



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

Public Hearing
 April 3, 2007

Honorable Members of the
 Sacramento City Council

Title: Zoning Code Amendment relating to landscaping requirements in required setback areas for single-family and two-family residential uses (M06-052)

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion 1) adopt a **Resolution** approving the Environmental Exemption per the California Environmental Quality Act Section 15061 (b) (3); 2) adopt an **Ordinance** amending section 17.68.010 of the Sacramento City Code relating to landscaping requirements in required front yard and street side yard setback areas for single-family and two-family residential uses.

Contact: Joy Patterson, Principal Planner, (916) 808-5607; Ron O'Connor, Chief of Code Enforcement (916) 808-8183

Presenters: Not applicable

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: Questions surrounding what is permitted to be grown in the required front yard setbacks in the city's residential neighborhoods have been brought to the attention of several City Councilmembers. In the spring of 2005, concerned residents, including Sacramento gardeners, expressed the need for clarification of what could be grown in the required setback areas. Specifically there was debate as to whether or not vegetables could be grown in the required setback areas. The City Council's Law & Legislation Committee requested that the City's Code Enforcement Department draft an ordinance to amend Section 17.68.010 of the City Code to allow for greater flexibility in the planting of setback areas and clearer enforcement of the ordinance.

Currently the intent of Section 17.68.010A of the Zoning Code is to insure that, for single-family and two-family residential property, the majority of the required front yard setback and required street side yard setback visible from the street is landscaped and no more than 40 percent of these required setback areas are devoted to the parking/movement of vehicles. In addressing the landscaped area the code is currently very general, stating: "The remaining portion of the setback areas shall be landscaped, irrigated and maintained with primarily low ground cover or turf. Only living vegetation may be used as ground cover." The current code is attached (Attachment 2).

The proposed amendment (Attachment 3) allows only living vegetation as a primary ground cover in the unpaved portion of the setback areas. No more than 30 percent of the landscape setback area may be devoted to the growing of vegetables and/or fruit. This limitation does not apply to fruit trees. However, trees that exceed four feet in height located within the clear zone for corner lots must be maintained free of branches five feet above the finished grade. The ordinance continues to require that vehicles cannot be parked within the landscaped areas and must be parked on a paved surface.

Policy Considerations: The proposed ordinance is consistent with the City's Strategic Plan Focus Area to achieve sustainability and livability in the City of Sacramento.

Committee/Commission Action: The proposed City Code amendment was reviewed by the Law and Legislation Committee at their November 9, 2006 meeting. Several people were in attendance at the meeting and 11 people gave testimony to the committee. The testimony centered on opposition to limiting the percentage of vegetables that could be grown in the required setback areas. In response to these comments, the Law and Legislation Committee modified the percentage of the landscape setback area that may be devoted to the growing of vegetables and/or fruit from 20 percent to 30 percent. By a vote of three ayes and one no, the committee recommended that the amended ordinance be presented to the Planning Commission and Sacramento City Council for adoption.

The proposed amendment was presented to the City Planning Commission at their January 11, 2007 meeting. At the hearing a presentation was made by the Sacramento Citizens for Sustainable Landscapes. The group was supportive of the proposed ordinance with one modification; that Section C of the proposed ordinance be eliminated as it restricts vegetables and fruits in diversified front yard landscapes. A copy of the information given to the Planning Commission is attached (Attachment 5). The City Planning Commission, by a vote of nine ayes, 0

noes, voted to recommend approval of the attached ordinance with the deletion of Section C.

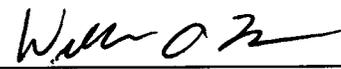
Environmental Considerations: The proposed ordinance is exempt under the California Environmental Quality Act (CEQA) Section 15061 (b) (3).

Rationale for Recommendation: The proposed ordinance will help property owners and gardeners comply with the City Code by being more flexible while still achieving aesthetically pleasing landscapes.

Financial Considerations: None

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:


RAY KERRIDGE
City Manager

Table of Contents:

Report	Pg 1
Attachments:	
1 Resolution-CEQA Exemption	Pg 4
2 Current City Code Section 17.68.010(A)(1)	Pg 5
3 Ordinance Amending Section 17.68.010(A)(1)	Pg 6
4 Relined Ordinance Amending Section 17.68.010(A)(1)	Pg 8
5 Information provided to Planning Commission by Sacramento Citizens for Sustainable Landscapes	Pg 10

RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (ZONING CODE
AMENDMENT RELATING TO LANDSCAPING REQUIREMENTS M06-052)**

BACKGROUND

A. The City of Sacramento's Environmental Planning Services has reviewed the ordinance relating to landscaping requirements in required setback areas for single-family and two-family residential uses and has determined the proposal is exempt from review under the California Environmental Quality Act as follows:

1. The proposal is exempt under the following provisions of the California Environmental Quality Act (CEQA): Section 15061 (b) (3);
2. The factual basis for the finding of exemption is as follows:

Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY
COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

Attachment 2 – Current Code

**Current Zoning Code Language Relating to Landscaping Requirements For
Single-Family and Two-Family Residential Uses**

17.68.010 Landscaping requirements

- A.** Landscaping Requirements in Setback Areas.
 - 1.** Single-Family and Two-Family Residential – Front and Street Side.
A maximum of forty (40) percent of the front setback area may be paved for off-street parking and driveways. An additional maximum of ten (10) percent of the front setback area may be paved for walkways or uncovered patio use. A maximum of forty (40) percent of the street side setback area may be paved for off-street parking, driveway, walkways or uncovered patio use; however, this requirement does not apply to that portion of the street side yard located behind a fence that is in compliance with the street side fence requirements set forth in Chapter 17.76 of this title. The remaining portion of the setback areas shall be landscaped, irrigated and maintained with primarily low ground cover or turf. Only living vegetation may be used as ground cover. Vehicles, including but not limited to auto, boats, campers, trailers, and other recreational vehicles, are not permitted to be parked within the landscaped setback area; they must be parked on a paved surface.

