

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, February 08, 2016 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

DRAFT

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

PLEDGE TO THE FLAG:

ROLL CALL:

APPROVAL OF MINUTES:

Regular Meeting of January 25, 2016

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

END OF CONSENT AGENDA

AVAILABILITY OF PUBLIC RECORDS:

All public record to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, City Hall located at 333 90th Street, Daly City, CA during normal business hours, at the same time that the public records are distributed or made available to the legislative body.

COMMUNICATIONS:

1. Adopting New Fees for the Daly City Afterschool Youth Recreation Program

Staff:

Curran

Recommended Action:

Adopt Resolution

Roll Call

ORDINANCES:

2. Second Reading, Ordinance No. 1406, Authorizing the Implementation of a Community Choice Aggregation Program

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance

Roll Call

3. Second Reading, Ordinance No. 1407, Repealing and Replacing Chapter 17.41 of the Daly City Municipal Code, Re: Water Conservation in Landscaping Regulations

Staff:

Zimmerman

Recommended Action:

Adopt Ordinance

Roll Call

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

NOTE: Speakers are limited to two minutes, unless modified by the Mayor. The Council cannot take action on any matter raised under this item

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

4. Council Committee
5. City Council
6. Staff

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ADJOURNMENT:

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The meeting was called to order by Mayor Buenaventura at 7:04 P.M.

ROLL CALL: Councilmembers Present:

Sal Torres, Mayor
David J. Canepa, Vice Mayor
Raymond A. Buenaventura
Judith A. Christensen
Michael P. Guingona

Staff Present:

Patricia E. Martel, City Manager
Julie T. Underwood, Assistant City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

PRESENTATIONS:

Proclaiming February 2016 Black History Month in Daly City (Janice Daniels)

Councilmember Guingona presented a proclamation to Janice Daniels declaring February as Black History Month. Ms. Daniels thanked the Council in behalf of the African American residents in the city and invited everyone to their National Black History event.

Proclaiming San Mateo County Mosquito and Vector Control District's 100 Years of Public Health (Christine Fuller, Board Trustee)

Councilmember Canepa presented a proclamation to Board Trustee Christine Fuller and Public Health Education and Outreach Officer Megan Caldwell recognizing the District's 100 years of service to the residents of San Mateo County since 1916.

Ms. Fuller and Ms. Caldwell thanked the Council and staff, and invited everyone to their centennial celebration in Burlingame scheduled for Tuesday, January 26th.

APPROVAL OF MINUTES:

Regular Meeting of January 11, 2016

It carried by unanimous voice vote to approve the minutes of January 11, 2016.

APPROVAL OF AGENDA:

It was moved by Vice Mayor Canepa, seconded by Councilmember Christensen and carried to approve the Agenda.

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CONSENT AGENDA:

RESOLUTIONS:

Approving Use of Federal Asset Forfeiture Funds (DEA) to Contract with Action Target to Upgrade the Police Shooting Range

Resolution 16-6, Authorizing Use of Federal Asset Forfeiture (DEA) Funds and Enter into Contract with Action Target to Upgrade the Police Shooting Range

Adopting Composite Summary Memorandum of Understanding and Salary Schedule between the City of Daly City and AFSCME, Local 829

Resolution 16-7, Adopting Composite Summary Memorandum of Understanding with AFSCME Local 829

Authorizing Proposed Revisions to the Street Maintenance Worker I/II Job Specification (Civil Service)

Resolution 16-8, Adopting Revised Job Specifications for the Positions of Street Maintenance Worker I/II

Adopting Amendment to the Recurrent and Part-time Hourly Rates Schedule

Resolution 16-9, Adopting Amendment to Recurrent and Part-Time Hourly Rates Schedule

Authorizing Amendment to Traffic Regulations to: (1) Install a 4-ft. No Parking (red) zone at the south side of the driveway at 7535 Mission Street (TSR 16/43); and (2) Remove disabled parking (blue) zone in front of 838 Skyline Drive (TSR 16/50)

Resolution 16-10, Establishing Traffic Regulations

Adopting Composite Summary Memorandum of Understanding and Salary Schedules between the City of Daly City and Specific Employee Organizations

Resolution 16-11, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Clerical Technical Unit

Resolution 16-12, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Public Safety Dispatchers and Police Assistants Unit

Resolution 16-13, Adopting Composite Summary Memorandum of Understanding with Teamsters Local 856 Safety Inspectors

END OF CONSENT AGENDA

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It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried to approve and adopt the Consent Agenda.

PUBLIC HEARINGS:

Approval of Daly City Participation in a Countywide Community Choice Aggregation Program and Introduction of Ordinance Authorizing the Implementation of a Community Choice Aggregation Program

City Manager Patricia Martel introduced Stephen Stolte to the Council as the new Environmental Compliance Manager for the City, a position responsible for overseeing the contract with Republic Services, the City's climate action plan, and other environmental issues. Mr. Stolte's experience and a background include working for San Mateo County's Environmental Services.

