



CUPERTINO

Cupertino Community Garden Program Guidelines

Draft Document

CITY HALL • 10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3200 • FAX: (408) 777-3366

TABLE OF CONTENTS

Purpose	4
Community Garden Location	4
Eligibility	4
Term of Use	4
Selection	4
Fees	5
Gardener Responsibilities	5
City Responsibilities	5
Policies, Procedures, Rules, and Regulations	6
General Policies	6
Organic Gardening	7
Approved and Prohibited Crops	8
Watering	8
Animals and Pests	9
Trash, Recycling, and Composting	9
Gardening Tools and Equipment	9
Materials and Structures	10
Maintenance	10
Security, Damage, and Vandalism	10
Code of Conduct	11

Conflicts.....	11
Enforcement.....	11
Notification and Penalties.....	11
Appeals.....	12

DRAFT

PURPOSE

The Cupertino Community Garden is a beautiful, safe, and peaceful refuge for Cupertino residents amidst the fast-paced life of Silicon Valley. The program goals are to:

- Provide a welcoming, attractive, and secure place where residents can experience the benefits of organic gardening and strengthen community bonds.
- To promote healthy living through access to healthy food, low impact exercise, and social interaction opportunities.
- Provide education to residents about the safe gardening practices necessary in a nature preserve, community parks or home to prevent damage to the land, groundwater, and natural environment.

COMMUNITY GARDEN LOCATION

Community Garden	Address	Hours	Beds
McClellan Ranch Preserve	22221 McClellan Road	Sunrise - Sunset	101

ELIGIBILITY

The Community Garden is open to all Cupertino residents who wish to apply. To establish eligibility, interested parties must provide two forms of identification (government-issued photo ID and current utility bill) with the same Cupertino address. The program includes access to one raised garden bed filled with soil, use of water, and use of community tools for a period of three years. One garden bed is allowed per household.

TERM OF USE

Gardeners are limited to a term of three years. After a gardener's three-year term ends and their agreement is in good standing, gardeners or another household member may place their name on the waiting list no more than 30 days before the end of their current contract. If the waiting list is empty, they may immediately begin a new three-year term.

SELECTION

Upon opening, gardeners may begin a three-year agreement for a garden bed based on the following priority. First, all current gardeners may select a garden bed. Next, based on the order they were placed on the existing waiting list, Cupertino residents may choose a garden bed. After all the Cupertino residents on the existing waiting list have received a garden bed, they will be distributed based on the following process.

The City maintains a waiting list of interested residents. Garden beds are distributed as they become available, with priority given to those living in high-density housing. The City defines high-density housing as greater than 35 units per acre and will use the City's GIS system to verify whether the prospective gardener's address qualifies for priority. One waiting list spot is allowed per household. Households with a garden bed may not have another household member on the waiting list.

Americans with Disabilities Act (ADA) garden beds are available on a first-come, first-served basis when requested by a waitlisted participant requiring accommodation.

FEES

Bed Size	Deposit	Annual Fee
6 ft x 14 ft (84 sq ft.)	\$150	\$110

Gardeners receive a refund of their deposit at the end of the three-year term if their garden bed is cleared and returned to its original condition. If a gardener agreement ends early for any reason, they will not receive a refund of their annual fee, but they are eligible for a refund of their deposit.

Cupertino residents who qualify for food assistance or other assistance programs through a recognized social services agency may be eligible to pay a 50% discounted rate for the deposit and annual fee. Interested participants must complete an SCC Healthy Cities Community Garden Participant form. This discount is limited to no more than five residents at one time.

GARDENER RESPONSIBILITIES

1. Follow all Community Garden guidelines, policies, procedures, rules, and regulations.
2. Complete the Cupertino Community Gardening 101 class within 30 days of signing their agreement.
3. Attend all mandatory Community Garden Program meetings. There will be a minimum of one meeting a year.
4. Complete ten annual volunteer hours during workdays, public hours, or special projects. Gardeners must also log their volunteer hours through the designated system.
5. Actively tend your crops and maintain your garden bed to the required standards.