Attachment 3 – Proposed Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council

**AMENDING SECTION 17.68.010 OF TITLE 17 OF THE
SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO
LANDSCAPING REQUIREMENTS IN REQUIRED FRONT YARD AND
STREET SIDE YARD SETBACK AREAS FOR SINGLE-FAMILY AND TWO-
FAMILY RESIDENTIAL USES (M06-052)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.68.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (A)(1) of section 17.68.010 is amended to read as follows:
 - 1. Single-Family and Two-Family Residential—Front and Street Side.
 - a. Setback Area Paving Restrictions.

A maximum of forty (40) percent of the required front setback area may be paved for off-street parking and driveways. An additional maximum of ten (10) percent of the front setback area may be paved for walkways or uncovered patio use. A maximum of forty (40) percent of the required street side setback area may be paved for off-street parking, driveways, walkways or uncovered patio use; however, this requirement does not apply to that portion of the street side yard located behind a fence that is in compliance with the street side fence requirements set forth in Chapter 17.76 of this title.

- b. Landscape and Maintenance Requirements.

Notwithstanding subsection (A)(1)(a) of this section, the remaining unpaved portion of the setback areas shall be landscaped, irrigated and maintained. The landscape may include grass, annuals, perennials, ground cover, shrubs, trees, and any design elements such as planters, rocks, mulch, or similar elements when integrated as part of the landscape. However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose. All landscaping materials shall be mowed, trimmed, and/or

maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. Vegetable and Fruit Restrictions.

No more than thirty (30) percent of the landscape setback area may be devoted to the growing of vegetables and/or fruit. This limitation shall not apply to fruit trees. Fruit and/or vegetable plants shall not exceed four (4) feet in height.

d. Height Restrictions for Landscaping Located in the Clear Zone.

All landscaping located within the clear zone for driveways and corner lots, as set forth in Section 17.76.010 of this title, shall not exceed four (4) feet in height, except that trees exceeding four (4) feet in height shall be allowed if the tree is maintained free of branches five (5) feet above the finished grade, as defined in Section 15.88.050 of this Code.

e. Vehicle Parking Requirements.

Vehicles, including but not limited to automobiles, boats, campers, trailers, and other recreational vehicles must be parked on a paved surface, as provided for in Section 10.44.010 of this Code. Such vehicles are not permitted to be parked within the landscaped setback area.

B. Except as specifically amended by subsection (A)(1) above, the provisions of section 17.68.010 shall remain unchanged and in full force and effect.

Attachment 4 - Redlined Ordinance

Redlined ORDINANCE NO.

Adopted by the Sacramento City Council

**AMENDING SECTION 17.68.010 OF TITLE 17 OF THE
SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO
LANDSCAPING REQUIREMENTS IN REQUIRED FRONT YARD AND
STREET SIDE YARD SETBACK AREAS FOR SINGLE-FAMILY AND TWO-
FAMILY RESIDENTIAL USES (M06-052)**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.68.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (A)(1) of section 17.68.010 is amended to read as follows:
 - 1. Single-Family and Two-Family Residential—Front and Street Side.
 - a. Setback Area Paving Restrictions.

A maximum of forty (40) percent of the required front setback area may be paved for off-street parking and driveways. An additional maximum of ten (10) percent of the front setback area may be paved for walkways or uncovered patio use. A maximum of forty (40) percent of the required street side setback area may be paved for off-street parking, driveways, walkways or uncovered patio use; however, this requirement does not apply to that portion of the street side yard located behind a fence that is in compliance with the street side fence requirements set forth in Chapter 17.76 of this title. The

- b. Landscape and Maintenance Requirements.

Notwithstanding subsection (A)(1)(a) of this section, the remaining unpaved portion of the setback areas shall be landscaped, irrigated and maintained with primarily low. The landscape may include grass, annuals, perennials, ground cover, shrubs, trees, and any design elements such as planters, rocks, mulch, or turf. Only similar elements when integrated as part of the landscape. However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose. All landscaping

materials shall be mowed, trimmed, and/or maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

c. Vegetable and Fruit Restrictions.

No more than thirty (30) percent of the landscape setback area may be devoted to the growing of vegetables and/or fruit. This limitation shall not apply to fruit trees. Fruit and/or vegetable plants shall not exceed four (4) feet in height.

d. Height Restrictions for Landscaping Located in the Clear Zone.

All landscaping located within the clear zone for driveways and corner lots, as set forth in Section 17.76.010 of this title, shall not exceed four (4) feet in height, except that trees exceeding four (4) feet in height shall be allowed if the tree is maintained free of branches five (5) feet above the finished grade, as defined in Section 15.88.050 of this Code.

e. Vehicle Parking Requirements.

Vehicles, including but not limited to ~~autos~~automobiles, boats, campers, trailers, and other recreational vehicles, ~~are not permitted to be parked within the landscaped setback area; they must be parked on a paved surface.~~, as provided for in Section 10.44.010 of this Code. Such vehicles are not permitted to be parked within the landscaped setback area.

B. Except as specifically amended by subsection (A)(1) above, the provisions of section 17.68.010 shall remain unchanged and in full force and effect.

Front Yard Landscape Code Presentation for January 11, 2007 Planning Commission Meeting

by Sacramento Citizens for Sustainable Landscapes

We are asking that the City of Sacramento Planning Commission recommend approval of Code Enforcement's current proposed language with one modification. We ask that Section C of 17.68.010 be eliminated as it arbitrarily restricts vegetables and fruits in diversified front yard landscapes.

