

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of Davis, Chuck [cdavis@surfcity-hb.org]
Sent: Thursday, March 27, 2008 4:09 PM
To: mweo@water.ca.gov
Cc: Broeren, Mary Beth; Johnson,Howard; Broussard,Todd; Hopkins,Travis; Elliott,Terri; Bogart,Steve
Subject: [MWE0] Comments to Title 23. Waters Division 2. DWR,Chapter 2.7 Model Water Efficient Landscape Ordinance

Department of Water Resources
Office of Water Use Efficiency and Transfers
901 P Street, Room 313A
Sacramento, CA 95814

Attention: Judy Colvin

Re: Chapter 2.7 Model Water Efficient Landscape Ordinance

Dear Ms Colvin,

The City of Huntington Beach has reviewed the revised Model Water Efficient Landscape Ordinance and offers the comments below. We appreciate the opportunity to provide our input.

First, it appears that DWR has made a number of assumptions with which we disagree:

1. The State believes that there will be no additional man hours to the Local Agencies,
2. That there will be no costs to jobs or businesses, and
3. That there will be no costs to property owners.

We feel it is simply **NOT POSSIBLE** to implement many of the new requirements without additional costs to someone. The ordinance does not provide any type of funding source for the City's or Agencies. Where would the funding come from? There will be significant additional man hours required to plan check, review and monitor, verify, and enforce the new ordinance.

Local agencies will have to modify their existing Water Ordinances and require more technical information be included in the submittals of plans and calculations to meet the requirements of plan checks for the Ordinance. Major issues arise with regards to what will be required to monitor, verify, and enforce the new Ordinance.

To monitor the water use and verify the validity of the maintenance quality and equipment used to meet the Ordinance will take time and manpower. None of which any municipality has, in light of cut-backs endured in recent times. The issue of monitoring and verifying water consumption is also related to the maintenance of the plant material. If plant material is changed and/or ill maintained, the irrigation system will have to be adjusted to meet the requirements of the plants. It will require additional man hours to determine what changed from the original submittal and plan approvals. Then, the irrigation system will be able to be analyzed properly and/or audited to make sure it is suitable for the plant materials used and still meets the intent of the original water calcs.

The ordinance requires Local Agencies to perform irrigation audits to existing sites that were installed prior to the January 1, 2010 ordinance effective date as well as all new projects over 2,500 square feet in size. We do not do this now under our present Water Efficient Landscape Requirements and have no personnel that are qualified to do so. The City would have to hire another person or persons to accomplish the annual audits required, or even to monitor outside consultants who would do this audit.

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This audit operation would be similar to the Environmental Engineering entity that most Cities had to establish to meet the Clean Water Act requirements. That entailed creating an entity, hiring personnel, and establishing fees for on-site inspections/reviews and penalty charges for violators. In the City of Huntington Beach additional staff would need to be added to the Utilities Division to monitor all sites over 2,500 sq. ft. of landscaped area. In the cases where consumption is greater than MAWA or 80% of MAWA, (rather than 80% of ET as stated in the ordinance), whichever is used, there would need to be an audit and/or fines levied, again requiring additional staff time. In addition, this could result in significant costs to the land owner or business. There will have to be consequences or a penalty process for those who exceed their water allowance. What are the consequences for excessive water use? What if a property owner or business says that any fine they would have to pay is worth the price? What are the penalties? There should be a consistent penalty fee, statewide in order to reinforce the ordinance.

The City cannot impose the locking of a meter (terminate water use) on one project that has a separate water meter for irrigation when there are other adjacent projects that do not have separate meters for irrigation. How can that situation be addressed?

In Huntington Beach, there are instances where what may be applicable and approved to meet the intent of the revised Water Ordinance will not meet the intent of the existing City Zoning and Subdivision Ordinance. We cannot rely on native plant materials to provide the intent of the aesthetic requirements of the Zoning Ordinance. First there is an issue with native plant availability in the container sizes that meet the requirements of the Zoning Ordinance and second, there is a concern with the kind of maintenance that these new materials will require and what the industry can provide. There needs to be consideration for a time factor to allow the industry to be able to provide plant materials suitable in acceptable container sizes and that are appropriate for ornamental use and maintenance therein. If the plant material is not available to meet the Water Ordinance and the Zoning Ordinance there is no way that the intent of this Ordinance can be met.

The City of Huntington Beach has 73 City parks. The parks, with 90 to 100 percent of turf could never meet a water ordinance MAWA and Applied Water Use calculated estimate as required for developments. There needs to be separate criteria for parks that will allow higher than normal water use based upon the amount of turf they provide. Since turf is the objective in parks, they should be required to have water use calculations met, but the formula must be set up differently.

The requirement to have no sprinkler (pop-up) heads near the edge of lawns, (24" from hardscape), is not technically feasible at this time. Existing equipment available on the market is not dependable for long term requirements and will cause undue expenses to the owner or business. In the case of subsurface irrigation, there is a problem with root intrusion that affects function and would therefore affect aesthetics and then water consumption. Therefore another design approach needs to be investigated.

The City of Huntington Beach will have to go through a formal revision to the existing Water Efficient Landscape Requirements ordinance and go to Council to authorize it. In addition, our Council will have to authorize additional personnel to accomplish the work, enact a policy to charge fees in order to be reimbursed for the required monitoring and audits (or find some other means of having/requiring property owners to provide the audits), but additional personnel will still be required to monitor consultants work. The City Council will have to modify the Zoning and Subdivision Ordinance to accommodate plant material adjustments regarding container sizes and availability.

If the State will allow more time to review their proposal, the comments, and then allow another comment session prior to final adoption of the Ordinance, there should be a better outcome and the result should become a reality that could be supported. At this time it is difficult to support the proposal when significant costs are a reality and are **NOT** insignificant.

We appreciate the opportunity to provide our comments and respectfully ask that DWR consider revisions to the proposed Model Ordinance. We also ask that additional time be granted for review and additional public sessions be held to consider comments from various stakeholders.

Thank you for your consideration.

Chuck Davis
Landscape Architect RLA 1452
ISA Certified Arborist WE-3816A