

## **MEMORANDUM**

**Date:** April 25, 2012

**To:** Unincorporated Services Committee

**From:** Albert Lopez, Planning Director  
Sandi Rivera, Assistant Planning Director

**Subject:** California Water Efficient Landscapes Ordinance (WELO) and nine Bay Friendly Landscape Basics - Proposed amendments to Title 17 of the Zoning Ordinance

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## **BACKGROUND**

### **Background and Rationale for Proposed Amendments**

#### ***WATER EFFICIENT LANDSCAPE ORDINANCE***

Alameda County adopted the California Water Efficient Landscape Ordinance (WELO) by default with the statewide adoption of said ordinance on January 1, 2010. The proposed County ordinance update would formally add those measures from WELO into the Zoning Ordinance in order to reduce confusion for developers and public agencies. WELO's standards are applicable to the following projects:

- Public agency or private developer-installed commercial projects that require a permit and result in an increase of 2,500 square feet or more of irrigated landscape
- Developer-installed single- or multi-family residential projects that require a permit and result in an increase of 2,500 square feet or more of irrigated landscape
- Homeowner-installed single-family residential projects that require a permit and result in an increase of 5,000 square feet or more of irrigated landscape.

The Cal Green Ordinance, adopted by Alameda County, and incorporated into section 15.08 of the Alameda County Ordinance, also directs landscaping projects to follow WELO, where applicable.

Basically, WELO does the following:

To minimize the inefficient use of water in new and rehabilitated landscapes, this ordinance prescribes the use of drought tolerant and low water use plants for the largest landscaped areas, with high water use plants designated for accent areas. Turf is minimized, with the exception of sport fields and other uses that require turf for their use. Landscape development

packages that are compliant with WELO will include irrigation plans and scheduling that group plants with similar water needs into specific hydrozones. Using the methods prescribed by WELO, the licensed landscape architect can show how the landscape will comply with the ordinance.

### *BAY FRIENDLY LANDSCAPING*

Bay-Friendly Landscaping is a holistic approach to gardening and landscaping that works in harmony with the natural conditions of the San Francisco Bay Watershed. Bay-Friendly landscapes can provide a sense of place and are suited to the local climate, soils, and topography. Appropriately chosen and placed plants have greater pest resistance, require less care, use fewer resources, and generate less waste. The use of Bay-Friendly landscaping techniques can also help meet recycling goals set regionally and statewide.

In Alameda County, the organization StopWaste.Org has developed Bay-Friendly Landscape Guidelines for professional landscapers and a Bay Friendly Gardening Guide for residents. StopWaste.Org is a program funded by the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board.

Five cities within Alameda County (Emeryville, Fremont, San Leandro, Hayward, Livermore), have adopted the Bay Friendly Landscaping version of the State WELO. Other jurisdictions are currently in the process of updating their ordinances to include the nine Bay Friendly Landscaping Basics. To increase regional awareness and design toward more sustainable landscaping installations around the San Francisco Bay, the loosely affiliated Bay Friendly Landscaping and Gardening Coalition is currently forming. This coalition promotes the adoption of Bay-Friendly programs throughout the San Francisco Bay Area.

To promote sustainability and economic and environmental health throughout the unincorporated areas, the County should implement the nine Bay-Friendly basic landscaping principles as put forth by StopWaste.org. These basic principles are in line and compatible with recently-adopted County Climate Action Plan policy measures, specifically, those strategies requiring new landscape projects to reduce potable water use by 40 percent, and the increase in solid waste reduction and diversion to 90 percent by 2030. As stated earlier, these same basic principles are also being adopted by other jurisdictions within Alameda County as implementations of sustainable landscaping policies.

For public and privately-developed landscapes of certain threshold areas, this ordinance would require the implementation of the following nine Bay-Friendly landscaping strategies (called Bay Friendly Basics).

1. Three Inches of Mulch on Non-Turf Areas
2. Amend the Soil with Organic Compost prior to Planting
3. Reduce and Recycle Landscape Construction Waste
4. Choose and Locate Plants to Grow to Natural Size
5. Do Not Plant Invasive Plant Species
6. Grow Drought Tolerant California Native, Mediterranean or Climate Adapted Plants
7. Minimize the Lawn to 25% of Landscaped Areas Not Actively Used
8. Specify Weather-Based Irrigation Controllers
9. No Sprinkler & Spray Heads for Areas Less Than 8 Feet Wide

The Bay Friendly Basics apply to the same project thresholds that are applicable to WELO: to Public agency or private developer-installed projects that require a permit with 2,500 square feet or more of landscaped area, developer-installed single- or multi-family residential projects that require a permit with 2,500 square feet or more of landscaped area, and homeowner-installed single-family residential projects that require a permit with 5,000 square feet or more of landscaped area.

Three of the nine strategies listed above are already required either by the Alameda County Green Building Ordinance (Ordinance Section 15.08, item #3) or the statewide WELO (items #8 and #9). The prescriptive Bay-Friendly measures represent a comprehensive whole systems approach that addresses soil health and regional water quality in addition to the requirements of WELO.

## **DISCUSSION OF ISSUES RAISED AT PUBLIC FORUMS**

This Title 17 update has to date received consideration from the Ordinance Review Committee, the Sunol Citizen's Advisory Committee, the Castro Valley Municipal Advisory Council, and the Agricultural Advisory Committee. Individual members of these bodies raised several issues and concerns, which are referenced below, with applicable answers in italics.

- Some worry that the proposed ordinance updates may have wide ranging applicability.  
*Stated clearly in the draft ordinance, these requirements are applicable in cases where, in conjunction with either a Building Permit or a discretionary permit through Planning, there is a plan for new or renovated irrigated landscape of an area meeting the threshold.*
- Some perceive a lack of follow-up by county staff after landscape installation.  
*County staff proposes performance standards with these ordinance updates, applicable where WELO and Bay friendly standards also apply, and designed to address the quality of landscape plans pre- and post-installation.*
- Landscapes with drought tolerant vegetation do not appeal to the aesthetic that some people look for in a landscape and some see plantings of drought resistant bunch grasses as ugly monoculture.  
*There are many examples of Bay Friendly landscapes that are designed to look attractive. While turf is actually the prime example of a monoculture, there are many allowances and exceptions in this ordinance for recreation turf, beyond the 25% threshold.*
- Some question that the notion that there is a need to conserve water in California.  
*Estimates, based on projected population growth, are that the State will face annual water shortages during years of regular rainfall by 2020, and increasing development will lead to diminishing opportunities for ground water recharge.*
- Some have the perception that this ordinance will take away individual freedom to landscape as one chooses (i.e., with lawns)  
*In addition to the hundreds of climate-adapted plants that meet this requirement in the Bay Area, Bay Friendly Basics allow for 25% of the plants to be high water users, and allow unlimited use of recreational turf.*
- Some worry that the proposed updates would add to the cost burden for developers and property owners.  
*Most of the costs associated with landscaping requirements, such as the engagement of landscape professionals, are already required by WELO. There are certain additional costs as well as great savings associated with the installation of Bay Friendly vs. traditional landscapes. An analysis of the costs of a traditional landscape versus a landscape designed in the manner of a sustainable landscape is attached.*
- Some in the community prefer incentives rather than mandated requirements.

*In addition to the lack of a funding mechanism for incentives, the requirements in the attached ordinance would more effectively ensure achieving the goals of sustainable landscaping than an incentive program.*

Attachments:

- A. Draft Ordinance language
- B. Comparison of the Bay Friendly Landscape Basics to the California WELO
- C. Comparison of Sustainable vs. Traditional Landscaping Installation Costs and Savings