program, a category recognizing Bay-Friendly landscaping projects as a means of further incentivizing residents to embrace Bay-Friendly principles.

**Public testimony** was received from:

Peter Wolfe strongly supported ordinance adoption, agreeing that there is a growing trend in the Bay Area supporting the use of resources in a sustainable way.

The Commission supported Council adoption of the proposed ordinance, agreeing that Bay-Friendly principles are already being incorporated into many private landscaping projects and concurring with the Park Commission's recommendations pertaining to providing residents with the Bay-Friendly checklist to complete and consider in connection with project applications as well as including a Bay-Friendly landscaping category in the annual *Design Awards* program.

#### **Resolution 11-PL-12**

RESOLVED, that the Planning Commission recommends City Council adoption of the Bay-Friendly Landscaping Ordinance, as amended by staff, finding that:

9. The proposed ordinance is categorically exempt from the requirements of CEQA per Section 15308, "Actions by Regulatory Agencies for Protection of the Environment" of the CEQA Guidelines, which

exempts actions taken by regulatory agencies for protection of the environment.

10. The design, construction and maintenance of landscapes within the City can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers and visitors to the City.
11. Based on studies by StopWaste.Org, plant debris from landscape construction, renovation and maintenance comprises 5.6% of the materials disposed in Alameda County landfills.
12. Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the landscape.
13. Bay-Friendly landscape design contributes to a reduction in greenhouse gas emissions in compliance with the City's Climate Action goals, improves air quality and enhances urban sustainability.
14. Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger SF Bay area ecosystem and the community. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Key components of Bay-Friendly landscaping include reducing waste and using materials that contain recycled content; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management (IPM) to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat.
15. It is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of Bay-Friendly landscaping.
16. Bay-Friendly landscaping design, construction, operation and maintenance techniques are increasingly widespread in residential and commercial landscape construction. In Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guidelines for residents; and

RESOLVED FURTHER, that the Commission directs that its annual *Design Awards Program* be expanded to include a category recognizing Bay-Friendly landscaping designs.

Moved by Kellogg, Seconded by Robertson

Ayes: Chase, Kellogg, Robertson, Zhang, Ode

Noes: None

Absent: Henn

## ADJOURNMENT

There being no further business, Chairman Chase adjourned the meeting at 11:15 p.m.

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# BAY-FRIENDLY BASICS COMPARED TO OTHER RELEVANT ORDINANCE OR LANDSCAPE REQUIREMENTS\*

	Bay-Friendly Basic Landscape Practice	CA-WELO	Cal Green	C&D Ordinance	EBMUD Requirement for new Water Service
<b>1</b>	<b>Mulch.</b> All soil on site is protected with a minimum of 3 inches of mulch after construction.	Not equivalent, but CA-WELO requires 2 inches.	No equivalent practice.	N/A	No equivalent practice.
<b>2</b>	<b>Amend the Soil with Compost Before Planting.</b> Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost.	No equivalent, CA-WELO does require soil analysis but does not recommend compost.	No equivalent practice.	N/A	No equivalent practice.
<b>3</b>	<b>Reduce and Recycle Landscape Construction Waste.</b> Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.	No equivalent	Equivalent -- Section 5.408.3 Construction Waste -- Cal Green defers to local ordinance if it is greater than CAL Green. BF and Cal Green standard are aligned with 50% diversion goal. BF Basics defers to the higher standard where applicable.	Equivalent & defers to Member Agency C&D diversion ordinances.	No equivalent practice.
<b>4</b>	<b>Choose &amp; Locate Plants to Grow to Natural Size.</b> Species will be selected and plants spaced to allow them to grow to their natural size and shape. Pruning for structural integrity and health of plant is permitted.	No equivalent, but adequate spacing conserves water & contributes to meeting WELO water budget	No equivalent	N/A	No equivalent practice.
<b>5</b>	<b>Do Not Plant Invasive Species.</b> None of the plant species listed by CAL-IPC as invasive in the San Francisco Bay Area are included in the planting plan.	Use of invasive plants is discouraged	No equivalent	N/A	No equivalent practice.

<b>6</b>	<b>Grow drought tolerant CA native, Mediterranean or climate adapted plants.</b> A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established.	No equivalent practice but contributes to meeting WELO water budget by conserving water	No equivalent practice, but does contribute to meeting Cal Green Tier One and Tier Two, Section A5.304.1 and .2 in Outdoor Water use. The Tiers encourage a lower water budget than CA-WELO at 60%ET and 55% ET.	N/A	Exceeds BF Basics and requires 80% low water using plant for non-turf irrigated areas. Applies to landscapes in EBMUD district that are applying for new water service. BF Basics defers to the higher standard where applicable.
<b>7</b>	<b>Minimize the Lawn.</b> A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted.	No equivalent practice but contributes to meeting WELO water budget by conserving water	No equivalent practice, but does contribute to meeting Cal Green Tier One and Tier Two, Section A5.304.1 and .2 in Outdoor Water use. The Tiers encourage a lower water budget than CA-WELO at 60%ET and 55% ET.	N/A	Equivalent requirement. Applies to landscapes in EBMUD district that are applying for new water service.
<b>8</b>	<b>Specify Weather Based Controllers.</b> Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems.	Equivalent requirement.	Equivalent practice but not threshold. Cal Green threshold for compliance is lower than WELO and BF aligns with WELO. Cal Green Mandatory, Outdoor Water Use, Section 5.304.3 applies to commercial projects with 1,000 to 2,500 square feet. BF Basics defers to the higher standard where applicable.	N/A	Equivalent requirement. Applies to landscapes in EBMUD district that are applying for new water service.
<b>9</b>	<b>Sprinkler &amp; Spray Heads are not Specified for Areas Less than 8 feet Wide.</b> Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff.	Equivalent requirement.	No equivalent practice.	N/A	Equivalent requirement. Applies to landscapes in EBMUD district that are applying for new water service.

\* Provided by Stopwaste.org