Our world is currently facing multiple environmental and social challenges, including:

- Competition for diminishing energy and resources, such as oil, gas, and land
- Climate change
- Water availability
- Air and water quality
- Food security
- Hunger
- Cultural diversity

In order to address these issues locally the City of Sacramento has already committed to the following:

City of Sacramento's Current Commitments and Goals

- Sacramento City Council's Vision and Strategic Goals
 - Sustainability is one of five major goals in the City of Sacramento's long-range plan. The following draft goals, programs, and indicators are currently being considered by the City:
 - By 2040, work with community partners to ensure that 90% of the 50 most basic food products used within a 100 mile radius of the City are grown within the same region.
 - As part of Sacramento's water conservation program, the City is installing water meters city-wide over the next two decades.
 - By 2012, work with community partners to reduce per capita solid waste disposal by 20% through continued implementation of "user-friendly" recycling and composting programs (UN Accords Action #6).
 - Pass legislation that protects critical habitat corridors and other key habitat characteristics (e.g. water features, food bearing plants, shelter for wildlife, and use of native plant species, etc.) from unsustainable development (UN Accords Action #12).
- United Nations Urban Environmental Accords (UEA) (Signed April 2006)
 - The issues of water conservation, water quality, energy, and food security need to be addressed through the adoption of compatible city regulations and codes.
 - Adopt legislation and provide incentives to reduce the use of toxic substances.

- Unlike most U.S. cities, Sacramento is uniquely geographically positioned to meet most of the UEA goals.
- Sacramento City Food Charter (Adopted in April 2004)
 - Recognizes the importance of food security.
 - Commits the city to champion the right of residents to adequate amounts of safe and nutritious food without the need to resort to emergency food providers.
 - Promotes the preservation of local agricultural lands and supports urban agriculture.
- Sacramento is a signatory of the Tree Foundation's Greenprint
 - Emphasis is on building the ideal urban forest, which is high in diversity and includes all types of fruit and landscape trees.

Existing Mandates

In addition to the City of Sacramento's sustainability commitments, there are State and Federal mandates that must be met.

- State Mandates
 - The Water Conservation in Landscaping Act AB1881 was recently passed by the California State legislature. It will require that local agencies update their landscape ordinances to improve the efficiency of water use in new and existing urban irrigated landscapes in California. Local ordinances must be "at least as effective as the State Model Ordinance by January 1, 2010." By allowing for diversified landscapes and potentially less water usage in Sacramento, we will be making progress towards meeting the requirements of AB1881.
 - The Governor's Executive Order S-3-05 recognizes the impact of global warming and establishes climate change reduction targets for the state.
- Federal Mandates
 - National Pollutant Discharge Elimination System (NPDES) Phase II requirements which dictate water quality standards in the City of Sacramento's watershed.

"Quality of Life" Indicators

In considering the pros and cons of allowing unrestricted diverse front yard landscapes, the following critical factors must be taken into account.

Economic Impact

- The City of Sacramento currently budgets millions of dollars to address issues through their green waste management, water conservation, and water

quality programs, which could be significantly reduced by encouraging the implementation of diverse landscapes.

- Pumping water is the highest use of electricity in our city. Diverse landscapes can reduce water usage and consequently the amount of electricity used.
- Last year over \$31 million was budgeted for water production and distribution for our city.
- Portland, San Francisco, and Seattle are among the most coveted real estate markets in the country and having diverse landscapes hasn't been detrimental to their market values.
- Buying locally farmed food strengthens the local economy.
- Potential savings in landscape management costs can be realized by converting from conventional to natural landscapes.

Water Conservation

- The City of Sacramento is installing water meters on city residences, to be completed by 2025.
- Watering lawns consumes 60% of municipal freshwater in the western U.S.
- With projected population growth and possible droughts due to climate change, diverse landscapes can be a valuable tool in averting water shortages.
- Nationally, conventional landscapes consume around 270 billion gallons of water a week, enough to water 81 million acres of vegetables all summer long.

Water Quality

- Last year the City of Sacramento spent nearly \$5 million on their stormwater programs to ensure compliance with the NPDES Stormwater permit.
- Runoff from pesticides, herbicides, fungicides, and fertilizers from conventional landscapes is a growing concern.
- Sacramento's Arcade Creek is the nation's most polluted creek due to urban runoff from lawn and garden chemical use.
- The EPA estimates that Americans put more than 100 million pounds of chemicals on their conventional landscapes each year.
- A significant portion of chemicals applied to lawns ends up in stormwater runoff and groundwater.
- Stormwater runoff from turf is one of North America's biggest sources of water pollution.

Green Waste Management

- Residential Green Waste Collection cost the City of Sacramento over \$8 million last year.
- Most conventional landscapes produce greater amounts of green waste than diverse landscapes.

Air Pollution

- According to the U.S. EPA, the approximately 90 million mowers, trimmers, blowers, etc., spew out 5% of the nation's air pollution.
- The pollution emitted from a power mower in just one hour is equal to the amount from a car being driven 350 miles.

Energy

- The average distance food travels is 1500 miles from its source to the dinner plate.
- Eating locally grown food utilizes less fossil fuel when traveling to market.
- Shade from trees and plants saves up to 20% on household energy bills.

Climate Change

- Diversified landscapes use less petro-chemical pesticides and fertilizers, which helps in the preservation of our rapidly diminishing oil and natural gas reserves.
- Greenhouse gas emissions and pollution are reduced when food travels less distance. Urban gardens and locally grown food provide environmentally friendly food sources.

Food Security

- Gardens have long been a source of individual food and nutrition, and reduce dependency on outside food sources.
- Average urban gardens can produce several hundred pounds of food a year.
- During World War II Americans were encouraged to have "Victory Gardens" as a means of survival and food independence. Over half of all American households had vegetable gardens in their yards.
- Urban gardens provide a decentralized food source, which can protect against food disruption or agro-terrorism.

Hunger

- In areas with limited public transportation and food suppliers, urban gardens can supply access to food.
- Urban gardens provide adequate amounts of safe and nutritious foods without the need to resort to emergency food providers.
- Urban gardens can supplement family food budgets by providing fresh produce.

