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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 MAY 28 PM 2: 16

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Public Works Agency
DATE: June 9, 2009

RE: **Ordinance Amending Chapter 15.35 Of The Oakland Municipal Code, "Green Building Requirements For City Building Projects And Traditional Public Works Projects", To Add Civic Bay-Friendly Landscaping Requirements For All City Of Oakland, Redevelopment Agency And Public-Private Partnership Projects That Include Landscaping**

SUMMARY

Bay-Friendly Landscaping promotes healthy soils, uses drought-tolerant plants, conserves water and energy, enhances wildlife habitat, reduces waste, and prevents pesticide-related pollution. StopWaste.Org requires that member agencies, such as the City of Oakland (City), enact a Civic Bay-Friendly Landscaping Ordinance by July 1, 2009, in order to continue to receive Waste Import Mitigation funding from StopWaste.Org.

Implementation of a Civic Bay-Friendly Landscaping Ordinance will require that landscaping projects undertaken by the City, Redevelopment Agency or Public-Private Partnerships with a value of \$100,000 or more and a size of 10,000 square feet or more meet or exceed a minimum number of Bay-Friendly Landscaping requirements. Renovations to landscapes of historical significance and installations of turf for sports or multiple-use fields are exempt. Additionally, compliance with the provisions of the Ordinance may be waived in unusual circumstances where the City Administrator has determined that the public interest would not be served.

FISCAL IMPACT

Enactment of a Civic Bay-Friendly Landscaping Ordinance by July 2009 will allow the City to continue to receive Waste Import Mitigation funding from StopWaste.Org. Historically, the City has received approximately \$185,000 annually, which is placed in the Alameda County: Source Reduction and Recycling Fund (2175) and supports either non-residential or innovative waste reduction/recycling programs.

Although some initial installation costs for Bay-Friendly Landscaping projects may be higher (e.g., more expensive irrigation systems), Bay-Friendly Landscaping typically results in long-term cost savings in labor, water, and energy. According to StopWaste.Org, project cost increases are similar to those seen in Green Building projects: one to two percent (1 to 2%).

To offset the cost to member agencies of implementing a Civic Bay-Friendly Landscaping Ordinance, StopWaste.Org provides free trainings, technical assistance, scorecard ratings, and grants. Two recent City projects that have employed Bay-Friendly Landscaping principles, Studio One and 81st Avenue Library, have received a total of \$35,000 in grants since 2004.

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StopWaste.Org's budget for Fiscal Year 2009/2010 includes additional money for grants to member agencies.

BACKGROUND

The City of Oakland is a member agency of the Alameda County Waste Management Authority (ACWMA), which was created through the Joint Powers Agreement executed on February 13, 1990. ACWMA and the Alameda County Source Reduction and Recycling Board form an integrated agency known as StopWaste.Org, which is dedicated to achieving a seventy-five percent (75%) diversion goal through the development and promotion of sustainable consumption and disposal programs. StopWaste.Org provides direct funding to the City in support of waste reduction, recycling, and other sustainability programs. In addition StopWaste.Org develops and promotes programs on behalf and in partnership with the City.

Adoption of a Civic Bay-Friendly Landscaping Ordinance will allow the City to continue to receive 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 \$185,000 annually. The City's use of Waste Import Mitigation funds is limited to either non-residential or innovative waste reduction / recycling programs. In recent years, the funds have been used for:

- Implementation of household battery collection in City facilities
- Purchase of recycling containers for City facilities
- Upgrades to the Green Building Resource Center
- Recycling outreach services to low-income multi-family buildings
- Technical assistance to recruit participation in the small business recycling program
- Technical assistance on deconstruction on the former Oakland Army Base
- Recycling services for the Art & Soul Festival
- Ongoing support of the annual K-12 ReCreate Art Contest and Exhibition

As an incentive for jurisdictions to fully engage in the countywide effort to achieve seventy-five percent (75%) diversion, StopWaste.Org has approved a set of five measures that each member city must adopt in order to continue to receive Waste Import Mitigation funds in FY 2009/2010 and beyond. The fifth and final measure the City must adopt is a Civic Bay-Friendly Landscaping Ordinance. Table 1 indicates the adoption status for Oakland of the five measures required for eligibility.

Table 1. Adoption Status for Oakland of Measures Required for Funding Eligibility

Measure	Adopted
Residential food scraps collected with plant debris for composting	Yes (2005)
Formal adoption of a 75% diversion goal	Yes (2002)
Construction and demolition (C&D) debris diversion ordinance applicable to private projects as well as to civic projects	Yes (2000)
Civic Green Building Ordinance	Yes (2005)
Civic Bay-Friendly Landscaping Ordinance	Pending

The proposed Ordinance is based on a model ordinance developed by StopWaste.Org. StopWaste.Org created this model legislation with input from experts in sustainable landscaping. StopWaste.Org has committed to assist the City in the implementation of the Ordinance.

The City has had experience working with StopWaste.Org's Bay-Friendly Landscaping Guidelines, having employed them on the recent Studio One and 81st Avenue Library projects. Additionally, four members of the Public Works Agency have obtained Bay-Friendly Landscape Maintenance and Training Certification.

