



City of Mission Viejo

Office of the City Manager

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June 26, 2015

California Department of Water Resources
Urban Water Use Efficiency Unit
ATTN: Julie Saare-Edmonds, Senior Environmental Scientist
P.O. Box 942836
Sacramento, CA 94236-0001

Sent Via Email: Julie.Saare-Edmonds@water.ca.gov

Re: Proposed Changes to the Model Water Efficient Landscape Ordinance

Ms. Saare-Edmonds,

The City of Mission Viejo has reviewed the proposed changes to the Model Water Efficient Landscape Ordinance. In summary, it has been a very quick review and the City of Mission Viejo request that additional time be allowed for public comment and review. The changes as proposed are not achievable if residents, homeowner associations and local businesses do not have the opportunity to understand the long-term impacts of the ordinance including the cost to implement, the aesthetic changes to their community and potential "use pattern" changes to their property. Although the intent of the proposed changes is well intended they pose long term impacts to local public agencies if not thoroughly and thoughtfully reviewed by local communities. We have highlighted the main concerns of the City of Mission Viejo below.

Timing of Implementation: We request that the adoption deadline for local agencies is extended to at least February 1, 2016. As drafted, there is insufficient time for local agencies to engage stakeholders and develop an effective locally modified MWELO. The City of Mission Viejo is actively engaged in participating locally in this process. However there are four water districts in Mission Viejo and the City needs more time to actively engage the districts to ensure consistent and logical standards are being applied by all of the districts. Mission Viejo whole heartily supports the intent of the ordinance but it needs to be logical and simple to implement and enforce for long-term compliance.

The City of Mission Viejo has the following concerns pertaining to the proposed modify ordinance:

Section 490.1 Applicability

Issue #1 Landscape Size Threshold

The revised ordinance no longer distinguishes between Public and Private parcels for square footage requirements. The ordinance requires all new landscape projects over 500 s.f. and rehabilitation landscape projects over 2,500 s.f. shall comply with the development of a "Landscape Documentation Package". The City of Mission Viejo supports this reduction in landscape square footage threshold from the current ordinance. However, the process to



develop a “Landscape Documentation Package”(hiring consultants, developing extensive plans and calculations etc.) for an approval of a small 500 s.f. project would be cost prohibitive. The City of Mission Viejo is requesting a simpler process be allowed and determined by local agencies for parcels less than 5,000 s.f. All parcels over 5,000 s.f. of renovated/new landscape shall comply with the proposed ordinance.

Issue #2 Landscape Permits, Design Review and Plan Check

The proposed revised text states 1.)New construction projects with a landscape area greater than 500 square feet requiring a building permit or landscape permit, plan check or design review, 2.) Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.

The City of Mission Viejo is concerned that this statement will make it difficult for small businesses and even large parcel owners to comply with the requirements of reporting and preparing the “Landscape Documentation Package”. Mission Viejo currently does not require a permit for landscape renovation. However the City would like to retain design review of the proposed landscape renovations. The statement above could potentially prevent continuous renovation and rehabilitation of outdated and tired landscapes throughout Mission Viejo. Local agencies could lose control and be prevented from guiding the quality of renovation because small parcel owners would not want to go through the “Landscape Documentation Package” process. The City recommends REMOVING the words “DESIGN REVIEW”. This will enable the City to manage the aesthetic standards of the community long term, help small businesses that want to rehabilitate their landscape to a more drought tolerant landscape and reduce water consumption.

Section 492.1 Compliance with Landscape Documentation Package

Issue #3 Landscape Documentation Package “Simplified Process”

§ 492.1 Compliance with Landscape Documentation Package.

- (a) Prior to construction, the local agency shall:
- (1) Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
 - (2) Review the Landscape Documentation Package submitted by the project applicant;
 - (3) Approve or deny the Landscape Documentation Package;
 - (4) Issue a permit or approve the plan check or design review for the project applicant; and
 - (5) Upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- (b) Prior to construction, the project applicant shall:
- (1) Submit a Landscape Documentation Package to the local agency.

- (c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:
- (1) Receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 - (2) Submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - (3) Submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

The City of Mission Viejo is concerned that small businesses would have to hire consultants to help prepare each of these documents and submit them to the various agencies for processing and approval. The minimum cost to prepare this package would be between \$3,000 and \$5,000/parcel. The City of Mission Viejo recommends that a "Simpler Process" be allowed and administered by local agencies for parcels with landscapes under 5,000 s.f.

Section 492.3 Elements of the Landscape Documentation Package

Issue #4 Landscape Documentation Package Cost

§ 492.3 Elements of the Landscape Documentation Package

- (a) The Landscape Documentation Package shall include the following six (6) elements:
- (1) Project information;
 - (A) Date
 - (B) Project applicant
 - (C) Project address (if available, parcel and/or lot number(s))
 - (D) Total landscape area (square feet)
 - (E) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) Checklist of all documents in Landscape Documentation Package
 - (H) Project contacts to include contact information for the project applicant and property owner
 - (I) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
 - (2) Water Efficient Landscape Worksheet;
 - (A) Hydrozone information table
 - (B) Water budget calculations
 - (1) Maximum Applied Water Allowance (MAWA)
 - (2) Estimated Total Water Use (ETWU)

- (3) Soil management report;
- (4) landscape design plan;
- (5) Irrigation design plan; and
- (6) Grading design plan.

The City of Mission Viejo is concerned that the "Landscape Documentation Package " required for all new landscape projects over 500 s.f. and renovation projects over 2,500 s.f. is excessive. The City of Mission Viejo estimates to prepare the "Landscape Documentation Package "would cost the applicant between \$3,000 and \$5,000 in professional fees. A 500 s.f. landscape installation would cost about the same amount of money as the "Landscape Documentation Package". In a rehabilitated landscape project a 2,500 s.f.. Landscape renovation projects would cost between \$5,000 and \$10,000 dollars and the "Landscape Documentation Package" would cost between \$3,000 and \$5,000. This would add well over a 50% increase to the cost of the rehabilitation project. The process to develop a "Landscape Documentation Package" as currently defined in the proposed ordinance is cost prohibitive.

Section 495.0 Reporting

Issue # 5 Reasonable, achievable and useful reporting system

The items identified in the reporting section appear reasonable; however, again this will cost local agencies staff time to file each year. The first few years this report will be manageable. However 10 years from now the list could have 1,000's of parcels. Realistically this will be an unreasonable report and what will the State of California do with all of this information? What is the real benefit of the reporting? The City of Mission Viejo is asking for more review time and allows local agencies, along with water districts, to develop a reasonable, achievable and useful reporting system.

General Comments

The City of Mission Viejo is in favor of increased accountability and conformance to the locally approved drought tolerance ordinances but the State of California needs to implement realistic measures that are cost effective and achievable and let each local jurisdiction develop their own standards for compliance with state mandates for water consumption reduction.

Should you require any additional information please do not hesitate to contact my office at 949-470-3014 or email me at krattay@cityofmissionviejo.org.

Sincerely,



W. Keith Rattay
Assistant City Manager/Director of Public Works