CITY OF
HAYWARD
HEART OF THE BAY

8

DATE: January 29, 2008

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Introduction of a Civic Bay-Friendly Landscaping Ordinance

RECOMMENDATION

That Council introduces the attached civic Bay-Friendly Landscaping Ordinance.

BACKGROUND

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

Bay-Friendly landscaping design, construction, operation, and maintenance techniques are increasingly widespread in residential and commercial landscape construction. In Alameda County, the organization StopWaste.Org has developed Bay-Friendly Landscape Guidelines for professional landscapers and a Bay-Friendly Gardening Guide for residents. StopWaste.Org is a program funded by the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board. Council Member Henson serves as a Director on both boards.

Bay-Friendly landscaping is a holistic approach to gardening and landscaping that works in harmony with the natural conditions of the San Francisco Bay Watershed. Bay-Friendly landscapes can provide a sense of place and are suited to the local climate, soils, and topography. Appropriately chosen and placed plants have greater pest resistance, require less care, use fewer resources, and generate less waste. Use of Bay-Friendly landscaping techniques can also help meet recycling goals.

StopWaste.Org has also developed an extensive Bay-Friendly Landscape Plan Review and Scorecard document (Scorecard). Eligible Bay-Friendly landscaping practices earn points on the Scorecard. While some practices require compliance, other practices are optional. The practices incorporated into the Scorecard reflect the Bay-Friendly Landscaping Principles: landscape locally, landscape for less to the landfill, nurture the soil, conserve water, conserve energy, protect air and water quality, and create wildlife habitat. For example, the climate, exposure, and topography of a site are carefully evaluated, as is the potential for fire, and local, natural plant communities are used.

Practices such as reusing plant trimmings as mulch, grasscycling, and using compost can improve soils, create healthier landscapes, and keep materials out of local landfills.

DISCUSSION

Staff reviewed StopWaste.Org documents and met with its staff to discuss implementation of the Scorecard. Based on a model ordinance provided by StopWaste.Org, staff has prepared a draft Civic Bay-Friendly Landscaping Ordinance. The ordinance would apply to City-maintained and public-private partnership landscapes that exceed $100,000 in construction costs. The ordinance refers to the Bay-Friendly Landscape Guidelines and the Scorecard. The Scorecard, in turn, requires each applicable civic project to meet a certain minimum number of points. The current minimum number of Scorecard points that must be achieved is 60.

Use of Bay-Friendly landscaping may impact the appearance of civic landscapes. The initial look may be perceived as "sparse" because plants are spaced at their ultimate size. In addition, Bay-Friendly landscaping may also result in less color, less vibrancy and variety, and shorter blooming periods. Plants are also spaced further from any hardscaping so they will not require trimming, and plants that require shearing are prohibited. Further, the established look will be different from most existing landscapes. Many traditionally-used plants will not be used because of their water requirements, and overall landscaping will have more diversity than usual. Leaves will be left in medians as natural mulch.

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, greenhouse gas emissions, and health of both workers and users of the landscape. In addition, use of Bay-Friendly landscape design and construction strategies may result in long-term cost savings to the City over the life of a project. A benefit of first promulgating the use of Bay-Friendly landscaping practices on civic landscapes would be a gain in public familiarity with this "look" that results in many environmental benefits.

Using compost and mulch also helps create drought-resistant soil that, along with proper plant selection, hydrozoning, and high-efficiency irrigation, can result in water conservation. Planting and protecting trees to moderate building temperatures and specifying local products and suppliers can conserve energy. Bay-Friendly landscaping can protect air quality by reducing fossil fuel consumption and planting trees to remove carbon dioxide and absorb pollutants. Minimizing the use of pesticides and increasing on-site filtration can reduce runoff and protect water quality. Reducing pesticide use can also aid in the creation of wildlife habitat, as can choosing California native plants and a diverse landscape.

During the January 8, 2008 work session, staff outlined the above points in its presentation. Examples of Bay-Friendly landscaping from outside and within the City were provided. Staff pointed out that, in the near term, the first projects likely to be affected by the ordinance would be the upcoming Route 238 Corridor Improvement Project and the proposed new Library. Council was unanimous in its support for the ordinance and also brought up a number of points. Council recommended that such an ordinance apply to landscaping projects at any City gateways and urged staff to take advantage of grant funding available from StopWaste.Org. Council would also like to encourage larger private development projects to implement Bay-Friendly landscaping practices. StopWaste.Org staff present noted that it regularly holds workshops and

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garden tours for the general public. Council also urged staff to contact HARD, the University and HUSD to ask about their plans to implement Bay-Friendly Landscaping.