KEY ISSUES AND IMPACTS

Staff has identified three key issues relating to the passage of this Ordinance:

Designation of a Compliance Official

The City Administrator will designate a "Bay-Friendly Landscaping Compliance Official", who shall have the responsibility to:

- administer and monitor compliance with the provisions of the Ordinance
- regularly review bid specifications to ensure inclusion of Bay-Friendly practices
- facilitate the provision to StopWaste.Org of pertinent information regarding City landscaping projects
- grant ministerial exemptions to the provisions of Ordinance
- report to Council, at Council's request, on the implementation of the Ordinance

Project Timelines

Staff estimates that StopWaste.Org's review and scoring of projects will likely add one to two weeks to the design process.

California Environmental Quality Act (CEQA) Exemptions

City Attorney and Community and Economic Development Agency (CEDA) staff have concluded that the project is categorically exempt under CEQA Section 15307, "Actions by Regulatory Agencies for Protection of Natural Resources," and CEQA Section 15308, "Actions by Regulatory Agencies for Protection of the Environment," in that the Ordinance is an action taken by a regulatory agency, as authorized by state or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

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City Attorney and CEDA staff have also concluded that the project is exempt under CEQA Section 15183, "Projects Consistent with a Community Plan, General Plan, or Zoning," in that the Ordinance is consistent with and implements the policies of the OCSAR Element of the Oakland General Plan for which a Mitigated Negative Declaration was previously adopted.

PROGRAM DESCRIPTION

Bay-Friendly principles developed by StopWaste.Org constitute a comprehensive approach to landscaping that works in harmony with the natural conditions of the San Francisco Bay Watershed.

Program Principles

The seven principles of Bay-Friendly landscaping are:

1. Landscape locally
2. Landscape for less to the landfill
3. Nurture the soil
4. Conserve water
5. Conserve energy
6. Protect water and air quality
7. Create wildlife habitat

Program Benefits

Public agencies implementing Bay-Friendly principles can create civic landscapes that:

- Provide a sense of place and are suited to our local climate, soils and topography
- Reduce waste and help meet recycling goals
- Reduce water use on landscapes by fifty percent (50%) or more
- Prevent or reduce storm water pollution to our local creeks and the Bay
- Lower maintenance costs associated with mowing and shearing

StopWaste.Org resources available to the City and other public agencies include Bay-Friendly Landscape Guidelines, grants, design assistance, plan review, trainings, and project scoring.

Covered Projects and Exemptions

All City, Redevelopment Agency or Public-Private Partnership landscaping projects with a value of \$100,000 or more and a size of 10,000 square feet or more that are initiated on or after the effective date of the Ordinance must comply with the Ordinance.

Projects that are specifically exempt from the provisions of the Ordinance are:

- Renovations of gardens or landscapes of historical significance, as designated by the City of Oakland Landmarks Board or the Local Register of Historical Resources
- Turf installations for sports or multiple-use fields

In addition, compliance with the provisions of the Ordinance may be waived in unusual circumstances where the City Administrator has determined that the public interest would not be served by complying with such provisions.

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Compliance

In order to comply with the Ordinance, a project must score at least 60 points out of the 219 possible points on the Bay Friendly Scorecard (Attachment A) and must include, to the extent applicable, nine (9) required practices (five of which are current City practices):

- Mulch (current City practice)
- Amend the soil with compost before planting (current City practice)
- Reduce and recycle landscape construction waste (current City practice)
- No species requiring shearing, such as formal hedges
- Do not plant invasive species (current City practice)
- Grow drought tolerant, California native, Mediterranean or climate adapted plants (current City practice)
- Minimize the lawn
- Specify weather-based irrigation controllers (existing EBMUD requirement for new water meters)
- No spray heads for areas less than eight (8) feet wide (existing EBMUD requirement for new water meters)

StopWaste.Org Review and Scoring

To minimize the burden on City staff, StopWaste.Org will provide free review and assistance during project design, as well as free Scorecard ratings.

SUSTAINABLE OPPORTUNITIES

Economic:

Thirty percent (30%) of all urban water use in California is applied to landscapes. According to StopWaste.Org, utilization of Bay-Friendly landscapes can reduce water consumption by more than fifty percent (50%), resulting in significant cost savings to the City.

Environmental:

Bay-Friendly Landscaping promotes a sustainable approach to landscape design, construction, and maintenance. It is comprised of seven principles that promote soil health, conserve water and energy, reduce landfill waste, and minimize pollution associated with pesticide use.

Social Equity:

Employment of Bay-Friendly Landscaping practices increases the availability of water, through conservation, to all members of society, and reduces public exposure to pollutants associated with pesticides.

DISABILITY AND SENIOR CITIZEN ACCESS

Adoption of this Ordinance will have no known effect on accessibility for senior citizens or disabled persons.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt this Ordinance and direct the City Administrator to promulgate rules and regulations necessary to achieve compliance with the requirements of this Ordinance.

