



Association of Professional Landscape Designers (APLD)
California Chapter

Comments for the meeting of the Independent Technical Panel
March 4, 2016

Thank you for the opportunity to comment for this meeting of the Independent Technical Panel (ITP) Meeting on March 4, 2016. First, we wish to thank the ITP for convening for these years and months to refine the *Draft Recommendations Report to the Legislature on Landscape Water Use Efficiency*.

The vision statement and the recommendations represent an expansive beginning to a process that will need to combine common sense solutions, open stakeholder engagement, practical workforce development, and educational opportunities toward a cohesive and effective response to our ongoing water crisis.

Next steps in the residential sector must reflect the practical application of residential landscape design, installation and maintenance standards to achieve the Watershed Approach to California Landscapes—not matter how small or large those landscapes may be.

We offer suggestions for changes where language in the recommendations may exclude from the marketplace a vast majority of highly educated, engaged, and expert agents for the change you wish to see: Professional Landscape Designers, working primarily in the residential sector. Finally, we offer our thanks for the sustained and considerable contribution of each of the ITP members.

Section 3: ITP Vision Statement

We find the Vision Statement compelling and inspirational:

“A growing movement of landscapers and gardeners treat rainwater and stormwater as resources to be used on site, rather than as a nuisance to be quickly expelled from the property. And the remarkable enthusiasm for participation in turf conversion rebate

programs is a sign that significant public interest is already here for making this transition.”

As the recommendations in this draft are considered and implemented, we urge consideration of these questions:

1) “how does this recommendation support a growing movement of Landscape Professionals dedicated to completely transforming the way we treat our landscapes in California?” , and

2) “Does the recommendation restrict the emergence of a strong, diverse workforce dedicated to this mission and movement?”

Where the answer is unclear, we encourage the committee and the legislature to adopt and promote those actions and strategies that bring *all* players and influencers to the aid of the cause.

As an organization, and as individuals, the members of the APLD California Chapter intend to do our part through ongoing education campaigns for members, clients and the public. And, we are committed to expand our involvement in the efforts of local agencies as they respond to an overwhelming demand for residential design services for lawn conversion and other programs.

Some of the recommendations included in this draft do not go far or deep enough to achieve the change described in the committee’s charter and vision statement. Where this is the case, we have made suggested changes for consideration.

Still other aspects of some recommendations are not applicable to our membership’s focus on mainly residential landscapes, yet we comment on these as citizens in support of the Watershed Approach to California Landscapes in our civic and community spaces. Any effort that leads us toward greater water security, as well as the innumerable other benefits, including habitat protection and restoration, stormwater pollution prevention, and climate-appropriate landscapes, are efforts we support.

On a daily basis, our members design, implement, educate and advocate for the aesthetic and approach required to make our residential landscapes resilient contributors to health, security, and sustainability in our state. From this perspective, we respectfully offer these comments, listed by section.

Section 4: Voluntary Turf Replacement

Recommendation #1: Turf Replacement Incentive Program

We support this recommendation, and further suggest that the single-family tax credit apply to design services as well as materials and labor. See the Contra Costa Water District [“Landscape Design Assistance”](#) program as an example of a highly successful model for this strategy.

Section 5: Improvements in Existing Landscapes

Recommendation #2: Landscapes Over One Acre

We support this recommendation, and further suggest that Automated Metering Infrastructure should become widely adapted as soon as it is practicable, throughout the state. We also recommend that the cap on residential Turf Replacement Incentive Programs (Section 4) be extended on a per-acre basis for retrofits greater than one acre, and that design assistance be included in these incentive programs.

We recommend amending Recommendation (e) (3) as follows. Additions underlined:

(e) Each landscape irrigation report shall include the following:

(1) Irrigation system overview: water meter number and type (if existing), assessor parcel number, irrigation zone map, zone description, plant factor by zone (MWELo defaults).

(2) Water budget as defined in MWELo: gallons per minute per zone, operating pressure by zone, expected peak month consumption.

(3) List of responsible parties: owner, landscape designer, landscape contractor, property manager, or any other agent designated by the property owner.

Section 6: State Model Water Efficient Landscape Ordinance (MWELo) Future Revisions & Process Updates

Recommendation #1: MWELo Future Revisions for the Next Review Cycle

We support each of the three rooftop, “special landscape areas”, and “major renovations” provisions. We strongly support a “practical pathway to the application and enforcement” of the MWELo standards.

In particular, we support the addition of §490.1; §491 (ETAF and Special Landscape Area provisions); §492 (Turfgrass Slope reduction); §492.6 (Requirement of Pool and Spa Covers); §492.10 (hydrozone map required on site); §492.12 (Confirmation of Overspray Prevention); §492.12 (Audit Sampling); and §492.16 (Rainwater Retention).

