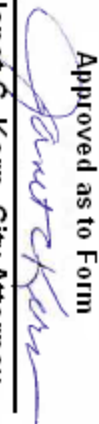


CITY OF ALAMEDA ORDINANCE NO. 3049

New Series

AMENDING SECTIONS 30-58, 30-59, and 30-60 OF THE ALAMEDA MUNICIPAL CODE TO ADOPT NEW BAY FRIENDLY LANDSCAPING REQUIREMENTS FOR MAJOR NEW AND REHABILITATION LANDSCAPING PROJECTS

Approved as to Form  
  
Janet C. Kern, City Attorney

BE IT ORDAINED by the City Council of the City of Alameda that:

Findings.

In enacting this Section, the City Council finds as follows:

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are consistent with the policies of the General Plan. Chapter 5 of the General Plan, entitled "Open Space and Conservation" states that "The Conservation Element is oriented toward the management of natural resources to prevent waste, destruction or neglect. The Open Space Element, emphasizes open space as a land use and requires that preservation and management of natural resources be considered in land use planning and decision-making." The proposed amendments will integrate Article IV Landscape Requirements with the Bay Friendly Landscape Basic practices and thereby achieve policies outlined within the Open Space and Conservation Element of the General Plan including:

Policy 5.1.h *Continue to support EBMUD in its efforts to promote and implement water conservation measures.*

Policy 5.1.i *Encourage the use of drought-resistant landscaping.*

Policy 5.1.z *Develop a comprehensive City Water Conservation Ordinance that recognizes Alameda's unique climate, soil conditions, and development patterns.*

Policy 5.1.aa *Review proposed development projects for both water and energy efficiency, and integrate plans for the use of reclaimed wastewater for landscaping as a condition of approval.*

2. The amendments will support the general welfare of the community. The proposed zoning text amendments are consistent with the City of Alameda Local Action Plan for Climate Change. By requiring Bay Friendly landscape improvements, the City will be working to reduce green

house gas emissions and combat climate change. As an island community, Alameda is uniquely sensitive to the hazards of climate change and sea level rise.

3. The amendments are equitable. The proposed zoning amendment is equitable in that it imposes landscaping requirements on covered projects. Installation of Bay Friendly landscaping has been shown to reduce long term maintain costs and reduce energy and water use and costs. For these reasons, the new requirements will not impose an undue burden on affected property owners.

4. The proposed amendment to the Municipal Code is Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 Minor Alterations in Land Use Limitations.

Section 1. Section 30-60 Bay Friendly Landscaping Requirements for New City Landscaping Projects, City Renovation Projects, and Public Private Partnership Projects shall be deleted in its entirety.

Section 2. Section 30-58 (Water Conservation Landscaping Requirements), and Section 30-59 (Guidelines), shall be amended to read as follows. Additions are shown as underlined and deletions are shown as strikethrough.

#### **Article IV- WATER CONSERVATION AND BAY FRIENDLY LANDSCAPING**

##### **30-58.1- Purpose.**

The purpose of this article shall be:

- a. To promote quality, water-efficient landscaping, while recognizing Alameda's unique climate, soil conditions, and development patterns.
- b. To support Municipal Utilities District (EBMUD) in its efforts to promote and implement water conservation measures.
- c. To implement the new landscape design requirements of the Water Conservation Act of 2006 (AB 1881) and to establish standards for sustainable landscape practices in accord with the current version of the StopWaste.Org Bay Friendly Landscape protocols.

##### **30-58.2 - Definitions.**

- a. Bay-Friendly Landscape Guidelines means the most recent version of guidelines developed by StopWaste.Org for use in the professional design,

construction and maintenance of Landscapes. City staff shall maintain the most recent version of the Bay-Friendly Landscape Guidelines at all times.

b. Bay-Friendly Landscaping scorecard means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscaping scorecard in the planning and building department at all times.

c. "Covered Project" means: 1.) new or rehabilitated commercial, industrial and developer installed residential landscapes over twenty-five hundred (2,500) square feet, 2) all new or rehabilitated residential landscapes over five thousand (5,000) square feet, and 3) all new landscaping projects or renovations of landscapes that are either owned or maintained by the city or developed as a public-private partnership that equals or exceeds one hundred thousand (\$100,000.00) dollars (in 2009 dollars) in construction costs and adjusted annually to reflect changes in the San Francisco Bay Area Construction Cost Index published in Engineering News Record Magazine.

d. Landscape means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).

e. Renovation means any change, addition or modification to an existing landscape.