According to officials, the Hayward Area Recreation and Parks District (HARD) currently does not have policies that address Bay-Friendly landscaping principles. Other jurisdictions, such as Hayward Unified School District (HUSD) and California State University (CSU), are subject to very specific State requirements. City staff has no review input but will discuss these comments with them through interagency coordination meetings.

During the work session, Council unanimously supported the proposed ordinance and directed the City Manager to return to Council with a similar policy with respect to private projects. Staff will report to Council following appropriate research into all aspects and implications of such a policy.

FISCAL IMPACT

Requiring use of Bay-Friendly landscaping practices will probably result in a small increase in both design and construction costs. Ongoing maintenance costs will also likely change. Costs in some areas will likely be offset by savings in others. While the initial installation outlay costs may be higher, Bay-Friendly landscaping can result in long-term cost savings in labor, water, and energy. In addition, higher maintenance labor costs for some activities may be offset, for example, by a reduction in trimming needs.

On a separate note, while staff recommends enacting a civic Bay-Friendly landscaping ordinance on its own merits, doing so will also affect the City's future ability to obtain Waste Import Mitigation funding from StopWaste.Org. The Waste Import Mitigation fund is comprised of per-ton fees paid by the City and County of San Francisco in exchange for disposing of its waste at Waste Management, Inc.'s Altamont Landfill in eastern Alameda County. The monies in this fund are distributed to all jurisdictions in Alameda County. Historically, the City has received approximately $80,000 annually in Waste Import Mitigation funds.

As an incentive for jurisdictions to fully engage in the countywide effort to achieve 75percent diversion and beyond, StopWaste.Org has placed new restrictions on future funding eligibility. In order to get Waste Import Mitigation funding in FY 08/09, a jurisdiction must meet a combination of requirements. For the City to qualify for this funding, it must have three ordinances in place by July 1, 2008, one of which is a civic Bay-Friendly landscaping ordinance. The other two requirements are a construction and demolition debris diversion ordinance, which the City already has in place, and a civic green building ordinance. The City adopted a resolution in 2006 requiring applicable civic projects to meet a minimum Leadership in Energy and Environmental Design (LEED) silver standard. ("LEED silver standard" refers to the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard and is referred to as silver standard.) Preliminary work on the development of a civic green building ordinance is currently underway. All three ordinances must be in place by July 1, 2009, in order to obtain funding in FY 2010.

Projects using a comprehensive Bay-Friendly landscaping approach are also eligible for StopWaste.Org Bay-Friendly Landscaping Grants, provided that StopWaste.Org design assistance services are used and StopWaste.Org recommendations are incorporated prior to the completion of construction. Also required is development of a Demolition and Construction Waste Management

Plan that calls for the recycling of a minimum of 75 percent of the plant debris and 50 percent of demolition and construction waste generated by the project. Priority is given to projects that have public accessibility or a public function (e.g. parks or low-income housing), demonstrate potential for subsequent use by the applicant and others, have a relatively short time to completion, include other sources of funding, and incorporate a LEED-accredited professional on the design team for sites that include new building design and construction.

PUBLIC CONTACT

City staff has met with StopWaste.Org staff members. Notice of this meeting has been sent to landscape supply and service companies within the City.

NEXT STEPS

During the January 8, 2008 work session, Council supported the proposed ordinance and directed the City Manager to return to Council with a similar policy applicable to private projects. Staff will report to Council following appropriate research into all aspects and implications of such an ordinance, but no later than June 30, 2008.

Staff will complete the development of a civic green building ordinance by the end of FY 08. And, staff will assure that all three ordinances necessary to secure our eligibility for Waste Import Mitigation funding in FY 10 are complete by June 30, 2008.

Prepared by:

Alex Ameri, Deputy Director of Public Works

Recommended by:

Robert A. Bauman, Director of Public Works

Approved by:

Gregory T. Jones, City Manager

Attachments: Draft Bay-Friendly Landscaping Ordinance
StopWaste.Org Bay-Friendly Landscape Guidelines
StopWaste.Org Bay-Friendly Landscape Plan Review and Scorecard

DRAFT 1/17/08

ORDINANCE NO. ___

ORDINANCE ADDING ARTICLE 20 TO CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE RELATING TO BAY-FRIENDLY LANDSCAPING

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS AND PURPOSE.

