



Water Efficient Landscape Ordinance Reporting Form

C1	Agency Name:	City of Milpitas
C2	Address:	455 E. Calaveras Boulevard, Milpitas, CA 95035
C3	Contact Name:	Marilyn Nickel
C4	Title:	Acting Principal Utility Engineer
C5	Phone Number:	408 586-3347
C6	Phone Extention:	NA
C7	Email:	mnickel@ci.milpitas.ca.gov
1a	Is your agency adopting a single agency ordinance OR a regional agency alliance ordinance?	Single Agency Ordinance ▼
1b	Date of adoption OR anticipated adoption:	12/15/2015
2a	Reporting period:	
2b	December 1, 2015 through December 28, 2015 (all agencies)	<input checked="" type="radio"/>
2c	February 1, 2016 through February 28, 2016 (additional reporting period for agencies crafting regional ordinances with other agencies)	<input type="radio"/>
3a	Are you using:	a locally modified Water Efficient Landscape Ordinance (WELO) ▼
3b	For agencies who have adopted a modified WELO	
3c	Is it at least as efficient as MWELO?	Yes ▼
3d	URL for your WELO	http://www.ci.milpitas.ca.gov/pdfs/engDesignGuidelines/eng_dg_xvi_landsc_apeOrdinance.pdf
3e	List major changes from the State's MWELO	1) deemed some of the definitions unnecessary and deleted them. 2) requiring separate dedicated irrigation meters (submeter only allowed in special instances to be approved by Director of Engineering). 3) dedicated irrigation meters for residential required at 2,500 sq ft rather than 5,000 sq ft. 4) eliminated ETo Tables for all areas except San Jose.
3f	If specific types of projects are exempt (other than those already specified in MWELO), state what they are and the sections of the ordinance that they are exempt from.	NA
3g	Have elements from other regulations been incorporated (e.g., tree shading percent coverage requirement, stormwater capture requirements).	Yes ▼
3h	If yes, describe:	1) Milpitas Municipal Code (Title VIII, Chapter 5, Section 3.03 D1i is abbreviated as VIII-5-3.03 D1i (backflow devices) refers to VIII-6 (backflow prevention and cross-connection control). 2) VIII-5-3.03 D 4 iii (irrigation schedules) unless superseded by VIII-6 (water conservation). 3) VIII-5-3.03 I (graywater) shall conform to Calif Plumbing Code Title 24, Part 5, Chapter 16. 4) VIII-5-3.03 J (stormwater) refers to XI-16 (stormwater and urban runoff pollution prevention control)



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4	If other agencies are implementing the ordinance, explain their role:	The Planning, Building, and Engineering Departments of the City of Milpitas share point responsibility for implementation.
5	Permitted projects subject to the ordinance during the reporting period (*e.g., single family residences, commercial projects, landscape retrofits for which permits were finalized during the reporting period, etc.):	Total resid permits issued: Bldg = 54, Combo = 11, electrical = 51, plumbing = 39, demolition = 2, roofing = 12, solar = 21, mechanical = 43, site = 1. The ordinance was not applicable to any of these projects. 28 of the 42 building permits were for new residential units approved under a Planned Unit Development. This Planned Unit Development has a total of 84 dwelling units with common HOA-managed landscaping. The first building permits for this PUD were issued earlier this year so the project is grandfathered under the previous landscape requirements. Many of the other building permits were for room additions and structural repairs. Total commerical permits issued: Bldg = 16, electrical = 12, plumbing = 3, demolition = 6, roofing = 1, solar = 1, mechanical = 7, occupancy = 12, and sign = 3. None of these projects included exterior site work.
6a	Total landscape area subject to the ordinance over the reporting period:	None.
6b	Unit of Measure (sq. ft. or acres)	▼
7a	During the reporting period, how many of the following types of projects did your agency issue final permits on:	
7b	new housing starts	None - permits were for a project already in progress.
7c	new commercial projects	None.
7d	landscape retrofits	None.
8	Describe the procedure for review of projects subject to the ordinance:	Permit applicants fill out a questionnaire to determine whether their project triggers ordinance compliance.
9a	Describe actions taken to verify compliance:	
9b	Is a plan check performed?	No ▼
9c	If so, by what entity?	Applicant completes a questionnaire when applying for the permit. The permit cannot be finalled until the Water Efficient Landscape Ordinance documentation package is submitted. The Landscape Architect will certify compliance.
10	Describe implementation and enforcement measures:	Created a questionnaire. Permit will not be finalled until all documentation is received.
11	Explain challenges to implementing and enforcing the ordinance:	Lack of City resources to create a tracking system for reporting. Projects have been in the design phase for several months but failed to get their permit by December 1. The applicants will not be happy to learn that the rules changed. It is inappropriate to have trigger based upon permit issuance. The trigger should be entitlement since they start design after entitlement.
12	Describe educational and other needs to properly apply the ordinance:	Working on outreach materials.
13	Additional Comments:	Need clarification on what actually triggers rehabilitation. As it currently stands, the requirements do not clearly say how much landscaping needs to be rehabilitated to trigger the Landscape Ordinance. What if the owner is only changing a few plants or removing dead trees, but his total landscaped area is greater than 2500 SF? Does such a small modification to landscape merit the excess work he/she will have to do in order to comply with this new ordinance?



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Please submit reports, including a copy of your local water efficient landscape ordinance, via email to WELO@water.ca.gov by December 31, 2015. Agencies preparing a regional ordinance must submit an additional report by March 1, 2016. For questions, please call Ms. Julie Saare-Edmonds at (916) 651-9676.