Front Yard Landscape Code Presentation for April 3, 2007 Sacramento City Council Meeting

by Sacramento Citizens for Sustainable Landscapes

The Sacramento City Planning Commission extensively reviewed this issue and unanimously voted to recommend that the City Council adopt an amended version of the proposed ordinance, which excludes subsection (A) (1) (c), the section which restricts fruits and vegetables in front yard landscapes. We are asking that the Sacramento City Council adopt the proposed ordinance as recommended by the Planning Commission, which deletes Subsection (A) (1) (c).

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 Goals and Commitments

- Sacramento City Council's Vision and Strategic Goals
  - **To make Sacramento the most livable and sustainable city in America.**
  - 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.

- **Sacramento City is a partner agency in the Sacramento Stormwater Quality Partnership coalition which recommends diverse landscapes as alternatives to lawns to reduce pollution in local waterways, as described in the recent published "River Friendly Landscape Guidelines."**
- **To meet Sacramento's water commitments, the City of Sacramento Utility News advises residents to "use fewer pesticides to keep your blooms and local waterways healthy," and that "native and drought-tolerant plants can save water and stay green all summer long." (This can include fruits and vegetables.)**

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.
- Nationally, conventional landscapes consume around 270 billion gallons of water a week, enough to water 81 million acres of vegetables all summer long.
- **The U.S. Bureau of Reclamation, in their "2006 Managing Water of the West - Coordinating Government Programs and Policies to Advance Water Use Efficiency in California" report identified Sacramento as an example of how local codes impede the implementation of water use efficiency measures, specifically citing the archaic landscaping requirements currently in section 17.68.010.**
- **"Cash for Grass" incentive programs in Albuquerque, North Marin, El Paso, and Las Vegas offer anywhere from $0.20 to $1.00 per square foot for turf removed and replaced by xeriscape plants.**

- With projected population growth and possible droughts due to climate change, diverse landscapes can be a valuable tool in averting water shortages.

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.
- **According to the USDA report entitled "Household Food Security in the U.S. for 2005," thirty-five million people experienced low food security (insufficient secure food supply for all family members) and that includes 12 million children. California is among the 25 states with higher food insecurity rates than the national average.**

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.
- **The time when our country was the healthiest was when Victory Gardens were grown during World War II, according to Dr. Lorraine Day.**
- 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 nation's 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 assess 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.

Diverse Urban Landscapes – Meeting the Challenge

- **Percentage and height restrictions would be an enforcement nightmare. Interpretation of plant percentages would be ambiguous and subjective at best. Questions arise about the percentages being based on where the plant enters the soil, the horizontal or vertical stretch of the plant, or the plants foliage canopy? And what about mixed use beds? Are fruit and vegetable plants that are not producing fruit considered suspect plants? The variables boggle the mind.**

- By adopting the proposed code with the deletion of Subsection (A) (1) (c), the city is sending a clear message to Sacramento residents of the importance of water conservation, waste management, air quality, and preserving water quality. This is an incredible opportunity to educate Sacramento citizens on a multitude of levels including a healthy ecosystem through plant diversity, water conservation, water quality, waste management, and the many other applicable sustainable practices.
- There is no compromise of the standards requiring well-maintained landscapes and adherence to health and safety codes which are currently applicable to turf, as these are presently addressed in the code. Subsection (A) (1) (b) states that "all landscaping materials shall be mowed, trimmed, and/or maintained as often as necessary to prevent overgrowth and blight." The proposed Subsection (A) (1) (d) has important height restrictions for landscaping located in the clear zone for driveways and corner lots.
- We would like the City Council to apply the City Manager's "C to C" Program of getting the customer to success. This would include elevating front yard landscaping to the next step through adopting a proactive rather than reactive approach which includes educating residents about diverse landscapes and how to maintain acceptable front yards.

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.

Sacramento Citizens for Sustainable Landscapes respectfully requests that the City Council adopt the proposed ordinance amending Section 17.68.010 as recommended by the Planning Commission, which deletes Subsection (A) (1) (c), as it arbitrarily restricts vegetables and fruits in diversified landscapes. (full text below)

The remaining language supports, rather than 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 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.~~

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.