Ecological and Health Risks and Benefits

- Native plants provide diverse food and habitat for beneficial insects, birds, and wildlife. Even small patches of natural landscape can be critical in maintaining populations of native fauna and flora.
- NASA Earth Systems recently reported that lawns cover more land than any other single irrigated crop in the U.S. These 40 million acres contribute significantly to air and water pollution, water consumption, and resource depletion.
- Locally grown and freshly picked ripe produce vastly increases the nutritional content of the food.
- Gardening helps address the obesity epidemic by providing outdoor exercise opportunities and healthy food..
- Gardening is a great stress reliever, therefore good for the mental health and overall wellbeing of the gardener.

Sacramento's Unique Features and Qualities

- Sacramento is in the heart of the Central Valley, which produces 70% of the nations fruits and vegetables.
- Sacramentans are fortunate to have a climate which supports year-round gardening.
- Sacramento's visibility as the capital of the seventh largest economy in the world, gives us a unique opportunity to take a leadership role in promoting diverse urban landscapes.
- While providing shade, Sacramento's extensive tree canopy often inhibits adequate sunlight needed for backyard gardens.

Neighborhood Development

- Gardening in the front yard encourages neighbors to interact and build community.
- Gardens encourage community interaction, reducing crime and increasing neighborhood safety.
- Diverse front yard landscapes beautify neighborhoods and enhance home values.
- By working together, gardening builds stronger family bonds.
- Home gardens provide easy access to healthy food.
- Home gardens present educational opportunities such as gardening, botany, natural ecology, and the value of healthy food.
- Gardening has been Americans #1 hobby for at least four decades.

Cultural Diversity

- Time Magazine recently ranked Sacramento as the most culturally diverse city in the U.S.

- Urban gardens can provide an area to grow culturally appropriate food unavailable at neighborhood food markets.
- By limiting what can be grown the city is not only placing restrictions on vegetables, but is also placing restrictions on cultural practices and centuries old traditions of Sacramento's diverse immigrant populations.

How Sacramento Ranks Among Other Cities for Livability and Sustainability

- SustainLane Sustainability rankings are a progressive focus on quality-of-life issues of the 50 largest U.S. cities based on sustainability. The U.S. City Rankings focus on the many ways in which city policies and practices differ from one another, and how that affects the people living in those places.
 - The top-ranked cities are:
 1. Portland, OR
 2. San Francisco, CA
 3. Seattle, WA
 4. Chicago, IL
 5. Oakland, CA

↓

 13. Sacramento, CA
- A sustainable city minimizes its long-term impact on the environment while maximizing the quality of life for its residents.

Urban Landscape Diversity in the Top Five-Rated Sustainable Cities

- None of the top five-rated sustainable cities have codes or other regulations prohibiting front yard vegetable gardens in residential landscapes.
 - **Portland** has no specific zoning code requirements for landscaping in the front setback (front yard) of single dwelling residential properties. The only basic landscaping requirement is for tree planting or preservation within environmental zones and native plantings.
 - **San Francisco** has no landscaping requirements. The code does not specify what type of landscaping should be put in place, nor what percentage of the set-aside frontage area should be landscaped.
 - **Seattle** has no landscaping requirements. The code does not specify what type of landscaping should be put in place, nor what percentage of the set-aside frontage area should be landscaped. The only requirement is in accordance with health safety and fire hazard.
 - **Chicago** has no single family residential landscaping requirements. Mayor Daley's Landscape Awards recognize the thousands of residential environmental beautification efforts.
 - **Oakland** encourages fire resistant and drought tolerant residential landscapes without additional specific restrictions.

Sacramento Citizens for Sustainable Landscapes' Proposed Ordinance Amendment

All of the factors presented contribute to the need for urban landscape diversity. To achieve this goal a front yard landscape ordinance must allow maximum flexibility without sacrificing health and safety issues.

We are asking that the City of Sacramento Planning Commission recommend approval of Code Enforcement's current proposed language with one modification. We ask that section C of 17.68.010 be eliminated as it arbitrarily restricts vegetables and fruits in diversified landscapes. The remaining language supports, rather of restricts, Sacramento's ability to meet state, federal, and city mandates and goals.

SECTION 1.

Section 17.68.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

a. Subsection (A) (1) of section 17.68.010 is amended to read as follows:

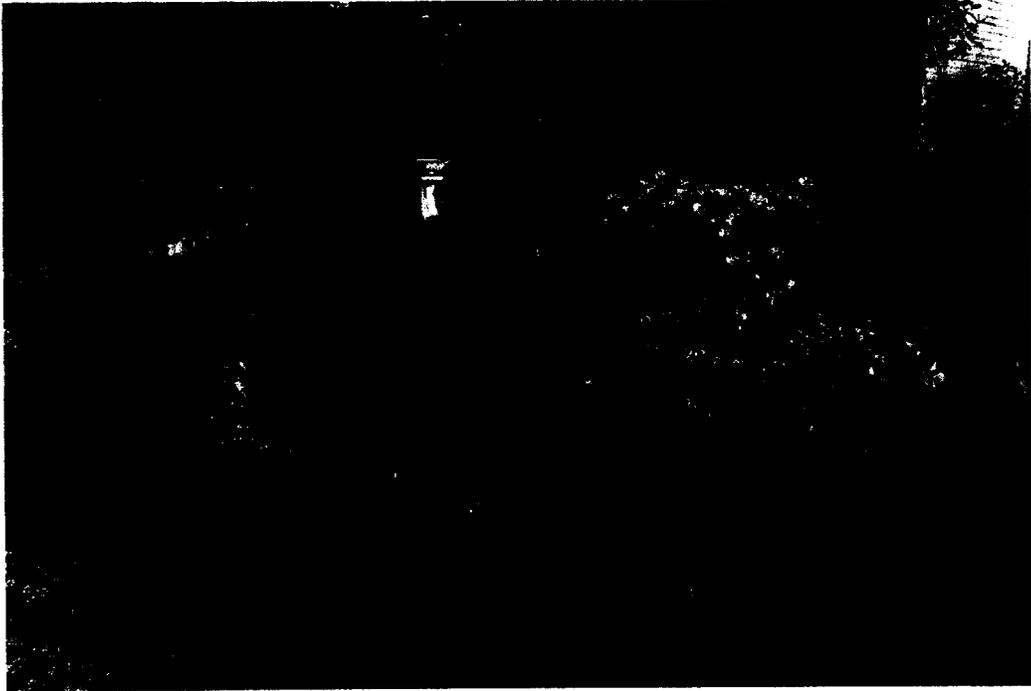
A. Landscaping Requirements in Setback Areas.

