

## MWEO

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**From:** Eidson, Brent [BEidson@sandiego.gov]  
**Sent:** Tuesday, December 30, 2008 11:05 AM  
**To:** MWEO  
**Cc:** Jacoby, JoEllen; Harkness, Jeff  
**Subject:** City of San Diego Comments on State Model Landscape Ordinance  
**Attachments:** StateModelLandscape12.08.pdf

Please accept the attached letter as the City of San Diego's formal comments on the State Model Landscape Ordinance.

Thank you,

J. Brent Eidson  
Assistant Director  
Mayor's Office of Intergovernmental Relations  
City of San Diego  
619.533.3977  
[beidson@sandiego.gov](mailto:beidson@sandiego.gov)



## THE CITY OF SAN DIEGO

December 30, 2008

Department of Water Resources  
Office of Water Use Efficiency and Transfers  
Attn: Simon Eching  
Post Office Box 942836  
Sacramento, CA 94236-0001

Subject: Comments on the Draft Landscape Model Ordinance

Dear Mr. Eching:

The City of San Diego represents 1.3 million residents. The City is both a Land Use Agency and a Water Purveyor under the direction of a single Mayor. As a purveyor of water, the City services 269,911 accounts, with one or more meters, including 6,427 dedicated irrigation accounts. We have participated in the development of comments coming from the San Diego County Water Authority (CWA) and urge you to look closely at the issues presented in CWA's letter and Detailed Comments. As a major land use regulator, as well as sizeable water agency, the City of San Diego has prepared additional comments to highlight our concerns and specific issues. These are summarized below:

Comment 039.1

**1) Determination of Local Landscape Ordinance adequacy to State Model Landscape Ordinance (SMO)** has not been addressed. We would recommend a SMO that retains the specifics for agencies that choose to follow the SMO, but also sets performance levels as an alternative to the specific requirements outlined in the ordinance.

Comment 039.2

**2) Compliance with Landscape Documentation Package.** Maintenance schedules and irrigation schedules seem unnecessary. The water agency and/or water purveyor cannot oversee the execution of maintenance and irrigation schedules. While helpful to the end user, there is no guarantee that this information will reach the hands of the person in charge. Furthermore, all sites will be required to have a 'smart' controller' which do not require monthly schedules.

Comment 039.3

**3) Un-funded Mandate and cost impact on private persons or businesses.** The state of California is required to provide a subvention to reimburse local governments for all existing mandated costs or regulatory actions. The proposed model ordinance requires a number of unfunded mandates which the City of San Diego would likely appeal to the State Mandates Board. The City's current water rate structure does not incorporate these new mandated programs. To account for the new costs, the City would be required to seek a Prop 218 fee increase from our customers. Such an increase could be rejected by ratepayers leaving local



**Water Department Director**

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agencies in the tenuous position of being out of compliance with the ordinance with no means of getting back into compliance.

*Specific comments:*

Comment 039.4

491 cc definition of Landscape Area should be further refined to include permanently mulched areas. Artificial Turf should be included as permanently mulched areas.

Comment 039.5

491 ccc definition of rehabilitated landscape. The modified area is unclear. There should be a threshold such as 'if the modified area is greater than 2,500 S.F. and the site requires a permit'. It is also unclear if the entire site falls under the ordinance, or just the rehabilitated area.

Comment 039.6

491 jj definition of Low Volume Irrigation should be restored to include systems that have a flow rate of .75 or less. If a specific flow rate is not desirable the following definition is recommended:

*"Low volume irrigation means the application of irrigation water through a system of tubing or lateral lines and low-volume emission devices. Low volume irrigation systems are specifically designed to apply small volumes of water at a rate similar to the ability of soil to uptake the water."*

Comment 039.7

491 zz definition of recreational area. The revised definition uses the word 'active' which in park design means sports fields that are actively scheduled for games, and excludes 'passive' grassy areas that are used for picnicking and informal play. A better definition would be "areas dedicated to play such as parks, sports fields, golf courses or school yards where turf provides a playing surface."

Comment 039.8

491 ooo definition of water feature states that "constructed wetlands and storm water best management practices are not subject to the water budget calculation." Constructed wetlands and storm water best management practices *should* be included in the landscape areas if they require permanent irrigation systems.

Comment 039.9

492.3 Waivers and Variances. All references to waivers and variances have been removed. A local agency *should* have the ability to allow variances that meet the spirit of the ordinance, when strict adherence poses an undue burden on the applicant or discourages the applicant from a superior design solution.

Comment 039.10

492.7 (L) "Irrigation system capacity shall not exceed the capacity required for peak water demand based on water budget calculations." This restriction does not allow for the many events and situations that public, and publicly used landscapes facilitate. During the summer, special activities may extend well into the evening, or prevent irrigation for several days. On occasion, irrigation repairs require turning a system off for multiple days. Once the system is available for operation, it is often necessary to operate multiple valves at once to replace the deficit. We recommend striking this condition.

Comment 039.11

492.7 (R) "Areas less than 8' in width in any direction shall be irrigated with subsurface drip" Recommend that Recreational Areas be exempt from this restriction. Often grass is used as a 'driving surface' for maintenance. In certain situations, small shrub areas invite children to 'leap over them' at the expense of the shrubs. Small shrub beds tend to collect litter, requiring higher maintenance. If the Recreational Area is held to its MAWA and does not allow runoff into storm water, this flexibility should be given to them. While subsurface irrigation is a possibility for narrow areas, this technology requires special attention that is not available with the manpower allocated public projects.

Comment 039.12

492.7 (S) "Overhead irrigation shall not be permitted within 24" of any non-permeable surface." For reasons similar to 492.7 (R), we recommend that Recreational Areas be exempt from this restriction.

Comment 039.13

492.9 (c) (2) Certification of Occupancy. The ordinance states that a Certificate of Occupancy is issued after a Certification of Completion. A certification of completion is given after the landscape has been installed and approved. In the case of single family homeowners, a period of time should be allowed for completion of the landscape after occupancy. We recommend setting a time limit for landscape completion after occupancy for single family homes.

Comment 039.14

492.10 (2) "Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m." For reasons stated in 492.7 (L) this narrow watering window can restrict the ability of irrigation managers to adequately irrigate in unique situations. We recommend that either local regions set an appropriate time frame, or the Statewide Model be broadened to 6:00 p.m. and 10:00 a.m.

On behalf of the City of San Diego, I appreciate the opportunity to comment on the proposed model ordinance and look forward to a final product that addresses these concerns. If you have additional questions or comments, please contact the City's Supervising Landscape Conservation Designer, JoEllen Jacoby at (619) 533-7548 or [jjacoby@sandiego.gov](mailto:jjacoby@sandiego.gov).

Sincerely,



J. Brent Eidson, Assistant Director  
Intergovernmental Relations  
Office of Mayor Jerry Sanders

cc: JoEllen Jacoby, Supervising Landscape Conservation Designer