Respectfully submitted,



Raul Godinez II, P.E.
Director, Public Works Agency

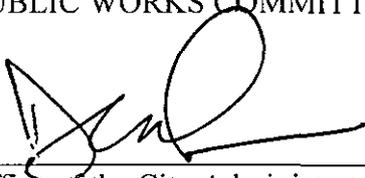
Reviewed by:
Brooke A. Levin, Assistant Director

Prepared by:
Mark Gomez, Environmental Program Supervisor
Environmental Services Division

Attachment:

A - Bay-Friendly Civic and Commercial Landscape Scorecard

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Bay-Friendly Scorecard for Commercial & Civic Landscapes



This scorecard tracks Bay-Friendly features incorporated into the design and construction of new landscapes. The recommended minimum requirements for a Bay-Friendly Landscape are: earn a total of 60 points or more and complete the 9 required practices indicated by the red "R" in the columns labeled "Possible Points".

Date:

Current Point

[Print With Comments](#)

[Print Without Comments](#)

	Points Achieved	Possible Points							Comments
		Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	
A. SITE PLANNING									
1. Select and evaluate the site carefully									
<input type="checkbox"/> a. Submit the completed Bay-Friendly Site Analysis form before 100% design development documents	0	5							
<input type="checkbox"/> b. The site is located within an urban growth boundary and avoids environmentally sensitive sites	0	3							
<input type="checkbox"/> c. The site development results in the clean up of a contaminated site (i.e. Brownfield) or is in a designated redevelopment area	0					3			
2. Consider the potential for fire									
<input type="checkbox"/> a. For sites adjacent to fire sensitive open space or wild lands only: Submit a Fire Mitigation Plan	0	5							
3. Keep plant debris on site									
a. Produce mulch from plant debris									
<input type="checkbox"/> i. Design documents specify areas under tree & shrub canopies and at least 10 feet away from hard surfaces and storm drains, to be used as a leaf repository for mulch	0		1						
<input type="checkbox"/> ii. Construction documents specify that of the trees identified for removal, some are chipped for use as mulch onsite	0		1						
b. Produce compost from plant debris									
<input type="checkbox"/> i. A site for composting is included in landscape plans. Systems for composting up to and including 3 cubic yards at one time	0		1						
<input type="checkbox"/> ii. Systems for composting more than 3 and up to 10 yards at one time (total 2 points)	0		1						
<input type="checkbox"/> iii. Systems 10 cubic yards or larger (total 3 points)	0		1						
4. Reduce and recycle waste									
<input type="checkbox"/> a. An easily accessible area is dedicated to the collection and storage of materials for recycling	0		2						
5. Minimize site disturbance									
<input type="checkbox"/> a. On Greenfield sites, limit site disturbance to protect topography, vegetation and hydrology (total 3 points)	0	1					1	1	
<input type="checkbox"/> b. On previously developed sites, restore vegetation and hydrology (total 3 points)	0	1					1	1	
6. Provide water and/or shelter for wildlife such as birdhouse, bathhouses, boulders, logs, wood piles, large native shrubs or trees									
<input type="checkbox"/>	0							1	
7. Conserve or restore natural areas & wildlife corridors									
<input type="checkbox"/> a. The landscape is designed to preserve 80% of existing mature healthy trees and penalties for destruction of protected trees are included in construction contract	0							2	

	Points Achieved	Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Qualif	Create Wildlife Habit	Comments
<input type="checkbox"/> b. The landscape is designed to increase open space compared to its previous use and/or to connect it to other open space or wildlife corridors	0							2	
<input type="checkbox"/> c. Create or protect a diverse plant buffer of low maintenance vegetation along creeks, shorelines or monocultured landscaped areas	0							2	
Site Planning Subtotal, out of possible 33 points:		0							
B. STORMWATER AND SITE DRAINAGE			Possible Points						
1. Minimize impervious surfaces									
a. Permeable paving, gravel or other porous surfaces are installed for									
<input type="checkbox"/> i. 25% OR	0							1	
<input type="checkbox"/> ii. 33% (total 3 points) OR	0							2	
<input type="checkbox"/> iii. 50% of the paved area (total 5 points)	0							2	
<input type="checkbox"/> b. No impervious surfaces directly connect to the storm drain	0							2	
2. Design a system to capture and filter storm water									
<input type="checkbox"/> a. Capture and filter runoff from parking lots into landscape beds, vegetated swales or other landscape stormwater BMPs	0							2	
b. Incorporate landscape measures, including vegetated swales, infiltration planters, detention basins and/or stormwater wetlands, that are designed to capture and filter:									
<input type="checkbox"/> i. 85% of average annual stormwater runoff OR	0							2	
<input type="checkbox"/> ii. 100% of average annual runoff (total 4 points)	0							2	
<input type="checkbox"/> c. Bioswales specify flat bottoms of at least 18 inches across and/or rock cobble at points of concentrated flow	0							1	
<input type="checkbox"/> d. Turf is not specified in bioswales	0							1	
<input type="checkbox"/> e. Direct rain water from all down spouts to planters, swales or landscaped areas	0							1	
Stormwater and Site Drainage Subtotal, out of possible 16 points:		0							
C. EARTHWORK AND SOIL HEALTH			Possible Points						
1. Assess the soil and test drainage									
<input type="checkbox"/> a. Submit laboratory soil analysis results and recommendations for compost and natural fertilizers (total 3 points)	0	2		1					
2. Remove and store topsoil before grading									
<input type="checkbox"/> a. The removal, temporary storage, and re-spreading of topsoil is specified in the landscape design documents AND specifications include a maximum topsoil pile height of 6 feet, as well as measures to protect the stored topsoil from erosion	0			2					
3. Protect soil from compaction									
<input type="checkbox"/> a. Grading specifications and construction plans call for the installation and maintenance of fencing to prohibit parking or materials staging in areas identified for protection	0			2					
<input type="checkbox"/> b. Design documents specify that soil is not worked when wet	0			1					
4. Aerate compacted soils									
<input type="checkbox"/> a. Design documents include specification to alleviate compacted soils to a depth of at least 8 inches, before planting, for all landscaped areas that can not be protected during construction	0			1					