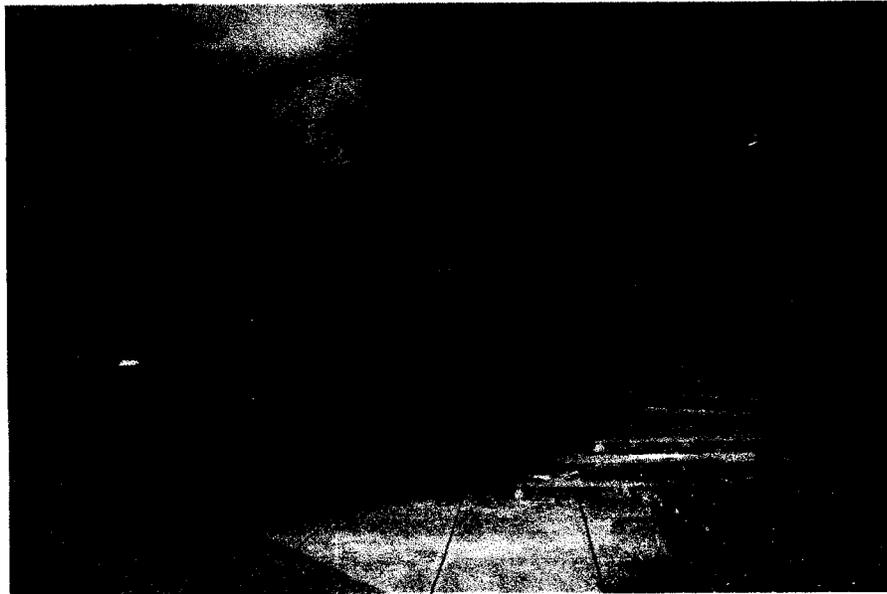
1. Single-Family and Two-Family Residential—Front and Street Side.

- a) **Setback Area Paving Restrictions.** A maximum of forty (40) percent of the required front setback area may be paved for off-street parking and driveways. An additional maximum of ten (10) percent of the front setback area may be paved for walkways or uncovered patio use. A maximum of forty (40) percent of the required street side setback area may be paved for off-street parking, driveways, walkways or uncovered patio use; however, this requirement does not apply to that portion of the street side yard located behind a fence that is in compliance with the street side fence requirements set forth in Chapter 17.76 of this title.
- b) **Landscape and Maintenance Requirements.** Notwithstanding subsection (A)(1)(a) of this section, the remaining unpaved portion of the setback areas shall be landscaped, irrigated and maintained. The landscape may include grass, annuals, perennials, ground cover, shrubs, trees, and any design elements such as planters, rocks, mulch, or similar elements when integrated as part of the landscape. However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose. All landscaping materials shall be mowed, trimmed, and/or maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

- c) ~~Vegetable and Fruit Restrictions. No more than twenty (20) percent of the landscape setback area may be devoted to the growing of vegetables and/or fruit. This limitation shall not apply to fruit trees. Fruit and/or vegetable plants shall not exceed four (4) feet in height.~~
 - c) d) Height Restrictions for Landscaping Located in the Clear Zone. All landscaping located within the clear zone for driveways and corner lots, as set forth in Section 17.76.010 of this title, shall not exceed four (4) feet in height, except that trees exceeding four (4) feet in height shall be allowed if the tree is maintained free of branches five (5) feet above the finished grade, as defined in Section 15.88.050 of this Code.
 - d) e) Vehicle Parking Requirements. Vehicles, including but not limited to automobiles, boats, campers, trailers, and other recreational vehicles must be parked on a paved surface, as provided for in Section 10.44.010 of this Code. Such vehicles are not permitted to be parked within the landscaped setback area.
- b. Except as specifically amended by subsection (A)(1) above, the provisions of section 17.68.010 shall remain unchanged and in full force and effect.

Diverse Urban Landscapes in Front Yard Gardens









Mole Hill Lane

Newly created in the densely populated west end of Vancouver, Mole Hill Lane is unique in the city for being landscaped with food. It also features a number of community garden beds tended by the neighboring residents.



Urban Environmental Accords

*Signed on the occasion of United Nations Environment Programme World Environment Day
June 5th, 2005 in San Francisco, California*

GREEN CITIES DECLARATION

RECOGNIZING for the first time in history, the majority of the planet's population now lives in cities and that continued urbanization will result in one million people moving to cities each week, thus creating a new set of environmental challenges and opportunities; and

BELIEVING that as Mayors of cities around the globe, we have a unique opportunity to provide leadership to develop truly sustainable urban centers based on culturally and economically appropriate local actions; and

RECALLING that in 1945 the leaders of 50 nations gathered in San Francisco to develop and sign the Charter of the United Nations; and

ACKNOWLEDGING the importance of the obligations and spirit of the 1972 Stockholm Conference on the Human Environment, the 1992 Rio Earth Summit (UNCED), the 1996 Istanbul Conference on Human Settlements, the 2000 Millennium Development Goals, and the 2002 Johannesburg World Summit on Sustainable Development, we see the Urban Environmental Accords described below as a synergistic extension of the efforts to advance sustainability, foster vibrant economies, promote social equity, and protect the planet's natural systems.