Mr. Stolte introduced the Community Choice Aggregation (CCA) Plan as a program allowing communities to pool their electricity demand in order to purchase and potentially develop power on behalf of local residents, businesses and municipal facilities. Peninsula Clean Energy (PCE) purchases electricity from renewable energy sources, while utility companies deliver energy, maintain lines and bill customers. The customers would then benefit from affordable rates and clean energy.

According to Mr. Stolte, the CCA is the quickest way to achieve Green Vision, the City's Climate Action Plan. He gave an overview of the benefits including providing competition in the energy market and using funding for innovative local energy programs. He explained how the program works and provided data on residential energy rates comparing PG&E and Clean Energy programs.

Mayor Torres opened the public hearing.

Dave Pine, San Mateo County Supervisor, expressed encouragement of Daly City joining the CCA program. Mr. Pine reported that six cities have signed on thus far. He declared it a powerful tool in reducing the carbon footprint in the county, while giving customers an alternative choice on where they receive their energy from.

Sharon Keenan, resident, had questions regarding the opt-out fee, the total number of jobs being generated by the project, and the cost of insurance for the program.

Ray Keenan, resident, questioned whether this item should be decided on by the voting public, instead of the City Council. Mr. Keenan also questioned whether the energy will be purchased from PG&E, and what exactly makes this energy "clean."

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PUBLIC HEARINGS: Continued

Dana Smith, resident, expressed her support for the program. Ms. Smith was eager about the City bringing competition into energy production as well as the program's promotion of switching to cleaner types of energy.

It was moved by Councilmember Christensen, seconded by Councilmember Buenaventura and carried by vote to close the public hearing.

Gordon Tong, Sustainability Coordinator from San Mateo County, addressed the issue regarding the exit fee for residents opting to leave PG&E and becoming PCE customers. However, Ms. Martel noted that City facilities would automatically be enrolled under the CCA option. Furthermore, Mr. Tong explained the \$100,000 written into the Joint Exercise of Power Agreement, which is there in the event that the CCA fails, and customers have to switch back to PG&E.

Discussion ensued with Mr. Tong addressing the state-wide 8-10k construction jobs the plan would generate, which would depend on where the renewable power projects are built. Mr. Tong added the CCA would be buying a bigger portion of its supply from cleaner types of power including those from solar farms, wind farms, and hydro-electric facilities.

Mayor Torres suggested establishing a frequently asked questions (FAQ) section on the website to address the community questions and all related matters pertaining to the CCA.

It was moved by Councilmember Guingona, seconded by Councilmember Christensen and carried that Ordinance No. 1406 be read by title only by the City Attorney.

Councilmember Guingona introduced the following ordinance:

Ordinance No. 1406, Authorizing the Implementation of a Community Choice Aggregation Program

It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried by unanimous roll call vote to adopt the following resolution:

Resolution 16-14, Authorizing the Execution of the Joint Exercise of Powers Agreement, which will Establish the Peninsula Clean Energy Authority with the City as a Charter Member and Appointing Michael Guingona to be the City's Director on the Board and Judith Christensen to be the City's Alternate Director

Mayor Torres made the appointments for the Director and the Alternate Director on the Board.

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PUBLIC HEARINGS: Continued

Public Hearing -- Introduction of Ordinance to Adopt Updated Model Water Efficient Landscape Ordinance

Director of Water and Wastewater Resources Patrick Sweetland reported that staff's recommendation is to adopt an updated Model Water Efficient Landscape Ordinance to comply with new outdoor watering requirements. Daly City benefits from the development of a regional ordinance, an ordinance which is a direct response to Governor Brown's Drought Executive Order to increase water efficiency.

Discussion ensued with Mr. Sweetland answering concerns raised by the Council. Furthermore, he gave an overview of the new requirements to the landscaping area allowed by the amended ordinance.

Mayor Torres stated there were no speakers on this item.

It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried to close the public hearing.

It was moved by Vice Mayor Canepa, seconded by Councilmember Buenaventura and carried that Ordinance No. 1407 be read by title only by the City Attorney.

Councilmember Christensen introduced the following ordinance:

Ordinance No. 1407, Repealing and Replacing Chapter 17.41 of the Daly City Municipal Code Re: Water Conservation in Landscaping Regulations

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Sylvia Alvarez-Lynch, ODCPA, expressed her concern over the current litigation resulting from the Council's vote regarding a gun shop in the City, as well as litigation against Councilmember Canepa. Ms. Alvarez-Lynch was concerned over the cost of legal fees the City and residents may end up paying for these cases.

APPOINTMENTS:

It was moved by Councilmember Buenaventura, seconded by Vice Mayor Canepa and carried by unanimous roll call vote to appoint Juslyn Manalo to the Personnel Board with term ending February 8, 2022.

REPORTS:

Council Committee

There were no reports.

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REPORTS: Continued

City Council

Councilmember Christensen reported receiving a number of e-mails from a resident complaining about a trailer endorsing the Supervisor election of Vice Mayor Canepa. The resident, Mr. Benedetti, expressed concern over the dangerous placement of the trailer along South Hill Boulevard.