Regarding the Public Education section, §492.17(a)2 (b)2, “How to Hire Trained Landscaped Professionals” we propose the following small, but important change in the language:

Information available shall include detailed specifications on how to hire ~~trained and~~ licensed landscape architects, licensed contractors, and landscape designers and maintenance workers qualified to implement the provisions of MWELo, and the benefits of using such professionals.

If this section is not changed, our highly qualified and experienced members will be excluded from a protected market, exclusively accessible by licensed landscape architects and licensed

contractors, while at the same time the state invests bond funds to expand the very market served by our broad and qualified workforce. That would be a distinct irony to the thousands of landscape designers in the state train at state funded community colleges, receiving Landscape Design certificates and qualifications.

Section 6: MWELO Future Revisions & Process Updates

Recommendation #2: MWELO Revision: Aligning with Calgreen

We support this recommendation, along with Section 6: State Facility Leadership, including the hiring provisions for workforce professionals.

Section 7: Complementary Policies

Recommendation #1A-1B: We support these recommendations.

Section 7: Complementary Policies

Recommendation #2: Permit Required for Irrigation Installation

We support item (a) (2), with the following addition:

(c) Residential landscape permits may be submitted by owner, landscape contractor, property manager, or any other agent designated by the property owner,

We seek alteration of the language to be inclusive of the many hands that go into residential landscape design, installation, and maintenance.

Permit applications and fees should be established to define clear standards for these submittals, and such fees should be set to allow a trained Building Official to review this application. For incomplete submittals, we expect that that such officials will reject and return plans for review if they do not comply with the permit standards and requirements.

Section 7: Complementary Policies

Recommendation #5: Plant Labeling

We see a number of practical and fiscal challenges to this recommendation but leave it to California Nursery Professionals to determine what is workable for growers and retailers vis a vis plant labeling. However, we are specifically concerned that an increase in individual plastic label tags inserted into plant containers will lead to the unintentional consequence of site and water pollution.

In the case of labeling, we recommend that the labels themselves adhere to the pots, that they contain little or no plastic, and that any labels be affixed to the container, not inserted as a stand-alone plastic tag.

Finally, for projects that require application of MWELO and an MWELO audit, we recommend that the required planting plan, hydrozone plan, and any other required MWELO data, plans, and plant schedules be allowed to serve as a substitute for onsite plant labeling. We respectfully suggest that any MWELO auditor would be expected to have skill and knowledge in plant nomenclature, identification, and water use data so as to make professional assessments of any properly documented MWELO project without the need for labels affixed to individual plants.

Section 8: Workforce to Accomplish This Transformation

Recommendation #1: Certification of Professionals

We agree that it is now incumbent upon the Department of Water Resources (DWR) to review the eligibility criteria for approvals of landscape designs, and that a clearer point of entry for landscape design professionals is required to achieve widespread successful adoption of MWELO and the goals stated in the Vision Statement.

While the analogy of continuing education for Electricians may seem apropos, the missing link is that the Electricians are also *licensed in the State of California*, and this is a solution that does not carry over clearly to those who are *legally practicing landscape design in the State of California*, but who are not necessarily holders of a State License.

The analogy holds that Community colleges, etc., offer education enabling the acquisition of 32 hours of continuing education every three years, (APLD itself requires 30 CEUs for Certified, Professional and Associate membership status).

Yet a particular concern is that the certification still requires the electrician to be employed by a contractor with a C-10 license, and as such, does not address the situation of the unlicensed and legal professional landscape designer. The language below does not address this point, but instead mixes up the analogy to create a new, standalone certification program for “business owners” only.

We are not opposition to state level certification of individuals or businesses for the design, installation, and maintenance of landscapes, and indeed have long sought a path to a state-level recognition of the Residential Landscape Design Profession; but we are also small business owners who practice our profession as independent entities, unlike the Electricians referred to in this analogy, who work under C-10 or other licensed contractors. Thus, we must continue to practice our business independent of the requirement to operate under the control or restriction of an existing license holder.

We suggest that although this section attempts to resolve a key workforce barrier, it instead labors under a flawed analogy that continues to muddy the question of licensure and certification of landscape design professionals, areas of allowable practice, and clear exemptions for residential landscape designers. We are eager to participate in the public process referred to in recommendation 4 as named and recognized stakeholders and participants.

As to recommendation 6, we strongly encourage coordination of any certificate programs with the broad array of non-profit organizations already ably delivering respected state and national certification programs, with whom our members regularly engage, educate, and update our skills: G3, Green Gardens Group; Bay-Friendly Landscaping and Gardening; Eco-Landscape California; Qualified Water-Efficient Landscaper, and other programs that will not require the state to re-invent the wheel for such a program. We assert that we do not have the luxury of time to come up with a whole new certification program, and strongly recommend that the committee and the legislature embrace these well-respected sources of professional training and certification.

Section 8: Workforce to Accomplish the Transformation

Recommendation #2: Examination Questions Covering Water Use Efficiency and Sustainable Practices

We support actions on the part of any Professional Association, such as the CLCA, to ensure that examinations for existing licensing reflect the latest in water conservation.

