



November 16, 2009

California Building Standards Commission
525 Natomas Park Drive, #130
Sacramento, CA 95833
Attention: Dave Wells, Executive Director

RE: Proposed Building Standards of the Building Standards Commission, Department of Housing and Community Development, and Division of the State Architect – Structural Safety

Dear Mr. Wells:

The California Landscape Contractors Association applauds the effort to adopt mandatory and voluntary green building standards for California. With respect to outdoor water use, we believe that the draft mandatory standards of the Building Standards Commission, Department of Housing and Community Development, and Division of the State Architect – Structural Safety are well crafted and quite reasonable. However, we believe that the voluntary standards for outdoor water use are too extreme for public acceptance and would lead to frustration and nonparticipation.

A4.1.6.3, A5.304.3, and A5.304.4

Our biggest concern is with the proposed standards for potable water reduction and potable water elimination. We believe they are much too extreme and will not be accepted by the public for that reason.

The proposed voluntary standard for potable water reduction calls for water-efficient landscape irrigation design that reduces by 50 percent or 60 percent the use of potable water beyond the initial requirements for plant installation and establishment. The standard further states that calculations for this reduction shall be based on the local water-efficient landscape ordinance or the Model Water Efficient Landscape Ordinance when no local ordinance is applicable. Apparently this means that the landscape irrigation design would have to be 50 percent or 40 percent of the maximum applied water allowance (MAWA) in the recently updated Model Ordinance. Since local ordinances must be at least as effective as the Model Ordinance beginning January 1, 2010, a qualifying landscape in a community that adopts a landscape ordinance different from the Model Ordinance most likely would also have to be designed to use 50 percent or 40 percent of the Model Ordinance's MAWA—at most.

The MAWA will be 70 percent of reference evapotranspiration (ET_o) beginning on January 1, 2010. This is a very strict water budget that is intended to result in a landscape with a plant mix similar to the following two examples: (1) 1/3 low-water-use plants, 1/3 moderate-water-use plants, and 1/3 high-water-use plants; or (2) 1/2 low-water-use plants and 1/2 high-water-use plants. However, this would only be the case if the design plan incorporated the best water conservation principles and the landscape featured top-notch, water-efficient irrigation equipment. Anything less and the landscape would have to have a higher percentage of lower-water-use plant material than in the two examples above.

The draft standards would further reduce the landscape water budget to 28 to 35 percent of ET_o. This would mean that all of the plants would have to be low-water use plants (drought-tolerant, Mediterranean, native, etc.)! Such a landscape likely could not feature any of the following commonly found landscape plants, for example: Begonia, Burford holly, Camellia, Daphne, Fraxinus, Gardenia,

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Hydrangea, Leatherleaf mahonia, Magnolia, Philodendron, Vinca major, Wheeler's dwarf pittosporum, or Wisteria spp. In addition, such a landscape probably could not be densely planted.

We understand that the draft standard allows for more irrigation during the plant establishment period. Despite this extra allowance, most moderate-water-use and high-water-use plants would not survive after the establishment period in most areas of the state. Some trees would survive, but not the heavy canopy trees that provide maximum shade cover, and the surviving trees would grow very slowly.

We also recognize that this water budget would not apply if the property had access to recycled water. However, we assume that most properties will not have access to recycled water for landscaping in the near future, just as most do not have it today. Furthermore, suggesting an unlimited water budget for recycled water sends the wrong message to the public; recycled water is a resource that also should be used efficiently and can result in the same environmental problems as potable water when there is runoff.

We do not believe the public will accept a landscape that the proposed potable water reduction standard would produce at this time. Residential and commercial buyers will not purchase these properties or will renovate their landscapes shortly after purchase with higher-water-use plants and an irrigation system with a higher precipitation rate. Furthermore, such a landscape would be problematic from an environmental and societal point of view. It would not offer some of the "green" benefits provided by more traditionally landscaped areas, such as cooling, shade, improved air quality, mental well being of the people experiencing the landscape, etc. In other words, the standard does not consider the following practical, cost-benefit ratio: if a water budget becomes too extreme, the environmental and societal benefits are lost because it becomes impossible to support the plants that are necessary for the benefits.

