

RESOLUTION NO. RZ-3-15

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
RECOMMENDING ZONING TEXT AMENDMENT RZ-3-15
TO THE CITY COUNCIL,
SUCH AMENDMENTS PERTAINING TO
LANDSCAPING REQUIREMENTS

WHEREAS, the City's 1994 General Plan contains policies and programs regarding landscaping (Land Use Element Policy 28 and Conservation Element Policy 127 and 128), providing clear performance standards in the Municipal Code for the physical character of all land use developments (Land Use Element Policy 22) and regarding water conservation (Conservation Element Policy 138); and

WHEREAS, the California Department of Water Resources recently lowered the threshold for when irrigated landscapes are subject to the state's Model Water Efficient Landscape Ordinance (MWELO) in response to the Governor's Executive Order EO B-29-15, with the goal of reducing per capita water consumption statewide; and

WHEREAS, local agencies may adopt a local or regional ordinance at least as effective in conserving water; and

WHEREAS, the Bay Area Water Supply and Conservation Agency (BAWSCA) has provided a regional model template as a guide to the City in its development of a companion ordinance to this resolution that would be at least as water conserving as the state's MWELO, which also includes a lowered threshold for applicability; and

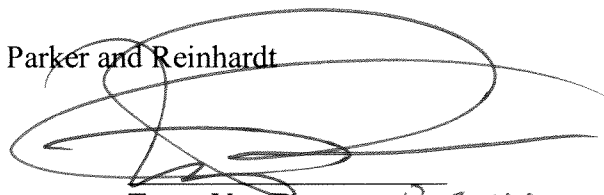
WHEREAS, certain development standards provisions found in Title 17 of the Brisbane Municipal Code, regarding irrigated landscape sizes, require amendment for consistency with either the new state standards or the BAWSCA regional model template; and

WHEREAS, the Planning Commission duly noticed and held a public hearing on the proposed amendments on February 11, 2016, at which time oral and written comments were considered; and

WHEREAS, the Planning Commission finds that the proposed amendments are categorically exempt from the California Environmental Quality Act per Sections 15307 and 15308 of the State CEQA Guidelines.

NOW, THEREFORE BE IT RESOLVED, that based on the above findings, the Planning Commission hereby recommends adoption of Zoning Text Amendment RZ-3-15, attached as Exhibit A, to the City Council.

AYES: Commissioners Do, Munir, Parker and Reinhardt
ABSENT: Commissioner Anderson


Tuong Van Do
Chairperson

ATTEST: 
JOHN A. SWIECKI, Community Development Director

DRAFT ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
SECTIONS 17.06.040, 17.08.040, 17.10.040, 17.12.040, 17.14.050,
17.16.040, 17.18.040, 17.19.040, AND 17.20.030 OF THE
MUNICIPAL CODE MODIFYING THE LANDSCAPING
PROVISIONS**

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

SECTION 1: Section 17.06.040.I of Chapter 17.06, R-1 Residential District, is amended to read as follows:

§17.06.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 2: Section 17.08.040.I of Chapter 17.08, R-2 Residential District, is amended to read as follows:

§17.08.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 3: Section 17.010.040.I of Chapter 17.10, R-3 Residential District, is amended to read as follows:

§17.10.040.I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 4: Section 17.12.040.K of Chapter 17.12, R-BA Brisbane Acres Residential District, is amended to read as follows:

§17.12.040.K Landscaping Requirements.

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the planning director in consultation with the HCP plan operator. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and fauna, and are not invasive to the HCP area;
 - c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 5: Section 17.14.050.F of Chapter 17.14, NCRO Neighborhood Commercial District, is amended to read as follows:

§17.14.050.F Landscaping Requirements for the NCRO-1 district are as follows:

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 6: Section 17.16.040.G of Chapter 17.16, the SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

§17.16.040.G Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside.
3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 7: Section 17.18.040.G of Chapter 17.18, the SP-CRO Sierra Point Commercial District, is amended to read as follows:

§17.18.040.G Landscaping Requirements.

