



CUPERTINO

Community Garden Guidelines

Updated 5/20/2024

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PURPOSE

The Cupertino Community Gardens are 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, stormwater, creeks, and natural environment.

COMMUNITY GARDEN LOCATION

Community Garden	Address	Gardener Hours	Beds
McClellan Ranch Preserve	22221 McClellan Rd	Sunrise - Sunset	107
Wilson Park	19784 Wintergreen Dr	Sunrise-Sunset	15

ELIGIBILITY

The Community Gardens are open to all Cupertino residents who wish to apply. To establish eligibility, interested parties must provide two forms of identification. Acceptable forms of identification include a government-issued photo ID, a lease agreement, a utility bill issued in the past three months, or similar documentation.

The program provides access to one 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

The term for a Community Garden permit is five years, ending on November 1 following the fifth anniversary of the permit start date. After a gardener's five-year period ends, they may apply for a new five-year permit if there is no waiting list. If an active waiting list exists, the gardener or a member of their household may place their name on the waiting list no sooner than October 1st of the year their permit ends.

SELECTION

Cupertino residents interested in using a garden bed in the Community Garden may apply for one through the Parks and Recreation Department. If a garden bed is available and the

applicant meets all eligibility requirements, they may enter into a five-year permit to begin using the assigned garden bed. If a garden bed is not available, the applicant is placed on a waiting list. Cupertino residents on the waiting list receive prioritization based on the following criteria.

- One (1) point for residents living in high-density housing.
 - The City defines high-density housing as greater than 35 units per acre. To verify a resident’s eligibility for this prioritization point, the City uses its Geographic Information System (GIS).
- One (1) point for residents enrolled in PG&E’s California Alternate Rates for Energy (CARE) program.
 - PG&E offers the CARE program to households that meet specific income requirements. These households receive priority to encourage residents of all income levels to experience the benefits of growing healthy foods. A PG&E utility bill stating CARES program enrollment and issued within the past three months is required to confirm eligibility.
- Residents with more points receive a higher priority on the waiting list.

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

FEES

Gardeners are responsible for paying the deposits and fees outlined below.

Garden Location	Refundable Deposit	Annual Assessment
McClellan Ranch Preserve	\$150	\$110
Wilson Park	\$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 permit ends early for any reason, the gardener will not receive a refund of their annual fee but may be eligible for a refund of their deposit.

Discounted Fees

Garden Location	Deposit	Annual Fee
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McClellan Ranch Preserve	\$75	\$55
Wilson Park	\$75	\$55

Cupertino residents enrolled in PG&E’s California Alternate Rates for Energy (CARE) program are eligible for discounted fees. These households receive priority to encourage residents of all income levels to experience the benefits of growing healthy foods. A PG&E utility bill stating CARES program enrollment and issued within the past three months is required to confirm eligibility. 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 orientation.
3. Attend all mandatory Community Garden Program meetings. Gardeners should expect at least one mandatory meeting per year, with additional mandatory meetings scheduled as necessary.
4. Complete ten annual volunteer hours at the Community Garden during City-organized work events, public hours, or special projects. Gardeners must log their volunteer hours through the designated system. Any household member may complete volunteer hours. An adult must accompany those under 18.
5. Actively tend your crops and maintain your garden bed to the standards laid out in the Community Garden Guidelines.

CITY RESPONSIBILITIES

1. Assign garden beds as designated by the Community Garden Guidelines.
2. Provide garden bed water, trash receptacles, recycling receptacles, compost receptacles for items to be composted, 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 Permit 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 Permit and their household must complete at least 75% of all gardening work required to keep their garden in good condition. Household members, other family members, and friends may assist once they have signed a City of Cupertino Liability Waiver. The primary gardener is responsible for ensuring any household members, other family members, and friends 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 Community Garden Coordinator's approval (CGC).
 - b. No garden bed shall be traded, divided, sub-leased, or otherwise changed from the original bed assignment.
 - c. Any desired changes in bed assignment must be requested in writing to the CGC. All requests will be reviewed and decided on an individual basis.
- 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 Community Garden Extended Absence Form.
 - a. The total length of all absences during a calendar year may not exceed two months.
 - b. An absent gardener must coordinate with a substitute gardener to tend their crops during their absence. Only another community gardener with an active permit at the same location may serve as a substitute gardener.

- c. Failure of the substitute gardener to tend the absent gardener’s garden bed is a violation of the Community Garden Guidelines. The substitute gardener is responsible for the breach of the Guidelines, not the absent gardener.
- 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. Only products approved and labeled by either the U.S. Department of Agriculture’s National Organic Program ([ams.usda.gov](https://www.ams.usda.gov)) or by the Organics Materials Review Institute ([omri.org](https://www.omri.org)) are permitted in the Community Garden.

