

RESOLUTION NO. 2009-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREMONT ESTABLISHING BAY-FRIENDLY LANDSCAPE
REQUIREMENTS FOR CIVIC IMPROVEMENT PROJECTS
THAT INCLUDE NEW OR RENOVATED LANDSCAPED AREAS
OF 10,000 SQUARE FEET OR MORE AND REQUIRING
CERTAIN PRIVATE DEVELOPMENT PROJECTS TO
ENDEAVOR TO USE BAY-FRIENDLY PRACTICES**

WHEREAS, studies conducted by the Alameda County Waste Management Authority show that plant debris from landscape construction, renovation and maintenance comprises seven percent of the materials disposed of in Alameda County landfills; and

WHEREAS, Stopwaste.org (a public agency consisting of the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board) developed the Bay-Friendly Guidelines which sets forth landscape design, construction and maintenance methods that will assist to reduce waste, promote the use of recycled content and support other environmental objectives; and

WHEREAS, Stopwaste.org has adopted guidelines for the use of Waste Import Mitigation funding that encourage other local governmental agencies to use its Bay-Friendly Landscape Guidelines program in their improvement projects; and

WHEREAS, Stopwaste.org has agreed to invite the City to participate in any future process conducted to revise the Bay-Friendly Guidelines; and

WHEREAS, incorporation of the Bay-Friendly Guidelines in improvement projects carried out by the City or by the City together with a private entity in a public-private partnership will benefit the City by reducing waste, promoting use of recycled content, energy and water conservation, and supporting a sustainable landscape; and

WHEREAS, requiring City improvement projects and public-private partnership projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieve the benefits of Bay-Friendly landscaping in the City; and

WHEREAS, a sustainable landscape can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat, and human health over the life of the landscape;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT DOES RESOLVE AS FOLLOWS:

SECTION 1. The Council by adopting the Bay-Friendly Landscape Requirements set forth in Attachment A to this Resolution intends to require that the Stopwaste.org Bay-Friendly Landscape Guidelines apply to improvement projects of the City, and of any public-private partnership that includes the City, where the project includes new or renovated landscape areas

that cumulatively exceed 10,000 square feet, except as specified in Attachment A to this Resolution. The Council also intends to encourage certain private development projects to use Bay-Friendly techniques in the design, construction and maintenance of landscaped areas.

SECTION 2. The Bay-Friendly Landscape requirements set forth in Attachment A to this Resolution are adopted and shall apply to all covered Civic Projects, as defined in Attachment A.

SECTION 3. It is the policy of the City of Fremont to require that private development projects, excluding any parcel developed or to be developed with a single family home, but including subdivision common areas (hereinafter "non-single family home development projects") endeavor to meet seven of the Bay-Friendly basic practices set forth on the Bay-Friendly Scorecard all as defined in Attachment A to this Resolution.

SECTION 4. City staff is directed to work with applicants for private non-single family home development projects with deemed complete applications after July 1, 2009, and that include new or significantly renovated landscaped areas, to: (a) endeavor to achieve seven of the Bay Friendly Landscape basic practices; and, (b) voluntarily achieve the goal of 60 points on the Bay Friendly Landscape Scorecard.

* * *


ADOPTED June 9, 2009, by the City Council of the City of Fremont, by the following vote, to wit:

AYES: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers
Wieckowski, Harrison and Chan


NOES: None


ABSENT: None

ABSTAIN: None



Mayor

ATTEST: 
City Clerk

APPROVED AS TO FORM: 

Senior Deputy City Attorney

**ATTACHMENT A to
Res. 2009-40**

**BAY-FRIENDLY LANDSCAPE REQUIREMENTS FOR CIVIC
IMPROVEMENT PROJECTS THAT CONSIST OF NEW OR SIGNIFICANTLY
RENOVATED LANDSCAPED AREAS OF 10,000 SQUARE FEET OR MORE**

PURPOSE AND INTENT

These requirements are intended to incorporate the Bay-Friendly Landscape Guidelines developed by Stopwaste.org (a public agency consisting of the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board) in the design, construction and maintenance of Civic Landscape Projects. Consistent use of the Bay-Friendly Landscape Guidelines in Civic Landscape Projects will promote sustainable landscapes that have a positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat, and human health. In addition, use of the Bay-Friendly Landscape Guidelines may result in cost savings to the City over the life of its projects.

SECTION 1. DEFINITIONS

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

- a. “Bay-Friendly Landscape Guidelines” means the guidelines developed by Stopwaste.org for use in the professional design, construction and maintenance of landscapes.
- b. “Bay-Friendly Landscape Scorecard” means the Bay-Friendly Landscape point system developed by Stopwaste.org and used to track Bay-Friendly features incorporated into the design and construction of new landscapes.
- c. “Compliance Officer” means the City Landscape Architect or other City Manager Designee authorized and responsible for implementing these Bay-Friendly Landscape requirements.
- d. “Public-Private Partnership” means any improvement project built on City-owned land, any improvement project primarily funded by the City, or any improvement project built under a Disposition and Development Agreement with the City.
- e. “Landscape” means portions of a parcel or areas within the project limits developed with turf, groundcover, perennials, shrubs, trees, pathways, and decorative paving, but does not include areas developed with buildings, roadways or other structures.
- f. “Civic Landscape Project” means any improvement project that includes new or significantly renovated or expanded landscape areas owned or maintained by the City or developed as part of a Public-Private Partnership.

g. “Covered Project” means a Civic Landscape Project that includes new or significantly renovated landscape areas that cumulatively consist of 10,000 square feet or more.

h. “Non-covered Project” means a Civic Landscape Project that includes new or significantly renovated landscape areas cumulatively consisting of less than 10,000 square feet.

i. “Excluded Project” means a Civic Landscape Project of any size that is one of the following:

i. The landscape scope of work is limited to roadway medians with planting areas that are all less than six feet in width;

ii. The landscape scope of work is limited to street tree planting;

iii. The landscape scope of work is limited to erosion control planting for an engineering purpose;

iv. The landscape project is required as an environmental mitigation or enhancement and regulated and (or) funded by State or Federal Agencies;

v. The landscape project is a capital maintenance project to renovate or replace an existing facility that consists predominately of turf replacement or repair; or

vi. The Compliance Officer has deemed that project compliance with these requirements is not in the public interest as set forth in Section 4 below.

SECTION 2. STANDARD FOR COMPLIANCE

a. All Covered Projects identified on the City’s adopted capital improvement plan or by other official action and substantially funded on or after July 1, 2009, shall meet the Stopwaste.org recommended minimum number of points on the Bay-Friendly Landscape Scorecard and all basic required practices on the Bay-Friendly Landscape Scorecard.

b. All Non-covered Projects identified on the City’s adopted capital improvement plan or by other official action and substantially funded on or after July 1, 2009 shall meet seven of the basic required practices on the Bay-Friendly Landscape Scorecard.

SECTION 3. IMPLEMENTATION OF REGULATIONS

The Compliance Officer shall develop and distribute any additional administrative policies, guidelines or other materials necessary to incorporate these Bay-Friendly Landscape Requirements into design, construction, and maintenance documents and agreements, and other appropriate agreements related to Covered Projects.

SECTION 4. UNUSUAL CIRCUMSTANCES

Compliance with these requirements for Covered Projects may be waived where the Compliance Officer has determined that the public interest would not be served by complying with such provisions. The Compliance Officer will provide a written report to the City Council annually regarding the Covered Projects for which compliance with these requirements was waived under this Section 4. The report shall set forth the basis for determining that compliance was not in the public interest.