


City Attorney

CITY OF ALAMEDA ORDINANCE NO.
New Series

PUBLIC HEARING TO CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 30-60 (BAY-FRIENDLY LANDSCAPING REQUIREMENTS FOR NEW CITY LANDSCAPING PROJECTS, CITY RENOVATION PROJECTS, AND PUBLIC-PRIVATE PARTNERSHIP PROJECTS) TO ARTICLE IV (WATER: CONSERVATION LANDSCAPING) OF CHAPTER XXX (DEVELOPMENT REGULATIONS)

WHEREAS, the City finds that conventional landscaping within the City can contribute to environmental degradation, excessive consumption of fossil fuels, landfill waste and pollution; and

WHEREAS, the City finds that green landscaping is a whole-systems approach that seeks to conserve natural resources, reduce waste, minimize water and pesticide use, stormwater runoff and watershed pollution; and

WHEREAS, the City finds that the benefits of green landscaping include minimized maintenance, the creation of wildlife habitat, protection of local ecosystems through the use of native plant species, and the protection of the San Francisco Bay watershed; and

WHEREAS, in Alameda County, the organization StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors and has developed Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guide for residents that promotes green landscaping; and

WHEREAS, the City finds that requiring new City landscapes, City renovation projects, and public-private partnership projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of green landscaping in the City.

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding a new Section, 30-60, which shall read as follows: BAY-FRIENDLY LANDSCAPING REQUIREMENTS FOR NEW CITY LANDSCAPING PROJECTS, CITY RENOVATION PROJECTS, AND PUBLIC-PRIVATE PARTNERSHIPS PROJECTS and is hereby added to the Alameda City Municipal Code to read as follows:

30-60.1 Purpose and Intent.

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, and green infrastructure projects, including but not limited to, green grids, street edge alternatives, and green alleys.

30-60.2 Definitions.

- 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 Landscape 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 in the Planning and Building Department at all times.
- c. "City Landscape Project" means any new construction or renovation of a Landscape owned or maintained by the City.
- d. "Covered Project" means all new Landscaping projects or Renovations of Landscapes that are either owned or maintained by the City or developed as a Public-Private Partnership that equals or exceeds \$100,000 (in 2009 dollars) in construction costs and adjusted annually to reflect changes in the San Francisco Bay Area Construction Cost Index published in Engineering News Record Magazine.
- e. "Bay-Friendly Landscaping Compliance Official" means the designated staff person(s) authorized and responsible for implementing this Article.
- f. "Green Alley" means an alley that is designed or reconstructed to reduce environmental impacts and discharges to the storm sewer system.
- g. "Green Grid" means an interconnected network of public open spaces, green corridors, footpaths and landscapes.

- h. "Green Infrastructure" means an adaptable term used to describe an array of products, technologies, and practices that use natural systems, or engineered systems that mimic natural processes, to recycle stormwater runoff, filter air pollutants, sequester carbon, and retain and infiltrate rainfall. Green Infrastructure practices may include green roofs, porous pavement, rain gardens, and vegetated swales.
- i. "Initiated" means officially identified and substantially funded to offset the costs associated with the project.
- j. "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).
- k. "Public-Private Partnership" means any project built on City-owned land, primarily funded by the City, built as a project of the Housing Authority, Community Improvement Commission, or built under a Disposition and Development Agreement with the City.
- l. "Renovation" means any change, addition or modification to an existing Landscape.
- m. "Street Edge Alternative" means the incorporation of natural drainage, detention swales, additional landscaping, and the reduction of impervious surfaces in new road construction and the reconstruction of existing roads, where feasible.
- n. "Traditional Public Works Project" means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and/or maintained property.

30-60.3 Standard For Compliance.

- a. All Covered Projects initiated on or after the effective date of this ordinance shall meet the most recent minimum Bay-Friendly Landscape Scorecard points and required practices as recommended by StopWaste.Org or its designee.
- b. For the purposes of reducing operating and maintenance costs in all City facilities and public-private partnership facilities, Covered Projects that do not meet the threshold that triggers compliance with the requirements of this ordinance shall meet as many Bay-Friendly Landscaping Scorecard points as practicable and are required to complete and keep on file the Bay-Friendly Landscaping Scorecard, in order to document the green building practices that have been incorporated into the project.

- c. The Public Works Department shall regularly review the project specifications used in bidding Traditional Public Works Projects to include and implement the best environmental practices and Bay-Friendly Landscape Guidelines applicable.

30-60.4 Implementing Regulations.

- a. The City Manager shall, within six months of ordinance adoption, promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Section, consistent with the provisions of Chapter XXX (Development Regulations) of the Alameda Municipal Code. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City agencies and departments.
- b. The rules and regulations promulgated by the City Manager under this section shall provide for at least the following:
 1. The incorporation of the Bay-Friendly landscaping requirements of this ordinance into the appropriate design, construction, maintenance, and development agreement documents prepared for the applicable Covered Projects.
 2. 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 ordinance and with any rules or regulations promulgated thereunder, and to grant waivers or exemptions from the requirements of this Section, and to report to the City Council regarding Bay-Friendly landscaping compliance on all Covered Projects and Traditional Public Works Projects.

30-60.5 Unusual Circumstances.

Compliance with the provisions of this Section 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. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance 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. The City Council of the City of Alameda 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 sections,

subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted, to the extent of such conflict only, are hereby repealed.

Section 4. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days after the date of its final passage and adoption.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 2nd day of June, 2009 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of June, 2009.

Lara Weisiger, City Clerk
City of Alameda