THEREFORE, BE IT RESOLVED, today on World Environment Day 2005 in San Francisco, we the signatory Mayors have come together to write a new chapter in the history of global cooperation. We commit to promote this collaborative platform and to build an ecologically sustainable, economically dynamic, and socially equitable future for our urban citizens; and

BE IT FURTHER RESOLVED that we call to action our fellow Mayors around the world to sign the Urban Environmental Accords and collaborate with us to implement the Accords; and

BE IT FURTHER RESOLVED that by signing these Urban Environmental Accords, we commit to encourage our City governments to adopt these Accords and commit our best efforts to achieve the Actions stated within. By implementing the Urban Environmental Accords, we aim to realize the right to a clean, healthy, and safe environment for all members of our society.

IMPLEMENTATION & RECOGNITION

THE 21 ACTIONS that comprise the Urban Environmental Accords are organized by urban themes. They are proven first steps toward environmental sustainability. However, to achieve long-term sustainability, cities will have to progressively improve performance in all thematic areas.

Implementing the Urban Environmental Accords will require an open, transparent, and participatory dialogue between government, community groups, businesses, academic institutions, and other key partners. Accords implementation will benefit where decisions are made on the basis of a careful assessment of available alternatives using the best available science.

The call to action set forth in the Accords will most often result in cost savings as a result of diminished resource consumption and improvements in the health and general well-being of city residents. Implementation of the Accords can leverage each city's purchasing power to promote and even require responsible environmental, labor and human rights practices from vendors.

Between now and the World Environment Day 2012, cities shall work to implement as many of the 21 Actions as possible. The ability of cities to enact local environmental laws and policies differs greatly. However, the success of the Accords will ultimately be judged on the basis of actions taken. Therefore, the Accords can be implemented through programs and activities even where cities lack the requisite legislative authority to adopt laws.

The goal is for cities to pick three actions to adopt each year. In order to recognize the progress of cities to implement the Accords, a *City Green Star Program* shall be created.

At the end of the seven years a city that has implemented:

- 19 – 21 Actions shall be recognized as a *Green Star City*
- 15 – 18 Actions shall be recognized as a *Green City*
- 12 – 17 Actions shall be recognized as a *Green City*
- 8 – 11 Actions shall be recognized as a *Green City*

ENERGY

Renewable Energy · Energy Efficiency · Climate Change

WASTE REDUCTION

Zero Waste · Manufacturer Responsibility · Consumer Responsibility

URBAN DESIGN

Green Building · Urban Planning · Slums

URBAN NATURE

Parks · Habitat Restoration · Wildlife

TRANSPORTATION

Public Transportation · Clean Vehicles · Reducing Congestion

ENVIRONMENTAL HEALTH

Toxics Reduction · Healthy Food Systems · Clean Air

WATER

Water Access & Efficiency · Source Water Conservation · Waste Water Reduction

Action 1: Adopt and implement a policy to increase the use of renewable energy to meet ten per cent of the city's peak electric load within seven years.

Action 2: Adopt and implement a policy to reduce the city's peak electric load by ten per cent within seven years through energy efficiency, shifting the timing of energy demands, and conservation measures.

Action 3: Adopt a citywide greenhouse gas reduction plan that reduces the jurisdiction's emissions by twenty-five per cent by 2030, and which includes a system for accounting and auditing greenhouse gas emissions.

WASTE REDUCTION

Action 1: Establish a policy to achieve zero waste to landfills and incinerators by 2040.

Action 2: Adopt a citywide law that reduces the use of a disposable, toxic, or non-renewable product category by at least fifty percent in seven years.

Action 3: Implement "user-friendly" recycling and composting programs, with the goal of reducing by twenty per cent per capita solid waste disposal to landfill and incineration in seven years.

URBAN DESIGN

Action 1: Adopt a policy that mandates a green building rating system standard that applies to all new municipal buildings.

Action 2: Adopt urban planning principles and practices that advance higher density, mixed use, walkable, bikeable and disabled-accessible neighborhoods which coordinate land use and transportation with open space systems for recreation and ecological restoration.

Action 3: Adopt a policy or implement a program that creates environmentally beneficial jobs in slums and/or low-income neighborhoods.

URBAN NATURE

Action 1: Ensure that there is an accessible public park or recreational open space within half-a-kilometer of every city resident by 2015.

Action 2: Conduct an inventory of existing canopy coverage in the city; and, then establish a goal based on ecological and community considerations to plant and maintain canopy coverage in not less than fifty per cent of all available sidewalk planting sites.

Action 3: Pass legislation that protects critical habitat corridors and other key habitat characteristics (e.g. water features, food-bearing plants, shelter for wildlife, use of native species, etc.) from unsustainable development.

TRANSPORTATION

Action 1: Develop and implement a policy which expands affordable public transportation coverage to within half-a-kilometer of all city residents in ten years.

Action 2: Pass a law or implement a program that eliminates leaded gasoline (where it is still used); phases down sulfur levels in diesel and gasoline fuels, concurrent with using advanced emission controls on all buses, taxis, and public fleets to reduce particulate matter and smog-forming emissions from those fleets by fifty per cent in seven years.

Action 3: Implement a policy to reduce the percentage of commute trips by single occupancy vehicles by ten per cent in seven years.

ENVIRONMENTAL HEALTH

Action 1: Every year, identify one product, chemical, or compound that is used within the city that represents the greatest risk to human health and adopt a law and provide incentives to reduce or eliminate its use by the municipal government.

Action 2: Promote the public health and environmental benefits of supporting locally grown organic foods. Ensure that twenty per cent of all city facilities (including schools) serve locally grown and organic food within seven years.

Action 3: Establish an Air Quality Index (AQI) to measure the level of air pollution and set the goal of reducing by ten per cent in seven years the number of days categorized in the AQI range as "unhealthy" or "hazardous."

WATER

Action 1: Develop policies to increase adequate access to safe drinking water, aiming at access for all by 2015. For cities with potable water consumption greater than 100 liters per capita per day, adopt and implement policies to reduce consumption by ten per cent by 2015.

Action 2: Protect the ecological integrity of the city's primary drinking water sources (i.e., aquifers, rivers, lakes, wetlands and associated ecosystems).