Vice Mayor Canepa reported on the successes of the recent Daly City/Colma Chamber of Commerce event, as well as the community outreach for composting food wastes. Vice Mayor Canepa commended the Daly City senior centers as well as the Jefferson and Westmoor High School students for their interest in municipal government.

Mayor Torres reported he and the Mayor of Colma had the honor of making the address at the recent State of Cities Address.

Staff

City Manager Patricia Martel highlighted the recent swearing-in of 14 new police officers, as well as promotions within the Daly City Police Department. Ms. Martel expressed pride in the department due to the highly educated backgrounds of the newly sworn-in officers. She noted the excellence in standards and leadership in the department while providing safety for the residents. Ms. Martel commended Chief of Police Martinez and Police Captains Gamez and Hensley.

ADJOURNMENT:

It was moved by Councilmember Buenaventura, seconded by Councilmember Guingona and carried to adjourn the meeting at 8:18 PM in the memory of Carol L. Klatt, Susan G. Tone, and John McEntee.

City Clerk

Approved as submitted, this _____
day of _____, 2016.

Mayor



City Council Meeting Agenda Report

Meeting Date: February 8, 2016

Subject: Adopting New Fees for the Daly City Afterschool Youth Recreation Program

Recommended Action

Staff recommends that the City Council pass a resolution adopting a proposed fee increase for the Daly City Afterschool Youth Recreation Program (AYRP). The Recreation Commission unanimously endorsed the proposed fee schedule at its regular meeting of January 26, 2016. The new fee, if adopted, would go into effect at the start of the 2016-17 academic year.

Background

The Afterschool Youth Recreation Program (AYRP) provides a safe, enriching, and educational environment for more than 300 students at 4 school sites: Panorama, Junipero Serra, Marjorie H. Tobias, and Daniel Webster. The program offers students a diversity of afterschool experiences, including silent sustained reading, journal writing, homework assistance, enrichment and cooperative play activities, fitness challenges, nutritious snacks, and social interaction.

Discussion

Due to the anticipated rise in the cost and demands of providing the program, staff is proposing to raise the monthly base fee from \$53 to \$64 per month. The proposed fee includes some onsite enrichment activities that required extra fees in past years, thereby reducing registration transaction processes and creating a more inclusive environment for all AYRP participants. The fee would also cover the cost of a lower staff to participant ratio.

Fiscal Impact

AYRP is an essential service that provides a safe place for students while giving students opportunities to develop healthy life skills. In Fiscal Year 2014-2015, AYRP generated \$176,864 in revenue. The proposed fee increase would generate approximately \$205,906 in Fiscal Year 2016-17, assuming participation rates remain constant.

School Year	Monthly Base Fee	Revenue	Direct Expenses	Estimated Annual Subsidy
2014-2015	\$53	\$176,863.66	\$256,134.96	\$79,271.30
2016-2017 (proposed)	\$64	\$200,906.00	\$269,079.64	\$68,173.64

Summary/Conclusion

Staff is available to provide any additional information desired by the Commissioners.

Respectfully Submitted,

Jennifer Der
Recreation Supervisor

Denise Brown
Recreation Services Manager

Joseph F Curran, Director
Library and Recreation Services

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AUTHORIZING THE IMPLMENETATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM

The City Council of the City of Daly City, DOES ORDAIN as follows:

SECTION 1. **FINDINGS.** The City of Daly City has investigated options to provide electric services to customers within the County, including incorporated and unincorporated areas, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and hereby finds and declares as follows:.

WHEREAS, the County of San Mateo prepared a Feasibility Study for a community choice aggregation (“CCA”) program in San Mateo County with the cooperation of the cities under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- Providing customers a choice of power providers;
- Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within San Mateo County;
- Increasing local renewable generation capacity;
- Increasing energy conservation and efficiency projects and programs;
- Increasing regional energy self-sufficiency;

Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects; and

WHEREAS, the County of San Mateo Board of Supervisors has directed staff to bring for its approval a Joint Powers Agreement creating the Peninsula Clean Energy Authority (“Authority”). Under the Joint Powers Agreements, cities and towns within San Mateo County may participate in the Peninsula Clean Energy CCA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Cities and towns choosing to participate in the CCA program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreements; and

WHEREAS, the Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and business at rates that are competitive with those of the incumbent utility (“PG&E”). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to customers within the unincorporated area of San Mateo County and within the jurisdiction of those cities who have chosen to participate in the CCA program; and

WHEREAS, on January 25, 2016, the City Council held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to implementation of the Peninsula Clean Energy CCA program in the City; and

WHEREAS, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308). The Director of Community Development shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

NOW, THEREFORE, LET IT BE RESOLVED the City Council does ordain as follows:

SECTION 1. The above recitations are true and correct and material to this Ordinance.

SECTION 2. Authorization to Implement a Community Choice Aggregation Program.

Based upon the forgoing, and in order to provide business and residents within the City of Daly City with a choice of power providers and with the benefits described above, the City of Daly City City Council ordains that it shall implement a community choice aggregation program within its jurisdiction by participating as a group with the County of San Mateo and other cities and towns as described above in the Community Choice Aggregation program of the Peninsula Clean Energy Authority, as generally described in the Joint Powers Agreement.