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 and loss of gardening privileges. The following table outlines forms of fertilizer, pest control, and disease control allowed or prohibited in the Community Garden.

	Pest and Disease Control	Fertilizers
Allowed	Neem oil; soap sprays; sulfur; 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

The City of Cupertino reserves the right to update and amend the chart of allowed and prohibited forms of fertilizer, pest control, and disease control. The City recommends gardeners consult Our Water, Our World (ourwaterourworld.org) for best practices in pest management

and disease control. All practices and products must comply with the City of Cupertino Integrated Pest Management policy (cupertino.org/ipm).

Approved and Prohibited Crops

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), bermudagrass, 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 (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 (aphis.usda.gov/aphis/ourfocus/planthealth/import-information/sa_sitc).

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

Watering

1. Gardeners must supply their 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 in the garden bed.
2. Report any system leaks or other maintenance issues using the Cupertino 311 app or website (cupertino.org/cupertino311). If the situation requires immediate attention, report the problem to County Communications at (408) 299-3233.
3. During declared droughts, the City may enact water restrictions.

Pests and Animals

1. Located in a nature preserve, the McClellan Ranch Community Garden incorporates various mitigation measures 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, reptiles, or birds. If a gardening structure creates a hazard to vertebrates in the community gardens, gardeners will be asked to alter or discard said structure.
3. Gardeners should avoid contact with any dangerous predatory animals such as mountain lions, coyotes, and rattlesnakes. Report any sighting or encounter with these animals in the community garden to the Parks and Recreation Department (408) 777-3120, County Communications (408) 299-3233, or 911.
4. No one in the community garden may feed the 4-H animals.
5. Pets are not allowed in the garden, except for service animals as defined under the federal Americans with Disabilities Act (“ADA”) and California Civil Code sections 54, et seq.

Trash, Recycling, and Composting

1. Gardeners must dispose of trash, recycling, and items for composting in the provided receptacles.
2. All items to compost are composted offsite. There is no onsite composting. Finished compost is delivered for gardeners to use in their garden beds. There are separate containers for items to compost and finished compost. Do not place any items, trash, recycling, and materials for composting in the containers designated for finished compost.
3. Gardeners may not place, store, or dump materials in garden beds, paths, common areas, tools sheds, the 4-H facility, or anywhere else in the McClellan Ranch Preserve.
4. Gardeners may not dispose of trash, recyclable items, and compostable items 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. They 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. Gardeners may not make modifications above the top board of the garden bed to make the bed deeper.
2. The use of recycled and other materials not intended for gardening is prohibited unless approved in writing by the CGC. This includes the use of cinderblocks.
3. Gardeners may not create additional planting space structures above their bed except for support structures for tall plants, such as corn, tomatoes, berries. These support structures may not exceed 6 feet above the soil's top in the garden bed, produce shade on adjacent beds, or extend into pathways.
4. No potted plants are allowed in the walkways.
5. No personal furniture and equipment such as tables, chairs, and barbecues are allowed in the community garden.
6. No lighting of any kind is allowed.
7. All covering structures must be pre-approved in writing by the CGC. The City will remove unapproved structures, and the actual cost will be reimbursed from the gardener's deposit.
8. No containers holding standing water shall be permitted. Water must be able to drain from any containers to prevent the gestation of mosquitoes.
9. The City reserves the right to update this section at any time to ensure the safety and tidiness of the community garden. If you are notified regarding the removal of any materials or structures, you must do so within one week of the notification.

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, or create safety hazards. There are no exceptions.
2. Staff will notify gardeners if an extreme weather event has occurred and caused damage to the community garden. Gardeners have 72 hours from the time of notification to inspect their garden bed and attend to any damage.
3. Any maintenance issues that are the City's responsibility should be reported to the City using the Cupertino 311 app or website (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 receive any required access codes to open gates and tool sheds upon their Community Garden Permit execution. They may not provide access code information to anyone outside of their household 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.

VIOLATIONS OF COMMUNITY GARDEN GUIDELINES

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.

If the gardener fails to comply and rectify the violation, 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, their Community Garden Permit is terminated, and they forfeit their garden bed and all associated fees with no refund. Only unused portions of the deposit are returned. 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 may result in a ban from future participation in the Cupertino Community Garden.

RECONSIDERATION OF TERMINATION

Gardeners may ask the Director of Parks and Recreation to reconsider the termination, whose decision will be final. Requests should be made in writing to the Director of Parks and Recreation at recreation@cupertino.org or the following address and should explain the reasons why the gardener thinks the termination is in error.

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