

## ORDINANCE 2017-###

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTERS 12.16 AND 17.48 OF THE SAN PABLO MUNICIPAL CODE INCLUDING INCORPORATING THE CITY OF SAN PABLO MASTER LANDSCAPE PLAN AND REPLACING REFERENCES TO DIRECTOR OF PARKS AND RECREATION AND PLANNING COMMISSION WITH REFERENCES TO THE PUBLIC WORKS DIRECTOR AS IT RELATES TO MANAGEMENT OF LANDSCAPE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY AND ON PUBLIC FACILITIES

The City Council of the City of San Pablo does ordain:

**SECTION 1.** Chapter 12.16, "Trees, Shrubs and Plants in Public Places" is amended in its entirety to read as follows:

#### **Chapter 12.16 TREES, SHRUBS AND PLANTS IN PUBLIC PLACES**

Sections:

[12.16.010](#) Permit—Required to trim, cut or remove—Supervision authorized.

[12.16.020](#) Permit—Required to plant.

[12.16.030](#) Unauthorized placement of salt, herbicide or deleterious materials prohibited.

[12.16.040](#) Abatement of trees causing interference or obstruction.

[12.16.050](#) Placement of trees in parking area along public streets.

[12.16.060](#) Landscape Management in Public Right of Way and on Public Facilities

#### **12.16.010 Permit—Required to trim, cut or remove—Supervision authorized.**

A. It is unlawful for any person to cut, trim, remove, mutilate, injure or in any way impair the growth of any tree, shrub or plant being or growing in or on public ground or parking strip in the city without a permit issued by the Public Works Director, who may refuse such permit upon reasonable and lawful grounds.

B. The Public Works Director may require the work mentioned in subsection A of this section or any part thereof to be done under his the City's supervision. (Prior code § 30.1)

#### **12.16.020 Permit—Required to plant.**

It is unlawful for any person to plant any tree, shrub or plant in or upon any parking strip or public ground of the city without having first obtained a permit therefor from the Public Works Director, who shall approve the kind, variety and size of any tree, shrub or plant and may refuse a permit for the planting thereof if same does not conform to the policy or plans of the city. (Prior code § 30.2)

### **12.16.030 Unauthorized placement of salt, herbicide or deleterious materials prohibited.**

It is unlawful for any person to place or cause to be placed in or upon any parking strip, or public ground any salt, oil, herbicide or any other material deleterious to the growth of plants, or in such close proximity to public ground or parking strip that such deleterious material will permeate the soil thereof, without first having obtained permission from the Public Works Director. (Prior code § 30.3)

### **12.16.040 Abatement of trees causing interference or obstruction.**

Any tree growing or standing upon public property or private property, or partially upon public property and partially upon private property in such manner that any portion thereof interferes with poles, lines, wires or electroliers, or the light emitted by such electroliers, lawfully erected, constructed or maintained, along any public street or sidewalk of the city, or interferes with the visibility of such streets, sidewalks or intersection thereof by any person or persons using the same lawfully, or any such tree which has become diseased or weakened in such manner as to be dangerous to persons lawfully using the streets or sidewalks of the city, constitutes a nuisance and the ~~Director of Parks and Recreation~~ **Public Works Director** is authorized to abate such nuisance or cause the same to be abated by trimming, cutting or removing all or such portions of such tree as may be necessary to eliminate such interference, obstruction or condition. (Prior code § 25.11)

### **12.16.050 Placement of trees in parking area of public streets.**

~~All No trees shall be that are~~ planted in any public street or public highway shall be: (1) not less than 18 inches from the ~~and must be placed in the center of the parking area~~ **face of curb in a planter strip along the sidewalk**, at a distance of less than twenty-five feet from any other tree and not less than twenty feet from the curb return at any intersection; **and (2) centered in a median that is no less than three feet in width**, except as otherwise ordered by the ~~Director of Parks and Recreation~~ **Public Works Director or designee**. (Prior code § 25.12)

### **12.16.060 Landscape Management in the Public Right of Way and on Public Facilities**

**All planting and maintenance of trees, shrubs, and ground cover will follow the guidelines established in the City of San Pablo's Master Landscape Plan. Changes or updates to the Master Landscape Plan are to be approved by the City Council. Implementation of the Master Landscape Plan is the responsibility of the Public Works Department. Any deviations from those guidelines require approval from the Public Works Director or designee.**