	Points Achieved	Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	Comments
<input type="checkbox"/> b. Design documents include specification to alleviate compacted soils to a depth of at least 12 inches, before planting, for all landscaped areas that can not be protected during construction (total 2 points)	0			1					
5. Feed soils naturally & avoid synthetic fertilizers									
<input type="checkbox"/> a. Fertilizers or soil amendment materials prohibited by Organic Materials Research Institute (OMRI) in its generic materials list are not allowed in the construction of the project	0			1					
6. Mulch									
<input type="checkbox"/> a. Required: Planting specifications and plans indicate that after construction, all soil on site is protected with a minimum of 3 inches of mulch				R					
7. Amend the soil with compost before planting									
a. Quality compost is specified as the soil amendment, at the rates indicated by a soil analysis, to bring the soil organic matter content to a minimum of:									
<input type="checkbox"/> i. Required: 3.5% by dry weight OR 1 inch of quality compost OR					R				
<input type="checkbox"/> ii. 5% by dry weight OR (total 2 points)	0				1	1			
<input type="checkbox"/> iii. Specify the use of compost from processors that participate in the US Composting Council's Standard Testing Assurance program	0				1				
8. Use IPM design and construction practices to prevent pest problems									
<input type="checkbox"/> a. Sheet mulch is specified for weed control (total 3 points)	0			1			2		
<input type="checkbox"/> b. Synthetic chemical pre-emergents are prohibited	0						2		
9. Keep soil & organic matter where it belongs									
<input type="checkbox"/> a. Compost berms or blankets or socks are specified for controlling erosion (total 2 points)	0			1			1		
Earthwork and Soil Health Subtotal, out of possible 21 points: 0									
D. MATERIALS									
Possible Points									
1. Use salvaged items & recycled content materials									
a. Non-plant landscape materials are salvaged or made from recycled content materials or FSC certified wood:									
<input type="checkbox"/> i. Decking (100% of non structural materials)	0		1						
<input type="checkbox"/> ii. Fencing (100% of non structural materials)	0		2						
<input type="checkbox"/> iii. Outdoor furniture such as bike racks, benches, tables and chairs (50% minimum)	0		2						
<input type="checkbox"/> iv. Planters or retaining walls (100% of either or both)	0		1						
<input type="checkbox"/> v. Parking stops or lighting/sign posts (100% of either or both)	0		1						
<input type="checkbox"/> vi. Play structures or surfaces (100% of either or both)	0		2						
<input type="checkbox"/> vii. Edging or decorative glass mulch (100% of either or both)	0		1						
<input type="checkbox"/> b. A minimum 25% of recycled aggregate (crushed concrete) is specified for walkway, driveway, roadway base and other uses	0		2						
c. Replace Portland cement in concrete with flyash or slag									
<input type="checkbox"/> i. 20%	0		1						
<input type="checkbox"/> ii. 25% (total 2 points)	0		1						
d. Purchased compost and/or mulch is recycled from local, organic materials such as plant or wood waste									
<input type="checkbox"/> i. 100% of compost OR 100% of mulch	0		1						

