



## Legislation Details (With Text)

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**Title:** Staff Report for the Ordinance Amending Sections 4-1904, 4-1908 and 4-1910 in Article 19 of the City of San Leandro Zoning Code Related to Landscaping Requirements

**Sponsors:** Luke Sims

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**Code sections:**

**Attachments:** 1. Attachment A: Table of Proposed Zoning Code Amendments to Article 19, 2. Attachment B: Excerpt of the Draft Minutes of the Planning Commission meeting of March 15, 2012, 3. Attachment C: Excerpt of the Draft Minutes of the BZA meeting of March 1, 2012, 4. Attachment D: Alameda County Waste Management Authority (StopWaste.Org) letter dated October 6, 2011

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Staff Report for the Ordinance Amending Sections 4-1904, 4-1908 and 4-1910 in Article 19 of the City of San Leandro Zoning Code Related to Landscaping Requirements

### RECOMMENDATIONS

Planning Division staff, in collaboration with the Public Works Department, recommend that the City Council take public testimony on the proposed amendments, consider the Planning Commission's comments and recommendations on the proposed amendments, and adopt the proposed Zoning Code Amendments.

### BACKGROUND

In 2006, the State legislature passed AB 1881, known as the Water Conservation in Landscaping Act, which mandated that the State Department of Water Resources update the model Water Efficient Landscape Ordinance (WELO) and required that all local jurisdictions within California adopt WELO by 2009. Additionally, the City Council adopted Resolution 2006-013 in February 2006 that encourages the use of StopWaste.Org's Bay Friendly Landscaping protocols and establishes these as City-approved reference documents.

In January 2010, the City of San Leandro amended the landscape regulations in Zoning Code Article 19 to conform to the State's model WELO and included a series of Bay Friendly Landscape protocols as both recommended and required practices. At that time, the threshold of applicable projects was established in conformance with the State model WELO policies.

In October 2011, StopWaste.Org issued a mandate to its member jurisdictions to implement Bay Friendly Basics as a requirement for private landscape projects in order to continue to receive Waste Import Mitigation Funding. The City of San Leandro received approximately \$105,000 in Fiscal Year 11/12 for its recycling programs from this funding source via StopWaste.Org.

## **Analysis**

Zoning Code Article 19, Landscape Requirements, applies to all new or rehabilitated commercial, industrial and developer-installed residential landscape projects over 2,500 square feet and other (non-developer-installed) residential projects over 5,000 square feet in area, as well as any project that is subject to Site Plan Review under Article 25 of the Zoning Code.

The proposed revisions to the existing Article 19 landscape ordinance augment these regulations by requiring all nine of the Bay Friendly Landscape (BFL) “Basics” practices. Staff proposes to include these practices as requirements and revise certain text that is currently unclear or redundant.

In 2010, seven of the nine BFL Basics practices were mandated design features in the 2010 amendments to Article 19. One of the nine BFL Basics - Practice #4 - Locate plants to grow to natural size - was a recommended practice in the 2010 amendments to Article 19. Staff is proposing that it be a required design feature.

BFL Basics Practice #3 (Divert 50% of landscape construction and demolition debris) is consistent with the City of San Leandro’s current regulation for all projects over \$100,000 in valuation, as specified in the 2003 Construction and Demolition (C&D) Ordinance. To ensure that the C&D Ordinance extends to applicable landscape projects that might not meet that dollar valuation, the requirement is being added to Article 19 for applicable projects as described above.

The table presented in Attachment A summarizes the current proposal as it relates to the WELO/Bay Friendly amendments enacted in 2010. Staff believes that these minor amendments to Zoning Code Article 19 would bring the City of San Leandro landscape regulations into regional conformity as well as uphold General Plan policies for water and energy conservation. Furthermore, the implementation of Bay Friendly Landscape protocols carries out existing policies established in Resolution 2006-013 and in the San Leandro Climate Action Plan, adopted in December 2009.

## **Applicable General Plan Policies**

Chapter 5 of the General Plan, titled “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) The proposed amendments will augment Article 19 Landscape Requirements with the Bay Friendly Landscape Basics practices and thereby achieve benefits in all three conservation areas promoted by the General Plan as well as advance the intergovernmental coordination between the City of San Leandro and StopWaste.Org.

The City’s General Plan supports the proposed Zoning Code amendment in the following Policies:

- **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**

The proposed minor amendments to the Zoning Code are exempt from environmental review under the California Environmental Quality Act pursuant to Public Resources Code section 21065 because the associated Ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines and because the amendments do not approve or allow the construction of any project and, therefore, has no potential for resulting in physical change in the environment, directly or ultimately.

### **Board/Commission Review and Actions**

- At the Board of Zoning Adjustments meeting on March 1, 2012, the Board of Zoning Adjustments reviewed the changes and provided support for the proposed amendments. The draft minutes of their discussion is attached to this staff report.
- At the Planning Commission meeting on March 15, 2012, the Planning Commission voted to recommend to City Council approval of the proposed amendments with a vote of 6-0, with 1 absent. The draft minutes of their discussion is attached to this staff report.

### **Summary of Public Outreach Efforts**

- Notification of the Planning Commission March 15, 2012 and the City Council April 16, 2012 meetings included a legal advertisement in the *Daily Review* and posting of a notice of the meeting at City Hall a minimum of 72 hours in advance of the meeting dates. In addition, a courtesy notice was sent to the Chamber of Commerce.
- One public comment was registered at the Planning Commission meeting, with a question posed to City staff as to the applicability of the proposed amendments to paving of the front yard. Staff responded that a recent Zoning Code amendment limiting paving to the front yard was approved by City Council on February 21, 2012 and would be effective as of April 3, 2012.

### **Legal Analysis**

The proposed Zoning Code amendments were analyzed by the City Attorney’s Office and found to be in conformance with the State of California Government Code as well as the local General Plan and Zoning Code.

### **ATTACHMENTS**

- Attachment A: Table of Proposed Zoning Code Amendments to Article 19
- Attachment B: Excerpt of the Draft Minutes of the Planning Commission meeting of March 15, 2012
- Attachment C: Excerpt of the Draft Minutes of the Board of Zoning Adjustments meeting of March 1, 2012
- Attachment D: Alameda County Waste Management Authority (StopWaste.Org) letter to its member agencies, dated October 6, 2011.

**PREPARED BY:** Sally Barros, Senior Planner, Community Development Department