1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 8: Section 17.19.040.F of Chapter 17.19, the TC-1 Crocker Park Trade Commercial District, is amended to read as follows:

§17.19.040.F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be subject to approval of the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

SECTION 9: Section 17.20.030.F of Chapter 17.20, the M-1 Manufacturing District, is amended to read as follows:

§17.20.030.F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

setback of three feet is required.; Patrick Mora, applicant; Jose Acuchi, owner; APN 007-393-010.

Commissioner Reinhardt recused himself as he lived within 500 feet of the subject property and exited the meeting room.

Associate Planner Capasso gave the agenda report presentation. She answered Commissioners' questions regarding secondary dwelling unit regulations in the Municipal Code, fire access, and fire and building code compliance of the structure.

Chairperson Do opened the public hearing.

Patrick Mora, applicant, addressed the Commission regarding the purpose of the deck to provide additional outdoor space, and reviewed the floor plan and photos of the unpermitted secondary dwelling unit. He noted that complying with the three-foot setback would result in a gap between the retaining wall and deck that would pose a safety issue.

Dr. Robin Fross, next door neighbor to the property at 164 San Benito Road, shared her support for the project.

Commissioner Munir moved and Commissioner Parker seconded to close the public hearing. The motion passed 3-0.

Commissioner Munir asked how a covered parking space may be provided under the deck. Associate Planner Capasso explained the minimum parking dimension requirements of the Municipal Code and the definition of covered parking that together prevented the deck from being consider to provide covered parking. She clarified the parking pad provides two compact, uncovered parking spaces.

After brief discussion, Commissioner Munir moved and Commissioner Parker seconded to adopt Resolution V-5-15 approving the Variance request. The motion passed 3-0, with Commissioner Reinhardt recused.

2. **PUBLIC HEARING: Zoning Text Amendment RZ-3-15;** Amend Title 17 of the Brisbane Municipal Code to Modify the Landscaping Development Standards to be Consistent with the State's requirements for when irrigated landscapes are subject to the Water Conservation in Landscaping Ordinance, BMC Chapter 15.70; City of Brisbane, applicant.

Senior Planner Johnson gave the agenda report. He answered Commissioners' questions regarding the new threshold under which the Water Conservation in Landscaping Ordinance would apply to a project and how the ordinance would be implemented.

There being no one present in the audience, the public hearing was closed and the Commission moved on to consider adoption of the ordinance. Commissioner Munir moved approval of Resolution RZ-3-15, seconded by Commissioner Reinhardt and approved 4-0.

City of Brisbane Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/11/16

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: RZ-3-15 Zoning Text Amendment to Modify the Title 17 Landscaping Development Standards to be Consistent with the State's requirements for when irrigated landscapes are subject to the Water Conservation in Landscaping Ordinance, BMC Chapter 15.70.

Request: The request is to revise the landscaping requirements in the Brisbane Municipal Code (BMC), Title 17, to be consistent with the state's new requirements, addressing when irrigated landscapes are subject to the Water Conservation in Landscaping Ordinance, BMC Chapter 15.70.

Recommendation: Recommend that the City Council adopt the draft ordinance, amending the landscape development sections of Title 17, via adoption of Resolution RZ-3-15.

Environmental Determination: Actions taken by regulatory agencies, as authorized by state law or local ordinance to assure the protection of natural resources and the environment are categorically exempt from the provisions of the California Environmental Quality Act, per Sections 15307 & 15308 of the State CEQA Guidelines. The exceptions to these categorical exemptions, referenced in Section 15300.2, do not apply.

Background: In response to the statewide 4-year drought and to build resiliency for future droughts, Governor Brown issued an Executive Order on April 1, 2015 (EO B-29-15) which directed the Department of Water Resources (DWR) to update the State's Model Water Efficient Landscape Ordinance (MWELO) through expedited regulation. The California Water Commission approved the revised MWELO last July. Local agencies have the option of adopting their own ordinances, which must be at least as effective in conserving water as the state's ordinance. Local agencies had until December 1st, 2015 to adopt, or the state's MWELO became effective by default. Alternatively, local agencies working together to base their ordinances on a regional model had until February 1st, 2016 or the state's MWELO became effective. For further information, a Department of Water Resources MWELO Fact Sheet is provided as Attachment 4.

