



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 19, 2024

TO: Paul Buddenhagen, City Manager

FROM: John Kennedy, City Attorney
Christie Crowl, Special Counsel

SUBJECT: Protecting Pollinators Ordinances:

Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 16, (“Prohibiting The Use Of Neonicotinoids And Rodenticides On City-Owned, Managed And Leased Property Except For The Use Of Rodenticides In City Parks”), To Title 6 Of The Emeryville Municipal Code And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement; CEQA Determination: Exempt Pursuant To Guideline Section 15061(B)(3)

Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Adding Section 9- 4.503(J) (“Prohibiting The Installation Of Turf In New Development”) To The Emeryville Municipal Code And Amending Sections 9- 4.303(B)(5a), 9-4.503, And 9-8.212 (“Open Space Standards: Public Park Requirements,” “Landscaping And Screening: General Provisions,” And “General Definitions: L Terms”) And Section 6-10.02 (“Nuisances: Weeds”) Of The Emeryville Municipal Code; CEQA Determination: Exempt Pursuant To Guideline Section 15061(B)(3)

RECOMMENDATION

Staff recommends that the City Council adopt the above-referenced ordinances prohibiting the use of neonicotinoids and rodenticides on City-owned, managed, and leased property except parks; and prohibiting installation of turf in new development projects and amending relevant sections of the Planning Regulations, amending the nuisance provisions of the Municipal Code to confirm that wildflower growth does not constitute a nuisance.

DISCUSSION

At its February 20, 2024 meeting, the City Council waived the first reading and introduced the attached ordinance adding Chapter 16 (“Prohibiting The Use Of Neonicotinoids And Rodenticides On City-Owned, Managed And Leased Property Except For The Use Of Rodenticides In City Parks”) to the Emeryville Municipal Code.

Also at that meeting, the City Council waived the first reading and introduced the attached ordinance adding Section 9- 4.503(J) (“Prohibiting The Installation Of Turf In New Development”) to the Emeryville Municipal Code and amending Sections 9-4.303(B)(5a), 9-4.503 and 9-8.212 (“Open Space Standards: Public Park Requirements,” “Landscaping And Screening: General Provisions,” And “General Definitions: L Terms”) and Section 6-10.02 (“Nuisances: Weeds”). The Council introduced this ordinance with the following changes that were not included in the draft included with the staff report for the February 20, 2024 meeting:

9-4.503 (j) - Prohibiting the Installation of Turf in New Development

- (1) Applicability. This section applies to construction of all new development projects.
- (2) Definition. Turf is a ground cover surface of mowed grass. Turf does not include artificial turf or any artificial ground cover.
- (3) Prohibition. Notwithstanding any other provision in this Title, no person shall install turf as part of the landscaping for a new development project.
- (4) Exception. Notwithstanding the prohibition in subsection (3) above, new development projects which contain a park or open space accessible to the public may install turf for the purposes of a park or open space accessible to the public ~~and new residential projects may install turf in a recreational use area which is not enclosed by fencing or other barriers.~~

The staff report for the February 20, 2024 City Council meeting, which provides a detailed explanation of the proposed ordinances, is attached for reference (Attachment 1).

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Paul Buddenhagen, City Manager

ATTACHMENTS

1. Staff Report prepared for February 20, 2024 City Council Meeting
2. An Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 16, ("Prohibiting The Use Of Neonicotinoids And Rodenticides On City-Owned, Managed And Leased Property Except For The Use Of Rodenticides In City Parks"), To Title 6 Of The Emeryville Municipal Code And Authorizing The City Manager To Take Actions Related To Implementation And Enforcement
3. An Ordinance of the City Council of the City Of Emeryville Adding Section 9-4.503(J) ("Prohibiting The Installation Of Turf In New Development") To The Emeryville Municipal Code And Amending Sections 9- 4.303(B)(5a), 9-4.503, And 9-8.212 ("Open Space Standards: Public Park Requirements," "Landscaping And Screening: General Provisions," And "General Definitions: L Terms") And Section 6-10.02 ("Nuisances: Weeds") Of The Emeryville Municipal Code