SECTION 2. Environmental Determination. The City Council of the City of Daly City finds and determines that the implementation of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308). The Director of Community Development shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

SECTION 3. Severability: If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

SECTION 4. Publication/Summary

Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

Introduced this _____ 25th _____ day of _____ January _____, 2016.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the _____ day of _____, 2016, by the following vote:

AYES, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY

CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY REPEALING
AND REPLACING CHAPTER 17.41 OF THE DALY CITY MUNICIPAL CODE
RE: WATER CONSERVATION IN LANDSCAPING REGULATIONS

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the City of Daly City City Council:

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the City of Daly City;

WHEREAS, the California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance (“Model Ordinance”), has been implemented by a Statewide Landscape Task Force which was overseen by the California Urban Water Conservation Council. The California Water Conservation in Landscaping Act was amended pursuant to AB 2717 (Chapter 682, Stats. 2004) and AB 1881 (Chapter 559, Stats. 2006);

WHEREAS, AB 1881 requires cities and counties, no later than January 1, 2010, to adopt the updated Model Ordinance or an equivalent document which is “at least as effective as” the Model Ordinance in conserving water. In the event cities and counties do not take such action, the State’s Model Ordinance will be deemed to be automatically adopted by statute;

WHEREAS, the City of Daly City adopted a Water Conservation in Landscaping Ordinance on March 22, 2010, to comply with the requirements of AB 1881.

WHEREAS, Governor Brown issued Executive Order B-29 on April 1, 2015 which directed State agencies to implement immediate measures to save water, increase enforcement against water waste, and streamline government response to ongoing drought conditions.

WHEREAS, Executive Order B-29 directed the Department of Water Resources (“DWR”) to update the State Model Ordinance through expedited regulation to increase water efficiency standards for new and existing landscapes through more efficient standards, greywater usage, onsite storm water capture, and limitations of the portions of landscape that can be covered in turf.

WHEREAS, the California Water Commission approved the proposed revisions to the State Model Ordinance on July 15, 2015.

WHEREAS, , local agencies are required to adopt the revised State Model Ordinance or adopt a local or regional ordinance at least as effective in conserving water.

WHEREAS, the City of Daly City has developed this regional Water Conservation In Landscaping Ordinance in conjunction with the Bay Area Water Supply and Conservation Agency and other local agencies to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas, within the City of Daly City’s jurisdiction in order to ensure that this Ordinance will be “at least as effective as” the Model Ordinance in conserving water.

WHEREAS, , although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council finds that it is “at least as effective as” the Model Ordinance for the following reasons: (1) this Ordinance applies to more accounts than the Model Ordinance does because it lowers the size threshold for applicable rehabilitated landscapes from 2,500 square feet to 1,000 square feet, to better reflect the typical landscaped areas located within this City’s boundaries; (2) this Ordinance includes a default turf restriction of no turf or high water use plants in the irrigated area and requires that at least 80% of the plants in non-turf landscape areas be native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget); (3) this Ordinance requires covers on newly constructed pools and spas. The Model Ordinance does not contain any such default turf restrictions or specified plant requirements.

WHEREAS, although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council further finds that it is “at least as effective as” the Model Ordinance because this Ordinance includes water budget parameters and values and landscape parameters that are consistent with the Model Ordinance. By using the same water budget parameters as the Model Ordinance (e.g., plant factors, irrigation efficiency), this Ordinance will be as effective as the Model Ordinance in developing landscape water budgets. By using the same landscape parameters as the Model Ordinance for, among other things, slope restrictions and width restrictions for turf, irrigation times, and minimum mulch requirements, this Ordinance will be at least as effective as the Model Ordinance in achieving water savings.

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

WHEREAS, the City Council finds and determines that this Ordinance is consistent with the provisions requiring reductions in outdoor water use for landscaping in the California Green Building Standards Code, as such provisions will be implemented in the coming years. Such requirements include the development of a water budget for landscape irrigation in accordance with methodology outlined in either the Model Ordinance or pursuant to a locally adopted ordinance.

WHEREAS, , the State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the state. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 (7th Extraordinary Session) requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Accordingly, the City Council finds that implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting SB 7 (7th Extraordinary Session).

WHEREAS, Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, policy, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, the City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) (“CEQA”) pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption through the establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes.

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the City of Daly City’s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City of Daly City. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALY CITY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 17.41 of the Municipal Code is hereby repealed.