	Points Achieved	Landscape Locally Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Qualit	Create Wildlife Habit	Comments
<input type="checkbox"/> ii. 100% of both (total 2 points)	0		1					
2. Reduce and recycle landscape construction waste								
<input type="checkbox"/> a. Required: Divert 50% of landscape construction and demolition waste.			R					
<input type="checkbox"/> b. Divert 100% of asphalt and concrete and 65% of remaining materials OR	0		2					
<input type="checkbox"/> c. Divert 100% of asphalt and concrete and 80% of remaining materials (total 4 points)	0		2					
<input type="checkbox"/> d. Donate unused materials	0		1					
3. Reduce the heat island effect with cool site techniques								
<input type="checkbox"/> a. at least 50% of the paved site area includes cool site techniques	0				2			
4. Design lighting carefully								
<input type="checkbox"/> a. Low energy fixtures are specified for all site lighting	0				2			
<input type="checkbox"/> b. Photovoltaic is specified for site lighting								
<input type="checkbox"/> i. all path lighting is solar powered	0				1			
<input type="checkbox"/> ii. 50% of all other site lighting is solar powered	0				2			
<input type="checkbox"/> iii. 100% of all other site lighting is solar powered (total 4 points)	0				2			
<input type="checkbox"/> c. Reduce light pollution and trespass: exterior luminaries emit no light above horizontal or are Dark Sky certified	0				1			
<input type="checkbox"/> d. The site and exterior building lighting does not cast direct beam illumination onto adjacent properties or right of ways	0				1			
5. Choose and maintain equipment for fuel conservation								
<input type="checkbox"/> a. Specify solar powered pump(s) for water features	0				1			
6. Specify low embodied energy products								
<input type="checkbox"/> a. 100% of any stone and non-concrete hardscapes materials are produced within 500 miles of the project site	0				2			
7. Use integrated pest management								
<input type="checkbox"/> a. Design documents include construction specifications that require integrated pest management	0					2		
8. Use organic pest management								
<input type="checkbox"/> a. Design documents include construction specifications that prohibit the use of pesticides that are prohibited by Organic Materials Research Institute in its generic materials list (total 4 points)	0						2	
Materials Subtotal, out of possible 39 points:	0							
E. PLANTING								
							Possible Points	
1. Select appropriate plants: choose & locate plants to grow to natural size and avoid shearing								
<input type="checkbox"/> a. Required: No species will require shearing			R					
<input type="checkbox"/> b. Plants specified can grow to mature size within space allotted them	0		1					
2. Select appropriate plants: do not plant invasive species								
<input type="checkbox"/> a. Required: None of the species listed by Cal-IPC as invasive in the San Francisco Bay Area are included in the planting plan			R					
3. Grow drought tolerant CA native, Mediterranean or climate adapted plants								

	Points Achieved	Landscapes Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	Comments
a. Specify California native, Mediterranean or other climate adapted plants that require occasional, little or no summer water for:									
<input type="checkbox"/> i. Required: 75% of all non-turf plants					R				
<input type="checkbox"/> ii. 100% of all non-turf plants	0				2				
<input type="checkbox"/> b. 100% of the non-turf plant palette needs no irrigation once established (total 5 points)	0				3				
4. Minimize the lawn									
<input type="checkbox"/> a. Turf is not specified in areas less than 8 feet wide or in medians, unless irrigated with subsurface or low volume irrigation	0				2				
<input type="checkbox"/> b. Turf shall not be installed on slopes exceeding 10%	0				2				
c. Total irrigated area specified as turf is limited to:									
<input type="checkbox"/> i. Required: A maximum of 25%, with sports or multiple use fields exempted.					R				
<input type="checkbox"/> ii. A maximum of 15%, with sports or multiple use fields exempted	0				2				
<input type="checkbox"/> iii. No turf is specified (total 5 points)	0				3				
5. Implement hydrozoning									
<input type="checkbox"/> a. Group plants by water requirements and sun exposure and select plant species that are appropriate for the water use within each zone and identify hydrozones on the irrigation plan (with separate irrigation valves for differing water needs, if irrigation is required)	0				2				
6. Provide shade to moderate building temperatures									
<input type="checkbox"/> a. Protect existing trees and/or specify new trees such that 50% or more of west facing glazing and walls will be shaded (at 4 pm in September) by the trees at their mature size AND trees must be deciduous	0					2			
7. Plant trees									
<input type="checkbox"/> a. At least 50% of the paved site area is shaded by trees or other vegetation	0					2			
<input type="checkbox"/> b. At least one tree species is a large stature species (total 2 points)	0					1		1	
8. Diversify									
a. Landscapes less than 20,000 square feet shall have a minimum of:									
<input type="checkbox"/> i. 20 distinct species OR	0							1	
<input type="checkbox"/> ii. 30 distinct plant species (total 3 points)	0							2	
b. Landscapes with 20,000 to 43,560 square feet (1 acre) shall include a minimum of:									
<input type="checkbox"/> i. 30 distinct plant species OR	0							1	
<input type="checkbox"/> ii. 40 distinct species OR (total 2 points)	0							1	
<input type="checkbox"/> iii. 50 distinct plant species (total 4 points)	0							2	
c. Landscapes of greater than 1 acre shall include a minimum of 40 distinct plant species AND									
<input type="checkbox"/> i. one additional species per acre over 1 acre OR	0							2	
<input type="checkbox"/> ii. two additional species per acre over 1 acre (total 4 points)	0							2	
9. Choose California natives first									
<input type="checkbox"/> a. CA natives are specified for 50% of non-turf plants	0							2	
Planting Subtotal, out of possible 36 points:	0								
F. IRRIGATION								Possible Points	