Action 3: Adopt municipal wastewater management guidelines and reduce the volume of untreated wastewater discharges by ten per cent in seven years through the expanded use of recycled water and the implementation of a sustainable urban watershed planning process that includes participants of all affected communities and is based on sound economic, social, and environmental principles.

FOOD CHARTER FOR THE CITY OF SACRAMENTO

Approved by the City Council April, 2004

Recognizing the Importance of Food Security in Sacramento

WHEREAS, the City of Sacramento supports “the fundamental right of everyone to be free from hunger,” as stated in the United Nations Covenant on Social, Economic and Cultural Rights, and envisions our community one day free from hunger; and

WHEREAS, that vision is far from present reality, as documented in the Sacramento Hunger Commission’s periodic study, “*Hunger Hits Home*,” published in 1989, 1992, and 2004; and

WHEREAS, every Sacramento resident should have access to an adequate supply of nutritious and affordable food; and

WHEREAS, food security, or access to an adequate, nutritious diet, contributes to the health and well-being of residents while reducing their need for medical care; and

WHEREAS, food brings people together in celebrations of community and is an important part of the city’s diverse culture; and

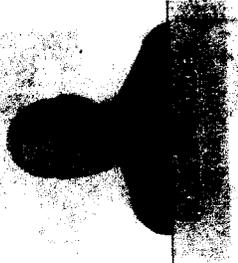
WHEREAS, food and food production, are central to Sacramento’s economy, and the commitment to food security can strengthen the food sector’s growth and development.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Sacramento, that to promote food security, we will:

- Champion the right of all residents – adults, children, seniors, and the disabled -- to adequate amounts of safe and nutritious food without the need to resort to emergency food providers;
- Advocate for income, employment, housing, and transportation policies that support secure and dignified access to the food people need;
- Encourage the development of community gardens that increase food self-reliance, improve fitness, contribute to a cleaner environment, and enhance community development;
- Promote the preservation of local agricultural lands and support urban agriculture;
- Encourage the recycling of organic materials to nurture soil fertility and reduce waste;
- Foster a civic culture that inspires all Sacramento residents and all city departments to support food programs that provide cultural, social, economic, and health benefits;
- Support events highlighting the city’s diverse and multicultural food traditions; and
- Partner with community agencies, residents’ and cooperative groups, businesses, and government organizations to increase the availability of healthy foods and achieve our goals to combat hunger in the community.

ISSUED: This 8th day of April 2004

To her, it's a vegetable garden; to the city, it's a code violation



Karen Baumann dug up her east Sacramento front lawn and replaced it with flowers and vegetables. Bad idea.

Last week, Baumann, a second-grade teacher at Isador Cohen Elementary, received a letter from the city of Sacramento's code enforcement division. It explained that her property "is being maintained as a public nuisance." To comply with a provision of the city nuisance codes, she must yank out her hollyhocks, sunflowers, tomatoes and squash within 30 days or get slapped with a \$625 "enforcement fee."

That fee would be "in addition to other related fees," Baumann added. They came up with a total of more than \$800.

"I got this letter from the city that I thought was just junk mail because my city bills come directly out of my checking account," Baumann says. "I opened it anyway and was shocked, stunned. My neighbors have been so supportive of the garden. We get along great."

City code enforcement officer Darlene Kime, who checked the property and talked with Baumann, says the complaint came from an anonymous caller.

Most nuisance yard complaints concern tall weeds, piles of garbage, inoperable cars, discarded appliances and other eyesores. Bau-

mann's violation falls under landscaping requirements in setback areas for single-family and two-family residential front and street side.

The violation Baumann received from city code enforcement in the mail was explained within this phrase: "The remaining portion of the setback areas shall be landscaped, irrigated and maintained with primarily low ground cover or turf." No mention of flowers, fruits or vegetables.

So, say a homeowner replaces the entire front lawn or low ground cover with an English cottage garden or a rose garden. Would they be violating the code and be considered a public nuisance if a complaint was filed?

Baumann says she gets along famously with her neighbors despite her unusual front yard. When I visited Baumann, one neighbor passing by asked if she needed more pumpkin seeds. The letter carrier commented that he looks forward to seeing how her plants are growing each

day. A neighbor across the street is in complete sympathy. She has several tomato plants growing in a raised bed along her driveway.

"Three of my other neighbors and I are volunteer users for the Sacramento Theater Company," Baumann says. "I went to Ireland with my neighbor across the street. Our street has floating dinners where you visit one house for hours d'oeuvres and then go to the next for more hours d'oeuvres. I can't believe one of my neighbors turned me in. It had to be somebody just passing by."

Baumann's neighborhood is one of small, well-maintained homes and yards. Front yards are look-alike with lawn, a few foundation shrubs and a tree or two. Baumann's front yard conformed to neighboring landscapes until this spring.

"A swimming pool takes up my entire back yard, and I didn't have a sunny spot to grow vegetables and flowers," she says. "My children enjoy the pool, so I couldn't take it out."

Her front yard has a wide, spacious bed along the house, defined by curving concrete shrubs, Japanese maples and flowering vines. That bed has been untouched. Between the bed and street, Bermuda grass was removed, and Baumann replanted with vegetables and flowers.



Sacramento Bee/Owen Brewer

Karen Baumann works in her front-yard garden with twin sons Emery, left, and Taylor. The yard violates Sacramento's city code that requires landscaping primarily with low ground cover or turf.

She calls one area of the yard "her pie," a circular plot with each pie slice planted with different flowers. Now she must decide whether the pie goes or she will request a hearing to plead her case.

"Never, in my wildest dreams, did I think this would happen," she says.

Personal-size seedless water-

melons are hot this year, according to Small Farm News, a cooperative extension newsletter. Look for melons in the 3-pound range at farmers markets and supermarkets.

BurnOut II Weed Killer, with clove oil as one of its active ingredients, is now available for those seeking environmentally friendly garden care prod-

ucts. BurnOut II is an alternative to Roundup. Another new product using clove-oil is Poison Ivy Defoliant, which takes care of poison oak and climbing ivy as well. For more information: www.milkyspore.com.