**SECTION 2.** Chapter 17.48, “Landscaping” is amended in its entirety to read as follows:

## **Chapter 17.48 LANDSCAPING**

Sections:

- [17.48.010](#) Purpose.
- [17.48.020](#) Applicability.
- [17.48.030](#) Landscape plan and standards.
- [17.48.040](#) Review procedures.
- [17.48.050](#) Landscape plan submittal.
- [17.48.060](#) Irrigation requirements.
- [17.48.070](#) Irrigation plan submittal.
- [17.48.080](#) Tree protection.
- [17.48.090](#) Chemical use.
- [17.48.100](#) Certification of substantial completion.
- [17.48.110](#) Maintenance.
- [17.48.120](#) Sustainable storm water management.
- [17.48.130](#) Landscape design guidelines.

### **17.48.010 Purpose.**

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The purpose of this chapter is to provide landscaping development standards, irrigation and water conservation measures, and storm water management techniques while enhancing the aesthetic appearance of the city, consistent with the policy direction of the city of San Pablo general plan.

Landscaping requirements described below shall be coordinated with storm water pollution control measures of Chapter [8.40](#), Storm Water Management and Discharge Control and Chapter 12.16 Tree, Shrubs and Plants in Public Places. Compliance with this chapter does not guarantee compliance with other state and federal law, including but not limited to Fish and Wildlife Department requirements, Fish and Game Department requirements, and Bay Area Water Quality Control Board requirements. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

### **17.48.020 Applicability.**

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A. Intent. Except as provided in subsection B of this section and Section [17.48.080](#), this chapter shall apply to the following:

1. All new and rehabilitated landscaping for public agency projects and private commercial, mixed-use or industrial development projects that require an administrative approval or a use permit.
2. Landscaping installed in a project with two or more new single-family or two-family units by a developer.
3. Landscaping installed in a multifamily project by a developer, a building owner in the case of rental units, or a condominium association in the case of condominium projects.
4. In addition, all projects need to comply with the applicable design guidelines in the appendices to Title 17..

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B. Exemptions. This chapter shall not apply to the following:

1. Landscaping installed by a homeowner of a single-family residence.
2. Cemeteries.
3. Registered historical sites.
4. Ecological restoration projects that do not require a permanent irrigation system.
5. Any project with a landscaped area less than one thousand square feet. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.030 Landscape plan and standards.**

A. Landscaping Locations. A detailed landscape plan shall be submitted for all projects subject to the provisions of this chapter pursuant to Section [17.48.020](#), Applicability. Landscaping shall be required in the following locations:

1. In the public right of way and along the street frontage(s) of a site subject to the provisions of the Master Landscape Plan, as set forth in Chapter 12.6 and as approved by Public Works Director or designee of this section.

2. Along the perimeters of parking areas in public right of way as set forth in Chapter 12.16 and as approved by Public Works Director or designee.
  3. Within the interior of a parking area as set forth in subsection C of this section.
  4. At appropriate areas adjacent to buildings in a manner that breaks up building walls.
  5. Surrounding ground-floor patio private open space required in multifamily projects, with dense hedges no less than two feet in width adjacent to a fence or wall to reinforce privacy.
  6. In a manner which promotes a defined and attractive entrance(s) for both pedestrians and vehicles. See the city-adopted commercial design guidelines.
  7. Where existing heritage trees can be saved and incorporated into a project, subject to an arborist's report provided by the applicant. See Section [17.48.080](#), Tree protection, for requirements regarding the protection of existing trees.
- B. Perimeter Landscaping. Landscaping along the frontage(s) of project sites and the perimeter of parking areas shall include the following:
1. Trees planted on private property no farther apart than thirty feet on center.
  2. A planting strip no less than three feet in width on a nonresidential development parcel adjacent to a side or rear property line when the nonresidential use abuts a residential use. A six-foot-high wall or fence shall be required, with shrubs or vines planted against the wall and/or planting in pockets or offsets in the wall. See also the city-adopted commercial design guidelines.
  3. Street trees placed in accordance with Master Landscape Plan in or adjacent to sidewalks, unless existing street trees on an adjacent parcel(s) have established a greater or lesser spacing that should be maintained on the subject property as approved by Public Works Director or designee.
  4. A three-foot-high wall or fence with an adjacent three-foot-high hedge, to screen parking near the front property line of an industrial or commercial project, as discussed and illustrated in the city-adopted applicable design guidelines, or parking adjacent to the sidewalk on private property.
  5. The height of perimeter landscaping on corner lots and within the corner lot vision triangle shall be consistent with the fence and wall provisions of Section [17.45.040](#), (Location, Height, and