WHEREAS, the City Council finds that to promote sustainability and economic and environmental health in the City of Hayward, 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; and

WHEREAS, the City Council finds that the design, construction, and maintenance of landscapes within the City of Hayward can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, wildlife habitat; and the health of the watershed as well as the health of residents, workers, and visitors to the City. Implementing Bay-Friendly landscapes will also make a positive contribution to reducing the city's greenhouse gas emissions and therefore have a positive impact on climate change; and

WHEREAS, the City Council 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 use of pesticides; reducing stormwater runoff; and creating wildlife habitat; and

WHEREAS, the City Council finds that Bay-Friendly landscape design and construction decisions made by the City in the construction and maintenance of landscapes may result in significant cost savings to the City over the life of the projects. Furthermore, the City Council finds that Bay-Friendly landscaping design, construction, operations and maintenance techniques are gaining acceptance in residential and commercial landscape construction; and

WHEREAS, the City Council finds that requiring City projects and public-private partnership projects to incorporate Bay-Friendly landscape guidelines is necessary and appropriate to achieving the benefits of Bay-Friendly landscaping in the City.

Section 2. The City of Hayward's Municipal Code is hereby amended to add Article 20 to Chapter 10 as follows:

"ARTICLE 20
BAY-FRIENDLY LANDSCAPING ORDINANCE

SEC. 10-20.100 TITLE.

This Article shall be known and may be cited as the Bay-Friendly Landscaping Ordinance of the City of Hayward.

SEC. 10-20.110 DEFINITIONS.

For the purposes of this Article, the following definitions shall apply:

a. "Bay-Friendly Landscaping 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 Landscape Scorecard at all times.

c. "City Landscape Project" means any new construction or renovation of a landscape owned or maintained by a City department or division.

e. "Covered Project" means all new landscaping projects or renovations of landscapes that equal or exceed $100,000 in landscape construction costs (including hardscaping) and are maintained by a City department or division or developed as a public-private partnership.

f. "Bay-Friendly Landscaping Compliance Official" means the designated staff person authorized and responsible for implementing this Article, which is the Director of Public Works.

g. "Initiated" means officially identified and substantially funded to offset the costs associated with the project.

h. "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).

i. "Public-Private Partnership" means any project built on city-owned land, primarily funded by the City, built as a project of the Redevelopment Agency, or built under a Disposition and Development Agreement with the City.

j. "Renovation" means any change, addition, or modification to an existing

landscape.

k. "Traditional Public Works Project" means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, medians, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

SEC. 10-20.120 APPLICATION.

a. All covered projects with landscapes initiated on or after the effective date of this Ordinance shall meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.Org.

b. For the purposes of reducing operating and maintenance costs in all City of Hayward facilities and public-private partnership facilities, projects that do not meet the threshold that triggers compliance with the requirements of this ordinance are required to meet as many Bay-Friendly Landscape Scorecard points as feasible, taking into account available resources and design objectives, and are required to complete and submit the Bay-Friendly Landscaping Scorecard as a way of documenting the Bay-Friendly landscaping practices that have been incorporated into the project.

c. The Public Works Department, Landscape Architect, and related staff if applicable 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.

SEC. 10-20.130 IMPLEMENTATION.

a. The Bay-Friendly landscaping requirements of this Article shall be incorporated into the appropriate design, construction, maintenance and development agreement documents prepared for the applicable covered projects initiated on or after the effective date of this ordinance.

b. The City Manager shall designate an appropriate Bay-Friendly Landscaping Compliance Official who shall have the responsibility to administer and monitor compliance with the Bay-Friendly landscaping requirements set forth in this Article, and to grant waivers or exemptions from the requirements of this Article. Bay-Friendly Landscaping Official will provide the City Council with an update on the implementation of this ordinance one year after its effective date.

c. Should the City adopt an Environmental Purchasing Policy (EPP), the Bay-Friendly Landscaping Compliance Official will coordinate activities with the person(s) responsible for implementation of the EPP.

SEC. 10-20.140 EXEMPTIONS.

Compliance with the provisions of this Article may be waived in unusual circumstances where the Bay-Friendly Landscaping Compliance Official has found and determined that the public interest would not be served by complying with such provisions.