CITY RESPONSIBILITIES

1. Assign garden beds as designated by the Community Garden Program Guidelines.

2. Provide garden bed water, trash receptacles, recycling receptacles, compost receptacles, fresh compost, and large community use tools.
3. Perform general maintenance. Notices regarding scheduled work will be posted in the garden whenever possible.

POLICIES, PROCEDURES, RULES, AND REGULATIONS

The City sets all policies, procedures, rules, and regulations for the Community Garden that gardeners must follow. Failure to comply with requirements may result in loss of gardening privileges without a refund. The City reserves the right to revise the Community Garden Guidelines whenever deemed necessary.

General Policies

The primary gardener listed on the Community Gardening Agreement is solely responsible for maintaining their garden bed and compliance with all policies, procedures, rules, and regulations.

- Gardeners are responsible for maintaining their assigned garden bed and may only garden within their bed. They may not alter the boundaries of their allotted bed.
 - During the primary growing season (March – October), gardeners must actively tend their garden bed, including, but not limited to, preparing the soil for planting, growing crops, pulling weeds, harvesting ripe produce, and collecting seeds before they drop.
 - During the off-season (November – February), each gardener must keep their bed in good condition, including, but not limited to, pulling weeds and planting cover crops.
- The primary gardener listed on the Community Gardening Agreement must complete at least 75% of all gardening work required to keep their garden in good condition. Friends and family may assist once they have submitted a City of Cupertino Liability Waiver. The primary gardener is responsible for ensuring any guests abide by all required policies, procedures, rules, and regulations.
- Produce from the garden is only for personal use, shared with friends, or donated to local food banks. It may not be sold or traded for money or goods. Each gardener's produce belongs to the gardener of that bed. No one may pick from any garden bed other than their own without permission.
 - a. No person may use a vacant bed or another area in the garden without the approval of the Community Garden Coordinator (CGC).
 - b. No garden bed shall be traded, divided, sub-leased, or otherwise changed from the original bed assignment.

- c. If change is desired, the primary gardener must contact the CGC. All requests will be reviewed and decided on an individual basis.
- Any exchange of beds is an option but must be approved by the CGC before the trade occurs. Gardeners may not contract with any outside individual or entity to perform work in their garden bed.
- If gardeners cannot tend their garden due to a vacation or other activity that exceeds two weeks, they must complete a Garden Absence Form. Absences may not exceed two months.
- Gardeners must inform the City of any changes to their contact information, including home address, email address, and telephone number.
- Gardeners vacating a bed for any reason are responsible for cleaning and removing any plants or materials and returning the garden bed to its original condition, or forfeit their deposit.

Organic Gardening

The Community Garden strictly adheres to the principles, concepts, and practices of organic gardening. Products labeled "organic" or "natural" are not allowed unless they are approved by the U.S. Department of Agriculture's National Organic Program (USDA-<https://www.ams.usda.gov>) or by the Organics Materials Review Institute (OMRI-<https://www.omri.org>).

- Gardeners may not use containers that previously contained toxic chemicals for storage, watering, or other gardening purposes. Chemically treated wood products are prohibited in any garden site. Violating this rule is cause for termination loss of gardening privileges.

Chemicals/Fertilizes	Pest and Disease Control	Fertilizers
Allowed	Neem Oil; Soap Sprays; Sulphur; Wood Ashes; Pepper and Onion Spray; Tanglefoot; and similar organic products	Cottonseed; Blood, Bone, Horn or Hoof Meals; Kelp; Manure (not from humans, dogs, and cats); Compost; Liquid fish or seaweed; and similar fertilizers classified as "organic."
Prohibited	Rotenone; Pyrethrate; Pyrethroids; Nicotine Sulfate; Malathion; Finale Diazinon, Sevin; Roundup; Organophosphates; Dursban; organ chlorides; chlorpyrifos	Ammonium Sulfate or Nitrate; Muriate of Potash; Superphosphate; Highly soluble chemical fertilizers; human waste

Approved and Prohibited Crops

1. Gardeners are responsible for supplying all seeds, seedlings, and plants.
2. A minimum of 50% of all crops produced must be from edible plants.
3. Approved and prohibited crops are listed below. The City reserves the right to amend this chart.

