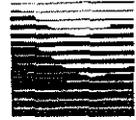


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ASLA

**Southern California Chapter**  
American Society of Landscape Architects  
1100 Irvine Blvd., Suite 371  
Tustin, CA 92780

December 29, 2008

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

Re: Model Water Efficient Landscape Ordinance

Dear Mr. Eching,

Comment 052.1

On behalf of the Southern California Chapter of the American Society of Landscape Architects, we'd like to applaud the efforts of the California Department of Water Resources in their efforts to try and control wasteful water practices within the State of California. We feel that the Model Water Efficient Landscape Ordinance has many good points and offers some very good solutions to the overall concern of water use in the landscape.

However, while this ordinance has some very worthwhile and noble intentions, even after the changes that have been made in the recent modifications to the proposed regulation, there are still a number of items within the document that we, as one of the major stakeholders and designers of the landscapes within California, do disagree with as we feel that they will not benefit the people of California nor will they meet the stated goals of saving one of our most precious resources... water!

We feel that the major concerns that we pointed out in our previous letter were rejected without in our opinion adequate explanation. Furthermore, to allow us to only comment on those areas that have been changed without allowing for rebuttal comments of the DWR responses isn't in the best interest of the people of California and would suggest that there is a perceived 'rush to judgment' on behalf of those who are reviewing the public comments.

For your consideration we offer the following comments on items that we feel that should be changed, modified or deleted from the final version of this ordinance.

Comment 052.2

**Concern #1: Costs to Local Agencies**

In response to this particular concern, the reason that was provided in the Summary of Key Public Comments and DWR Responses states, "The Final Statement of Reasons, to be released at a later date, will further address costs to local agencies" is just not a reasonable answer to such an important issue. This needs to be fully answered NOW, not after the fact. It is our professional opinion that this Ordinance WILL have a significant cost associated with it in the form of additional staff required to address the additional plan checks that will be required, additional fees that will need to be levied on these plan checks by the various agencies, and additional costs to the consumer, designers and installers. To state that this will not have any costs to local agencies associated with it is inaccurate.

Comment 052.3

**Concern #2: 24" Setback**

We agree and acknowledge that there is a certain amount of difficulty to irrigate with overhead technology without a certain amount of over spray onto adjacent surfaces. However, to make it a regulation that if there is not adjacently placed overhead technology that it this 24" setback is to be limited to drip, dripper line or other low flow no-spray technology isn't a totally practical solution. In most areas where there is a parkway adjacent to the curb where parking is allowed, the parkway is usually planted with turf to allow for safe pedestrian access from car to sidewalk. It is neither practical nor cost effective to irrigate these areas with drip irrigation technology. It is our opinion that additional exemptions be considered to allow for certain special circumstances that are not currently addressed in this ordinance.

Comment 052.4

**Concern #3: Long Narrow or Irregularly Shaped Areas**

The Ordinance as written does not address parkway areas that are adjacent to streets. In most areas, these parkways generally have a width less than the eight feet as is noted as being the minimum dimension for turf areas. As noted in Concern #2, turfed parkways are generally for safe pedestrian access from the on street car-parking area to the sidewalk. This needs to be clarified for turf parkways to be exempted in the final version of the Ordinance.

Comment 052.5

**Concern #4: Non-turf areas on Slopes Greater Than 25%**

This states "Non-turf areas on slopes greater than 25% shall be irrigated with drip irrigation or other low volume irrigation technologies." This is very impractical as hydro seeded areas cannot, as a general rule, be drip irrigated. Hydro seed is commonly used for erosion control and for fire modification areas and generally encompasses large areas of sloped ground that a lot of times is greater than 25%. In the State of California, hillside developments generally have sloped areas that are either 2:1 or 3:1 ratios. To think that the thousands of acres of sloped area is to be drip irrigated isn't practical, cost effective,

or reasonable. While we understand and can agree with the intent, this just isn't a feasible solution and should be stricken from the final version of the Ordinance.