Section 2. Chapter 17.41 of the Municipal Code is hereafter added to read as follows:

**CHAPTER 17.41
WATER CONSERVATION IN LANDSCAPING**

Sections:

17.41.010	Applicability
17.41.020	Definitions
17.41.030	Water Conservation in Landscaping Requirements
17.41.040	Compliance with Chapter
17.41.050	Landscape Project Application and Documentation Package
17.41.060	Soil Management Report
17.41.070	Water Budget Calculations
17.41.080	Landscape Design Plan
17.41.090	Irrigation Design Plan
17.41.100	Grading Design Plan
17.41.110	Certificate of Completion
17.41.120	Landscape Audit Report
17.41.130	Irrigation Scheduling
17.41.140	Landscape and Irrigation Maintenance
17.41.150	Stormwater Management and Rainwater Retention
17.41.160	Recycled Water
17.41.170	Greywater Systems
17.41.180	Environmental Review
17.41.190	Provisions of Existing Landscapes
17.41.200	Provisions for Existing Landscapes Over One Acre in Size

17.41.210 Penalties
17.41.220 Public Education

17.41.010. Applicability.

- A. The provisions of this Ordinance shall apply to all of the following landscape projects:
- i. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review,
 - ii. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 1,000 square feet requiring a building or landscape permit, plan check, or design review;
 - iii. Existing landscapes limited to Sections 493, 493.1 and 493.2 in Division 2, Title 23 of the California Code of Regulations; all other existing landscapes shall only be subject to the provisions for existing landscapes provided for in Section XIII "Provisions for Existing Landscapes Over One Acre in Size".
 - iv. Cemeteries. New and rehabilitated cemeteries shall only be subject to the provisions of Section VIII "Water Budget Calculations", Section XIII "Landscape Audit Report", and Section XV "Landscape and Irrigation Maintenance Schedule." Existing cemeteries are limited to Section XXII "Provisions for Existing Landscapes Over One Acre in Size".
- B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D.
- C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (b)(5).
- D. This ordinance does not apply to:
- i. New construction with irrigated landscape areas less than 500 square feet, rehabilitated landscapes with irrigated landscape areas less than 1,000 square feet, or landscapes that do not require a building or landscape permit, plan check or design review, or new or expanded water service;
 - ii. Landscapes, or portions of landscapes, that are only irrigated for an establishment period;
 - iii. Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation;

- iv. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or
- v. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public, agricultural uses, commercial nurseries and sod farms.

17.41.020. Definitions

- (a) “applied water” means the portion of water supplied by the irrigation system to the landscape.
- (b) “automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) “Certificate of Completion” means the document required under Section 492.9.
- (e) “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- (f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- (g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) “compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.
- (j) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.

(k) “distribution uniformity” means the measure of the uniformity of irrigation water over a defined area.

(l) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(m) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

(n) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.

(o) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

(p) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

(q) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

(r) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section VIII.

(s) “ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

(t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(u) “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(v) “flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

(w) “friable” means a soil condition that is easily crumbled or loosely compacted down to

a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

(x) “Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

(y) “graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. See Health and Safety Code Section 17922.12.

(z) “hardscapes” means any durable material (pervious and non-pervious).

(aa) “hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

(bb) “infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(cc) “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(dd) “irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “Watersense” labeled auditing program.

(ee) “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

(ff) “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(gg) “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(hh) “landscape architect” means a person who holds a license to practice landscape architecture in the state of California, See Business and Professions Code Section 5615.

(ii) “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(jj) “landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(kk) “Landscape Documentation Package” means the documents required under Section IV.

(ll) “landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this ordinance, meeting requirements under Section II.

(mm) “landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

(nn) “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(oo) “local agency” means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.

(pp) “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

(qq) “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(rr) “low water use plant” means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as "very low water use" and "low water use" by WUCOLS, having a regionally adjusted plant factor of 0.0 through 0.3, shall be considered low water use plants.

(ss) “main line” means the pressurized pipeline that delivers water from the water source

to the valve or outlet.

(tt) “master shut-off valve” is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(uu) “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section IX. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$

(vv) “median” is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(ww) “microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

(xx) “microspray” means a microirrigation emission device with one or more orifices to convert irrigation water pressure to water discharge with a flow rate not to exceed 30 gallons per hour at the largest area of coverage available for the nozzle series when operated at 30 psi. Microsprays are inclusive of microbubblers, microspinners, and microspray jets.

(yy) “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(zz) “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(aaa) “native plant” means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of Central and Northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project’s vicinity.

(bbb) “new construction” means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(ccc) “non-residential landscape” means landscapes in commercial, institutional,

industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas and multifamily homes where landscaping is managed by a homeowners association or other common interest development

(ddd) "no-water using plant" means a plant species with water needs that are compatible with local climate and soil conditions such that regular supplemental irrigation is not required to sustain the plant after it has become established.

(eee) "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

(fff) "overhead sprinkler irrigation systems" or "overhead spray irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

(ggg) "overspray" means the irrigation water which is delivered beyond the target area.

(hhh) "parkway" means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

(iii) "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

(jjj) "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

(kkk) "plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication "Water Use Classification of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(lll) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section IV, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(mmm) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(nnn) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(ooo) "recreational area" means areas, excluding private single family residential areas,

designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

(ppp) “recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled waste water or reused water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(qqq) “reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

(rrr) “Regional Water Efficient Landscape Ordinance” means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

(sss) “rehabilitated landscape” means any relandscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet.

(ttt) “residential landscape” means landscapes surrounding single family homes or multifamily homes where landscapes are managed by individual homeowners.