	Points Achieved	Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	Comments
1. Design for on-site rainwater collection, recycled water and/or graywater use									
<input type="checkbox"/> a. Irrigation systems and/or all ornamental uses of water (ponds, fountains, etc) are plumbed for recycled water where it is available from a municipal source	0				3				
<input type="checkbox"/> b. Design a system that can store and use rainwater and/or graywater to satisfy a percentage of the landscape irrigation requirements:									
<input type="checkbox"/> i. 10% OR	0				3				
<input type="checkbox"/> ii. 50% OR (total 4 points)	0				1				
<input type="checkbox"/> iii. 100% of dry season landscape water requirements satisfied with harvested rainwater (total 5 points)	0				1				
2. Design and install high efficiency irrigation systems									
<input type="checkbox"/> a. Required: Specify weather based (automatic, self adjusting) irrigation controller(s) that includes a moisture and/or rain sensor shutoff					R				
<input type="checkbox"/> b. Required: Sprinkler and spray heads are not specified for areas less than 8 feet wide					R				
<input type="checkbox"/> c. Specify and install irrigation equipment with an operational distribution uniformity of 80% of greater, such as drip or bubblers for:									
<input type="checkbox"/> i. 75% of non-turf irrigated areas	0				2				
<input type="checkbox"/> ii. 100% of non-turf irrigated areas (total 5 points)	0				3				
<input type="checkbox"/> d. For all turf areas: Specify and install equipment with a precipitation rate of 1 inch or less per hour and an operational distribution uniformity of 70% or greater	0				2				
<input type="checkbox"/> e. Design and install irrigation system that will be operated at 70% of reference ET	0				3				
3. Install a dedicated meter for landscape water use or install a submeter									
<input type="checkbox"/> a. A dedicated irrigation meter or submeter is specified to track irrigation water	0				2				
Irrigation Subtotal, out of possible 20 points:	0								
G. MAINTENANCE									Possible Points
1. Keep plant debris on site									
a. Grasscycle									
<input type="checkbox"/> i. Ongoing maintenance includes grasscycling (grass clippings left on the lawn after mowing) for all lawns from April through October, or longer. Sports turf may be excluded "in season" when clippings will interfere with play	0		2						
b. Produce mulch from plant debris									
<input type="checkbox"/> i. Ongoing maintenance requires that leaves and/or plant debris less than 4 inches (including cut or chipped woody prunings) be re-incorporated into the mulch layer of landscaped areas away from storm	0		2						
c. Produce compost from plant debris									
<input type="checkbox"/> i. Ongoing maintenance includes composting plant debris on site	0		3						
2. Separate plant debris for clean green discounts									
<input type="checkbox"/> a. Ongoing maintenance requires all exported plant debris be separated from other refuse and taken to a facility where it will be used to produce compost or mulch	0		3						
3. Protect soil from compaction									
<input type="checkbox"/> a. Ongoing maintenance requires that soil is not worked when wet, generally between October and April	0			1					

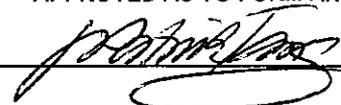
		Points Achieved	Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	Comments
4. Feed soils naturally & avoid synthetic fertilizers										
<input type="checkbox"/>	a. Ongoing maintenance includes topdressing turf with finely screened quality compost after aeration 1-4 times per year	0			1					
<input type="checkbox"/>	b. Ongoing maintenance uses compost, compost tea or other naturally occurring, non-synthetic fertilizers as the plant and soil amendment for all landscape areas	0			1					
<input type="checkbox"/>	c. Ongoing maintenance prohibits fertilizers that are prohibited by Organic Materials Research Institute	0			1					
5. Mulch Regularly										
<input type="checkbox"/>	a. Ongoing maintenance requires regular reapplication of organic mulch, to a minimum depth of 3 inches (total 2 points)	0			1	1				
6. Manage and maintain irrigation system so every drop counts										
<input type="checkbox"/>	a. Ongoing maintenance includes a schedule for reading the dedicated meter or submeter and reporting water	0				1				
<input type="checkbox"/>	b. At completion of the installation, the contractor shall provide the property owner with 1. precipitation rate for each valve zone, 2. area calculations for each irrigation zone and the irrigation plans which include the location of irrigation supply shut off, 3. internet address for watering index information	0				2				
<input type="checkbox"/>	c. Ongoing maintenance includes regular checking of irrigation equipment, and/or checking soil moisture content before watering AND/OR immediate replacement of broken equipment with equal or superior materials	0				1				
7. Use IPM as part of maintenance practices										
<input type="checkbox"/>	a. Ongoing maintenance includes integrated pest management specifications	0						2		
<input type="checkbox"/>	b. At least one landscaping staff member or contractor is trained in the use of IPM or is a Bay-Friendly Qualified Professional	0						2		
8. Choose and maintain your materials, equipment & vehicles carefully										
<input type="checkbox"/>	a. Ongoing maintenance requires that all oil leaks are repaired immediately and that repairs are not done at the landscape site	0						1		
<input type="checkbox"/>	b. Landscape maintenance equipment uses bio-based lubricants and/or alternative fuels.	0						2		
9. Use organic pest management										
<input type="checkbox"/>	a. Ongoing maintenance does not allow the use of pesticides that are prohibited by Organic Materials Research Institute in its generic materials list	0							2	
Maintenance Subtotal, out of possible 29 points:		0								
H. INNOVATION			Possible Points							
<input type="checkbox"/>	1. Bay-Friendly Landscape Guidelines and Principles are defined and referenced in the construction bid documents	0	3							
2. Design & install educational signage										
<input type="checkbox"/>	a. Provide instructional signs and other educational materials to describe the Bay-Friendly design, construction and maintenance practices	0	4							
3. Create a Bay-Friendly Maintenance task list										
<input type="checkbox"/>	a. Provide a detailed Bay-Friendly maintenance task list and/or use the BF Model Maintenance Specifications as an official reference document in the landscape maintenance contract and/or with on site landscape staff (total 7 points)	0	1	1	1	1	1	1	1	

