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July 15, 2010

Lester A. Snow, Director
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

Subject: Water Efficient Landscape Ordinance Compliance Update

Dear Mr. Snow:

As previously stated on the attached letter dated January 26th, the City of Menlo Park is in compliance with the State Water Conservation in Landscaping Act. The City would like to update the Department of Water Resources on progress related to this legislation.

The Menlo Park City Council passed and adopted Ordinance No. 968, "Water Efficient Landscaping Regulations," on May 18, 2010. Ordinance No. 968 revised City Code 12.44.010-12.44.110 and became effective on July 1, 2010. The City Council adopted findings that the Ordinance is "at least as effective as" the State's Model Ordinance, and in fact, goes beyond the State's Model by applying requirements to landscapes greater than 2,500 square feet instead of 5,000 square feet.

Please contact Regina Wheeler at (650) 330-6740 if you have any questions.

Sincerely,

Lisa A. Ekers, P.E.
Engineering Services Manager

ORDINANCE NO. 968

AN ORDINANCE ESTABLISHING

WATER EFFICIENT LANDSCAPING REGULATIONS

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

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 Menlo Park; and

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 Assembly Bill (AB) 1881 (Chapter 559, Stats. 2006); and

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; and

WHEREAS, the City of Menlo Park has developed this Water Efficient Landscaping Ordinance to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics within the City in order to ensure that this Ordinance will be "at least as effective as" the Model Ordinance in conserving water; and

WHEREAS, although this Water Efficient Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council of the City of Menlo Park 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 because it lowers the size threshold for applicable landscapes, in the case of single-family residences, the threshold is lowered from 5,000 square feet to 2,500 square feet; (2) in addition to the water budget approach, this Ordinance includes an optional turf area limitation of 25% of the new or replacement irrigated area or up to five hundred (500) square feet per dwelling unit with at least 80% of the plants in non-turf landscape areas being native, low- or no-water use plants; and (3) this Ordinance requires that covers be installed on new pools and spas; and

WHEREAS, although this Water Efficient Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the City Council of the City of Menlo Park 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; and

WHEREAS, the San Francisco Public Utilities Commission has imposed an interim water supply limitation on its wholesale customers, including local water suppliers, until at least 2018; and

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") member agencies indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies; and

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 requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Accordingly, the City Council of the City of Menlo Park finds that implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting SB 7; and

WHEREAS, the City Council of the City of Menlo Park 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:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 Chapter 12.44 of the City of Menlo Park Ordinance Code is hereby amended to read as follows:

12.44.010 Definitions

A. "applied water" means the portion of water supplied by the irrigation system to the landscape.

B. "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers 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. "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.

E. "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.

F. "certified professional" or "authorized professional" means a certified irrigation designer, a certified landscape irrigation auditor, a licensed landscape architect, a licensed landscape contractor, a licensed professional engineer, or any other person authorized by the state to design a landscape or an irrigation system, or is authorized to complete a water budget.

G. "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year

H. "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.

I. "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

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

K. "established landscape" means the point at which plants in the landscape have developed significant root growth in the soil.

L. "establishment period" 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.

M. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section VIII "Water Budget Calculations."

N. "ET adjustment factor" (ETAF) means a factor of 0.7, 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. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes shall not exceed 0.8.

O. "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

P. "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.

Q. "hardscapes" means any durable material (pervious and non-pervious).

R. "hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

S. "impermeable" or "impervious" A hard surface that prevents or retards the entry of water into the soil, thus causing water to run-off the surface in greater quantities.

T. "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

U. "irrigation audit" means an in-depth evaluation of the performance of an irrigation system. 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.

V. "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 minimum average irrigation efficiency for purposes of this Ordinance is 70%. Greater irrigation efficiency can be expected from well-designed and maintained systems.

W. "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.

X. "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

Y. "landscape architect" means a person who holds a license to practice landscape architecture in California as further defined by the California Business and Professions Code, Section 5615.

Z. "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, other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms.

AA. "landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

BB. "landscape project" means the total area comprising the landscape area, as defined in this Ordinance.

"lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

CC. "local agency" means a city or county, including a charter city or charter county, or water district that is responsible for adopting and implementing this Ordinance. The local agency is also responsible for the enforcement of this Ordinance, including but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project; and in the case of a district, approval of a new or expanded water service application.

DD. "local water purveyor" means any entity, including a public agency, city, county, district or private water company that provides retail water service.

EE. "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.

FF. "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.

GG. "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section VIII "Water Budget Calculations."

HH. "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.

II. "mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and 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.

JJ. "native plant" means a plant indigenous to a specific area of consideration (or a plant accustomed to similar climate) that requires little or no supplemental irrigation once established.. 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.

KK. "new construction" means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.

LL. "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.

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

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

OO. "overspray" means the irrigation water which is delivered beyond the target area.

PP. "permeable" or "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

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

RR. "plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants.

SS. "precipitation rate" means the rate of application of water measured in inches per hour.

TT. "project applicant" means the individual or entity submitting a Project Landscape Application required under Section VI, to request a permit, plan check, or design review from the local agency or requesting new or expanded water service from the water district. A project applicant may be the property owner or his or her designee.

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

VV. "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

WW. "reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants.

XX. "regulated project" means a project subject to this ordinance as defined in 12.44.020, "Applicability."

YY. "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.

ZZ. "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

AAA. "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.

BBB. "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to one or more edible plants, or areas irrigated with recycled water, or water features using recycled water or areas open to the public which are dedicated to active play such as parks, sports fields, golf courses where turf provides a playing surface.

CCC. "sprinkler head" means a device which delivers water through a nozzle.

DDD. "station" means an area served by one valve or by a set of valves that operate simultaneously.

EEE. "subsurface irrigation" means the application of water via buried pipe and emitters

FFF. "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.

GGG. "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

HHH. "valve" means a device used to control the flow of water in the irrigation system.

III. "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).

JJJ. "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

12.44.020 Applicability

A. The provisions of this Ordinance shall apply to all new and rehabilitated landscapes with irrigated landscape areas exceeding 2,500 square feet that are associated with the following types of projects requiring City review and approval:

1. Subdivision Improvements

2. Grading and drainage improvements including all stormwater treatment and detention measures

3. New construction subject to a building permit, including:

   a. Single family residential projects

   b. Detached accessory buildings exceeding six (6) feet in height and fifty (50) square feet of projected roof area

   c. Retaining walls over two (2) feet in height as measured from the top of the footing to the top of the wall

   d. Platforms, walks and driveways exceeding twelve (12) inches above grade

4. All building additions or modifications that require grading and drainage plan approval, and

5. New water service.

New and rehabilitated landscapes with irrigated landscape areas exceeding 2,500 square feet that are associated with projects requiring those City reviews and approvals shall be deemed to be "regulated projects" for purposes of this ordinance.

B. The Outdoor Water Use Efficiency Checklist, water budget calculations, the Landscape and Irrigation Design Plan, and the Landscape Audit Report must be completed by a certified or authorized professional as defined herein.

C. All model homes shall be landscaped in compliance with the provisions of this ordinance and informational signage shall be installed to educate visitors about the water efficient landscaping measures installed.

D. Existing landscapes, including existing cemeteries, shall only be subject to the provisions for existing landscapes provided for in 12.44.030, "Compliance with Ordinance."

E. New and rehabilitated cemeteries shall only be subject to the provisions of 12.44.060, "Water Budget," 12.44.090, "Landscape Audit Report," and 12.44.100, "Landscape and Irrigation Maintenance Schedule," of this Ordinance.

F. The provisions of this Ordinance shall not apply to:

1. New and rehabilitated landscapes with irrigated landscape areas less than 2,500 square feet or that are not associated with one of the types of projects requiring City approval as described herein.

2. Landscapes or portions of landscapes that are only irrigated for an establishment period of two (2) years or less in duration;

3. Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by the City Council or a City commission responsible for architectural review or historic preservation;

4. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or

5. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public, agricultural uses, commercial nurseries and sod farms.

12.44.030 Compliance with Ordinance

A. All owners of regulated projects shall:

1. Complete and submit the Landscape Project Application, and

2. Comply with the Landscape and Irrigation Maintenance Schedule requirements of this Ordinance.

3. Maintain landscape irrigation facilities to prevent water waste and runoff.

B. All owners of existing landscapes over one acre in size, regardless of the date of installation, shall, in addition to the requirements in Part A above, comply with City programs that may be instituted relating to irrigation audits, surveys and water use analysis.

12.44.040 Landscape Project Application

A. Prior to construction, the applicant shall submit all portions of the Landscape Project Application, except the Landscape Audit Report, along with applicable fees, for review and approval.

The Landscape Project Application shall include all of the following elements:

1. Project Information

2. Water Budget Calculations, if applicant elects to use water budget approach rather than comply with turf area options

3. Outdoor Water Use Efficiency Checklist

4. Landscape and Irrigation System Design Plans

B. After construction and prior to final approval of the project, the applicant shall submit the completed Landscape Audit Report.

12.44.050 Turf Areas

Landscapes, including turf areas, must be designed to achieve water efficiency. Applicants who elect to include turf in their landscape designs must observe one of the following three turf area options:

A. Turf Area Percentage Option

The turf area shall not exceed 25% of the landscape area and at least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants.

B. Turf Area Square Footage Option – Residential Projects Only

The turf area shall not exceed five hundred (500) square feet per dwelling unit on the parcel and at least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants.

C. Water Budget Calculation Option

The project applicant may elect to complete and design a water budget calculation for the landscape project and design planting and irrigation systems in lieu of designing within e

ither the Turf Area Percentage or Turf Area Square Footage option.

12.44.060 Water Budget

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

1. The plant factor used shall be from WUCOLS. The plant factor ranges from 0.0 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.

2. All water features shall be included in the high water use hydrozone.

3. All Special Landscape Areas (SLA) shall be identified and their water use included in the water budget calculations.

4. The reference evapotranspiration adjustment factor (ETAF) for SLA shall not exceed 1.0. The ETAF for all other landscaped areas shall not exceed 0.7.

5. Irrigation system efficiency shall be greater than or equal to 70%.

6. The Maximum Applied Water Allowance (MAWA) shall be calculated using the equation below:

MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]

where:

MAWA = Maximum Applied Water Allowance (gallons per year)
ETo = Reference Evapotranspiration (inches per year)
0.62 = Conversion Factor (to gallons)
0.7 = Reference Evapotranspiration Adjustment Factor (ETAF)
LA = Landscape Area including SLA (square feet)
0.3 = Additional Water Allowance for SLA
SLA = Special Landscape Area (square feet)

7. The project applicant may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate the MAWA:

MAWA= (ETo - Eppt) (0.62) [(0.7 x LA) + (0.3 x SLA)]

8. 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.

$$ETWU = (ETo)(0.62)\left(\frac{PF\,x\,HA}{IE} + SLA\right)$$

where:

ETWU = Estimated Total Water Use per year (gallons)
ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)
HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
SLA = Special Landscape Area (square feet)
0.62 = Conversion Factor
IE = Irrigation Efficiency (minimum 0.70)

9. Regardless of which option is selected, the applicant must complete and comply with all other elements of the Ordinance.

12.44.070 Landscape Design Elements

Projects shall be designed in accordance with the requirements described below.

A. Plant Materials

1. Each hydrozone shall have plant materials with similar water use that are selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

2. Turf area shall not exceed 25% of the irrigated landscape area or 500 square feet per dwelling unit unless the project applicant develops a site-specific water budget and the ETWU of the landscape area does not exceed the MAWA.

3. Turf shall not be planted on slopes greater than 25% or in areas that are less than eight feet wide, unless irrigated with subsurface irrigation or a low volume irrigation system.

4. At least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants, unless the project applicant develops a site-specific water budget and the ETWU of the landscaped area does not exceed the MAWA.

5. The use of fire resistant plant materials is highly encouraged. Fire-prone plant materials and highly flammable mulches should be avoided.

6. The use of invasive and/or noxious plant species is prohibited.

7. The architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

B. Mulch

A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas. Three-inch layers are recommended.

C. Irrigation System

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.

1. Dedicated irrigation meters shall be required for landscape areas greater than 5,000 square feet excepting residential projects. Dedicated irrigation meters are highly recommended for landscape areas greater than 2,500 square feet.

2. Project landscapes shall employ automatic irrigation controllers that utilize evapotranspiration, soil moisture sensor data or other appropriate technology to limit water waste in irrigation. Automatic irrigation controllers shall not rely solely upon time-based scheduling.

3. 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.

4. Irrigation systems shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions.

5. Overhead irrigation shall not be permitted within 24 inches of any impervious surface. Allowable irrigation within the setback from impervious 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 at least one of the following criteria is met:

   a. The landscape area is adjacent to pervious surfacing and no runoff occurs.

   b. The adjacent impervious surfaces are designed and constructed to drain entirely to landscaping.

   c. 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 this Section 12.44.070.C.4. Prevention of overspray and runoff must be confirmed during the irrigation audit.

6. Low volume irrigation shall be required:

   a. In all mulched areas

   b. In all areas with average slope greater than 25%

   c. In narrow or irregularly shaped areas that are less than eight feet in width in any direction.

7. Average irrigation efficiency is assumed to be 70%. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 70%.

8. Irrigation shall be limited to the hours between 8:00 p.m. and 10:00 a.m.

9. 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.

d. Individual hydrozones that mix plants with different water uses may be allowed if a water budget is performed, and the plant factor calculation is based on the proportion of the respective plant water uses or the plant factor of the higher water using plant is used.

D. Water Features

1. Recirculating water systems will be used for water features.

2. The surface area of a water feature will be counted as a high-water using plant for purposes of a water budget calculation.

E. Pool and Spa Covers

Covers shall be required on any newly constructed pool or spa.

F. Soil Amendments

Soil amendments, such as compost, shall be incorporated according to the soil conditions at the project site and based on what is appropriate for the selected plants.

12.44.080 Landscape and Irrigation Design Plans

The landscape and irrigation designs shall be prepared and signed by a certified or authorized professional as defined herein.

A. The landscape design portion of the Landscape and Irrigation Design Plan, at a minimum, shall identify:

1. Each hydrozone area;

2. Each hydrozone water requirement, i.e. low, moderate, high water, or mixed water use;

3. Special Landscape Areas (i.e., recreational areas; areas permanently and solely dedicated to edible plants; areas irrigated with recycled water);

4. Type of mulch and application depth;

5. Type and surface area of water features;

6. Hardscapes (pervious and non-pervious).

B. Landscape Design Plans shall contain the following statement:

"I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them for the efficient use of water in the Landscape and Irrigation Design Plan."

C. The irrigation design portion of the Landscape and Irrigation Design Plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;

2. 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;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. Irrigation schedule;

D. Irrigation Design Plans shall contain the following statement:

"I have complied with the criteria of the City of Menlo Park Water Efficient Landscaping Ordinance and applied them accordingly for the efficient use of water in the Landscape and Irrigation Design Plan."

E. Grading, Drainage and Stormwater Pollution Prevention

Grading, drainage and stormwater pollution prevention associated with landscaping work shall comply with City ordinances, standards and guidelines.

12.44.090 Landscape Audits and Reports

A. Landscape Audits shall include:

1. Inspection to confirm that the landscaping and irrigation system were installed as specified in the Landscape and Irrigation Design Plan

2. System test and tune-up to ensure correct distribution

3. Correcting any overspray or run off that causes overland flow

4. Preparation of an irrigation schedule, and

5. Preparation of a Landscape Audit Report.

B. Landscape Audit Reports shall include a description of the irrigation system; confirmation that the landscaping and irrigation system were installed in accordance with the approved plans or a description of any changes made to the plans during construction; a copy of the irrigation schedule, and the following statement:

> "The landscape and irrigation system has been installed as specified in the Landscape and Irrigation Design Plan and in compliance with the Water Efficient Landscaping Ordinance of the City of Menlo Park and the project permits."

12.44.100 Landscape and Irrigation Maintenance Schedule

Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be developed and the project owner shall be required to use reasonable efforts to perform routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices.

Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

12.44.110 Effective Date

This Ordinance shall become effective on July 1, 2010.

INTRODUCED on the twenty-seventh day of April, 2010.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the eighteenth day of May, 2010, by the following vote:

AYES: Boyle, Cohen, Fergusson, Robinson, Cline

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:

Richard Cline
Mayor

ATTEST:

Margaret S. Roberts, MMC
City Clerk

RICHARD CLINE
MAYOR

JOHN BOYLE
VICE MAYOR

ANDREW COHEN
COUNCIL MEMBER

HEYWARD ROBINSON
COUNCIL MEMBER

KELLY FERGUSSON
COUNCIL MEMBER

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FAX 650.327.5403

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FAX 650.328.7935

City Council
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FAX 650.328.7935

City Manager's Office
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FAX 650.328.7935

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FAX 650.324.1721

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FAX 650.327.1953

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FAX 650.327.5382

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FAX 650.327.1653

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FAX 650.327.4314

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FAX 650.327.5497

CITY OF MENLO PARK

701 LAUREL STREET, MENLO PARK, CA 94025-3483
www.menlopark.org

January 26, 2010

Lester A. Snow, Director
California Department of Water Resources
P.O. Box 942836, Room 1115-1
Sacramento, CA 94236-0001

Subject: Compliance Notice Regarding Water Efficient Landscape Ordinance

Dear Mr. Snow:

The City of Menlo Park is currently in compliance with the State Water Conservation in Landscaping Act by being subject to the Model Water Efficient Landscape Ordinance.

In addition, the City is currently in the process of formulating an ordinance that would better suit the City's needs while being as effective as the Model Ordinance. We will provide your office with a copy of the City's final ordinance once it has been adopted by the City Council.

Please contact Virginia Parks, Assistant Engineer, or me at (650) 330-6740 if you have any questions.

Sincerely,

Lisa A. Ekers, P.E.
Engineering Services Manager