(uuu) “run off” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(vvv) “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(www) “soil texture” means the classification of soil based on its percentage of sand, silt, and clay.

(xxx) “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

(yyy) “sprinkler head” or “spray head” means a device which delivers water through a nozzle.

(zzz) “static water pressure” means the pipeline or municipal water supply pressure when

water is not flowing.

(aaaa) “station” means an area served by one valve or by a set of valves that operate simultaneously.

(bbbb) “swimming pool” means any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above ground, and on-ground pools; hot tubs; spa and fixed in place wading pools

(cccc) “swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(dddd) “submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

(eeee) “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ffff) “valve” means a device used to control the flow of water in the irrigation system.

(gggg) “water conserving plant species” means a plant species identified as having a very low or low plant factor.

(hhhh) “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(iiii) “watering window” means the time of day irrigation is allowed.

(jjjj) “WUCOLS” means the current version of the Water Use Classification of Landscape Species current edition published by the University of California Cooperative Extension and the Department of Water Resources, available at:

http://ucanr.edu/sites/WUCOLS/Download_WUCOLS_IV_List/

17.41.030. Water Conservation in Landscaping Requirements.

- A. All owners of new construction and rehabilitated landscapes of applicable sizes shall: (1) complete the Landscape Project Application and Documentation Package (Section VI) and (2) comply with the Landscape and Irrigation Maintenance Schedule (Section XV) requirements of this Ordinance.

- B. All owners of existing landscapes over one acre in size, even if installed before enactment of this Ordinance, shall: (1) comply with local agency programs that may be instituted relating to irrigation audits, surveys and water use analysis, and (2) shall maintain landscape irrigation facilities to prevent water waste and runoff.

17.41.040 Compliance with this Chapter.

- A. The local agency shall:
 - i. Provide the project applicant with the Ordinance and Landscape Project Application and Documentation Package requirements and the procedures for permits, plan checks, design reviews, or new or expanded water service;
 - ii. Review the Landscape Project Application submitted by the project applicant;
 - iii. Approve or deny the project applicant's Landscape Project Application submittal;
 - iv. Issue or approve a permit, plan check or design review that complies with the approved Landscape Project Application or approve a new or expanded water service application that complies with the approved Landscape Project Application;
 - v. Submit a copy of the complete Landscape Project Application to the local water purveyor or land use authority, as the case may be.
- B. The project applicant shall:
 - i. Prior to construction, submit all portions of the Landscape Project Application, except the Landscape Audit Report, to the local agency; and
 - ii. Upon approval of the Landscape Project Application by the local agency:
 - a. receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 - b. submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - c. submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

17.41.050. Landscape Project Application and Documentation Package.

- A. The elements of a landscape must be designed to achieve water efficiency and will comply with the criteria described in this Ordinance. In completing the Landscape Project Application, project applicants may choose one of two options

to demonstrate that the landscape meets the Ordinance's water efficiency goals. Regardless of which option is selected, the applicant must complete and comply with all other elements of the Ordinance. The options include:

- i. Planting restrictions:
 - a. The landscape areas may include no turf or high-water using plants; and
 - b. At least 80% of the plants in landscape areas shall be native plants, low-water using plants, or no-water using plants; or the
- ii. Water Budget Calculation option (Section VIII).

A. The Landscape Project Application shall include the following elements:

- i. Project Information;
 - a. Date
 - b. Project Applicant
 - c. Project address (if available, parcel and/or lot numbers)
 - d. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - e. Total landscape area (Square feet)
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - g. Checklist of all documents in Landscape Documentation Package
 - h. Project contacts to include contact information for the project applicant and property owner
 - i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
- ii. Water Budget Calculations, if applicant selects to use a water budget approach rather than comply with the turf area limitations or specified plant type restrictions (Section VIII);
- iii. Soil Management Report or Soil Management Survey (Section VII)
- iv. Landscape Design Plans (Section IX);
- v. Irrigation System Design Plans (Section X); and

- vi. Landscape Audit Report (Section XIII).
- vii. Grading Design Plan or Grading Design Survey (Section XI)

17.41.060. Soil Management Report.

- A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, or the applicant shall complete a Soil Management Survey (Appendix E). The soil management report shall be completed as follows:
 - i. Submit soil samples to a laboratory for analysis and recommendations.
 - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - b. The soil analysis shall include:
 - 1. soil texture;
 - 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - 3. pH;
 - 4. total soluble salts;
 - 5. sodium
 - 6. percent organic matter; and
 - 7. recommendations
 - c. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
 - ii. The project applicant, or his/her designee, shall comply with one of the following:
 - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or
 - b. If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

iii. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

iv. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

17.41.070 Water Budget Calculations.

Project applicant may elect to complete a water budget calculation for the landscape project using the Water Efficient Landscape Worksheet in Appendix B.