Comment 052.6

**Concern #5: Lowering the ETAF to 0.7**

While we can certainly agree that saving water is the ultimate goal, as previously stated in our letter to Judy Colvin "...there has been adequate research to document water consumption characteristics of conventional turf grasses, but unfortunately, there has been very little research to document the water consumption characteristics of trees and shrubs that are utilized in our landscapes other than for the turf grasses. The reality is that water consumption characteristics of trees and shrubs is based on the WUCOLS III documents which is only anecdotal with NO SUPPORTING SCIENTIFIC RESEARCH." In essence, dropping the ETAF from 0.8 down to 0.7 will almost completely eliminate the ability to use turf grasses, even in those areas where turf grass would be necessary for recreational purposes, (i.e. parks, recreation centers, etc...). Again, it is our opinion that additional exemptions be considered to allow for certain special circumstances that are not currently addressed in this ordinance.

Comment 052.7

**Concern #6: Certificate of Completion**

"Results of final inspection that the landscape architect, certified irrigation designer, or licensed landscape contractor has certified that the landscape project has been installed per the approved Landscape Documentation Package, and..."

The Ordinance allows certain tasks to be accomplished by professionals that are not in compliance with state law. Licensed Landscape Architects under 5615 of the Business and Professions Code may prepare construction drawings and specifications as well as responsible construction observation. This pertains to constructed elements, planting, irrigation, and grading. Under the Landscape Architects Practice Act Article 3, section 5641 identifies exemptions and exceptions. Within this section it clarifies the responsibilities and capabilities of Property Owners, Nurserymen, Architects, Professional Engineers, Land Surveyors, Landscape Contractors, Golf Course Architects, and Irrigation Consultants. The Model Ordinance should be revised to reflect the responsibilities of these professionals. For example, the Model Ordinance allows Landscape Contractors to submit designs and certify completion. However, under state law they are only allowed to complete design services if they are also performing or directly supervising the installation. Certified Irrigation Designers can only review irrigation systems and are not necessarily qualified by education or training to make any certification regard landscape related issues. This should be clarified.

Comment 052.8

**Concern #7: Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis**

As we had stated in our previous letter, it is our opinion that a Certified Water Auditor may not have the necessary skills, knowledge or experience that would enable them to able to accurately judge whether or not an irrigation system was efficient in it's design or installation. It is our understanding that in order to obtain a certification to be a water

auditor all that is needed is to complete a 2-day seminar. A landscape architect goes to school for 4 years where they take intensive design and construction classes. After graduation they must then work for 2 years in an internship position under a licensed landscape architect before being eligible to qualify for the Landscape Architects Registration Examination (L.A.R.E.). This is a national exam, which must be completed successfully over the course of multiple days prior to obtaining a license to practice in California. The minimum amount of time invested from start to finish is approximately 7 years. We are concerned how an individual who only takes a seminar for 2 days can be considered equal in their abilities to determine the effectiveness of an irrigation system.

A water audit is traditionally done on flat turf areas, but the ordinance as written requires that ALL landscaped areas in excess of 2,500 square feet be required to have a water audit. We are not sure how accurate a water audit on a 2:1 slope would be or of what use that data would be in determining water efficiency. If the irrigation manufacturers have a difficult time in obtaining water efficient data on their own irrigation heads under laboratory conditions, how is a water auditor with a 2 day certification supposed to be able to determine whether or not a system is being water efficient using their catch can equipment?

We thank you for all of the hard work that has gone into creating this Model Water Efficient Landscape Ordinance and hope that you take our comments into consideration when creating the final version. We applaud your efforts and the goals that have been outlined in this document. With a few minor corrections, this will become an ordinance that we will all be able to look to as the guide for saving water in the landscape in California.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Anna Mendiola', with a long horizontal flourish extending to the right.

Anna Mendiola, ASLA  
President  
Southern California Chapter of the American Society of Landscape Architects