All of the negatives mentioned above also apply to the standard for potable water elimination. However, we believe the standard for potable water reduction is more insidious because, while people generally know what zero irrigation means for their plants, most do not understand how draconian the proposed water budget is for potable water reduction.

We believe that HCD especially made a mistake by proposing that the voluntary standard for potable water reduction be a percentage of the water budget in the Model Ordinance. In doing so, HCD appears to be assuming that the water budget in the Model Ordinance update will be the standard for all future landscape installations in residential occupancies. This is not a valid assumption. The Model Ordinance update only applies to developer-installed landscaping in single-family projects if the landscape area is equal to or greater than 2500-square feet. Front-yard landscapes in most subdivisions will be under 2500-square-feet and therefore exempt from the Model Ordinance. The water budget in the Model Ordinance update will not become the norm for the state's residential landscapes any time soon. Therefore, it would have made more sense to propose that the voluntary standard be a percentage of current water use. This is what LEED does.

Another stricter, but still defensible option would be to make the voluntary standard a percentage of ETo. (Irrigation above 100 percent of ETo is wasteful for any type of landscape, and everyone agrees on this point.) If the standard for

potable water reduction also must be less than MAWA, CLCA suggests that BSC, HCD, and DSA replace the standard for potable water reduction with a water budget that is equal to 60 percent of ETo. This would be an extremely strict budget, untested in most of the state, but it would be appropriate for a voluntary standard if the voluntary standard must be more severe than the budget in the new Model Ordinance, which is also untested in most of the state.

To give this suggestion some perspective, we note that EPA WaterSense is considering a voluntary specification for new home construction. Its current draft features a water budget of 70 percent of ETo. With a budget of 60 percent, the California Green Building Standards Code voluntary budget would still be lower than this proposed voluntary national standard.

We suggest that you remove the standard for potable water elimination completely.

A4.3.4.1

The proposed voluntary standards of HCD state that spray-type irrigation may only be used at turf areas. We suggest the removal of this standard. Spray irrigation is usually necessary for seasonal color and high-water-use groundcover. And micro-sprays are a type of low-volume irrigation that is appropriate in many non-turf applications. Restricting water emission devices in this way can stifle innovation and limit flexibility to design truly water-efficient irrigation systems.

CLCA suggests that you replace A4.3.4.1 with something like the following: Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within the hydrozone. The irrigation systems shall be designed to prevent runoff, low-head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

The above wording appears in the Model Ordinance. If prohibiting spray-type irrigation in non-turf applications was included in the draft code because the HCD wanted to include a standard that exceeded the requirements of the Model Ordinance, this approach should be reconsidered. As mentioned above, most builder-installed residential landscapes are too small to fall under the Model Ordinance anyway. Therefore, including language from the Model Ordinance in HCD's voluntary standards seems to make sense

A5.410.2.5.1

In A5.410.2.5.1, CLCA suggests that you add "as built" or "landscape as-built" to the systems manual voluntary standard for the BSC and the DSA.

Thank you for giving CLCA the opportunity to comment on the proposed changes to the California Green Building Standards Code.

I encourage you to contact my organization if you feel that more information or a discussion about plant water requirements would still be helpful at this point. Dennis Pittenger, an environmental horticulturalist at UC Riverside, would be another good source of information on what the proposed voluntary standards would mean for California's landscapes.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Larry Rohlfs". The signature is fluid and cursive, with a long horizontal stroke at the end.

LARRY ROHLFES, CAE
Assistant Executive Director

cc: Sharon McGuire, CLCA executive director
CLCA Board of Directors
CLCA Resource Management Committee