

**IN THE CITY COUNCIL OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

**AN ORDINANCE ADDING CHAPTER 15.80 (CIVIC BAY-FRIENDLY
LANDSCAPING) TO TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE
LIVERMORE MUNICIPAL CODE**

The City Council of the City of Livermore does ordain as follows:

Section 1. Civic Bay-Friendly Landscaping Ordinance. Chapter 15.80 (Civic Bay-Friendly Landscaping) is added to Title 15 (Buildings and Construction), as set forth in Exhibit A, attached hereto.

Section 2. Exemptions. The designated bay-friendly landscaping compliance official(s) shall have the responsibility to grant waivers or exemptions from the requirements of this chapter.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, 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 chapter 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 Article irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or effective. To this end, the provision of this chapter are declared to be severable.

Section 4. Exemption from CEQA. The adoption of this ordinance is exempt from the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15308 (Class 8-actions by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment).

Section 5. Publication. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within fifteen days after its adoption.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its passage.

The foregoing ordinance was introduced by the following vote at the meeting of the City Council of the City of Livermore held on the 11th day of May, 2009, by the following vote:

AYES: Councilmembers Horner, Leider, Vice Mayor Marchand, Mayor Kamena
NOES: None
ABSENT: Councilmember Williams
ABSTAIN: None

The ordinance was adopted at the meeting of the City Council of the City of Livermore held on the 8th day of June, 2009, by the following vote:

AYES: Councilmembers Horner, Leider, Williams, Vice Mayor Marchand, Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None



MAYOR, CITY OF LIVERMORE

ATTEST & DATE:

APPROVED AS TO FORM:



CITY CLERK
SUSAN GIBBS



CITY ATTORNEY
JOHN J. POMIDOR

DATE: June 9, 2009

Chapter 15.80

CIVIC BAY-FRIENDLY LANDSCAPING

Sections:

15.80.010 Purpose

15.80.020 Findings

15.80.030 Definitions

15.80.040 Standards for Compliance

15.80.050 Implementation

15.80.010 Purpose.

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 the 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.

15.80.020 Findings.

The City Council of the City of Livermore finds that:

A. 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 as well as the health of residents, workers, and visitors to the City.

B. Based on studies, plant debris from landscape construction, renovation and maintenance activities comprises 7% of the materials disposed in Alameda County landfills.

C. 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 the health of workers and users of the landscape and can contribute to a reduction in greenhouse gas emissions, improve air quality and enhance urban sustainability.

D. Bay-Friendly landscaping benefits are spread throughout the systems and features of the landscape, the larger San Francisco Bay area ecosystem and the Livermore 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.

E. 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.

F. It is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of bay-friendly landscaping.

G. 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 green building and bay-friendly landscaping elements.

H. 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 and the use of these guidelines are increasingly widespread in residential and commercial landscape construction.

I. Requiring City Projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of Bay-Friendly landscaping in the City.

15.80.030 Definitions.

For the purposes of this Article, 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 design, construction and maintenance of Landscapes.

B. "Bay-Friendly Landscaping Scorecard" means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org.

C. "Covered Project" means all new Landscaping projects or Renovations of Landscapes that equal or exceed \$100,000 in construction costs and are owned or maintained by the City or Redevelopment Agency.

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

E. "Initiated" means officially identified and substantially funded.

F. "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 adjacent to or integral to the Landscape).

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

H. "Public Project" means those projects identified as such by Public Contracts Code section 20161.

15.80.040 Standards for Compliance.

A. All Covered Projects with landscapes initiated on or after the effective date of this Ordinance shall meet the minimum requirements of the most recent version of the Bay Friendly Landscape Scorecard as recommended by StopWaste.Org or its designee.

B. For the purposes of reducing operating and maintenance costs in all City facilities, projects that do not meet the threshold triggering compliance with the requirements of this ordinance (non-covered projects) are encouraged to meet as many Bay-Friendly Landscaping Scorecard points as practicable, using the Bay-Friendly Landscaping Scorecard for documentation.

C. The community development department shall regularly review the project specifications used in bidding public projects to include applicable bay-friendly landscape practices.

15.80.050 Implementation.

A. The community development director or his designee shall, within six months of this ordinance's effective date, promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this chapter.

B. The rules and regulations promulgated by the community development director pursuant to this section shall provide for at least the following:

1. 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.

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 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.