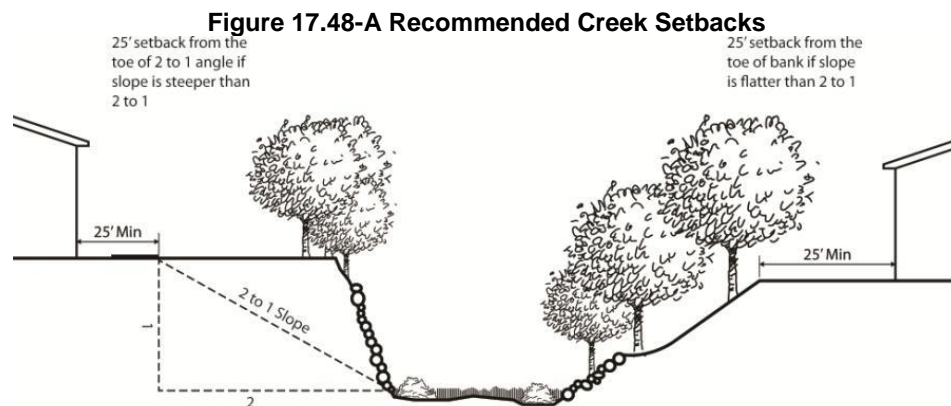
Transparency) or comply with sight distance requirements required in the American Association of State Highway and Transportation Offices (ASHTO), whichever is most restrictive.

C. Interior Parking Lot Landscaping. The amount and type of landscaped areas required within parking lots are as follows:

1. For uncovered parking and driveway areas containing parking spaces for at least ten and not more than twenty-one vehicles, a minimum of five percent of the interior of such areas shall be landscaped.
2. For uncovered parking and driveway areas containing parking spaces for more than twenty-one vehicles, a minimum of ten percent of the interior of such areas shall be landscaped.
3. Concrete curbs, a minimum of six inches above the grade of abutting sidewalks and parking areas, may be required for all landscaped areas so located. These landscaped islands shall have no dimension less than three feet. See Section [17.34.120](#), Industrial design guidelines, regarding landscaping screening and landscaping islands.
4. The discretionary spacing of trees in parking lots to create “orchard” planting that will shade the parking area is discussed and illustrated in Section [17.34.080](#), Commercial design guidelines, trees and landscaping.
5. Varieties of parking lot trees shall be specified that lend themselves to trimming to ten feet above ground level and that do not drop fruit or sap.
6. No impervious surface or parking shall be located within the dripline of trees except when using tree varieties that are minimally susceptible to root damage from parked vehicles.
7. Landscaped areas within commercial and industrial parking lots are subject to Section [17.34.080](#), Commercial design guidelines, and Section [17.34.120](#), Industrial design guidelines.

D. Appropriate Plant Materials. To conserve irrigation water and to ensure that landscapes are durable, plants should be selected that are based on the functional use of the site, appropriate horticulture, local climate, drought tolerance, and species native to California, wherever possible. Planting practices are as follows:

1. Street trees shall be selected from the City's Master Landscape Plan for street tree planting and planted per the City's Master Landscape Plan and as approved by Public Works Director.
2. All trees shall be a minimum fifteen-gallon size, all shrubs shall be a minimum five-gallon size, and all street trees, shrubs and ground cover public right of way shall be per the Master Landscape Plan.
3. Landscape materials such as shrubs shall be chosen that will not grow over the height of an adjacent fence or wall, or can be readily trimmed to such height.
4. Landscape materials adjacent to creeks shall be native riparian vegetation and subject to city and California Department of Fish and Wildlife approval. For the purposes of this subsection, "adjacent" means creek banks and an additional twenty-five feet measured from either of the following points:
  - a. If the slope of the creek bank is less than one vertical unit to two horizontal units, the measurement shall begin at the top of the creek bank.
  - b. If the slope of the creek bank is more than one vertical unit to two horizontal units, the measurement shall begin at the point where an imaginary slope of one vertical unit and two horizontal units is projected from the edge of the creek bed to the level of the top of the bank (see Figure 17.48-A).



5. At least ninety percent of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water, once established. Up to ten percent of the plants may be of a nondrought-tolerant variety as long as they are grouped together and can be irrigated separately.

6. The combined turf and/or water area (i.e., pools, ponds, and fountains) shall be limited to twenty-five percent of the irrigated areas. Turf area limitation is excluded for public parks, golf courses, cemeteries, and school recreation areas.

7. Turf shall be used that has a water requirement less than or equal to tall fescue. Exceptions may be granted where functional use requires another turf grass species.

8. No turf shall be allowed in median strips or within the public right of way.

E. Soil Conditioning and Mulching.

1. A minimum of six cubic yards of nitrified soil conditioner per one thousand square feet shall be incorporated into the top six inches of soil.

2. A minimum of three inches of mulch shall be added in non-turf areas to the soil surface after planting. Nonporous material shall not be placed under the mulch.

3. Grading shall be minimized to avoid disturbance. Topsoil shall be stockpiled and shall be reapplied during final grading.

4. Soil tests showing soil type, soil depth, uniformity, and pH shall be required and submitted with landscape plans. Soil will be amended according to report recommendations.

5. Street trees shall be planted per the Master Landscape Plan.

F. Root Barrier. A root barrier at least eighteen inches deep shall be used for any trees planted within four feet of sidewalks, paved areas, and other structures potentially subject to root damage. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015). There is to be not root barrier for street trees.

#### **17.48.040 Review procedures.**

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A. Permit Approval. A landscape plan, as described in Section [17.48.050](#), Landscape plan submittal, and prepared by a licensed landscape architect or other qualified professional, shall be submitted for approval prior to issuance of a building permit. The plan will be reviewed pursuant to the procedure in Section [17.18.020](#), Plan check/zoning clearance. In addition to review by the Development Services Department, other departments, including Public Works, may review the submittal for approval.

B. Review Cycles. The applicant shall allow a minimum of thirty days for each review of landscaping plans and each re-review in the case of nonconformance with the requirements of this chapter.

Landscaping and irrigation shall not be installed until the plans are approved. Changes to the approved landscape plan that would affect the character of the chosen plant material or the irrigation system design are required to be submitted for administrative approval.

C. EBMUD Review. The city may require review by the East Bay Municipal Utility District (EBMUD) of certain proposed projects for compliance with water conservation guidelines and requirements of EBMUD, pursuant to Assembly Bill 32. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.050 Landscape plan submittal.**

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A. Legend. The landscape plan shall contain a separate legend with corresponding symbols found throughout the submitted landscape plan. The legend shall include landscape materials; the number, botanical name, common name, and container size of trees, vines, ground covers, and shrubs; type and amount of ground cover; and areas of turf and other additional vegetation.

B. Features. The landscape plan shall be drawn on project base sheets at a scale that accurately and clearly identifies the following:

1. Landscaped areas having plants with similar water scheduling, valve, and quantity needs. These areas may be irrigated or nonirrigated.
2. Planting symbols corresponding to the legend, showing spacing and quantities of each group of plants indicated.
3. Property lines and street names.
4. Pools, ponds, water features, fences, and retaining walls.
5. Existing and proposed buildings and structures, parking areas, site and building entrance points, type of site paving, structural signage, perimeter fencing, trash receptacle locations, and any additional site amenities.
6. Natural features including but not limited to rock outcroppings, existing trees, and shrubs to remain.

7. Representation or description of type of tree staking, planting notes identifying methods for soil preparation including depth, fertilizer, protective methods for landscaping, paving considerations, contractor guarantee, and other applicable planting and installation details.
  8. Landscaping and irrigation protection measures (i.e., bollards, tire stops, curbs).
- C. Calculations. The landscape plan shall include a calculation of the total landscaped area.
- D. Sight Distance. Sight distance and traffic visibility calculations and determinations per American Association of State Highway and Transportation Offices (ASHTO), unless waived by the Director of Public Works.
- E. Attachments. The landscape plan for private property shall include an irrigation plan as set forth in Section [17.48.060](#), Irrigation requirements, and a maintenance schedule as set forth in Section [17.48.110](#), Maintenance. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015). The landscape plan for planting in the public right of way or public places is to be per the Master Landscape Plan.