Section 9: Public Perceptions & Social Norms

Recommendation #1 Defining Professionals : Recognition of Examples of Low Water Use Landscapes and a Sustainable Statewide Approach to Outreach and Information.

We strongly object to the highlighted language in this section of the recommendation.

The differences between landscape designers, Landscape Architects, Landscape Contractors, garden centers and irrigation professionals is typically not known or clear to homeowners in need of landscape services. Often and unknowingly, homeowners turn to unlicensed operators using cost to determine who to hire. The end result is often a landscape that is not designed and installed to industry standards, and therefore, not as water-efficient or aesthetically pleasing as desired.

This implies that Landscape Designers in California are *operating illegally*, and *present a risk* to homeowners in determining whom they should hire. Our organization represents responsible, knowledgeable professional landscape designers, who have for many years successfully provided landscape design services to homeowners in need of residential services. We recommend to strike the highlighted portions, as it is inflammatory and not only adds to, but exploits confusion about who is qualified and available for residential landscape design services.

Furthermore, we assert that *a license*, in and of itself, is no arbiter of taste or, for that matter, water efficiency. Were this the case, every commercial and civic landscape in California would already be both water efficient, and aesthetically pleasing.

Clarification of the role of landscape designers in the residential marketplace has been our mission since the founding of our California Chapter of the Association of Professional Landscape Designers. We wish we had been more successful over these many years in our engagement with the public process.

We have attended countless regulatory committee meetings, participated in task forces, and worked proactively to achieve an upgrade to alarmingly outdated language in the Business and Professions Code, yet despite significant all-volunteer efforts of small business owners in our state, we have not succeeded in aligning the out of date Landscape Architects Practice Act with even the existing regulation of Architects, who offer a rational residential exemption to the California Architects Practice Act.

Until such time as the Landscape Architects Practice Act is modernized and clarified, capricious cease & desist letters from the Landscape Architects Technical Committee dangles over our successful businesses and livelihoods.

The current water crisis has clarified the need for a complete modernization of the Exceptions and Exemptions portion of the Landscape Architects Practice Act, to put an end to the market protectionism and wasteful enforcement actions against our members, expert plant and landscape consultants, habitat restorationists, permaculturists, urban gardeners, and other professionals who design landscapes in the residential sector.

The Independent Technical Panel is empowered to look at every aspect of California regulation and identify solutions that transcend special interests. We hope that the committee will undertake the suggested changes to this language to empower our members to act as agents for the homeowner in —and the many other small business owners who are part of the solution you are charged with envisioning and codifying.

Having made this distinction and request for a change in this language, we support without reservation item 1, the convening of a work group to address these issues. We trust that APLD California Chapter will be invited as stakeholders and participants in this workgroup, as described in section 2.a. We reserve comment on the remaining recommendations in this section at this time.

Section 10: Research and Documentation Needs and Support

We recommend that the Legislature appropriation for this research focus on a holistic, Watershed Approach to California Landscapes, to include standards, data, and research on the importance of residential landscapes.

Section 10: Research and Documentation Needs and Support

Recommendation #2: Water Use Classification of Landscape Species (WUCOLS)

We respectfully request that if this recommendation is undertaken, APLD California Chapter have a place at the table for recommendations, support, and provision of key cultural information.

Key Strategies for Workforce Transformation:

Though we support establishment of “new standards for accreditation”, we are not clear on the establishment of an “apprentice approach” for accreditation of Landscape Designers. What would this entail? Would this serve to dampen or retard the emergence of the very professionals we seek to spark much-needed design services for residential homeowners? How does this serve the consumer?

At the same time, we are strongly in favor of the development of a technical educational curriculum through the community college system, focusing on landscape sustainability, the watershed approach and meeting the goals of MWELo. In fact, our members have already begun this work, having led MWELo educational efforts for many years in just these areas, along with significant non-profit public education programs delivered by our members under the auspices of Prop 84 funding. Our influence on the residential sector is responsible for significant adaptation of the Watershed Approach.

With consideration of our previously voiced concerns about some of the sections referred to in the Key Actions list, we are in overall support of the key actions to support this strategy. Indeed, we view this succinct list of key actions as an excellent place to rapidly focus out efforts and move on to the practical business at hand. How will these Key Strategies be included in the recommendations to the Legislature?

We also ask you to consider wholeheartedly substituting the phrase “Landscape Professional” for the word “Landscape” when you describe the vast community of individuals who must have a hand in the rapid implementation of the best ideas in this report. Every one of us at every level have a contribution to make to this compelling cause.

We wholeheartedly embrace the *Watershed Approach to California Landscapes*, and applaud the ITP for your commitment to the vision statement in this document.

Thank you for receiving these comments today, and for the opportunity to participate in the ITP process.

Sincerely,



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