PROPOSAL PAPER

Independent Technical Panel on Demand Management Measures
Final Report on California Landscape Water Use
11-02-15 Draft

Section: 5

Section Title: Required Improvements in Existing Landscapes

Recommendation #1: Single-Family Residential Properties

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Background: Now that the transition from traditional and unsustainable landscape water use is underway, new landscapes will be installed to higher standards of water efficiency and the landscapes surrounding existing homes and businesses will evolve as well. Plant selection, rainwater retention, and measurement of applied water will be pillars in this transition. Outreach, education, and incentives for the voluntary conversion of existing landscapes will go far, and are discussed elsewhere in this report. But many water supply options needed to maintain reliable water service for a growing population are costly and involve lengthy planning and construction. The transition to more water efficient landscapes can reduce some of these future costs, and will pay even greater dividends to the extent that water savings are timely and predictable. While codes and standards applicable to the roughly 40,000 homes being added to California each year are important, outdoor water use is largely driven by the state's nearly 9,000,000 existing single-family homes. To make steady and predictable progress, reasonable regulations applying to existing residential landscapes need to be adopted.

Recommendation Purpose Statement: The purpose of this recommendation is not the elimination of irrigation from existing landscapes, nor the elimination of all turf from established neighborhoods. Rather, the goal is to enable existing landscapes covered by the regulation to use water more efficiently by including elements that will allow residents to maintain their properties with substantially less potable water outdoors. The gradual extension of these regulations should reduce potable water use on approximately 3 million of today's existing residential landscapes by 750,000 acre-feet per year by 2035.

The timing and scope of regulations for existing landscapes has to account for many factors in addition to water, including –

- The cost of landscape improvements and the need to maintain housing affordability;
- The uses of outdoor space that owners of existing homes are accustomed to enjoying;
- The time and attention (as well as the cost) needed to install landscape improvements;
- The practicality of enforcing any standards applicable to existing landscapes.

For these reasons, we recommend a basic set of required landscape improvements that will be gradually phased in over the next ten years, applying to homes upon transfer of ownership and change of water service account. Existing owners would be undisturbed by this regulation as long as they remain in their home, while new owners would come to expect a more efficient landscape as a standard feature. It is common for home sellers to make "fix-up" improvements in advance of offering their property for sale, and landscape improvements can be planned and accounted for as part of the transaction cost, if landscape conversion has not taken place previously.

Recommended Requirements for Existing Residential Landscapes of 2,500 sf or More

Any new requirements for existing landscapes must be understandable, affordable, and flexible. To accommodate these needs, two alternative compliance paths should be offered –

Performance Path – An MWELO-compliant landscape irrigation audit is completed and documents the performance of the landscaped area within its maximum applied water allowance based on an ET adjustment factor of 0.75.

-OR-

Prescriptive Path –

a) Turf may not exceed 25% of the landscape area.

b) Any turf in parkways must be irrigated by subsurface means.

c) A utility meter or private submeter is installed for separately measuring all potable water delivered to the landscape.

d) An irrigation controller meeting WaterSense specifications is installed and correctly programmed.

e) Capacity for rainwater capture and infiltration is sufficient to prevent runoff from roof surfaces from either the one inch, 24-hour rain event or the 85th percentile, 24-hour rain event.

Limit Coverage of the Requirement to the Top Half of the Housing Market

While there are many choices to be made in the design of a new regulation, the key attributes of the program recommended here include the following:

1. Allow sales of existing homes to drive a gradual pace of change. Currently, sales of existing homes are running at about 400,000 per year, or a bit over 4% of the existing stock of single-family homes.

2. Focus on homes that sell above the median sales price, currently close to $500,000 state-wide. Applying the regulation to the top half of the existing home market has several advantages –

- Fewer homes will be subject to the regulation;
- More expensive homes tend to have larger landscapes, and improvements there will save more water;
- Landscape improvement costs will comprise a smaller fraction of the purchase price of a more expensive home;
- A regulation applying to the top half of the market will avoid reducing housing opportunity and affordability for low- and moderate income purchasers and first-time home buyers.

3. Start coverage with a small number of the most expensive homes at the top of the market, and gradually expand coverage of the regulation down to median-priced homes within five years.

4. Ensure that regulations do not interfere with settlement by requiring implementation and inspection up to 6 months after closing (allowing extension for cause, i.e., weather, lack of supplies or labor).

Proposal (Legislative):

Revise the Water Conservation in Landscaping Act (*Government Code*, Article 10.8, sections 65591 – 65599), to amend section 493 of the Model Water Efficient Landscape Ordinance to incorporate requirements for existing residential landscapes as described herein, to take effect in two years.