		Points Achieved	Landscape Locally	Less to Landfill	Nurture the Soil	Conserve Water	Conserve Energy	Water and Air Quality	Create Wildlife Habitat	Comments
4. Employ a holistic approach										
<input type="checkbox"/>	a. Site analysis is submitted AND 65% of landscape construction waste is diverted AND planting plan includes a diverse palette AND 50% of non-turf plants are California native species AND none of the landscape area is in turf AND compost is specified for amending the soil during installation AND natural fertilizers are specified as the exclusive source of nutrients AND integrated OR organic pest management is specified (total 7 points)	0	1	1	1	1	1	1	1	
5. Innovation: Design your own Bay-Friendly Innovation										
a. Enter description of innovation below, and enter up to 4 points at the right. Points will be evaluated by a Bay-Friendly rater.										
<input type="checkbox"/>	i. Innovation description:	0	0	2	2	0	0	0	0	
Innovation Subtotal, out of possible 25 points:		0								
Summary										
Total Possible Points:		219	25	43	20	45	22	36	28	
Total Points Achieved:		0	0	0	0	0	0	0	0	

Project has not yet met the following recommended minimum requirements:

- Total Project Score of At Least 60 Points
- Required Measures:
 - C6a: Mulch
 - C7ai: Amend the soil with compost before planting
 - D2a: Reduce and recycle landscape construction waste
 - E1a: No Species Will Require Shearing
 - E2a: Do Not Plant Invasive Species
 - E3a: Grow Drought Tolerant, CA Native, Mediterranean or Climate Adapted Plants
 - E4c: Minimize the Lawn
 - F2a&b: Specify Weather-Based Irrigation Controllers
 - F2b: Spray Heads Are Not Specified For Areas Less Than 8 Feet Wide

INTRODUCED BY COUNCIL MEMBER JEAN QUAN
 FILED
 OAKLAND


 City Attorney

2009 MAY 28 PM 2:16

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

ORDINANCE AMENDING CHAPTER 15.35 OF THE OAKLAND MUNICIPAL CODE, "GREEN BUILDING REQUIREMENTS FOR CITY BUILDING PROJECTS AND TRADITIONAL PUBLIC WORKS PROJECTS", TO ADD CIVIC BAY-FRIENDLY LANDSCAPING REQUIREMENTS FOR ALL CITY OF OAKLAND, REDEVELOPMENT AGENCY AND PUBLIC-PRIVATE PARTNERSHIP PROJECTS THAT INCLUDE LANDSCAPING

WHEREAS, in 2002 the City of Oakland adopted a seventy-five percent (75%) waste diversion goal by 2010, and in 2006 adopted a zero waste goal by 2020; and

WHEREAS, based on the Draft Alameda County Waste Characterization Study of 2008, 5.61% of the materials disposed of in Alameda County landfills is from plant debris, which is among the top ten most common materials disposed of; and

WHEREAS, the City must comply with Ordinance 2008-01, adopted by the Alameda County Waste Management Authority, which bans the disposal of plant debris in Alameda County landfills; and

WHEREAS, Bay-Friendly Landscaping is seen as a pivotal tool to support the implementation of Alameda County Ordinance 2008-01 by promoting alternatives to landfilling and encouraging waste prevention practices; and

WHEREAS, Bay-Friendly Landscaping principles and practices are consistent with and support the City's Integrated Pest Management plan (adopted by Resolution No. 73968 in 1997), Green Building Ordinance (Ordinance No. 12658, adopted in 2005), Environmentally Preferable Purchasing Policy (adopted by Resolution No. 80747 in 2007), and Sustainable Community Development Initiative (adopted by Resolution No. 74678 in 1998); and

WHEREAS, Bay-Friendly Landscaping design, construction and maintenance protects the integrity of the San Francisco Bay watershed by promoting healthy soils, using appropriate and/or native plants, conserving water and energy, enhancing wildlife habitat, reducing waste, and preventing pesticide-related pollution; and

WHEREAS, the Bay-Friendly Landscaping design, construction, operation and maintenance is consistent with and supports the policies of the Open Space, Conservation and Recreation (OSCAR) Element of the Oakland General Plan (adopted by Resolution No. 72723 on June 11, 1996); and

WHEREAS, the Oakland City Council adopted a Mitigated Negative Declaration in conjunction with the adoption of the OSCAR Element of the General Plan finding that the policies of the

OCSAR Element of the General Plan would result in a less than significant impact on the environment under the California Environmental Quality Act (CEQA) with the incorporation of certain mitigation measures; and

WHEREAS, the project is categorically exempt under CEQA Section 15307, “Actions by Regulatory Agencies for Protection of Natural Resources,” in that the ordinance is an action taken by a regulatory agency, as authorized by state or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the project is categorically exempt under CEQA Section 15308, “Actions by Regulatory Agencies for Protection of the Environment,” in that the ordinance is an action taken by a regulatory agency, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the project is exempt under CEQA Section 15183, “Projects Consistent with a Community Plan, General Plan, or Zoning,” in that the ordinance is consistent with and implements the policies of the OCSAR Element of the Oakland General Plan for which a Mitigated Negative Declaration was previously adopted; now therefore

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

Section 1.