Water budget calculations, if prepared, shall adhere to the following requirements:

- A. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- B. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone..
- C. All Special Landscape Areas (SLA) shall be identified and their water use included in the water budget calculations.
- D. The reference evapotranspiration adjustment factor (ETAF) for SLA shall not exceed 1.0. The ETAF for all other landscaped areas shall not exceed 0.55 for residential areas and 0.45 for non-residential areas.
- E. ETo values from the Reference Evapotranspiration Table in Appendix A shall be used In calculating the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU). For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999. For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.
- F. MAWA shall be calculated using the equation below:
$$\text{MAWA} = (\text{ETo}) (0.62) [(0.55 \times \text{LA}) + (0.45 \times \text{SLA})]$$
 for residential areas
$$\text{MAWA} = (\text{ETo}) (0.62) [(0.45 \times \text{LA}) + (0.55 \times \text{SLA})]$$
 for non-residential areas
Where:
MAWA = Maximum Applied Water Allowance (gallons per year)
ETo = Reference Evapotranspiration (inches per year)
0.62 = Conversion Factor (to gallons)

- 0.55 = Reference Evapotranspiration Adjustment Factor (ETAF) for residential areas
- 0.45 = Reference Evapotranspiration Adjustment Factor (ETAF) for non-residential areas
- LA = Landscape Area including SLA (square feet)
- 0.45 = Additional Water Allowance for SLA in residential areas
- 0.55 = Additional Water Allowance for SLA in non-residential areas
- SLA = Special Landscape Area (square feet)

- G. A local agency or project applicant may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate the MAWA:
- i. $MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$ for residential areas.
 - ii. $MAWA = (ET_o - EPPT) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.
- H. Estimated Total Water Use (ETWU) will be calculated using the equation below. The sum of the ETWU calculated for all hydrozones will not exceed the MAWA.

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

- ETWU = Estimated Total Water Use per year (gallons)
- ET_o = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Section 491)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- 0.75 = Irrigation Efficiency (IE) for overhead spray devices
- 0.81 = Irrigation Efficiency (IE) for drip system devices
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor

17.41.080. Landscape Design Plan.

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
- i. Plant Material
 - a. Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. Protection and preservation of native species and natural vegetation
 2. selection of water-conserving plant, tree and turf species, especially local native plants;
 3. selection of plants based on local climate suitability, disease and pest resistance;
 4. selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
 5. selection of plants from local and regional landscape program plant lists.
 6. selection of plants from local Fuel Modification Plan Guidelines.
- b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section X (A)(ii)(4).
- c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:
1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth;
 3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- d. Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
- e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per [Public Resources Code Section 4291\(a\)](#) and [\(b\)](#). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.

g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

h. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

ii. Water Features

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers are required on any newly constructed pool or spa.

iii. Soil Preparation, Mulch and Amendments

a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section VII).

c. For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

d. A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch.

Designated insect habitat must be included in the landscape design plan as such.

e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

B. The landscape design plan, at a minimum, shall:

i. delineate and label each hydrozone by number, letter, or other method;

ii. identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

iii. identify recreational areas;

iv. identify areas permanently and solely dedicated to edible plants;

v. identify areas irrigated with recycled water;

vi. identify type of mulch and application depth;

vii. identify soil amendments, type, and quantity;

viii. identify type and surface area of water features;

ix. identify hardscapes (pervious and non-pervious);

x. identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section XVI.

xi. identify any applicable rain harvesting or catchment technologies as discussed in Section XVI and their 24-hour retention or infiltration capacity;

xii. identify any applicable graywater discharge piping, system components and area(s) of distribution;

xiii. contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan”; and

xiv. bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See [Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.](#)).

17.41.090. Irrigation Design Plan.

A. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

i. System

a. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq.ft. (the level at which [Water Code 535](#) applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

1. a customer service meter dedicated to landscape use provided by the local water purveyor; or
2. a privately owned meter or submeter.

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.
- h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section VIII regarding the Maximum Applied Water Allowance.
- m. All irrigation emission devices must meet the requirements set in

the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

n. It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

q. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

t. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

u. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section X (A)(1) Prevention of overspray and runoff must be confirmed during the irrigation audit.

v. Slopes greater than 25% shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

ii. Hydrozone

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. the plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the Landscape Design Plan and Irrigation Design Plan, hydrozone areas shall be designated by number, letter, or other designation. On the Irrigation Design Plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

B. The Irrigation Design Plan, at a minimum, shall contain:

i. location and size of separate water meters for landscape;

ii. location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

- iii. static water pressure at the point of connection to the public water supply;
- iv. flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- v. recycled water irrigation systems as specified in Section XVII;
- vi. the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan”; and
- vii. the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See [Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.](#))

17.41.100. Grading Design Plan.

- A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan or completed Grading Design Survey (Appendix E) shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.
 - i. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - a. height of graded slopes;
 - b. drainage patterns;
 - c. pad elevations;
 - d. finish grade; and
 - e. storm water retention improvements, if applicable
 - ii. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - a. grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - b. avoid disruption of natural drainage patterns and undisturbed soil; and avoid soil compaction in landscape areas.