The Bay Area Water Supply and Conservation Agency (BAWSCA), of which the City of Brisbane is a member, drafted a template model ordinance for jurisdictions in the Bay Area region to use as guidance in drafting local ordinances.

BAWSCA released its new model template ordinance in December 2015. Staff has since edited the model, without substantive changes, to replace the City's existing Water Conservation in Landscaping Ordinance, BMC Chapter 15.70. A preliminary draft of the City's Water Conservation in Landscaping Ordinance has been provided with this agenda report for the Commission's reference only (see Attachment 5). Since it is incorporated in Title 15 of the BMC, the Water Conservation in Landscaping Ordinance is not part of the Commission's purview. It is subject to City Council review and approval.

In addition to comprehensively updating BMC Chapter 15.70, specific sections of BMC Title 17 which have cross references to BMC Chapter 15.70 must be amended as well. These Title 17 amendments are the subject of this code amendment.

Since the deadline for jurisdictions working together to adopt a regional model ordinance was February 1st, the state's MWELO is now effective in Brisbane, by default, until such time that a local ordinance is adopted by Council that is at least as effective as the state's ordinance in conserving water.

Discussion:

The landscaping development standards which are contained in various sections of Title 17 currently reference a 1,000 square foot threshold of irrigated landscaping, at which point the provisions of BMC 15.70 are applicable. That reference no longer is consistent with the MWELO, or the BAWSCA model. The MWELO and the BAWSCA model have lowered the size threshold to 500 square feet for irrigated landscapes on new development sites.

The proposed amendment would revise the following sections of Title 17 for consistency:

1. R-1 Residential District: BMC Section 17.06.040.1
2. R-2 Residential District: BMC Section 17.08.040.1
3. R-3 Residential District: BMC Section 17.10.040.1
4. R-BA Brisbane Acres Residential District: BMC Section 17.12.040.K
5. NCRO-1 Neighborhood Commercial District: BMC Section 17.14.050.F
6. SCRO-1 Southwest Bayshore Commercial District: BMC Section 17.16.040.G
7. SP-CRO Sierra Point Commercial District : BMC Section 17.18.040.G
8. TC-1 Crocker Park Trade Commercial District: BMC Section 17.19.040.F
9. M-1 Manufacturing District: BMC Section 17.20.030.F

In order to provide for broader language in Title 17, the references found in the above listed sections would now simply refer to the Water Conservation Ordinance (BMC Chapter 15.70) for new and replacement irrigated landscapes, without including a specific size threshold. Specifically the updated text would read, "*New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.*"

The intent is to direct the reader to BMC Chapter 15.70 for irrigated landscapes, where further specificity would be provided for the different types of landscapes. This broader language would

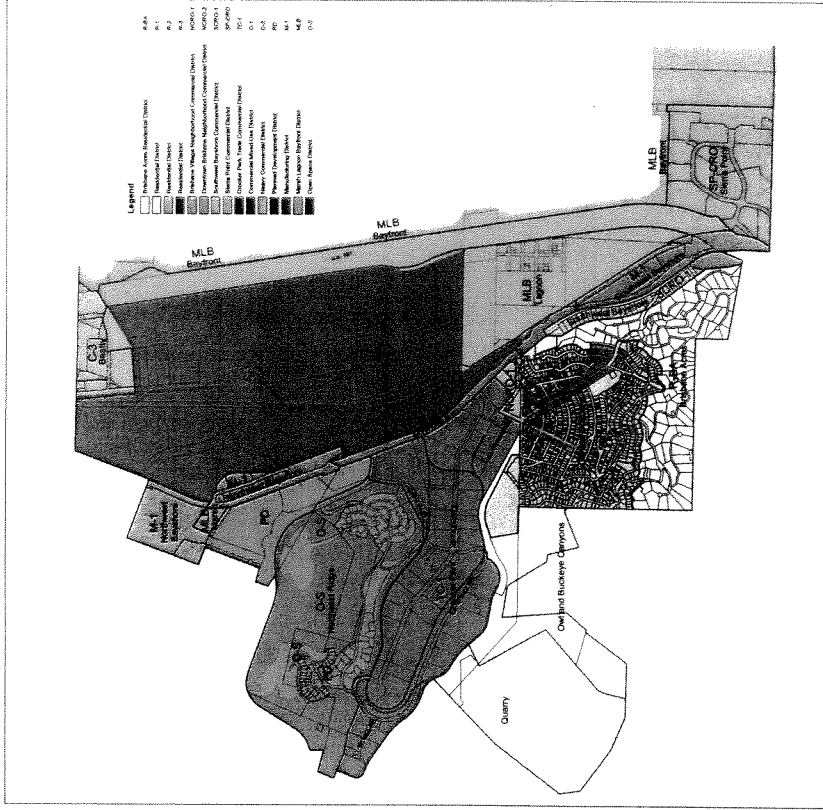
also provide for greater flexibility for any future updates to the Water Conservation in Landscaping Ordinance, without the need to also update Title 17.

