

**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 through the incorporating of Bay-Friendly landscaping practices through the application of the Bay-Friendly Basics Checklist for all new construction and renovation of large scale landscape 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, including the Bay-Friendly Basics Landscape Checklist, shall be subject to the following regulations:*

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

- (i) Bay-Friendly Landscape Checklist. *"Bay-Friendly Landscape Checklist" is a short selection of Bay-Friendly landscape practices that have significant environmental benefit for water conservation, reducing erosion and improving storm water quality and reducing green house gases. The Basics 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 Form. *"Bay-Friendly Landscaping Information Form" means a form 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 Scorecard. *"Bay-Friendly Landscaping Scorecard" means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org.*
- (v) Bay-Friendly Landscaping Compliance Official. *"Bay-Friendly Landscaping Compliance Official" means the Director of Public Works or his or her designee.*
- (vi) Landscape. *"Landscape" means the parcel area less the building pad and includes all irrigated planted areas and hardscape surfaces (i.e. driveway, parking, paths and other paved areas).*
- (vii) Renovation. *"Renovation" means any change, addition, or modification to an existing Building Structure or Landscape, including, but not limited to, tenant improvements.*
- (viii) Structure. *"Structure" shall have the same meaning as defined in section 17.2 of this code.*

(b) Regulations and Standards for Compliance.

- (i) *At all times, City staff shall maintain the most recent version of the Bay-Friendly Landscape Guidelines; the Bay-Friendly Landscaping Scorecard; and the Bay-Friendly Basics Checklist.*
- (ii) *All applicants required to submit Landscape Plans as outlined in Section 17.18.2 shall complete and submit a Bay-Friendly Information Form.*
- (iii) Bay-Friendly Basics Checklist. *The following projects shall meet the most recent minimum Bay-Friendly Basics Checklist requirements, initiated on or after the effective date of this Ordinance, as recommended by StopWaste.Org or its designee:*
  - (1) *new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet require a building or landscape permit, plan check or design review;*
  - (2) *new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet require a building or landscape permit, plan check, or design review;*
  - (3) *new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet require a building or landscape permit, plan check or design review;*
  - (4) *existing landscapes installed prior to January 1, 2012 and are over one acre in size as regulated by the California Model Efficiency Landscape Ordinance; and*
  - (5) *cemeteries. Recognizing the special landscape management needs of cemeteries, cemeteries shall be regulated per the direction of the California Model Efficiency Landscape Ordinance.*
- (iv) *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; or*

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

(v) *Projects which meet the applicable thresholds shall submit a completed Bay-Friendly Basics Landscape Checklist along with any landscape plans 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.

# 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, select "N/A" and make a note of why the measure does not apply to the project. For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: [www.BayFriendly.org](http://www.BayFriendly.org)

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

## Earthwork & Soil Health

Yes No N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>1. Mulch</b> <b>Requirement</b> All soil on site is protected with a minimum of 3 inches of mulch after construction.  <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.  <b>Reference</b> <i>Bay-Friendly Landscape Guidelines, Practice 4.1; Bay-Friendly Guide to Mulch, 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.</i>	<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>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>2. Amend the Soil with Compost Before Planting</b> <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.  <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.  <b>Reference</b> <i>Bay-Friendly Landscape Guidelines, 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></i>	<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><i><u>If a waiver is requested based on soil organic matter content or the needs of plant palette.</u></i></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
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**Materials**

Yes	No	N/A

**3. Reduce and Recycle Landscape Construction Waste**

<p><b>Requirement</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&amp;D) recycling.</p> <p><b>Reference:</b> StopWaste.Org, <i>Builders' Guide to Reuse &amp; Recycling: A Directory for Construction and Demolition Materials</i> and sample Waste Management Plan for recycling C&amp;D materials at <a href="http://www.BuildGreenNow.Org">www.BuildGreenNow.Org</a>.</p>	<ul style="list-style-type: none"> <li>• State the percent diversion goal in the design documents.</li> <li>• List specific goals and recycling and reuse requirements in plans and specifications.</li> <li>• Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan.</li> <li>• Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at <a href="http://www.BuildGreenNow.org">www.BuildGreenNow.org</a>.</li> <li>• After construction, provide final waste management plan with backup documentation. If materials were sent to a C&amp;D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&amp;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%).</li> </ul>	
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**Planting**

Yes	No	N/A

**4. Choose & Locate Plants to Grow to Natural Size & Avoid Shearing**

<p><b>Requirement</b> No plant species will require shearing. Species will be selected and plants spaced to allow them to grow to their natural size and shape without shearing at any point in the lifespan of the plant. Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or in narrow strips/medians will be spaced at the maximum plant spread according to a published reference plant book and still fit into their planting area without significant overhang against buildings, or over walkways, streets or into adjacent plants.</p> <p><b>Definition</b> Shearing is a method of pruning for forming hedges of uniform shape by routinely cutting them with hedge shears, resulting in a geometric growth habit and dense build-up of internal branches.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i>, Practices 2.1, Bay-Friendly Plant lists are available at <a href="http://www.BayFriendly.org">www.BayFriendly.org</a>; Bronsetin, Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; East Bay Municipal Utility District, <i>Plants and Landscapes for Summer Dry Climates</i>; Sunset, <i>Western Garden Book</i>.</p>	<ul style="list-style-type: none"> <li>• Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread.</li> <li>• Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.</li> </ul>	
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# Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><b>5. Do Not Plant Invasive Plant Species</b></p> <p><b>Requirement</b> None of the plant species listed by CAL-IPC as invasive in the San-Francisco, Bay Area are included in the planting plan.</p> <p><b>Definition</b> An invasive species is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Federal Executive Order 13111.</p> <p><b>Reference</b> Bay-Friendly Landscape Guidelines, Practice 2.1d; Don't Plant A Pest brochures 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>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><b>6. Grow drought tolerant CA native, Mediterranean or climate adapted plants</b></p> <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 third party source. 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; Bornstein, Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; EBMUD, <i>Plants and Landscapes for Summer-Dry Climates</i>; Sunset, <i>Western Garden Book</i>; UCCE, <i>Guide to Estimating Irrigation Water Needs of Landscape Plantings in CA</i>, <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>	



# Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><b>7. Minimize the lawn</b></p> <p><b>Requirement</b> A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.3; Bay-Friendly Lawn Alternatives plant list at <a href="http://www.BayFriendly.org">www.BayFriendly.org</a>; Brooklyn Botanic Garden Publications, <i>Easy Lawns, Low Maintenance Native Grasses for Gardeners Everywhere</i>.</p>	<ul style="list-style-type: none"> <li>• Submit calculations of square feet of turf, excluding sports and multiple use fields, and square feet of total irrigated area.</li> <li>• Submit planting plans with sports and multiple use fields identified. Include a statement about the purpose of multiple use fields.</li> <li>• Submit as statement signed by the Landscape Architect, Designer or Contractor that installed turf meets the requirements for this credit.</li> </ul>	
<b>Irrigation</b>			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><b>8. Specify Weather-Based Irrigation Controllers (automatic, self-adjusting) that Includes a Moisture &amp;/or Rain Sensor Shutoff</b></p> <p><b>Requirement</b> Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems.</p> <p><b>Reference</b> <i>Bay-Friendly Landscape Guidelines</i>, Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at <a href="http://www.ebmud.com">www.ebmud.com</a>.</p>	<ul style="list-style-type: none"> <li>• Submit the make and model and product sheet of the irrigation controller.</li> <li>• 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.</li> </ul>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p><b>9. Sprinkler &amp; Spray Heads are Not Specified for Areas Less Than 8 Feet Wide</b></p> <p><b>Requirement</b> 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.</p>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	

**Bay-Friendly Basics:** Bay-Friendly Basics represents the 9 required practices in the Bay-Friendly Landscape Scorecard. Landscapes that achieve the Bay-Friendly Basics are not considered to be Bay-Friendly Rated Landscapes. In order to qualify as a Bay-Friendly Rated Landscape a project must complete the entire Bay-Friendly Landscape Scorecard that has these 9 required practices as well earn a minimum of 60 points out of a possible 219 points. In addition, the scorecard must be evaluated by a qualified Bay-Friendly Rater. The Bay-Friendly Basics is also not supposed to substitute for standard horticultural practices. Rather, the Bay-Friendly Basics is supposed to help local government staff raise the minimum environmental requirements for landscape projects that require a permit. For more information on Bay-Friendly Rated Landscapes visit [www.BayFriendly.org](http://www.BayFriendly.org).

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