#### **17.48.060 Irrigation requirements.**

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- A. Irrigation Equipment. An irrigation plan meeting the following conditions shall be submitted as part of the landscape plan. These irrigation requirements apply to all non-single-family residential landscapes and to those single-family residences where automatic and semi-automatic irrigation systems will be installed.
1. Sprinkler heads with a precipitation rate of 0.85 inches per hour or less shall be used on slopes exceeding fifteen percent or on slopes exceeding fifteen percent within ten feet of hardscapes to minimize runoff.
  2. Valves and circuits shall be separated based on water use. Plants that require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water usage shall be used in that area.
  3. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half gallons per minute per device.
  4. Sprinkler heads must have matched precipitation rates within each control valve circuit.
  5. Pop-up sprinklers in lawn areas shall have at least a four-inch pop-up height.
  6. Check valves are required where elevation differences may cause low head drainage.

7. Sprinkler head spacing shall be designed for head-to-head coverage. The system shall be designed for minimum runoff and overspray onto nonirrigated areas. Sprinkler heads should be selected for durability, application rate, operating pressure, adjustment capability, and ease of maintenance.
8. All automatic irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple-cycle start capacity and a flexible calendar program.
9. All irrigation systems shall be equipped with rain shutoff devices.
10. Sprinklers and sprays shall not be used in areas less than eight feet wide.
11. Backflow prevention valves are required.
12. Aboveground irrigation controllers and valves shall be enclosed in a protective and locked steel cage.
13. Drip or bubbler sprinkler systems shall be installed in public right of way and on public facilities for tree, shrubs, groundcover per the Master Landscape Plan or to be approved by Public Works Director or designee.

B. Water Budget. Irrigation plans shall include a water budget that includes the following:

1. Estimated annual water use (in gallons).
2. Irrigated (landscaped) area (in square feet).
3. A monthly irrigation schedule for the plant establishment period and the following year. This irrigation schedule will include the following information for each valve:
  - a. Plant type.
  - b. Precipitation rate.
  - c. Flow rate in gallons per minute.
  - d. Run times in minutes per day.
  - e. Number of watering days per week (turf grasses should be irrigated a maximum of once every three days).

C. Monthly Schedule. When establishing the monthly irrigation schedule required by subsection B of this section, the certified professional described in Section [17.48.100](#), Certification of substantial

completion, shall take into account and modify the increments of irrigation according to soil type, slope of the landscaped area, time of day, and number of cycles (minutes throughout the day) to ensure minimal runoff.

D. Watering Guidelines. Table 17.48-A—Watering Guide shows how many inches of water tall fescue needs monthly, based on climatic data for inland and coastal areas. Water-conserving plants will require about half the water required by tall fescue. This table should be used as a guide but can be modified if more specific information is available.

**Table 17.48-A—Watering Guide**

<b>Date</b>	<b>Inches/Month</b>
January	0.5
February	0.75
March	1.5
April	2.0
May	3.5
June	4.0
July	5.0
August	4.5
September	3.0
October	1.5
November	0.75
December	0.5

(Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.070 Irrigation plan submittal.**

A. Drawings. The irrigation plan shall be drawn on the project base map or plan. It should be separate from, but use the same format and scale as, the landscape plan described in Section [17.48.050](#), Landscape plan submittal and per the Master Landscape Plan for trees, shrub and

groundcover in the public right of way or on public facilities. The irrigation plan shall accurately and clearly identify and include the following information:

1. An annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape, and for any temporarily irrigated areas. The irrigation schedule shall:
    - a. Include run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station.
    - b. Provide the amount of applied water (in hundreds of cubic feet, gallons, or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
  2. Types of valves to be used in each hydrozone.
  3. An irrigation legend describing each symbol found on the irrigation site plan. Different types of valves need to be listed indicating make, radius, gallons per minute, pounds per square inch, and other applicable notes. Descriptions of lines need to include size, schedule, and minimum cover (depth).
  4. Location and size of separate water meters for the landscape (if applicable).
  5. Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture-sensing devices, rain switches, quick couplers, and backflow prevention devices.
  6. Static water pressure at the point of connection to the public water supply.
  7. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pounds per square inch) for each station.
- B. Soil Types and Infiltration Rate. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates, therefore minimizing

runoff. Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet and in median strips.