The Bee's Dan Verrita can be reached at (916) 321-1119, or daverrita@sacbee.com.



This story is taken from Sacbee / Opinion

Editorial: Peas in our time

Armistice needed with front yard gardeners

Published 12:00 am PST Thursday, November 9, 2006

Sacramento, which once earned the label as "the city of lawns and yawns," is finally experiencing some eye-catching front yards. Amateur horticulturists are planting their front plots with mixtures of native perennials, ornamental plants and, yes, vegetable gardens. What is the proper role of city officials as these green-thumbers engage in some botanical experimentation? They should stay out of the way. We no longer live in an Ozzie and Harriet world where all yards are mowed, all grass is Bermuda and the only ornamentals are azaleas. Unfortunately, several council members seem to be stuck in a 1950s time warp. Despite calls to update the city's code to reflect modern sensibilities, the city has put forward a proposal that remains hostile to fresh produce from the front yard. The proposed ordinance -- which will go before a City Council committee today -- requires that 80 percent of a front yard be free of vegetables, with no veggie plants higher than four feet. This would effectively restrict bean stalks, pea trellises and tomatoes. (Have city officials ever tried to top a tomato plant and still get a crop?) You might recall how this story unfolded. Section 17.68.010 was an archaic section of the Sacramento code until two years ago, when a neighbor ratted on Karen Baumann and her front-yard veggies in east Sacramento. Baumann was fined \$800 for violating Section 17.68.010, which says that front yards "shall be landscaped, irrigated and maintained with primarily low ground cover and turf." The city later dropped the case, but, like a heap of compost, the debate on front-yard veggies has continued to ripen. The city had a chance to adopt a reasonable ordinance in 2005. It would have given property owners discretion on plantings. Lawn cops on the council nixed the proposal. As a general rule, government should stay out of people's bedrooms and their front yards. If you agree, call your City Council representative and say, "Give peas a chance."



The Web Site of The Sacramento Bee

Push for urban-garden rights sprouts into political movement

By Ralph Montañó - Bee Staff Writer

Published 12:00 am PST Thursday, December 7, 2006

Story appeared in CITY section, Page G1



Taylor Mesich, left, and Emery Mesich, both 10, prepare to plant seeds in their front yard in east Sacramento in May. Urban gardeners are pushing the city to lift rules against front yard vegetable gardens. Sacramento Bee/Florence Low

Gardens across Sacramento are largely dormant for the winter, but the issues being raised by some urban growers are anything but sleepy.

What began as a neighborhood squabble has been slowly growing into a political movement across the city. Garden advocates say that is because the issue of what people can grow in their own front yards stretches beyond personal freedom. It also touches on improving the environment and helping the city reach its own professed goal of sustainability. Bill Maynard of the Sacramento Area Community Garden Coalition said the Sacramento City Council is expected to discuss their goal of sustainability early in the new year. Gardening advocates see their goal of unrestricted front yard gardens as tied to this council objective.

"Hopefully, (the council) will have a little more knowledge on the issues of edible landscaping by then," Maynard said. "The city should be proactive, not reactive. Ozzie and Harriet landscaping is fine, but times are changing." More than two years have passed since the flower and vegetables in the front yard of Karen Baumann's east Sacramento home caught the city's attention through an anonymous complaint. According to the city's landscaping code, her vegetables, perennials and annuals were illegal.

Attempts to change and update that code have been long and plodding. Garden advocates have argued that people should be able to grow any fruit or vegetable and as much vegetables as they want in their front yards, as long as the yard is well-maintained. But the majority of the City Council's Law and Legislation Committee doesn't agree. The committee has reviewed the matter twice, the first time shooting down a proposal entirely and sending it back to staff. The last hearing on the issue was in November, when the committee agreed to recommend a modified proposal that allowed gardens to take up to 30 percent of a front yard but banned anything that wasn't a fruit tree to be grown over a height of 4 feet. That means no tomatoes, corn or climbing pea trellises.

Steve Cohn was the lone member of the committee who voiced support for the gardeners.

"We are singling out veggies and fruits with a height limit and a percentage," Cohn said. "I don't know why we are discriminating against fruits and veggies. It makes no sense to me whatsoever. Gardens should be kept and maintained just like a lawn."

Kim Glazzard, a garden advocate with the group Organic Sacramento, pointed out that the council has approved a proposed strategic plan for the upcoming budget year that identified sustainability as one of five goals for the city.

Sustainability, or the ability of a community to sustain its own needs, is what home gardening is all about, Glazzard said. Gardening promotes water conservation, water quality, waste management, air pollution reduction and personal health.

"I don't think there's anyone here who is against people growing fruit and veggies in the front yard," said Councilwoman Lauren Hammond, who chairs the committee. "The issue is corn stalks and tomatoes."

Councilwoman Sandy Sheedy proposed shifting from 20 percent to 30 percent how much of a front yard could be a garden. Councilman Robbie Waters and Hammond supported the measure, while Cohn voted against it.

The proposal will next go to the Planning Commission in January before it can reach the full City Council.

Maynard said Baumann's garden remains a popular topic among gardeners, many of whom would still like to see the code changed. Grass-roots organizations like the East Sacramento Front Yard Garden Club and Sacramento Citizens for Sustainable Landscapes have sprung up because of the issue, and gardeners from across the city are now becoming involved.

"The longer it takes (to resolve this issue) the more people we are seeing get on board," Maynard said. "Every time there's an Earth Day or eco-landscaping, I'm being asked about the ordinance. The word is getting out, and people want to know what's going on and how it is that the city dictates what's grown in our front yards."

About the writer:

- The Bee's Ralph Montano can be reached at (916) 321-1159 or rmontano@sacbee.com.



Emery Mesich, 10, cuts some lavender while his mom Karen Baumann gathers flowers from their front yard. An effort by urban gardeners to change city code restricting what can be grown in front yards is growing fast. Sacramento Bee/Florence Low