## **30-59 GUIDELANDS**

### **30-59.1 - General.**

a. Landscape plans, and all plans for ornamental uses of water, including but not limited to lakes, ponds, and fountains, shall be submitted for review as to conformance with these requirements. Landscaping shall not be installed until the applicant receives acceptance of the landscape plans, by the City of Alameda Planning Department. Changes to the approved landscape plans that affect the character of the plant material or the irrigation system design are required to be submitted for review and approval.

~~b. The requirements do not apply to sites or portions of sites using treated reclaimed water, that is suitable for reuse in the landscape, subject to approval by the County Health Department.~~

b. The provisions of this section shall not apply to sites or portions of sites devoted to the growing of plants for human consumption, including but not limited to fruit trees and vegetables.

c. Landscape plans for projects which are exempt from provisions of this Chapter, may be submitted to EBMUD for evaluation of water-use efficiency at the applicant's discretion.

### **30-59.2 - Basic Requirements for All Projects.**

The following provisions shall apply to all plans for ornamental uses of water and to all landscaping plans required for approval of any permits issued under the provisions of this chapter unless otherwise exempted through specific provisions of this article.

#### *a. Plant Selection.*

1. At least ninety (90%) percent of the plants selected in non-turf areas shall be well-suited to the climate of the region and require minimal water once established. Exceptions to this requirement may be granted in situations where non-potable private well water is being used for irrigation purposes. Species should be adapted to the climate which they will be planted. If plants are given a range of water needs from "occasional to moderate" the landscape designer must determine the water needs and indicate them on the site plan. The applicant must submit a plant legend that identifies species, number of plants, irrigation requirements, total number of drought tolerant plants and total number of non-turf plants. A statement from the Landscape Architect, Designer or Contractor verifying that the installed plants meet the requirement must be submitted.

2. 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 the 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 adjacent to other vertical obstructions. Vines are not subject to spacing requirements. Applicant shall submit a plant legend indicating plant species and mature spread of plant and provide a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.

3. Up to ten (10%) percent of the plants may be of a non-water efficient variety as long as they are grouped together and can be irrigated separately.

4. Species identified by the California Invasive Plant Council as invasive in the San Francisco Bay Area shall not be specified.

#### *b. Turf and "Water Area" Limitations.*

1. The combined turf and/or "water area" (i.e., pools, ponds and fountains) shall be limited to twenty-five (25%) percent of the irrigated area. ~~or five hundred (500) square feet, whichever is greater.~~ Public parks, golf courses, public and private school recreation areas, and day care recreation areas are excluded from this turf and/or water area limitation.

2. No turf shall be allowed in median strips, or in areas less than eight (8') feet wide.

3. All turf areas shall be planted with predominantly drought tolerant turf grasses defined as species that have a water requirement less than or equal to tall fescue.

4. Re-circulating water shall be used for All ornamental uses of water in the common areas of a development project, such as ponds, lakes, and fountains, and where available recycled water shall be used. ~~shall be supplied, operated, and maintained with alternative sources of water if they are available.~~

*c. Soil Conditioning and Mulching to Increase Irrigation Efficiency.*

1. A minimum of four (4) cubic yards of compost per one thousand (1000) square feet shall be incorporated into the top six (6") inches of soil. Compost shall be specified as soil amendment according to the outcome of a required soil analysis, to bring the soil organic matter content to a minimum of 3.5 percent by dry weight or one (1) inch of compost. Adding compost is waived if the plant palette primarily includes plants that are adapted to soils with little or no organic matter. If imported or site soil meets the organic content of 3.5 percent, the compost requirement is waived.

2. A minimum of ~~two (2")~~ three (3") inches of mulch shall be added in non-turf areas to the soil surface after planting. Nonporous material shall not be placed under the mulch. Use of recycled or green waste mulch is encouraged. Trees identified for removal should be chipped and used on site as mulch if on-site storage space is available.

3. Sprinklers and sprays shall not be used in areas less than eight (8') feet wide.

4. Artificial, landscaped slopes created through berming shall not exceed a slope of ten (10%) percent unless approved by Design Review.

5. All plans shall specify that fifty (50) percent of landscape construction and demolition waste by weight must be diverted from the landfill.

### **30-59.3 - Additional Requirements for Larger Projects.**

The following provisions shall apply to the approval of permits for all "covered" projects: nonresidential or mixed use projects; single parcels developed with four (4) or more dwelling units; and projects involving the construction, or conversion to condominiums, of five (5) or more dwelling units.

a. All covered projects initiated on or after the effective date of this chapter shall meet the most recent minimum Bay-Friendly Landscaping standards.

b. All covered project that are either owned or maintained by the city of developed as a public-private partnership that equals or exceeds one hundred thousand (\$100,000.00) dollars (in 2009 dollars) in construction costs and adjusted annually to reflect changes in the San Francisco Bay Area Construction Cost Index published in Engineering News Record Magazine initiated on or after the effective date of this chapter shall meet the most recent minimum Bay-Friendly Landscape scorecard.

#### *a-c. Irrigation Systems.*

1. Irrigation systems incorporating drip, bubbler, or comparable technology shall be used on slopes exceeding ten (10%) percent within ten (10') feet of hardscapes.

2. Valves and circuits shall be separated based on water use.

3. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed 1.5 gallons per minute per device.

4. Sprinkler heads must have matched precipitation rates within each control valve circuit.

5. Pop-up sprinklers in lawn areas shall have at least a four (4") inch pop-up height.

6. Check valves are required where elevation differences may cause low head drainage.

7. The system shall be designed for head to head coverage, if appropriate, and minimum runoff and over-spray onto non-irrigated areas. The irrigation system shall be designed to place trees on separate valves from shrubs, groundcover and turf.

8. All automatic irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle

start capacity and a flexible calendar program. Irrigation controls shall be set to water before 10 a.m. or after 8 pm.

9. All irrigation systems shall be equipped with rain shut-off devices.

10. Irrigation systems for non-single family residences shall be automatic.

11. The irrigation system installer shall provide setting instructions to the owner or occupant for the specific set of landscape plans.

12. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures. Weather based irrigation controllers, soil moisture-based controllers, shall be required for all irrigation systems.

13. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

*d. Soil Conditioning and Mulching.* Soil tests showing soil type, soil depth, uniformity and pH shall be required and submitted with landscape plans. Soil must be amended according to test recommendations.

*e. Water Budget.* Plans shall include a water budget that includes:

1. Estimated annual water use (in gallons).

2. Total irrigated area and total turf area (in square feet).

3. A monthly irrigation schedule for the plant establishment period and the following year. This irrigation schedule will include the following information for each valve.

(a) Plant type.

(b) Precipitation rate.

(c) Flow rate in gallons per minute.

(d) Run times in minutes per day.

(e) Number of watering days per week (turf- grasses should be irrigated a maximum of once every three (3) days).

f. Compliance with the provisions of this section may be waived in unusual circumstances where the Planning Board or City Council has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

The following schedule shows how many inches of water tall fescue needs monthly, based upon climatic data for coastal areas. Water conserving plants will require about half the water of tall fescue.

January	0.5 inches/month
February	0.75 inches/month
March	1.5 inches/month
April	2.0 inches/month
May	3.5 inches/month
June	4.0 inches/month
July	5.0 inches/month
August	4.5 inches/month
September	3.0 inches/month
October	1.5 inches/month
November	0.75 inches/month
December	0.5 inches/month

~~30-60 – BAY-FRIENDLY LANDSCAPING REQUIREMENTS FOR NEW CITY LANDSCAPING PROJECTS, CITY RENOVATION PROJECTS AND PUBLIC-PRIVATE PARTNERSHIP PROJECTS~~

~~30-60.1 – Purpose and Intent.~~

~~30-60.2 – Definitions.~~

~~30-60.3 – Standard For Compliance.~~

~~30-60.4 – Implementing Regulations.~~

~~30-60.5 – Unusual Circumstances.~~

~~30-60.1 – Purpose and Intent.~~

~~To promote economic and environmental health in the city, it is essential that the city itself, through the design, construction, and maintenance of its own landscapes and landscapes it funds, provide leadership to both the private and public sectors by incorporating Bay-Friendly landscaping practices. The most immediate and meaningful way to do this is to require the integration of Bay-Friendly landscaping strategies in city landscapes and landscapes that are part of public-private partnership projects, and green infrastructure~~



projects, including but not limited to, green grids, street edge alternatives, and green alleys.