C. Median Strip Irrigation. No overhead sprinkler irrigation systems shall be installed in median strips less than eight feet wide.

D. Water Regulation Equipment. The irrigation plan shall include the following equipment:

1. Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of less than five thousand square feet.
2. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
3. Plants that require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low head drainage.
4. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
5. Rain-sensing override devices shall be required on all irrigation systems.
6. Soil moisture-sensing devices shall be used where appropriate.

E. Nighttime Irrigation. Whenever possible, landscape irrigation shall be scheduled between two a.m. and ten a.m. to avoid irrigating during times of high wind or high temperature.

F. Alternative Water Sources. All ornamental uses of water in the common areas of a development project, such as ponds, lakes, and fountains, shall be supplied, operated, and maintained with alternative sources of water if they are available. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.080 Tree protection.**

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A. Applicability. This section applies to:

1. Commercial or industrial properties with an approved landscape plan.

2. Residential properties removing native trees at least six inches in diameter measured three feet above natural grade.

B. Exemptions. The following trees are exempt from the regulations of this section:

1. Trees that are prohibited on the city's plant list (these may be removed regardless of size).
2. Trees that are unsafe, in poor health, structurally distressed, or dead.
3. Trees where the primary trunk is partially located in the right-of-way or on an adjoining site that is not part of the land division site.
4. Trees that are less than six inches in diameter.

C. Tree Evaluation. Prior to approval of any new residential or commercial development, the applicant is required to retain a certified arborist to evaluate protected tree resources on a project site and to identify trees that will be retained and appropriate tree protection measures. The arborist is required to prepare the following analyses:

1. Reasons for removal.
2. Landscape plan indicating size, quantity, species, and location of the trees to be removed and replaced.
3. The condition of the tree with respect to disease, general health, damage, and structural integrity.
4. The number of existing trees on the subject property, on adjacent property, and immediately proximate to the subject tree(s) and the effect of the tree removal upon public health, safety, prosperity of surrounding trees, visual impact, and general welfare of the area.
5. Age of tree, specifically with regard to whether or not removal of the tree would encourage healthier, more vigorous growth of other trees in the area.
6. The number of healthy trees that a given parcel of land will support, with and without the proposed development.
7. The effect of tree removal on soil stability/erosion, particularly near watercourses or drainage ditches, or on steep slopes, or the effect on runoff interception.

8. The potential for the tree to be a public nuisance or interfere with utility service, as well as its proximity to existing buildings and structures.
  9. Identification of alternatives that would allow for the preservation of the tree(s) proposed for removal.
  10. Any other information the arborist finds pertinent (e.g., site conditions, other vegetation).
- D. Protection. Trees identified in the tree evaluation shall be protected on site for the life of the project or until deemed exempt per the list of exemptions identified in subsection B of this section.
- E. Removal or Relocation. Removal or relocation of any trees (other than those in the public right of way or on public facilities) identified in the tree evaluation for protection requires approval and/or replanting as follows:
1. For the removal of three or fewer trees, the zoning administrator's approval is required.
  2. For the removal of four or more trees, a minor design review before the planning commission is required.
  3. See Table 17.48-B for replacement requirements.
- F. Replacement Trees. Replacement trees shall be required for trees removed with or without zoning administrator approval. Trees removed or severely and improperly trimmed shall be replaced according to Table 17.48-B—Tree Replacement Schedule.

**Table 17.48-B—Tree Replacement Schedule**

Size of Damaged/Removed Tree	Replacement Tree Required
2 inches (diameter at 5-foot height)	15-inch box
4 inches (diameter at 5-foot height)	24-inch box
6 inches or greater (diameter at 5-foot height)	36-inch box

(Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.090 Chemical use.**

A. Pesticide Application. Only licensed applicators shall apply pesticides on landscaped areas other than for single-family homes.

B. Quantities of Chemicals. Quantities of pesticides, herbicides, and fertilizers used in the maintenance and establishment of all landscaped areas shall be minimized.

C. Storm Water Drainage. Pesticides, herbicides, and fertilizers shall not be applied during wet weather or in areas where they can wash into the creeks and storm drain system.