The Council of the City of Oakland finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this Ordinance.

Section 2.

Chapter 15.35.100, entitled “Civic Bay-Friendly Landscaping Requirements for All City of Oakland, Redevelopment Agency and Public-Private Partnership Projects That Include Landscaping”, is hereby added to the Oakland Municipal Code to read as follows:

Chapter 15.35.100

15.35.110 TITLE

The provisions of Section 15.35.110 through Section 15.35.150, inclusive, shall be known as the “Civic Bay-Friendly Landscaping Requirements for all City of Oakland, Redevelopment Agency and Public-Private Partnership Projects That Include Landscaping.”

15.35.120 PURPOSE AND INTENT

Bay-Friendly Landscaping is a systematic approach to the design, construction and maintenance of landscaping that protects and enhances the health of the San Francisco Bay watershed and reduces waste. Bay-Friendly Landscaping shall apply to City of Oakland, Redevelopment Agency and Public-Private Partnership landscaping projects to the extent defined in this Chapter.

The City Administrator or his/her designee is authorized to develop rules and regulations to implement the requirements of this Chapter, which may be amended from time to time.

15.35.130 DEFINITIONS

- A. "Bay-Friendly Landscaping Scorecard" means the most recent version of the Bay-Friendly Landscaping points system originally developed by StopWaste.Org.
- B. "Covered Project" means any City of Oakland, Redevelopment Agency or Public-Private Partnership Landscaping Project with a cost of \$100,000 or more (based on 2009 dollars and adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine) and a size of 10,000 square feet or more.
- C. "Initiated" means City of Oakland and Redevelopment Agency projects that are officially identified and substantially funded; and, in the case of Public-Private Partnerships, that have completed applications for development permits.
- D. "Landscaping" means planted areas and associated hardscapes, exclusive of public streets and sidewalks.
- E. "Landscaping Project" means any new construction of, or renovation to, Landscaping that is: (1) on land or right-of-way owned by or leased to the City or Redevelopment Agency; or (2) built by the City, Redevelopment Agency or Public-Private Partnership; or (3) built as mitigation for a City, Redevelopment Agency or Public-Private Partnership project.
- F. "Public-Private Partnership" means any formal agreement between the City or Redevelopment Agency and a third party for the purpose of jointly conducting a Landscaping Project.
- G. "Renovation" means any change, addition or modification to an existing landscaping.

15.35.140 COMPLIANCE

- A. All Covered Projects initiated on or after the effective date of this Ordinance shall meet the Bay-Friendly Landscaping Scorecard requirements.
- B. For the purposes of reducing operating and maintenance costs, all City, Redevelopment Agency and Public-Private Partnership Landscaping Projects that do not meet the definition of a Covered Project but are greater than 2,500 square feet are required to achieve as many Bay-Friendly Landscaping Scorecard points as practicable. The Bay-Friendly Landscaping Compliance Official shall make pertinent information regarding such projects available to StopWaste.Org.
- C. The City Administrator shall designate a Bay-Friendly Landscape Compliance Official, who shall have the responsibility to:
1. administer and monitor compliance with the provisions of this Chapter and with any rules or regulations promulgated hereunder;
 2. regularly review the project specifications used in bidding Covered Projects to ensure inclusion of applicable practices specified in the Bay-Friendly Landscaping Scorecard;
 3. facilitate the provision to StopWaste.Org of pertinent information regarding all Covered Projects and other Landscaping Projects greater than 2,500 square feet
 4. grant ministerial exemptions to the provisions of this Chapter, as specified herein; and

5. report to Council, at Council's request, on the implementation of the provisions of this Chapter

D. A ministerial exemption from compliance with the provisions of this Chapter shall be granted by the Bay Friendly Landscaping Compliance Official for (1) any renovation of Landscaping of historical significance, as designated by the City of Oakland Landmarks Board or the Local Register of Historical Resources; and (2) any installation of turf, both natural and artificial, for the purpose of constructing a sports field or multiple-use field. Notwithstanding these exemptions, Landscaping Projects that include the renovation of Landscaping of historical significance or the installation of turf shall achieve as many Bay-Friendly Landscaping Scorecard points as practicable.

E. Compliance with the any and all provisions of this Chapter may be waived in unusual circumstances where the City Administrator, at his or her sole discretion, has determined that the public interest would not be served by complying with such provisions.

Section 3. Applicability

A. Construction and Severability

Should any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

B. Authority

This ordinance is enacted by the Council of the City of Oakland pursuant to the police powers accorded to the City by and through section 106 of the Charter of the City of Oakland an Article XI of the Constitution of the State of California.

C. Effective Date

Upon final adoption by sufficient affirmative votes of the Council of the City of Oakland or by approval of a reconsideration by said Council, this ordinance shall be effective as provided in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____