~~30-60.2—Definitions:~~

- ~~a. Bay-Friendly Landscape Guidelines means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes. City staff shall maintain the most recent version of the Bay-Friendly Landscape Guidelines at all times.~~
- ~~b. Bay-Friendly Landscaping scorecard means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscaping scorecard in the planning and building department at all times.~~
- ~~c. City landscape project means any new construction or renovation of a landscape owned or maintained by the city.~~
- ~~d. Covered project means all new landscaping projects or renovations of landscapes that are either owned or maintained by the city or developed as a public-private partnership that equals or exceeds one hundred thousand (\$100,000.00) dollars (in 2009 dollars) in construction costs and adjusted annually to reflect changes in the San Francisco Bay Area Construction Cost Index published in Engineering News Record Magazine.~~
- ~~e. Bay-Friendly Landscaping compliance official means the designated staff person(s) authorized and responsible for implementing this article.~~
- ~~f. Green alley means an alley that is designed or reconstructed to reduce environmental impacts and discharges to the storm sewer system.~~
- ~~g. Green grid means an interconnected network of public open spaces, green corridors, footpaths and landscapes.~~
- ~~h. Green infrastructure means an adaptable term used to describe an array of products, technologies, and practices that use natural systems, or engineered systems that mimic natural processes, to recycle stormwater runoff, filter air pollutants, sequester carbon, and retain and infiltrate rainfall. Green infrastructure practices may include green roofs, porous pavement, rain gardens, and vegetated swales.~~
- ~~i. Initiated means officially identified and substantially funded to offset the costs associated with the project.~~

~~j. Landscape means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).~~

~~k. Public-private partnership means any project built on city-owned land, primarily funded by the city, built as a project of the housing authority, community improvement commission, or built under a disposition and development agreement with the city.~~

~~l. Renovation means any change, addition or modification to an existing landscape.~~

~~m. Street edge alternative means the incorporation of natural drainage, detention swales, additional landscaping, and the reduction of impervious surfaces in new road construction and the reconstruction of existing roads, where feasible.~~

~~n. Traditional public works project means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City-owned and/or maintained property.~~

### ~~30-60.3 – Standard For Compliance.~~

~~a. All covered projects initiated on or after the effective date of this chapter shall meet the most recent minimum Bay-Friendly Landscape Scorecard points and required practices as recommended by StopWaste.Org or its designee.~~

~~b. For the purposes of reducing operating and maintenance costs in all city facilities and public-private partnership facilities, covered projects that do not meet the threshold that triggers compliance with the requirements of this chapter shall meet as many Bay-Friendly Landscaping Scorecard points as practicable and are required to complete and keep on file the Bay-Friendly Landscaping Scorecard, in order to document the green building practices that have been incorporated into the project.~~

~~c. The public works department shall regularly review the project specifications used in bidding traditional public works projects to include and implement the best environmental practices and Bay-Friendly Landscape Guidelines applicable.~~

~~(Ord. No. 2995 N.S., § 1, 6-2-09)~~

### ~~30-60.4 – Implementing Regulations.~~

~~a. The city manager shall, within six months of ordinance adoption, promulgate any rules and regulations necessary or appropriate to achieve~~

~~compliance with the requirements of this section, consistent with the provisions of chapter XXX (Development Regulations) of the Alameda Municipal Code. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected city agencies and departments.~~

~~b. The rules and regulations promulgated by the city manager under this section shall provide for at least the following:~~

~~1. The incorporation of the Bay-Friendly Landscaping requirements of this chapter into the appropriate design, construction, maintenance, and development agreement documents prepared for the applicable covered projects.~~

~~2. The designation of an appropriate Bay-Friendly Landscaping compliance official(s) who shall have the responsibility to administer and monitor compliance with the Bay-Friendly Landscaping requirements set forth in this chapter and with any rules or regulations promulgated thereunder, and to grant waivers or exemptions from the requirements of this section, and to report to the city council regarding Bay-Friendly Landscaping compliance on all covered projects and traditional public works projects.  
(Ord. No. 2995 N.S., § 1, 6-2-09)~~

~~30-60.5 Unusual Circumstances.~~

~~Compliance with the provisions of this section 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.~~

~~(Ord. No. 2995 N.S., § 1, 6-2-09)~~

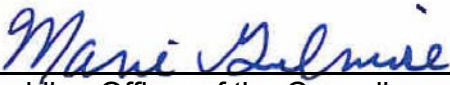
Section 3. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

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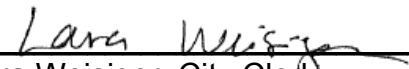
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Section 4. This ordinance shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

  
\_\_\_\_\_  
Presiding Officer of the Council

Attest:

  
\_\_\_\_\_  
Lara Weisiger, City Clerk

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 26<sup>th</sup> day of June, 2012, by the following vote to wit:

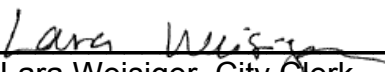
AYES: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 27<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda