

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of John Nicol [john@nicolassociates.com]
Sent: Tuesday, March 25, 2008 2:25 PM
To: Judy Colvin
Subject: [MWEO] Model Water Efficient Ordinance - Stakeholder Comments
Attachments: JNA-ABA1881 Water Doc Comments.doc

Hi Judy,

As principal and owner of a landscape architectural consulting practice in Walnut Creek, California, I would like to thank you for the opportunity to submit comments in connection with AB 1881-initiated proposed revisions to the Model Water Efficient Landscape Ordinance of the State of California. Our comments on the Draft are attached, and hard copy will follow in the mail. You will receive them prior to 5pm Thursday – completion of the Public Comment Period.

It is important to recall that the intent of AB 1881 was to call for the DWR to “reorganize the layout of the model ordinance to improve flow and readability”, following review of local ordinances, and after gathering and considering stakeholder input. Instead, the Draft Proposed Revisions include an array of radical changes to the use of State waters for urban landscapes and, most distressingly, to the long-term planning and maintenance of urban parks and recreation areas. Sadly, it appears that the financial impacts of the revised ordinance on cities, developers, and homeowners have failed to be considered in these proposals.

Please feel free to contact me should you have any questions.

Thank you,

John Nicol

March 25, 2008

Judy Colvin
Department of Water Resources
Office of Water Use Efficiency and Transfers
P.O. Box 942836
Sacramento, CA 94236-0001
Email: mweo@water.ca.gov

Re: Comments on Proposed Changes to Model Water Efficient Landscape Ordinance

Dear Ms. Colvin:

Thank you for the opportunity to comment on proposed changes to Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance. By way of introduction, I am principal in the firm of John Nicol & Associates, a privately owned landscape architectural firm in its 30th year of designing public and private landscapes throughout Northern California. We have completed well over a thousand irrigated landscapes in the State, including parks, sports fields, schools, churches, streetscapes, parking lots, pump stations, reservoirs, trail systems, streets, environmental restorations, playgrounds, model home complexes and developer-installed front yards. The comments contained here include my own opinions as well as those received from our firm's consultant irrigation designers.

490.3.1(a) (b) (c)

Delete proposal to include homeowner/homeowner-hired landscapes for single family homes of any and all size, not just for those under 2500 square feet in area. This proposal is unrealistic and not enforceable, and will serve to compromise the many positive water conservation benefits of the Ordinance.

490.3 (d)

Water audits should not be required for said existing landscapes. This, too, is unrealistic and unenforceable.

492.6.3(f)

Exempt parks and recreation projects. Application of the Ordinance to 'essential' recreational landscapes will certainly restrict the use of turf. As a result, designs will need to include extensive groundcover or bare areas which have proven to be un-safe, un-maintainable, and unusable for sports and other activities. Experience shows that public officials, working with landscape architects and other design professionals, have successfully applied efficient irrigation layouts and technology in the design of new parks throughout the State.

492.7

Delete Soil Management Plan changes in their entirety. Existing language under 'Soils' adequately addresses water conservation pertaining to soils.

492.8.1(a)(3)

Delete words “Avoid fire-prone plant materials and mulches”. This language does not promote water conservation and it conflicts with Paragraph (d) Mulch.

498.8.1(b) Turf

Delete Paragraph 4 requiring drip/subsurface irrigation systems within 24” of non-permeable hardscape. This requirement is unreasonable, and presents serious long-term public safety issues in parks and other useable landscapes. Essential landscapes, in particular, must assure long-term, sustainable pedestrian access from walkways and other hard surfaces, both within and surrounding projects. Drip and/or subsurface irrigation systems evidence serious real-world limitations in terms of design, installation and maintenance, evidenced by the experience of the vast majority of industry professionals. Interfaces between drip/subsurface irrigation and above-grade spray systems create turf/landscape interface issues, die-back, differential settlement, along with high installation and replacement costs. Indeed, this proposal is made unnecessary by rapid advances underway in design and application of spray irrigation technology.

492.8.2 Specifications

(a)(5) Site. Delete ‘Benchmark’ requirement as it is unnecessary and time-consuming.

492.8.2 Specifications

(b) Hydrozone Plan. Delete entirety of paragraph, as it is unnecessary, time-consuming, and will needlessly duplicate requirements of 492.9 Irrigation Design Plan, below.

492.9.10 Grading Design Plan

Delete this section in its entirety. Grading plans in California are prepared primarily by civil engineers, not landscape architects and other landscape professionals. They are used by landscape architects and other design professionals as base information to inform planting and irrigation design decisions. It is unreasonable to require grading plans with landscape submittals, just as it is unreasonable to include restrictions concerning the scope and substance of grading plans within the Landscape Ordinance, such as to ‘avoid disturbing natural drainage patterns’.

492.12 Irrigation Scheduling

Retain existing Ordinance language without modification. Irrigation schedules prepared in compliance with existing Ordinance language are sufficiently detailed, and their questionable role in the long-term maintenance of landscapes is not reduced by exhaustive new requirements.

Appendix A

Contra Costa County contains the City of Benicia; include in Solano County, instead.

Thank you for the opportunity to submit these comments to the Department. I look forward to following Model Ordinance proposed modifications in the coming months.

Sincerely yours,

John Nicol