Landscape Code 17.68.010

Presented by

Sacramento Citizens
for
Sustainable Landscapes

Working to meet Sacramento's sustainability goals through diverse urban gardens

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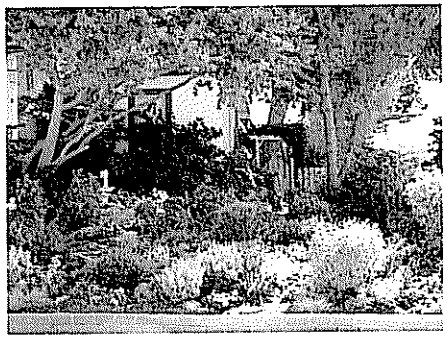

Global Perspective

Sacramento City Council's Vision and Strategic Goals

- To make Sacramento the most livable and sustainable city in America
- Sustainability is one of 5 major goals in the City Council's Long-Range Plan
- United Nations Urban Environmental Accords (UEA)
- Sacramento City Food Charter
- Tree Foundation's Greenprint
- Partner agency in the Sacramento Stormwater Quality Partnership coalition

Existing Mandates

State Mandates

- The Water Conservation in Landscaping Act AB1881 requires local landscape ordinances to improve water use efficiency in urban irrigated landscapes.
- 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

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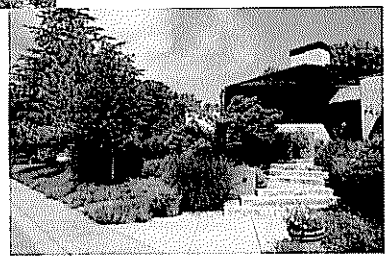
Quality of Life Indicators

Economic Impact



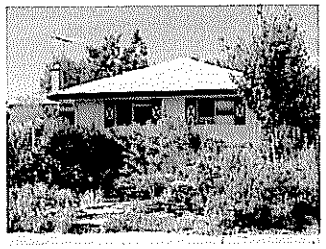
Water Conservation

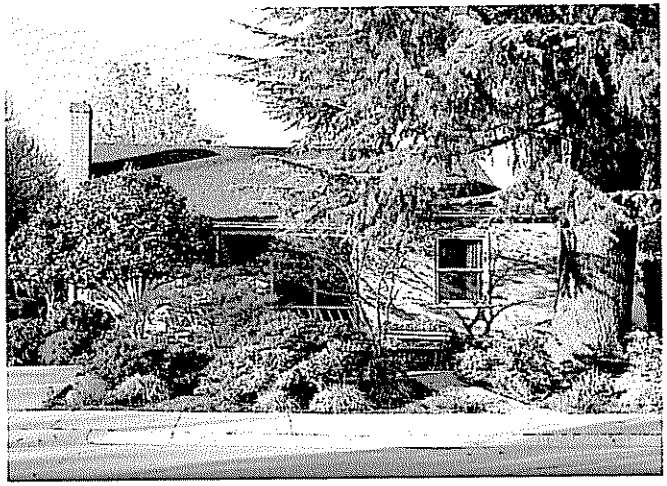
Water Quality

Green Waste Management

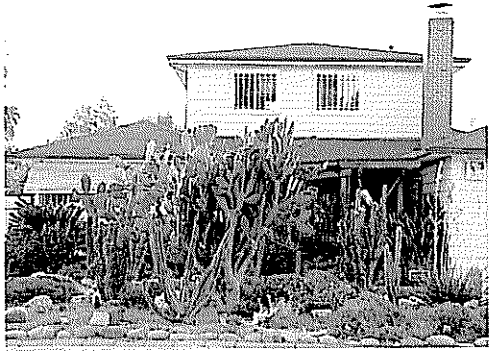
Air Pollution

Energy



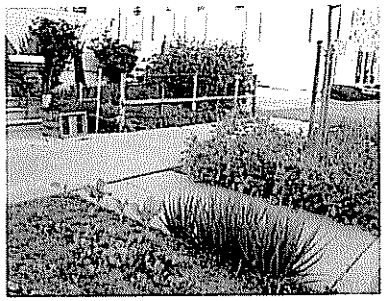


Climate Change

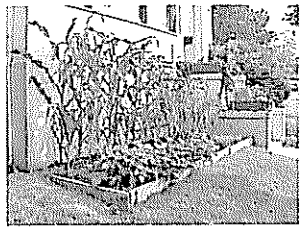


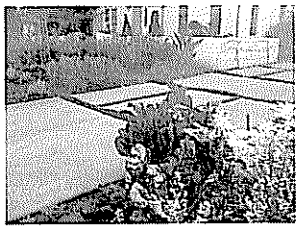
Food Security

Food Security – our past and future

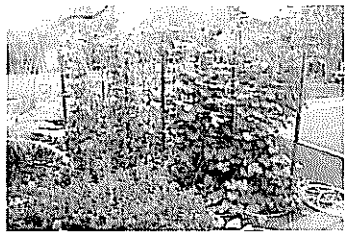


Hunger



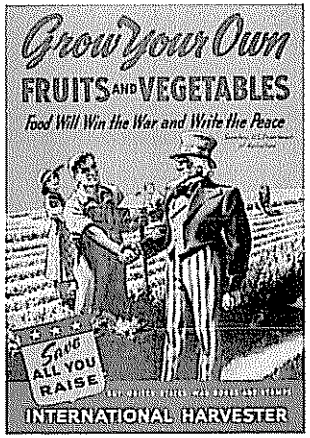


Integrating food into the front yard landscape



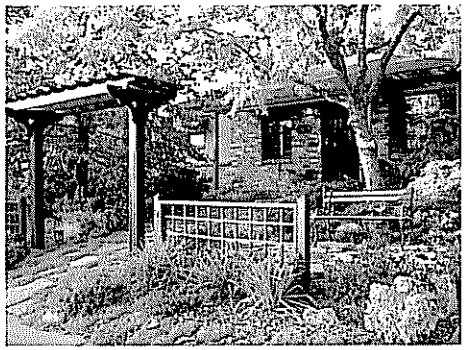
Ecological and Health Risks and Benefits

YOU CAN USE
the land you have
to grow the foods you need



Sacramento's Unique Features and Qualities

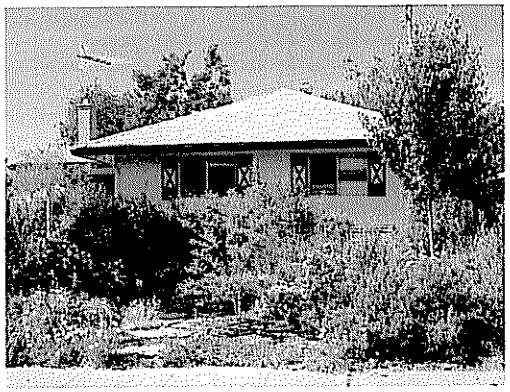
Neighborhood Development



Urban Gardens Nourish

- Families
- Neighborhoods
- Communities
- Cities

Cultural Diversity



How Sacramento Ranks Among Other Cities for Livability and Sustainability

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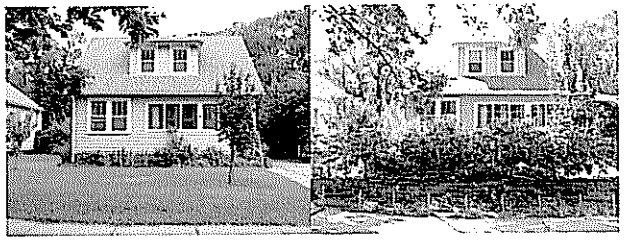
A sustainable city minimizes its long-term impact on the environment while maximizing the quality of life for its residents.

Diverse Urban Landscapes

– Meeting the Challenge

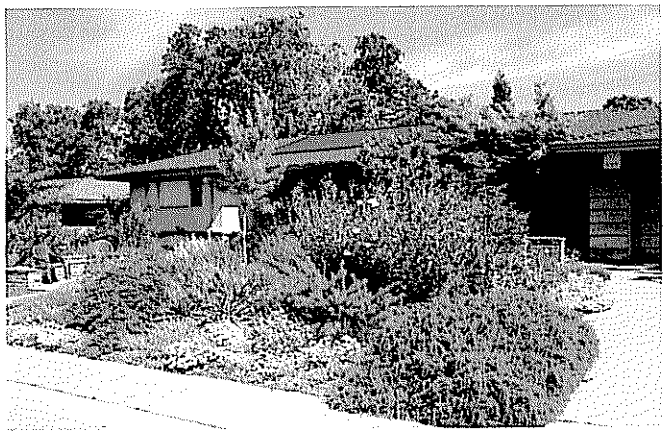
- No compromise of the standards requiring well-maintained landscapes and adherence to health and safety codes.
- Adopt a proactive rather than reactive approach which includes educating residents about diverse landscapes and how to maintain acceptable front yards.



Diverse Urban Landscapes

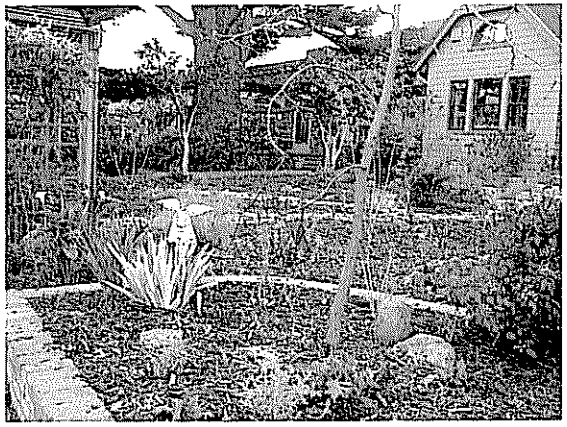
– Meeting the Challenge

- Sends clear message of the importance of preserving water quality, water conservation, waste management, and air quality in our city.
- Opportunity to educate citizens about sustainable practices.



We are calling on the city to help promote and educate the community on the benefits of diverse urban landscapes.

The first step to doing this will be to adopt landscape code language that supports sustainable practices.



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Excerpt from: RECLAMATION *Managing Water in the West* *December 2006*

Coordinating Government Programs and Policies to Advance Water Use Efficiency in California http://www.usbr.gov/lc/socal/reports/Financialasst.pdf

Policies That Affect Water Use Efficiency Measures

A maze of Federal, State and local rules and regulations impact, both positively and negatively, the ability of agencies and individuals to implement water use efficiency measures. This section describes some of the challenges faced by water use efficiency enthusiasts as well as the institutions that promote these activities.

"NIMFY": Not in My Front Yard

This section demonstrates how local land use policies restrict or promote water use efficiency in the City of Sacramento, California; Loomis, California; Albuquerque, New Mexico; Castle Rock, Colorado; and Salt Lake City, Utah. Often, local planning, building, and nuisance abatement codes have been on the books since the inception of the local government. At times, these ancient CC&Rs are used by nuisance abatement and code enforcement officers to protect public safety, preserve the property values of a neighborhood, prevent urban blight, or simply to respond to a cranky neighbor's complaint.

Unfortunately, the enforcement of a good number of these local codes, old and new, impedes the implementation of water use efficiency measures. As an example, the charter of the City of Sacramento forbids the installation of residential water meters. As home to two of California's mightiest rivers, the Sacramento and the American, the founding fathers believed that the bountiful water resources of the community should be freely accessible to city residents. It took many years for the State of California to pass legislation overruling this charter, recognizing that measuring water and charging water users based on volume is an essential element of good water management.

Another section of Sacramento's City Code has recently come under fire. In 2004, Section 17.68.010, Landscaping Requirements, was used to respond to a neighbor's complaint about a front yard vegetable garden next door. Since that section of the code requires that front yards be "landscaped, irrigated, and maintained with primarily low ground cover and turf," the vegetable growing homeowner was cited with code violations of more than $800. The case was later excused, but a community-based movement was born to revise the code. A public meeting was held June 14, 2006 to present proposed revisions to the code. Community members raised issues related to the proposed revisions including the arbitrary nature of the percentage of the front yard dedicated to vegetables, the

four-foot plant height limit, and the preference for turf, a high water using plant. Several attendees emphasized the need for well maintained, water efficient gardens and how this particular code section was in conflict with the Urban Environmental Accord entered into by the City. (Ralph Montano, "Some digging in for a fight: draft ordinance limits growing of vegetables in front yards," *Sacramento Bee*, 22 June 2006, A15.)