17.41.110. Certificate of Completion.

- A. The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:
- i. Project information sheet that contains:
 - a. Date
 - b. Project name
 - c. Project applicant name, telephone, and mailing address;
 - d. Project address and location; and
 - e. Property owner name, telephone, and mailing address;
 - ii. certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;
 - a. where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;
 - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
 - iii. irrigation scheduling parameters used to set the controller (see Section XIV);
 - iv. landscape and irrigation maintenance schedule (see Section XV);
 - v. irrigation audit report (see Section XIII); and
 - vi. soil analysis report or soil management survey, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section VII).
- B. The project applicant shall:
- i. submit the signed Certificate of Completion to the local agency for review;
 - ii. ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.
- C. The local agency shall:

- i. receive the signed Certificate of Completion from the project applicant; approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

17.41.120. Landscape Audit Report.

- A. The Landscape Audit Report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system were installed as specified in the Landscape and Irrigation Design Plan, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule.
- B. The Landscape Audit Report shall include the following statement: “The landscape and irrigation system has been installed as specified in the Landscape and Irrigation Design Plan and complies with the criteria of the Ordinance and the permit”.
- C. Local agency shall administer on-going programs that may include, but not be limited to, post-installation landscape inspection, irrigation water use analysis, irrigation audits, irrigation surveys and water budget calculations to evaluate compliance with the MAWA.

17.41.130. Irrigation Scheduling

- A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - i. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - ii. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
 - iii. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
 - iv. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - a. The plant establishment period;
 - b. The established landscape; and

- c. Temporarily irrigated areas
- v. Each irrigation schedule shall consider for each station all of the following that apply:
 - a. irrigation interval (days between irrigation);
 - b. irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - c. number of cycle starts required for each irrigation event to avoid runoff;
 - d. amount of applied water scheduled to be applied on a monthly basis;
 - e. application rate setting;
 - f. root depth setting;
 - g. plant type setting;
 - h. soil type;
 - i. slope factor setting;
 - j. shade factor setting; and irrigation uniformity or efficiency setting.

17.41.140 Landscape and Irrigation Maintenance.

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost; replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- D. A Project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

17.41.150 Stormwater Management and Rainwater Retention.

- A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- B. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section IX (A)(iii).
- D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
- E. It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:
 - i. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - ii. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
 - iii. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
 - iv. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
 - v. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
 - vi. Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
 - vii. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

17.41.160 Recycled Water.

- A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

- B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- C. Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

17.41.170 Greywater Systems.

- A. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section II (B) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

17.41.180 Environmental Review.

The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

17.41.190 Provisions of Existing Landscapes.

A local agency may by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

17.41.200 Provisions for Existing Landscapes Over One Acre in Size.

This section shall apply to all existing landscapes that were installed before March 8, 2016 and are over one acre in size.

- A. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
 - i. For landscapes that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the MAWA for existing landscapes. The MAWA for existing landscapes shall be calculated as:
$$\text{MAWA} = (0.8) (\text{ETo})(\text{LA})(0.62).$$
 - ii. For landscapes that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
 - iii. All landscape irrigation audits for existing landscapes that are greater than one acre in size shall be conducted by a certified landscape irrigation auditor.

B. Water Waste Prevention.

- i. Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.
- ii. Restrictions regarding overspray and runoff may be modified if:
- iii. the landscape area is adjacent to permeable surfacing and no runoff occurs; or the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

17.41.210 Penalties.

A. Violation and Notice of Correction.

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Ordinance to fail to comply with the outdoor water use efficiency requirements of this Ordinance. The City of Daly City has the authority to conduct such inquiries, audits or surveys to ensure compliance with the requirements of this Ordinance. Whenever the City of Daly City determines that a violation of this Ordinance has occurred, the City of Daly City may serve a notice of correction on the owner(s) of the property on which the violation is situated. The owner(s) of record shall have ninety (90) days to take corrective action.

B. Administrative Enforcement.

In addition to any other remedy provided by the Daly City's Municipal Code, any provision of this Chapter may be enforced by an administrative order issued pursuant to the administrative processes set forth in Section 8.16.100 et. seq. of the Daly City Municipal Code. The Administrative Appeal Board shall serve as the administrative enforcement hearing board for the purposes of considering any appeals. All notices shall be served in accordance with Article II of Section 8.16 of the Daly City Municipal Code.

17.41.220 Public Education

A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

- i. The local agency shall provide information to all applicants regarding the design, installation, management, and maintenance of water-efficient landscapes and irrigation systems.

- B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water-efficient landscapes that are described in this Ordinance.

i. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes..

Section 3. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 4. Environmental Determination. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) (“CEQA”) pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption through the establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes.

Section 5. Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk’s Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk’s Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall be in full force and effect thirty (30) days after adoption by the City Council of the City of Daly City.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY REPEALING
AND REPLACING CHAPTER 17.41 OF THE DALY CITY MUNICIPAL CODE
RE: WATER CONSERVATION IN LANDSCAPING REGULATIONS

Introduced this _____ 25th day of _____ January _____, 2016.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of
the City Council of the City of Daly City held on the ____ day of _____, 2016
, by the following vote:

AYES, Councilmembers: _____

NOES, Councilmembers: _____

Absent, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY