

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of Mary Radley [MRadley@ci.chula-vista.ca.us]
Sent: Thursday, March 27, 2008 9:49 AM
To: mweo@water.ca.gov
Cc: Richard Hopkins; wgranger@otaywater.gov; Sharon Marshall; Dave Byers
Subject: [MWEO] Model Water Efficient Landscape Ordinance
Attachments: comment letter 032708.pdf

Dear Ms Colvin,

The City of Chula Vista and the Otay Water District are jointly submitting a letter of comment on this draft legislation today. (Please see the attached .PDF file).

You will receive a hard copy of this letter in the mail in a few days time.

<<comment letter 032708.pdf>>

Thank you for the opportunity to comment on this draft legislation.

Mary Radley
Landscape Architecture Division
General Services Department
City of Chula Vista
Phone:(619) 397 6007
fax: (619) 397-6250



GENERAL SERVICES DEPARTMENT

March 27, 2008

Judy Colvin
Department of Water Resources
Office of Water Use Efficiency and Transfers
P.O. Box 942836
Sacramento, CA 94236-0001

Re: California Code of Regulations Title 23, Waters Division 2. Department of Water Resources Chapter 2.7 – Model Water Efficient Landscape Ordinance

Dear Ms. Colvin:

The City of Chula Vista and the Otay Water District have jointly prepared a list of comments on the draft legislation. The comments are found in the attached matrix.

The approach we used to prepare the matrix was to comment on text in the proposed legislation by section numbers. For each section that was addressed, we provided a comment and, where possible, a recommendation of how to simplify the requirements to make the legislation easier to implement.

The goal of conserving water in landscape usage is an objective all landscape and water industry professionals support. However, the requirements of this legislation, as currently drafted, place a considerable burden on the agencies required to implement it. Landscape architects preparing plan submittals will also be required to produce a great deal of back-up material to demonstrate that their plans meet the intent of the legislation.

Additional staff hours would be required to implement the additional plan checking and water auditing requirements imposed by the legislation. In order to recover costs for increased staff time and miscellaneous costs, additional fees or an increase in existing fees would become necessary. However, increases in fees by the City or Water District may not be realistic at this time.

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www.chulavistaca.gov

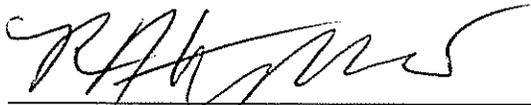
Post-Consumer Recycled Paper

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Recycled water is already widely available in Chula Vista, and new public landscapes are being installed to maximize use of Otay Water District's available recycled water. Thus, the underlying intent of this legislation, to conserve and reuse water, is already being met to a large extent. The addition of burdensome permit and audit requirements will do nothing to enhance this program.

The San Diego Conservation Action Committee aims to develop a viable regional ordinance that all local agencies in the San Diego area will use. They have also prepared a consensus letter of comment on the current draft legislation. We concur with the statements in that letter that indicates the proposed legislation is overly broad in scope and that the legislation creates an unfunded state mandate for local agencies.

Sincerely,



Richard Hopkins
City Engineer
City of Chula Vista



Mark Watton
General Manager
Otay Water District

cc: Mary Radley, Landscape Architect, City of Chula Vista
Contact - (619) 397-6007 or mradlev@ci.chula-vista.ca.us

William Granger, Water Conservation Manager, Otay Water District
Contact - (619) 670-2290 or wgranger@otaywater.gov

Attachments: Joint Comment Matrix
 Statement of Substantial Conformance

**CALIFORNIA CODE OF REGULATIONS TITLE 23, WATERS DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 2.7 MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.**

MATRIX OF COMMENTS

Section	Comment	Alternative Solution.
490.1	Scope – 1(a) “At Least as effective” language is vague and needs to be defined.	
490.2	Intent. The burden of the implementation and enforcement of the ordinance is on Cities and the County (local agencies). It is a considerable burden that will impose significant costs to those agencies considerable increase in staff time to implementation.	Reduce the requirements of the ordinance to a limited number of crucial submittals, approvals and inspections on the basis that a few simple steps are more likely to be implemented than a complex series of rules and enforcement thereby making the ordinance more effective.
490.3	Thresholds. These are quite low. Any landscape area over 2,500 sq. ft. is subject these regulations. (That’s 50’ x 50’.) The extensive requirements of the legislation are too onerous for homeowners or small businesses. Many of the local water agencies already provide auditing service to customers at no charge. For example, the Otay Water District (Otay) provides residential water audits, primarily targeting the high water user single-family customers. Most single-family customers do not need a fully detailed audit as detailed in the Irrigation Association’s CLLA manual.	Use a higher threshold such as 5,000 sq. ft. which is the minimum landscape area whereupon dedicated irrigation meters are required for non- residential landscapes. Individual homeowners and small businesses should not be required to carry out the extensive actions required by the model ordinance. These are too onerous for small-scale operations. Perhaps introduce separate and more appropriate legislation or guidelines for homeowners.
490.3	Thresholds. Not clear how to apply this to private yards because private yards are not required to have plan checks.	Since Chula Vista does not require permits or plan approval for individual homeowner’s yards, we have interpreted this section to mean that those landscapes are exempt. If this interpretation is correct, the inclusion of a specific exemption is appropriate.
491	Definitions. The change in ET adjustment factor from 0.8 to 0.7 is noted.	
491	Definitions. At present, there is no definition for the ‘Landscape Design Plan’ that is referenced later on in the	Simplify all requirements so that they can be included in the existing standard landscape package without the need for a new ‘landscape

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491	document. Add a definition. Definitions. Weather-based or “smart controllers.”	design plan.’ Use the definition for weather-based or “smart” controllers developed by the Irrigation Association and remove the reference to a “self adjusting” controller. “Smart” controllers automatically adjust the watering schedule based on local weather/site conditions – under ‘Smart Water Application Technologies’ on the Irrigation Association website, www.irrigation.org.
492.1	Compliance with landscape documentation package. This section includes new responsibilities for the City, which translate into additional staff time to be paid for.	
492.2	Compliance with the certificate of completion.	As with the landscape documentation package, it is important for the certificate of completion to be as simple as possible to encourage it’s proper use. Chula Vista already has a simple certificate that it uses. (See attached example.)
492.4	Penalties. New City responsibility imposing penalties, including monetary penalties. The City does not have the ability to terminate water supply since it does not own the water meters.	Responsibility for shutting off water supply for violations should be placed with the local water purveyor since they provide the water supply and the water meters. In the case of Chula Vista, this is either the Otay Water District or the Sweetwater Authority.
492.5	Documentation package. The volume of material that must be submitted would require a separate report rather than just calculations on the sheets as is currently done. Typical private projects, such as those reviewed by Planning, will need this full package. Mapping and calculations per hydrozone are new.	Streamline water budgeting and scheduling submittal requirements so that the information can be included as one sheet of the irrigation plan submittal. This ensures the information is approved as part of the plan check process. In the case of Chula Vista, this works well because the plans are also approved by the local water purveyor so they can check that the water budget matches what the Water District actually has available.
492.6	Water efficient worksheet. Effective precipitation of only	Produce scientific evidence to support that only 25% of rainfall

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492.7	<p>25% of rainfall. This appears to be a conservative figure. Plant factors are lower than previously acceptable to the City. (It is noted that recreational turf is allocated a higher plant factor than is appropriate.)</p> <p>Soil Management plan. This is a new component.</p>	<p>becomes available for plants to take up. Hopefully evidence can show a higher level of effectiveness and this can be included in the legislation.</p> <p>The landscape architecture license of the plan preparer means the individual has achieved a level of competency whereby checking soil types prior to preparing planting and irrigation plans is standard. Soil amelioration is a standard component of planting plans and specifications. A separate soil report component of the legislation may not be necessary.</p>
492.8	<p>Landscape Design plan. This appears to be an enhancement of a standard planting plan. It needs a definition. For example hydrozones will be required to be mapped out on plans. Also, stormwater BMPs need to be shown with this submittal.</p>	<p>Retain standard plans: Construction, Planting and Irrigation</p> <p>Planting plans group plants with similar hydrozones together. An experienced reviewer will comment if plants of different hydrozones are jumbled together. A licensed landscape architect is trained to design planting and irrigation schemes with hydrozones in mind.</p> <p>Storm water BMPs including low impact development principles will be shown on the civil engineer's grading plan and then reflected on the landscape construction and planting plans. Again the standard plans should be sufficient without producing a new Landscape Design Plan.</p>
492.8	<p>Subsurface or low volume irrigation in long narrow turf areas conflicts with what Public Works has previously required for these areas. Drip and subsurface irrigation are encouraged in the legislation. Both types of irrigation are fairly high maintenance and represent additional costs to the City. There</p>	<p>The 'declaration of responsible charge' signature box on the title sheets could be slightly modified to include 'efficient water use' language.</p> <p>At Chula Vista this is only required on the title sheet of a set of improvement plans.</p>

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	is a requirement for a signed 'efficient use of water' statement on each sheet of the plans that could easily be placed on the title sheet only.	
492.9	Hydrozones on the irrigation plan. The licensed landscape architect is the only professional who determines the hydrozones on the planting plan. If there is a separate irrigation consultant, the consultant obtains hydrozone information from the landscape architect.	
492.9	The specifications have a similar 'efficient use of water' statement to be signed.	A 'declaration of responsible charge' signature box on the title sheets could be slightly modified to include 'efficient water use' language. At Chula Vista this is only required on the title sheet of a set of improvement plans.
492.9	1 (b) 6. Check valves are not needed for all sprinkler heads.	Change language to require check valves on sloped hydrozones that are subject to low head drainage.
492.10	Grading plans. Have a similar 'efficient use of water' statement to be signed. This affects civil engineers.	Grading plans are signed by civil engineers, not landscape architects. It is not appropriate for there to be a signature box of this type of a civil engineer's sheet. Delete this requirement from the ordinance. It is appropriate for the grading plans to be submitted, for information, when the landscape drawing package is submitted.
492.11	Certificate of completion. Too much detail. Burdensome for the inspectors and the applicants. Now includes irrigation audits and audit reports. City has the right to charge applicants for water audits. Also requires ongoing audits of 20% of sites over 2,500s f.	An alternative method of checking water use could be a system such as the system the City currently employs for public landscape areas whereby a water budget is included at the design stage and the water purveyor notifies the City if the budget is exceeded. The City already uses locally weather based control systems.
492.15	Irrigation efficiency of .71 is hard to achieve in shrub areas.	Retain the current 0.625 for shrub areas which field inspector's believe

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492.16	Use of recycled water. Chula Vista already uses this extensively since it is available from Otay.	to be a more realistic number. Recommend that sites using recycled water be exempt from this ordinance. Recycled water is already strictly regulated by the Regional Water Quality Control Board and the Department of Public Health
492.16	Recycled water. Salinity effects MAWA. The threshold for adding a leaching fraction may need to be corrected. 2000mg/liter total dissolved solids is a much higher concentration than California water sources usually offer.	
492.17.2	Final word in sentence should read 'requirements' not 'Plan'	
492.18	Model homes all need to be water efficient. Additional staff time costs for the Planning Department personnel who are responsible for plan checking model homes submittals.	
493.1	The level of water auditing is too great and is redundant. Many water agencies already offer both residential and large landscape audits. It does not make sense to duplicate the process.	At present, if the City of Chula Vista uses water exceeding its water budget, the local water purveyor (Otay) notifies the landscape managers at the City. Otay sends out monthly notices to all of its dedicated irrigation accounts and offers a variety of programs including a free large landscape audit.
493.2	City imposes penalties for wasted water- over spray etc.	Instead of penalizing minor infractions such as low head drainage concentrate on the satisfaction of the budget for the overall project.



GENERAL SERVICES DEPARTMENT

1800 Maxwell Road Chula Vista CA 91911
Larry Smith 619-954-3333
Isidoro Hernandez 619 954-9092
Richard Ward 619 247-3606
619-397-6250 FAX

**STATEMENT OF
SUBSTANTIAL
CONFORMANCE**

FORM 5522

Return completed form to: **General Services Department**
1800 Maxwell Road, Chula Vista, CA 91911

- Permit (Land Development) No.: _____
- Location _____
- Developer's Landscape Architect: _____
- Contact Phone Number: _____

The following statements are furnished as evidence of having completed the land development authorized under the conditions of the subject permit.

LANDSCAPE ARCHITECT STATEMENT

(To be completed in all instances)

We hereby state all landscape improvements have been completed in substantial accordance with the plans / specifications for the project, subject Land Development Permit, and the applicable sections of the City Code applying to the above statement.

Signature R.L.A./Firm Name Date

I hereby request release of all bonds and deposits posted as guarantee of performance of subject work.

Applicant's Name Applicant/Agent's Signature Date

Accepted General Service Department Date