

CITY OF ALAMEDA ORDINANCE No. _____

New Series

AMENDING CHAPTER 30 OF THE ALAMEDA MUNICIPAL CODE
REGARDING CLARIFYING TEXT AMENDMENTS TO SECTIONS 30-
58 THROUGH 30-59.3 OF THE ZONING ORDINANCE RELATED TO
WATER EFFICIENT LANDSCAPING.

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

Findings:

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

1. The amendments maintain the integrity of the General Plan. The proposed text amendments are necessary to ensure that the Zoning Ordinance is in compliance with the State of California Model Water Efficient Landscape Ordinance (MWELO). The amended Zoning Ordinance will attain General Plan Open Space and Conservation Element goals to promote and implement water conservation measures and encourage the use of drought-resistant landscaping.
2. The amendments will support the general welfare of the community. The proposed text amendments will promote the continued installation of landscaped areas in development projects while reducing the water demands of such landscaped areas. Additionally, the proposed text amendments will promote the use of the Bay Friendly Landscape Guidelines to ensure landscaped areas are compatible with the surrounding ecosystem.
3. The amendments are equitable. The proposed zoning amendments are equitable in that they establish submittal requirements, development standards and review procedures for landscape projects. The proposed zoning amendments also allow the City's permitting process to adapt to potential further changes mandated by the State.
4. California Environmental Quality Act. The proposed amendments are categorically exempt under California Environmental Quality Act Section 15305 – Minor Amendments to Land Use Limitations.

Section 1. Chapter 30 of the AMC shall be amended as follows:

ARTICLE IV. - ~~WATER: CONSERVATION LANDSCAPING~~ BAY-FRIENDLY AND
WATER EFFICIENT LANDSCAPE ORDINANCE

30-58.1 - PURPOSE

30-58.2 – GENERAL

30-58.3 – DEFINITIONS

30-58.4 – REQUIREMENTS

30-58.1 - Purpose.

The purpose of this article shall be to:

- a. Promote quality, water-efficient landscaping, while recognizing Alameda's unique climate, soil conditions, and development patterns.
- b. Support Municipal Utilities District (EBMUD) in its efforts to promote and implement water conservation measures.
- c. Implement the new landscape design requirements of the Water Conservation Act of 2006 most recently adopted State MWELo (California Code of Regulations, Title 23, Division 2, Chapter 2.7).
- d. Establish standards for sustainable landscape practices in accord with the current version of the StopWaste.Org Bay Friendly Landscape protocols.
- e. Divert plant debris from landfills.
- f. Promote the use of greywater systems.
- g. Discourage the planting of invasive plants.

(Ord. No. 2574 N.S. § 3)

(Ord. No. 3049 N.S., § 2, 6-26-2012)

30.58.2 – General

The State of California MWELo (California Code of Regulations, Title 23, Division 2, Chapter 2.7), is incorporated into this Article by reference and shall be implemented by the City of Alameda. In addition the following provisions shall apply.

30-58.3 - Definitions.

In addition to the definitions listed in this Section, all definitions in the State MWELo shall apply (California Code of Regulations, Title 23, Div. 2, Section 491).

- 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 projects with an aggregate of 500 square feet or more of landscaped area 2) projects with rehabilitated commercial, industrial and developer installed residential landscaped areas 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 Documentation Package Checklist means a list of the required submittal materials for review of a Landscape Document Package. City staff shall maintain the Landscape Documentation Checklist to ensure compliance with the State's most recently adopted MWELO.
- e. Renovation means any change, addition or modification to an existing landscape.
- f. Standard Landscaping Conditions of Approval means a list of standard conditions of approval that ensure a project's compliance with the State's most recently adopted MWELO. City staff shall maintain the Standard Landscaping Conditions of Approval to ensure compliance with the most recently adopted MWELO.

(Ord. No. 3049 N.S., § 2, 6-26-2012)

30-5958.4.4 – General Requirements

- a. The provisions of the State of California MWELO (California Code of Regulations, Title 23, Division 2, Chapter 2.7), shall be implemented by the City of Alameda.
- b. For all covered projects that require the approval of a building permit, plan check or design review, the applicant/developer shall:
 - 1. submit a Landscape Document Package compliant with the most recent version of the Landscape Document Package Checklist, on file with the Community Development Department;
 - 2. record the date of approval of the Landscape Document Package in the Certificate of Completion;
 - 3. upon approval of the Landscape Document Package, submit a copy of the Water Efficient Landscape Worksheet to EBMUD;
 - 4. be subject to the Standard Landscape Conditions of Approval and most recently adopted Bay-Friendly Landscaping Guidelines;
 - 5. submit a Certificate of Completion upon approval of the Landscape Document Package and issuance of permits.

~~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.~~

- ~~c. 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.~~
 - 1. registered local, state or federal historical sites;
 - 2. ecological restoration projects that do not require a permanent irrigation system;
 - 3. existing plant collections, as part of botanical gardens and arboretums open to the public.
- ~~d. Landscape plans for covered projects which are exempt from provisions of this chapter with landscaped areas less than 2,500 square feet in size, may be submitted to EBMUD for evaluation of water use efficiency at the applicant's discretion. either comply with the provisions of Section 30-58.1(a) above, or conform to the prescriptive measures of Appendix D of the Landscape Document Package Checklist.~~
- ~~e. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix B condition (4) of the most recently adopted Landscape Document Package Checklist.~~
- ~~f. All covered projects are required to divert (reuse or recycle) 100 percent of excavated soil and plant and land clearing debris.~~
- ~~g. Plants located adjacent to buildings, sidewalks, roads or other obstructions shall be installed to accommodate their minimum spread, according to a published third-party reference.~~
- ~~h. Plant species considered invasive by the California Invasive Plant Council shall not be installed.~~
- ~~i. All covered projects 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 initiated on or after the effective date of this Chapter shall meet the most recent minimum Bay-Friendly Landscape scorecard.~~

(Ord. No. 2574 N.S. § 3)

(Ord. No. 3049 N.S., § 2, 6-26-2012)

~~30-59-GUIDELINES-RESERVED~~

~~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. 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 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.~~
- ~~c. Soil Conditioning and Mulching to Increase Irrigation Efficiency.~~
- ~~1. A minimum of four (4) cubic yards of compost per one thousand (1,000) 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 three and one-half (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 three and one-half (3.5%) percent, the compost requirement is waived.~~
 - ~~2. A minimum of 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.~~

~~(Ord. No. 2574 N.S. § 3)~~

~~(Ord. No. 3049 N.S., § 2, 6-26-2012)~~

~~30-59.3 Additional Requirements for Larger Projects.~~

~~The following provisions shall apply to the approval of permits for all "covered" projects:~~

- ~~a. All covered projects initiated on or after the effective date of this chapter shall meet the most recent minimum Bay-Friendly Landscaping standards.~~
- ~~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 one and one half (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 10:00 a.m. or after 8:00 p.m.~~
- ~~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.~~

(Ord. No. 2574 N.S. § 3)

(Ord. No. 3049 N.S., § 2, 6-26-2012)

Section 2. 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.

Section 3. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby 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 City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2016.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda