

**CITY OF SAN LEANDRO
STAFF REPORT**

DATE: January 19, 2010
TO: Steve L. Hollister, City Manager
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APPROVED AND FORWARDED
TO CITY COUNCIL

Steve L. Hollister
City Manager

SUBJECT PROJECT/PROJECT DESCRIPTION:

MATTER OF AMENDMENTS TO THE SAN LEANDRO ZONING CODE TO AMEND THE EXISTING LANDSCAPE ORDINANCE (ARTICLE 19 LANDSCAPE REQUIREMENTS) TO REQUIRE ADDITIONAL WATER CONSERVATION STANDARDS FOR CERTAIN NEW AND EXISTING LANDSCAPE INSTALLATIONS.

SUMMARY AND RECOMMENDATION

The City of San Leandro is proposing to amend its existing landscape ordinance, embodied in Article 19 of the Zoning Code, to adhere to the new landscape design requirements of the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881). That law states that local jurisdictions must adopt ordinances that are “at least as effective” as the State of California’s model Water Efficient Landscape Ordinance (WELO) by January 1, 2010.

Staff is proposing to revise the existing Article 19 to include the provisions of the State’s model ordinance, as well as additional measures that adhere to the Bay Friendly Landscape protocols, as recommended by StopWaste.Org. The water conservation standards will help reduce overall water use on private and public properties in the city. The proposed modified landscape ordinance would apply to all zoning districts in the City, including Planned Development Districts.

Planning Commission and staff recommend that the City Council hold a public hearing and adopt the Negative Declaration/Initial Study and the proposed revisions to Article 19 Landscape Requirements.

BACKGROUND

In 2006, the state legislature passed AB 1881, known as the Water Conservation in Landscaping Act, which required the State Department of Water Resources to update the State Model Water Efficient Landscape Ordinance (WELO) by 2009. The State’s model ordinance was issued on October 8, 2009. San Leandro intends to modify its existing ordinance to make it conform to the basic requirements of the model ordinance in January 2010.

The City of San Leandro Zoning Code already establishes landscaping requirements for projects that trigger Site Plan Review in Article 19, and encourages the reduction of water use. Additionally,

the City Council adopted a resolution in February 2006 that encourages the use of StopWaste.Org Bay Friendly Landscaping protocols and establishes these as reference documents.

DISCUSSION

The proposed revised landscape ordinance differs from these existing requirements in a number of ways which are significantly more restrictive than existing regulations.

Applicability and Submittal Requirements

Currently, the Zoning Code requires that landscape plans be submitted with all development applications that require Site Plan Approval. Irrigation is required for all new or renovated landscape areas greater than 500 square feet, except for single-family residences. Applicable projects under the revised Article 19 would be those that require Site Plan Review as well as any:

- New and rehabilitated landscaping areas in commercial, industrial and developer-installed residential projects that are 2,500 square feet or greater; or
- New residential landscapes which are not developer-installed, that are 5,000 square feet or greater.

The amended landscape ordinance would require a landscape plan (“Landscape Documentation Package”), an irrigation plan (“Irrigation Design Plan”) and a Soil Management Report for applicable projects.

Details of Proposed Changes per the State-Mandated Water Efficiency Landscape Ordinance

Existing regulations in the Zoning Code encourage, but do not require, many water saving measures. Under the revised landscape ordinance many of these recommendations would become mandatory. New measures would result in further conservation of water usage as well as minimization of invasive species and yard waste. These include:

- limitation of turf to areas with slopes less than 25 percent;
- hydro-zoning (grouping according to water needs) of plants;
- smart timers;
- irrigation systems that limit overspray onto paved areas; and
- limitation on the use of sprinklers to the hours between 8 pm and 10 am.

Details of Proposed Changes per the State-Mandated Water Efficiency Landscape Ordinance

These heightened requirements for the above applicable projects will be complemented by a series of recommended practices taken from the Bay Friendly Landscape protocols developed by StopWaste.Org. These include:

- the use of compost as soil amendments;
- greater amounts of native or drought-tolerant planting;
- limitation of turf areas to 25 percent of the landscape area, with sports or multiple uses fields exempted

- greater depth of mulching (to three inches); and
- prohibition of the use of invasive plant species.

Implementation

The City will be working with East Bay Municipal Utility District (EBMUD) to coordinate implementation of the ordinance. These coordination efforts include working with EBMUD to assume some of the responsibilities of enforcing the water efficiency landscape ordinance and providing technical assistance to developers and property owners with projects affected by these amendments. The City of San Leandro will also be amending its Municipal Code to allow Code Compliance staff to enforce water waste issues.

Format of Proposed Changes in Attached Revised Article 19 of the Zoning Code

The attached text changes to the Zoning Code Article 19 Landscape Requirements shows the State Water Efficiency Landscape Ordinance measures that have been added to Article 19 as underlined text. The measures that adhere to StopWaste.Org's Bay Friendly Landscape protocols are underlined and in *italics*. These extensive changes cover most of the State's model ordinance text. Any additional text from the State ordinance, including formulae, water precipitation tables and definitions will be adopted as reference documents through the attached resolution.

Previous City Council Action

In February 2006, the City Council adopted Resolution 2006-013, which established the StopWaste.Org protocols for Bay Friendly Landscaping as official City reference standards.

City Council Committee Review and Action

On September 10, 2009, the City Council Housing and Business Development Committee reviewed the proposal and directed staff to proceed with the amendments that would bring the Zoning Code into conformance with the State WELO requirements.

Applicable General Plan Policy

Chapter 5 of the General Plan, Open Space, Parks and Conservation states that "(a)nother mission of this Element is to promote conservation practices among San Leandro residents and businesses. Three areas are emphasized: water conservation, recycling, and energy conservation." (General Plan, page 5-1) These proposed amendments that implement the State's water efficiency regulations and augment them with StopWaste.Org's Bay Friendly Landscape protocols achieve benefits in all three conservation areas promoted by the General Plan.

The City's General Plan supports the proposed water efficient landscaping Zoning Code amendment in the following Policies and Actions:

Policy 26.02 Mitigation of Development Impacts *Require measures to mitigate the impacts of development or public improvements on fish and wildlife habitat, plant resources, and other valuable natural resources in the City.*

Policy 26.06 Intergovernmental Coordination *Coordinate with the appropriate regional, state and federal agencies and other organizations in their efforts to conserve and enhance*

ecological resources in San Leandro. Refer local projects to these agencies as required for their review and comment.

Policy 27.02 Water Conservation *Promote the efficient use of existing water supplies through a variety of water conservation measures, including the use of recycled water for landscaping.*

Policy 27.03 Drought-Tolerant Landscaping *Encourage the use of native vegetation and drought tolerant non-native vegetation in landscaping plans*

Environmental Review

A Negative Declaration has been prepared for this Zoning Amendment. A “Notice of Public Review and Intent to Adopt a Proposed Negative Declaration” was filed on October 20, 2009 and the public review period on the Negative Declaration period extended from October 20, 2009 to November 17, 2009.

Board/Commission Findings

The Planning Commission reviewed the matter at its December 17, 2009 meeting, recommending the City Council approve the ordinances as drafted.

Summary of Public Outreach Efforts

Legal requirements for notification of this meeting included publication of a legal notice in the Daily Review and posting of the meeting agenda at City Hall a minimum of 72 hours in advance of the meeting date. Information about the proposed amendments was also mailed to the San Leandro Chamber of Commerce and to the City’s large property management organizations. On December 17, 2009, the Planning Commission met in the Council Chambers, which was also noticed according to the above protocol.

Attachments:

Planning Commission Minutes of December 17, 2009

Memo from StopWaste.Org to its member agencies, dated October 13, 2009

CONCLUSION

Planning Commission and staff recommend that the City Council hold a public hearing, adopt the Negative Declaration/Initial Study and the proposed Zoning Code amendments to Article 19.