Attachments:

1. Zoning Map
2. Redline/Strike-out of Proposed Title 17 amendments
3. ~~Draft Resolution RZ 3-15 and Exhibit A, Draft Ordinance (amending Title 17 development standards sections pertaining to landscaping)~~
4. ~~Dept. of Water Resources MWELQ Fact Sheet~~
5. ~~Draft Ordinance to Water Conservation in Landscaping Ordinance (for Commission reference, based on BAWSCA template)~~

See separately

Zoning Map City of Brisbane



LSA

0 0.125 0.25 0.5
MILES

Prepared: May 19, 2003
Revised: February 2007
Revised: June 2007
Revised: Jan 2008

Redline/Strike-out of Proposed Title 17 amendments

Section 17.06.040.I of Chapter 17.06, R-1 Residential District:

I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~3. New and replacement irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.08.040.I of Chapter 17.08, R-2 Residential District:

I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~4. New and replacement irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.010.040.I of Chapter 17.10, R-3 Residential District:

I Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and~~

~~replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.12.040.K of Chapter 17.12, R-BA Brisbane Acres Residential District:

K Landscaping Requirements.

1. Landscape Plan. All development proposals shall include a landscape plan to be approved by the planning director in consultation with the HCP plan operator. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:

- a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and fauna, and are not invasive to the HCP area;
 - c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~Irrigated Landscapes. New and replacement irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.14.050.F of Chapter 17.14, NCRO Neighborhood Commercial District:

F Landscaping Requirements for the NCRO-1 district are as follows:

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.16.040.G of Chapter 17.16, the SCRO-1 Southwest Bayshore Commercial District:

G Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director. Where landscaping is located adjacent to unimproved hillside.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:

- a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.18.040.G of Chapter 17.18, the SP-CRO Sierra Point Commercial District:

G Landscaping Requirements.

1. A minimum of twenty-five percent (25%) of the total lot area shall be landscaped. Additional landscaping requirements are set forth in the combined site and architectural design guidelines for Sierra Point.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.19.040.F of Chapter 17.19, the TC-1 Crocker Park Trade Commercial District:

F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be subject to approval of the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

Section 17.20.030.F of Chapter 17.20, the M-1 Manufacturing District:

F Landscaping Requirements.

1. Not less than fifteen percent (15%) of the gross lot area shall be improved with landscaping;
2. Landscaping required under this section, including replacement landscaping, shall be according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. ~~New and replacement, irrigated landscapes of one thousand (1,000) square feet or more, shall be subject to the water conservation in landscaping ordinance. Refer to Chapter 15.70.~~

California Model Water Efficient Landscape Ordinance 2015

SUMMARY OF CHANGES

Introduction

Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed the Department of Water Resources (DWR) to update the State's Model Water Efficient Landscape Ordinance (WELO) through expedited regulation. The California Water Commission approved the revised WELO on July 15, 2015. The deadline for local agencies to adopt the MWELO or adopt their own WELO, which must be at least as effective in conserving water, is December 1, 2015. The deadline for local agencies creating a regional ordinance is February 1, 2016.

StopWaste created this information sheet to help explain the differences between the 2009 and 2015 WELO. It is not intended as a substitute for the model ordinance and it may not contain all the changes. For the full WELO text, go to water.ca.gov/wateruseefficiency/landscapeordinance.

Some of the new WELO changes exceed certain measures in the Bay-Friendly Basics checklist. The new WELO includes or exceeds five out of the nine Bay-Friendly Basics practices. The three practices not included are: divert 50% C&D waste, choose & locate plants to grow to natural size, and do not plant invasive species. For details, please see the *Bay-Friendly Basics & WELO Comparison* information sheet at stopwaste.org/welo.

Purpose

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Watershed Approach	Watershed based approach to build landscapes that create conditions to enhance soil life, increase carbon storage and oxygen production, conserve energy, and protect air and water quality and habitat.	Water-use efficiency approach to landscapes	Broadens intent of the MWELO from water use efficiency to include a comprehensive approach to sustainable landscaping. The new WELO discourages practices that may save water but have negative environmental impacts. Watershed approach allows for new practices such as compost requirement.



Applicability

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
New Development Landscape Area	500–2,500 sf: Prescriptive compliance optional (Appendix D) ≥ 2500 sf: Full compliance	2,500 sf or 5,000 sf	Increased applicability. Prescriptive compliance is easier for small projects.
Existing Development Landscape Area	≥ 2500 sf	≥ 2,500 sf	No change
Graywater or Rainwater Satisfied ETWU	Prescriptive compliance optional. Appendix D (b) (5) irrigation system requirements only.	None	Requires only the irrigation section of Appendix D instead of the entire Appendix D. StopWaste recommends adding compost and mulch requirements for graywater/rainwater landscapes.

Water Budget Changes

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Residential ET Adjustment Factor	0.55	0.70	DWR states that high water use plants are reduced from 33% to 25% of the landscaped area. Water budget is flexible. Possible water use combinations include: <ul style="list-style-type: none"> • 75% low (0.3) and 25% high (0.8) • 51% very low (0.1) and 49% high (0.8) with all drip • 100% moderate (0.4)
Non-residential ET Adjustment Factor	0.45	0.70	DWR states high water use plants are reduced from 33% to infeasible. Water budget is flexible. Possible water use combinations include: <ul style="list-style-type: none"> • 90% low (0.3) and 10% high (0.8) • 63% very low (0.1) and 37% high (0.8) with all drip • 70% low (0.3) and 30% moderate (0.5) Unlimited special landscape areas including recreational lawns are still allowed.

Water Budget Changes Continued

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Irrigation Efficiency	Projects can now use a different IE for each hydrozone: 0.81 for drip 0.75 for spray	0.71 average	Water budget calculations will now easily accommodate projects that install products with a mix of irrigation efficiencies.
Plant Factor Source	WUCOLS or other sources as approved by DWR	Derived from WUCOLS	More accurate representation of plant water use.
Plant Factor Range	0 to 0.1 very low 0.1 to 0.3 low	0 to 0.3 low	Separates very low and low water use designations.
Recreational Area	Excludes private single family areas	Vague for residential areas.	Residential lawn can no longer be considered a special landscape area and is therefore limited to 25% of landscape.

Landscape Design Plan

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Medians	High water use plants, 0.7 to 1.0 are prohibited in medians.	None	No turf with a plant factor of 0.7 to 1.0 or other high water use plants in medians.
Compost	Incorporate a minimum of 4CY/1000 sf compost	None	4 CY/1000 sf compost or 1.3 inches compost required. Meets Bay-Friendly Basics requirements, although some jurisdictions have higher requirements.
Mulch Layer	3 in. mulch Recommends local recycled mulch Exemptions for 5% bee habitat	2 in. mulch	3" of mulch are required. Meets Bay-Friendly Basics requirements.
Mulch Layer Type	Organic mulch from recycled materials takes precedent over inorganic mulch	No statement on mulch type	Requires recycled content organic mulch unless there are no local feedstocks or prohibited by Local Fuel Modification Plan.

Irrigation Design Plan

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Water Meters or Submeter	Non-residential ≥ 1,000 sf Residential ≥ 5,000 sf	All projects ≥ 5,000 sf	Lower threshold to require a meter or submeter for non-residential.
Pressure Regulators	Pressure regulating device required if pressure is under or over recommended pressure for irrigation device used.	None	Pressure regulators required if appropriate.
Flow Sensors	Required for all non-residential ≥ 5,000 sf	Recommended	Required flow sensors for non-residential.
Master Valves	Required	None	Master valves required.
Efficiency Requirements	Emission devices must meet the national standard.	None	Sprinklers must have a DU (distribution uniformity) of 0.65 or higher and meet additional national standards.
Low Volume/ Subsurface Irrigation	Subsurface irrigation required in areas less than 10 ft.	Low volume irrigation required in areas less than 8 ft.	Increased requirement from 8 ft. to 10 ft. and changed to subsurface irrigation.

Certification of Completion

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Hydrozone Diagram	Hydrozone diagram in controller required.	None	Diagram with hydrozones shall be kept with irrigation controller.
Maintenance Schedule	Added topdressing compost.	Regular maintenance schedule.	Maintenance schedule has new requirement for topdressing compost.

Irrigation Audits

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Irrigation Audits	Audit must be a third party. Irrigation Auditor Certification Program or Watersense program. Audit of 15% of production homes required.	Audits are required.	Increased auditor qualifications and made production home audits more reasonable.

Prescriptive Compliance Option Appendix D

This chart outlines the new prescriptive compliance option for new development landscape projects that are 500 to 2,500 sf.

REQUIREMENTS	MORE STRINGENT, LESS STRINGENT OR THE SAME AS STANDARD COMPLIANCE OPTION
4CY/1000 sf compost (1.3 in.)	Same
3 in. of mulch	Same
No turf on slopes exceeding 1:4	Same
Automatic irrigation controller with evapotranspiration or soil moisture sensor data and rain sensor.	Same
Pressure regulators (when needed)	Same
Manual shutoff valves	Same
Emission devices must meet the national standard.	Same
Areas less than 10 ft. width irrigated with subsurface.	Same
Turf prohibited in parkways less than 10 ft. wide unless adjacent to exiting vehicles. Any turf in parkways must be irrigated with subsurface irrigation.	More stringent
Residential areas use plants with occasional, little or no summer water (average 0.3) for 75% of the plant area excluding edibles and recycled water areas.	More stringent Water budget allows 51%
Residential areas 25% maximum turf.	More stringent Water budget allows 49% high water using turf
Non-residential areas install climate adapted plants that require occasional, little or no summer water (average 0.3) for 100% of the plant area excluding edibles and areas using recycled water.	More stringent Water budget allows 63%

Prescriptive Compliance Option Appendix D Continued

REQUIREMENTS	MORE STRINGENT, LESS STRINGENT OR THE SAME AS STANDARD COMPLIANCE OPTION
Non-residential no turf allowed.	<p>More stringent</p> <p>Water budget allows 37% high water using turf. Also unlimited amount of recreational turf is allowed.</p> <p>Note: Non-residential projects that are 500–2500 sf that wish to install turf as a recreational area will not meet the prescriptive requirements and will need to follow the standard WELO compliance option, (though this is not likely to affect many projects).</p>
Landscapes greater than 1,000 sf require a private submeter.	More stringent. Standard compliance requires 1000 sf for non-residential and 5,000 sf for residential.
<p>Note: The prescriptive option does not require the following:</p> <ul style="list-style-type: none"> • Soil analysis • Recirculating water features • Hydrozoning • Low volume irrigation in mulched planting beds • Low volume irrigation within 24 in. of non-permeable surface • Irrigation audit 	Less stringent

Reporting Requirements

	NEW 2015 WELO	2009 WELO	WHAT DOES IT MEAN?
Reporting Requirements	Reports due March 1, 2016 and January 31 of each year thereafter.	None	<p>Yearly reporting requirements.</p> <ul style="list-style-type: none"> • 1st year is confirming adoption and compliance. • 2nd year and after is on implementation and includes total square feet, number and types of new and retrofit landscapes, descriptions of enforcement, barriers, and more.

