

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2009-

**AN ORDINANCE AMENDING THE SAN LEANDRO MUNICIPAL CODE BY ADDING
A NEW CHAPTER 3-22 RELATING TO BAY FRIENDLY LANDSCAPING FOR CITY
PROJECTS**

The City Council of the City of San Leandro does ORDAIN as follows:

SECTION 1. Title 3 of the San Leandro Municipal Code is hereby amended to add a new Chapter 3-22 to read as follows:

**“CHAPTER 3-22 BAY FRIENDLY LANDSCAPING REQUIREMENTS FOR CITY
PROJECTS**

ARTICLE 1. GENERAL

3-22-100 PURPOSE AND INTENT. The City Council declares the purpose and intent of this Chapter as follows:

To promote economic and environmental health in the City, it is essential that the City itself, through the design, construction, and maintenance of its own landscapes and landscapes it funds, provide leadership to both the private and public sectors by incorporating Bay-Friendly landscaping practices. The most immediate and meaningful way to do this is to require the integration of Bay-Friendly landscaping strategies in City landscapes and landscapes that are part of public-private partnership projects.

3-22-105 FINDINGS. The City makes the following findings:

(a) The City finds that the design, construction, and maintenance of landscapes within the City can have a significant impact on the City’s environmental sustainability, resource usage and efficiency, waste management, and the health of the watershed and as well as the health of residents, workers, and visitors to the City.

(b) The City finds, based on studies by StopWaste.Org, that plant debris from landscape construction, renovation and maintenance comprises 7% of the materials disposed in Alameda County landfills.

(c) The City finds that Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat, and health of workers and users of the landscape.

(d) The City finds that Bay-Friendly landscape design, construction, operation and maintenance contributes to a reduction in greenhouse gas emissions, improves air quality and enhances urban sustainability.

(e) The City finds that Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger San Francisco Bay Area ecosystem and the community. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed.

Key components of Bay-Friendly landscaping include reducing waste and using recycled content materials; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management (IPM) to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat.

(f) The City finds that Bay-Friendly landscape design and construction decisions made by the City in the construction and maintenance of landscapes can result in significant cost savings to the City over the life of the projects.

(g) The City finds that it is critical to both the economic and environmental health of the City that the City provides leadership to both the private and public sectors in the area of Bay-Friendly landscaping.

(h) The most immediate and meaningful way to do so is to include Bay-Friendly landscaping elements in City landscape projects and in landscape projects built as public-private partnerships, and to encourage private landscape projects to include Bay-Friendly landscaping elements.

(i) Bay-Friendly landscaping design, construction, operations and maintenance techniques have been increasingly utilized in residential and commercial landscape construction.

(j) In Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guide for residents.

(k) Requiring City Projects and public-private partnership projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of sustainable landscaping in the City.

3-22-110 DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply:

(a) “Bay-Friendly Landscape Guidelines” means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes. City staff shall maintain the most recent version of the Bay-Friendly Guidelines at all times.

(b) “Bay-Friendly Landscaping Scorecard” means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscaping Scorecard at all times. The applicable version of the Bay Friendly Guidelines scorecard will be that in effect at the time of design documentation for any covered project.

(c) "City Landscape Project" means any new construction or renovation of a Landscape owned or maintained by a City Department or Agency and excludes Traditional Public Works Projects.

(d) “Covered Project” means all new Landscaping projects or Renovations of Landscapes, including landscaped street medians and planting strips, that equal or exceed \$100,000 in construction costs of the landscaped area and constitute a minimum of 2,500 square feet of softscape and are either owned or maintained by a City Department or Agency or developed as a Public-Private Partnership.

(e) "Bay-Friendly Landscaping Compliance Official" means the designated staff person(s) authorized and responsible for implementing this Chapter.

(f) “Initiated” means officially identified and substantially funded to offset the costs associated with the project.

(g) “Landscape” means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).

(h) “Public-Private Partnership” means any project built on City-owned land, or primarily funded by the City, built as a project of the Redevelopment Agency, or built under a Disposition and Development Agreement with the City.

(i) “Renovation” means any change, addition, or modification to an existing Landscape.

(j) “Softscape” refers to the parts of the landscape that are comprised of live horticultural elements. Softscape means all of the planting and turf areas. The following is not included in the softscape area: footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes and other non-irrigated areas designated for non-development (i.e., open spaces).

(k) “Traditional Public Works Project” means heavy construction projects such as pump stations, sewer-related facilities, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

ARTICLE 2. STANDARD FOR COMPLIANCE

3-22-200. COVERED PROJECTS. All Covered Projects with landscapes initiated on or after the effective date of this Chapter shall meet the most recent minimum Bay Friendly Landscape Scorecard points as recommended by StopWaste.Org or its designee.

3-22-205. NON-COVERED PROJECTS. For the purposes of reducing operating and maintenance costs in all City facilities and Public-Private Partnership facilities, Projects that do not meet the threshold that triggers compliance with the requirements of this ordinance and constitutes an area of 5,000 square feet or greater of softscape are encouraged to meet as many Bay-Friendly Landscaping Scorecard points as practicable and to complete and submit the Bay-Friendly Landscaping Scorecard to StopWaste.Org as a way of documenting the green building practices that have been incorporated into the project. The City shall regularly review the project specifications used in bidding Traditional Public Works Projects to include the best environmental practices and Bay-Friendly landscape practices applicable.

ARTICLE 3. PROMULGATION OF IMPLEMENTING REGULATIONS

3-22-300 TIMELINE. The City Manager shall, within six (6) months of ordinance adoption, promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Chapter. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City agencies and departments.

3-22-305 GENERAL GUIDELINES. The rules and regulations promulgated by the City Manager’s Office under this section shall provide for at least the following:

(a) The incorporation of the Bay-Friendly landscaping requirements of this Chapter into the appropriate design, construction, maintenance and development agreement documents prepared

for the applicable Covered Projects.

(b) The designation of an appropriate Bay-Friendly Landscaping Compliance Official(s) who shall have the responsibility to administer and monitor compliance with the Bay-Friendly landscaping requirements set forth in this Chapter and with any rules or regulations promulgated thereunder, and to grant waivers or exemptions from the requirements of this Chapter, and to report to the City Council regarding Bay-Friendly landscaping compliance on all Covered Projects.

(c) For cities with an adopted Environmental Purchasing Policy (EPP), the Green Building and Bay-Friendly Landscaping Compliance Official(s) will coordinate activities with the person(s) responsible for implementation of the EPP.

ARTICLE 4. UNUSUAL CIRCUMSTANCES

3-22-400 WAIVERS. Compliance with the provisions of this Chapter may be waived in unusual circumstances where the City Council has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, and phrase of this Ordinance irrespective of the fact that one or more articles, sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or effective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after adoption and the title thereof shall be published once prior to adoption.

Introduced by Councilmember

on this 4th day of May, 2009,

passed to print by the following called vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: _____
Marian Handa, City Clerk

Passed and adopted this _____ day of _____, 2009, after publication on

_____, 2009, by the following called vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: _____
Marian Handa, City Clerk

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