Crops	
Approved	Common Vegetables, Flowers, Fruit, Berries, and Herbs
Prohibited	Trees (Any Kind), Mint (Any Variety), Perennial and Woody Vines (Including Grapes), Rosemary, Lavender, Cannabis (Marijuana), Bermuda grass, Opium Poppy, Peyote, Salvia divinorum, Tobacco, Coca, Jimsonweed, Hemlock, and any other invasive, toxic, noxious, controlled plant, any invasive plant listed by the California Invasive Plant Council (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74139.html#INVASIVE) or any foreign plants listed by the United States Department of Agriculture's Animal and Plant Health Inspection Service (https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/sa_site).

4. Tall plants, such as corn, tomatoes, berries, and support structures, may not exceed 6 feet above the soil's top in the garden bed. They may not produce shade on adjacent beds or extend into pathways.
5. Gardeners must keep their bed free of noxious weeds, including, but not limited to, gopher spurge, poison hemlock, short-pod mustard, horsetweed, bermudagrass, and thistles.

Watering

1. Gardeners must supply their own garden hose. Hoses may not be longer than 25 feet, must be free of leaks, and must not block the walkways. Hoses must be coiled and stored neatly.
2. Report any system leaks or other maintenance issues using the Cupertino 311 app or website (www.cupertino.org/cupertino311). If it is an emergency, immediately report the problem to County Communications at (408) 299-3233.
3. During declared droughts, the City may enact water restrictions.

Animals and Pests

1. The McClellan Ranch Community Garden is located in a nature preserve, and mitigation measures are incorporated to reduce pests. However, it is impossible to rid the garden of natural pests completely. Prospective gardeners should consider this before deciding to request a garden bed at this location.
2. Gardeners may not trap or kill vertebrates, including rodents or snakes.
3. Gardeners should avoid contact with any dangerous predatory animals such as mountain lions, coyotes, and rattlesnakes. Report any spotting or encounter with these animals in the community garden to the Parks and Recreation Department (408) 777-3120, or County Communications (408) 299-3233, or 911.
4. No one in the community garden may feed the 4-H animals.
5. Pets, except for documented ADA service animals, are not allowed in the garden.

Trash, Recycling, and Composting

1. Gardeners must dispose of trash, recycling, and composting in the provided receptacles.
2. There is no onsite composting. Garden waste is composted offsite, and fresh compost is available in the provided receptacles. Do not place any items, trash, recycling, and composting in the containers for fresh compost.
3. Due to disease, DO NOT PUT ANY PORTION OF TOMATOES, PEPPERS, OR WEEDS in the compost bin. Weeds include bermudagrass, wild morning glory, oxalis, bindweed, and disease-infested plants. Place these items in the trash receptacle.
4. Gardeners may not place, store, or dump materials in other garden beds, paths, common areas, tools sheds, the 4H facility, or anywhere else in the McClellan Ranch Preserve.
5. Gardeners may not dispose of trash, recycling, and composting from their homes or workplace work in any community garden receptacles.

Gardening Tools and Equipment

1. The City will provide a limited amount of community tools to be shared with all gardeners. These tools may include buckets, cultivators, clippers, scoops, trowels, hoes, rakes, shovels, utility carts, and wheelbarrows. Tools must be cleaned and returned to the garden shed after each use and may not be removed from the Community Garden.
2. Tools not provided by the City are the responsibility of each gardener. Except for one hose, gardeners may not store personal tools in the Community Garden.
3. Gas-powered equipment is prohibited. Any motorized equipment must be battery powered and not exceed any noise ordinances. There are no electrical outlets in the community garden; gardeners must charge and store equipment offsite.

Materials and Structures

1. Raised garden beds must have at least seven (7) inches of wood exposed above the mulched wood chips to prevent the raised bed's deterioration.
2. Gardeners may not make modifications above the top board of the garden bed to make the bed deeper.
3. The use of recycled and other materials not intended for gardening is prohibited unless approved by the CGC.
4. Gardeners wishing to create additional planting space structures above their bed must submit a plan for approval by the CGC. The City will remove unapproved structures at the gardener's expense.
5. No potted plants are allowed in the walkways.
6. No personal furniture and equipment such as tables, chairs, and barbecues are allowed in the community garden.
7. Gardeners may construct or purchase cloud covering and bird netting tents to protect their crops. Please see the City of Cupertino's Cloud Covering Bird Netting structures document for a list of approved designs. The City will remove unapproved structures at the gardener's expense.

Maintenance

1. Gardeners are required to keep one-half of all walkways around their garden bed free of weeds, vegetation, debris, and trash. Plants cannot overgrow the garden bed, block the pathways, and create safety hazards. There are no exceptions.
2. Any maintenance issues that are the City's responsibility should be reported to the City using the Cupertino 311 app or website (www.cupertino.org/cupertino311).

Security, Damage, and Vandalism

1. The City reserves the right to install security surveillance equipment to monitor the community garden to enforce its guidelines, policies, procedures, rules, and regulations.
2. Gardeners will receive any required access codes to open gates and tool sheds upon execution of their Community Garden Agreement. They may not provide access code information to anyone or will risk the loss of gardening privileges.
3. Gardeners must ensure they fully close the entrance gate and lock the storage shed after each use.
4. Report damage or vandalism to the CGC.

CODE OF CONDUCT

All gardeners must follow the City's rules, regulations, policies, and procedures and cooperate and assist City staff in maintaining a safe environment. Gardeners are required to treat all other gardeners, staff, volunteers, and members of the public with courtesy and respect regardless of age, gender, religion, cultural background, or sexual orientation. Also, gardeners must respect other's privacy, personal belongings, equipment, supplies, and crops.

Gardeners must refrain from the following.

- Unsafe action and vandalism which may cause harm to yourself, any other person, or damage to personal or City property.
- Disruptive or disorderly behavior.
- Exhibiting inappropriate, threatening, aggressive, or bullying behavior, or any other form of harassment.
- Using inappropriate, foul, or abusive language toward others.
- Smoking, vaping, using tobacco products, or drinking alcohol on City property.
- Entering City property while under the influence of any intoxicating substance.
- Entering City property while in possession of dangerous or unauthorized materials such as firearms, illegal substances, weapons, or other similar items.

Failure to abide by the Community Garden guidelines, policies, procedures, rules, and regulations may result in the loss of Community Garden privileges.

CONFLICTS

Gardeners must attempt to resolve conflicts between themselves before bringing them to the CGC. The CGC will evaluate both sides of the dispute before coming to a resolution. All resolutions will be final.

ENFORCEMENT

City staff will make periodic and random inspections of the Community Garden. Their good faith judgment is sufficient to enforce a violation of the community garden guidelines, policies, rules, and regulations.

NOTIFICATION AND PENALTIES

When a gardener violates the community garden guidelines, policies, procedures, rules, and regulations, the City will notify them of the violation(s).

- **Notification #1:** The City sends the first warning by postal mail and email. Gardeners have 15 days from the date of the message to bring their garden bed into compliance.
- **Notification #2:** If, after 15 days, the garden bed remains in violation, the City sends a second and final notification by certified postal mail and email. Gardeners will have 15 days from the date of the notice to bring their garden bed into compliance and must pay a \$25 fee.

If the gardener fails to comply, rectify the violation, or pay any penalties, they will forfeit their garden bed and all associated fees with no refund. If a gardener receives three (3) separate notifications of violations within a one (1) year period, they will forfeit their garden bed and all associated fees with no refund. The City will not reimburse the Gardener for any expenses related to plants, supplies, or other materials used in their garden bed. The terminated gardener is responsible for returning all items belonging to the garden.

All gardeners who forfeit their garden bed due to noncompliance with community garden policies, procedures, rules, and regulations are not permitted to join the community garden waiting list for a minimum of 36 months. Forfeitures due to a safety or security risk result in a lifetime ban from Cupertino community gardens.

APPEALS

Gardeners may appeal a termination to the Director of Parks and Recreation, whose decision will be final. Please send your request in writing to the Director of Parks and Recreation at recreation@cupertino.org or the following address.

Director of Parks and Recreation
City of Cupertino
10185 N Stelling Rd
Cupertino, CA 95104