Model Water Efficient Landscape Ordinance: 2015 Revision



Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (Ordinance) through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015.

Which Projects are Subject to the Ordinance?

New development projects that include landscape areas of 500 sq. ft. or more are subject to the Ordinance. This applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review. The previous landscape size threshold for new development projects ranged from 2500 sq. ft. to 5000 sq. ft.

The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2500 sq. ft. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

When Does the Ordinance Go into Effect?

Local agencies (cities and counties) have until December 1, 2015 to adopt the Ordinance or adopt their own ordinance, which must be at least as effective in conserving water as the State's Ordinance. Local agencies working together to develop a regional ordinance have until February 1, 2016 to adopt, but they are still subject to the December 2015 reporting requirements (see *Reporting Requirements* below). If a local agency does not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance becomes effective by default.

What are the Significant Revisions?

More Efficient Irrigation Systems

- Dedicated landscape water meters or submeters are required for residential landscapes over 5000 sq. ft. and non-residential landscapes over 1000 sq. ft.
- Irrigation systems are required to have pressure regulators and master shut-off valves.
- All irrigation emission devices must meet the national standard stated in the Ordinance to ensure that only high efficiency sprinklers are installed.
- Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft.
- The minimum width of areas that can be overhead irrigated was changed from 8 feet to 10 feet; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

Incentives for Graywater Usage

Landscapes under 2500 sq. ft. that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option.

Improvements in Onsite Stormwater Capture

Friable soil is required in planted areas to maximize water retention and infiltration. Four yards of compost per 1000 sq. ft. of area must be incorporated. Other recommended measures for increasing onsite stormwater retention are listed in the Ordinance.

Limiting the Portion of Landscapes that can be Planted with High Water Use Plants

The maximum amount of water that can be applied to a landscape is reduced from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For residential projects, the coverage of high water use plants is reduced from 33% to 25% of the landscaped area. In non-residential landscapes, planting with high water use plants is not feasible. However, unchanged in the Ordinance is the extra water allowance made for non-residential areas when used for specific functional areas, such as recreation and edible gardens. Extra water allowance is also made for landscapes irrigated with recycled water, as was the case in the previous ordinance.

The irrigation efficiency of devices used to irrigate landscapes is one of the factors that goes into determining the maximum amount of water allowed. Rather than having one default irrigation efficiency for the entire site, the revised Ordinance allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance was 0.71; the revised Ordinance defines the irrigation efficiency of drip as 0.81 and that of overhead spray as 0.75.

Median strips cannot be landscaped with high water use plants, precluding the use of cool season turf. Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Reporting Requirements

All local agencies will report on the implementation and enforcement of their ordinances to DWR by December 31, 2015. Local agencies developing a regional ordinance will report on their adopted regional ordinance by March 1, 2016. Reporting for all agencies will be due by January 31st of each year thereafter.

Prescriptive Checklist Option for Landscapes under 2500 sq. ft.

Projects with landscape areas under 2500 sq. feet may comply with the performance requirements of the Ordinance or conform to the prescriptive measures contained in Appendix D. Many will find that the Appendix D checklist simplifies compliance.

How Much Water Will Be Saved?

DWR estimates that a typical California landscape will use 12,000 gallons less a year, or 20 percent less than allowed by the 2009 ordinance. Commercial landscapes will cut water use by 35%. Over the next three years, it is predicted that 472,000 new homes associated with 20,000 acres of landscape will be built in California. With proper implementation and enforcement by local agencies, the Ordinance will lead to substantial water savings.

How Can I Get Additional Assistance?

In Fall 2015, DWR will release a guidance document to accompany the Ordinance. Training workshops for local agency staff and landscape professionals will be held throughout the State.

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