D. Alternatives. Nontoxic, environmentally friendly alternatives to pesticides, herbicides, and fertilizers shall be used where feasible. Integrated pest management practices are encouraged. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

E. Stormwater C3 Guide book for development applications has been modified for the City of San Pablo per the Master Landscape Plan.

#### **17.48.100 Certification of substantial completion.**

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A licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a related field shall conduct a final field observation and shall provide a certificate of substantial completion to the city. The certificate shall specifically indicate that plants were installed as specified and that the irrigation system was installed as designed, along with a list of any observed deficiencies. Certification shall be accomplished by completing a certificate of substantial completion and delivering it to the city and to the owner of record. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.110 Maintenance.**

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A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape and irrigation plans:

A. Maintenance Schedules. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas.

B. Repair. Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

C. Maintenance Agreement. A landscape maintenance agreement shall be executed between the city and the applicant prior to issuance of a certificate of occupancy or operation of business. The agreement shall include provisions for the continued maintenance of the landscaping and shall include provisions for the city to administer such maintenance if necessary. Cost of city maintenance shall be charged to the applicant.

D. Replanting. Ongoing replanting and replacement of dead, diseased or dieback planting is required. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.120 Sustainable storm water management.**

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A. Applicability. New development shall implement the provisions of this section and Chapter [8.40](#), Storm Water Management and Discharge Control.

B. Water-Permeable Pedestrian Surfaces. Permeable paving should be utilized for not less than fifty percent of walking or patio surfaces. Required accessible routes for persons with disabilities shall not be permeable and are exempt from the calculations.

C. Sustainable Storm Water Strategies. At least two of the following methods or other best management practices shall be employed to allow rainwater to soak into the ground, evaporate into the air, or collect in storage receptacles for irrigation or other beneficial uses. Sustainable storm water management strategies include but are not limited to:

1. Bioretention facilities such as rain gardens to collect and filter water as it soaks into the ground.
2. Integrated or subsurface water detention facilities, such as cisterns and rain barrels, to capture and store rainwater for use in landscape irrigation and other non-potable uses.
3. Biofiltration facilities such as vegetative swales and green roofs to allow water to soak in while slowly flowing. Green roofs must meet the structural requirements of the building code.
4. Roof leader disconnection.
5. Permeable and porous paving for parking areas and driveways.
6. Canopy trees, tree preservation, or shrubs beyond the requirements of Section [17.48.080](#), Tree protection, and Section [17.48.030](#), Landscape plan and standards, to absorb rainwater.

7. Grading that lengthens flow paths and increases runoff travel time to reduce the peak-hour flow rate.

8. Removing curbs and gutters from parking areas where appropriate to allow storm water to flow into vegetated areas.

D. Implementation. If applicable, sustainable storm water management projects shall be coordinated with the local Regional Water Quality Control Board, which may issue a permit or otherwise require sustainable storm water management strategies. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

#### **17.48.130 Landscape design guidelines.**

This section references landscape design guidelines that are found in other sections of this title.

Compliance with these design guidelines is not a mandatory requirement of the zoning ordinance. The guidelines may, however, be imposed as conditions of approval, provided the approval process allows for conditions to be imposed.

A. Residential Design Guidelines. City-adopted guidelines provide guidance for multiple-family site planning and landscaping.

B. Commercial Design Guidelines. City-adopted guidelines provide guidance for trees and parking and for walls and fences.

C. Industrial Design Guidelines. City-adopted guidelines provide guidance for landscaping and screening. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

**SECTION 3. Severability.** If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

**SECTION 4. CEQA.** This ordinance is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment to the extent that the ordinance is clarifying which City officials have responsibility for landscaping in the public right of way and on private property. If a project, then the ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA), under CEQA Guidelines Section 15304(b), regarding minor alterations to land as setting forth landscaping

requirements; Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and Section 15308 for actions by regulatory agencies for the protection of the environment. The Public Works Director is directed to ensure that a notice of exemption is filed immediately with the County Clerk.

**SECTION 5. Effective Date; Publication.** This ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

\* \* \* \* \*

First read at a regular meeting of the City Council of the City of San Pablo on August 7, 2017 and finally passed and adopted at a regular meeting of said City Council held on the \_\_\_\_\_, 2017, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

\_\_\_\_\_  
Elizabeth Pabon-Alvarado, City Clerk

\_\_\_\_\_  
Cecilia Valdez, Mayor