SEC. 10-20.150 SEVERABILITY.

If any provision of this Article is determined invalid, void, or unenforceable by a final judgment rendered by a court of competent jurisdiction, the validity of the remaining provisions of this Article shall not be affected, provided that the enforcement of the remaining provisions of this Article are not rendered impractical by the severance of the provision deemed to be invalid, void, or unenforceable."

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward held the _____day of _____, 2008, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2008, by the following votes of members of said City Council:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

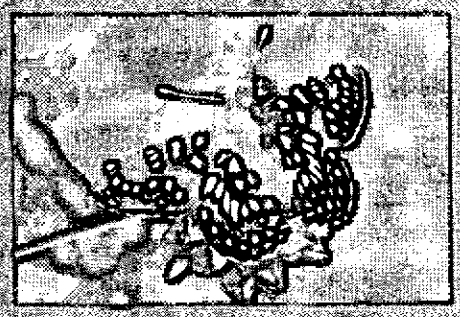
APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

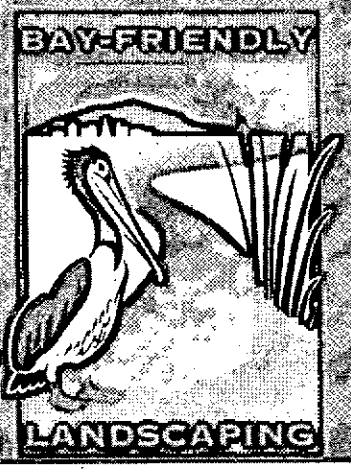
This publication was distributed during the Work Session on January 8, 2008. Due to the length, it is not attached to this report. Please contact the City Clerk for additional copies.

BAY-FRIENDLY LANDSCAPE GUIDELINES

Sustainable Practices for the Landscape Professional



BAY-FRIENDLY



LANDSCAPING

BAY-FRIENDLY LANDSCAPE GUIDELINES

Sustainable Practices for the Landscape Professional

"A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community."

SOURCE: ALDO LEOPOLD, *A SAND COUNTY ALMANAC.*

Bay-Friendly Landscape Plan Review & Scorecard

This project tool has been designed to guide you in evaluating your landscape design and construction plans for their Bay-Friendly features and to tally your current and possible Bay-Friendly Landscaping points. Bay-Friendly Landscaping is a whole systems approach to the design, construction and maintenance of the landscape that enhances the health of the SF Bay Watershed. Bay-Friendly Landscaping is a project of StopWaste.Org , a public agency dedicated to reducing the waste stream for Alameda County.

It is recommended that at a minimum Bay-Friendly Landscapes:
- incorporate all the "Required" practices as indicated in the Plan Review, and
- score 60 points on the scorecard.

INSTRUCTIONS:
At the bottom of this spreadsheet, you will see tabs for three worksheets: **Cover Sheet, Plan Review and Scorecard**. You will only be able to fill out selected portions of first two of the worksheets. The third worksheet, the 'Scorecard' is automatically tabulated. It can be viewed and printed as a summary sheet and snapshot of the project's status.

COVER SHEET: Please begin by completing the contact information on this cover sheet below, as well as other general project information.

PLAN REVIEW: This tool has two places for entering project data : 1) the 'Check' boxes, and 2) the 'Comments' fields. As you review your project plans, check those practices described in the Bay-Friendly Principles & Practices column that you are implementing. Points from these boxes are automatically tallied on the Scorecard worksheet. If a practice is possible, but not yet described in any project documents, indicate this with the word 'possible' in the 'Comments' column. Also in the 'Comments' fields, you can ask questions of StopWaste.Org's Bay-Friendly Landscaping team or make additional comments about particular credits (maximum of 105 characters of text). **Please note** that this is an iterative process. It will be useful to complete this Bay-Friendly Plan Review & Scorecard early in the conceptual phase of the landscape design, a second time to reflect the design development documents and a third time for the final construction documents.

Completed By: _____ **Phone:** _____

Design Phase: _____ **Date:** _____

Project Title: _____

Project Location (City): _____

Address: _____

Landscape Architect: _____

Project Notes: _____

BAY-FRIENDLY LANDSCAPING

STOPWASTE.ORG
Reducing the Waste Stream for Alameda County

Visit
www.BayFriendly.org
for more information.

Last updated: 3/10/2006