



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 019 - 0003

JAN 05 2009

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 12.03 AND 12.21 OF
THE LOS ANGELES MUNICIPAL CODE RELATING TO TRASH CHUTES AND
RECYCLING CHUTES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 08-0603
CPC File No. 2007-5645-CA

Honorable Members:

We are transmitting to you for your action, approved as to form and legality, a final draft ordinance amending Sections 12.03 and 12.21 of the Los Angeles Municipal Code (LAMC) to define trash chutes and recycling chutes; to require recycling chutes when new projects or projects expanding floor area are adding trash chutes; to remove the requirement for separate trash and recycling rooms; and to require proper identification for recycling chutes.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft ordinance on behalf of the City Planning Commission and recommended that the City Council adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her report dated September 26, 2008, or by making your own findings.

PLANNING & LAND
USE MANAGEMENT
ENERGY & ENVIRONMENT



Background

On May 6, 2008, the Planning and Land Use Management Committee recommended that Council approve the attached draft ordinance amending Sections 12.03 and 12.21 of the LAMC as recommended for approval by the City Planning Commission on February 14, 2008.

Summary of Ordinance Provisions

This draft ordinance amends Section 12.03 and Subsection A of Subdivision 19 of Section 12.21 of the LAMC to include definitions and regulations governing recycling chutes and recycling areas in multi-family and commercial buildings throughout the City. The ordinance requires that any new multi-family or commercial development providing a trash chute will also be required to provide a recycling chute. In addition, certain existing multi-family or commercial developments adding floor area and adding a trash chute will also be required to include a recycling chute. The ordinance will also remove the requirement for separate trash and recycling rooms and will require proper identification for recycling chutes. These measures will enhance the use and convenience of recycling amenities within certain buildings and will further the City's goal of reducing its reliance on landfills. Many buildings rely on trash chutes to convey non-recyclable materials to collection bins on ground floors or basements. The proposed ordinance extends this time-proven method to recycling. A recycling chute will mimic the trash chute by separately transporting recyclable materials from the upper floors of a building to a recycling bin, area or room.

Council Rule 38 Referral

A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Bureau of Sanitation. The Department of Building and Safety reports that it has no comments. The Bureau of Sanitation's comments have been incorporated in the draft ordinance.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning determined that the proposed ordinance is exempt from CEQA, pursuant to Article II, Section 2(m) of the City's CEQA Guidelines because the proposed ordinance will not have a negative impact on the physical environment. This ordinance will encourage recycling by requiring a separate chute which would be completely contained within a structure and will not have an impact on the physical environment. If the City Council concurs, it must make this finding prior to or concurrent with its action on the ordinance.

If you have any questions regarding this matter, you may contact Deputy City Attorney Basia Jankowski at (213) 978-8246. She or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By

A handwritten signature in black ink, appearing to read "D. Michaelson", written over a horizontal line.

DAVID MICHAELSON
Chief Assistant City Attorney

DM/BJ:pj
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 12.03 and Subdivision 19 of Subsection A of Section 12.21 of the Los Angeles Municipal Code relating to trash chutes and recycling chutes.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of "Recycling Chute" and "Trash Chute" in proper alphabetical order to read:

RECYCLING CHUTE. Any vertical smooth shaft used to convey recyclable materials from the upper floors of a building to a recyclable storage bin or room at the bottom end of the chute.

TRASH CHUTE. Any vertical smooth shaft used to convey rubbish, trash, or garbage from the upper floors of a building to a trash storage bin or room at the bottom end of the chute.

Sec. 2. The first unnumbered paragraph of Paragraph (c) of Subdivision 19 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(c) Requirements for Recycling Areas or Rooms in a Development Project. All new development projects, all existing multiple-family residential development projects of four or more units where the addition of floor area is 25 percent or more, and all other existing development projects where the addition of floor area is 30 percent or more, shall provide an adequate Recycling Area or Room, as defined in Section 12.03 of this Code, for collection and loading of Recyclable Materials. When a new development project provides a Trash Chute or an existing development project adds a Trash Chute, a Recycling Chute shall also be provided in both cases. Recycling Chutes shall be clearly marked "recycling only" at every point of entry.

Sec. 3. The first paragraph of Subparagraph (12) of Paragraph (c) of Subdivision 19 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(12) Recycling Areas or Rooms shall be placed alongside of trash areas or rooms wherever possible and shall comply with the following:

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved _____

Mayor

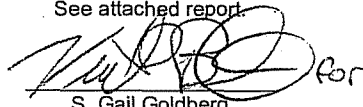
Approved as to Form and Legality

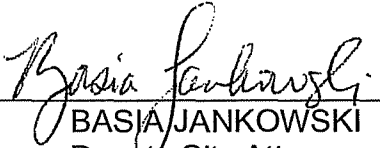
ROCKARD J. DELGADILLO, City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

September 26, 2008

See attached report.

 for
S. Gail Goldberg
Director of Planning

By 
BASIA JANKOWSKI
Deputy City Attorney

Date OCT - 6 2008

File No(s). CF 08-0603; CPC 2007-5645-CA

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September 26, 2008

Council File No. 08-0603

City Plan Case No. 2007-5645-CA

The Honorable Rockard J. Delgadillo
City Attorney
200 North Main Street, 8th Floor
Los Angeles, CA 90012-4131

Attention: Basia Jankowski
Deputy City Attorney

RE: **Recycling Chute Ordinance**

Dear Mr. Delgadillo:

At its meeting on February 14, 2008, the City Planning Commission (CPC) approved a draft of an ordinance amending the Los Angeles Municipal Code to require recycling chutes to be incorporated into multiple-family and commercial buildings that are designed to contain trash chutes and to require the addition of recycling chutes to such structures when they are increased by a minimum of 25 percent when trash chutes already exist.

At its meeting on May 6, 2008, the Planning and Land Use Management (PLUM) Committee approved the ordinance. The subject draft of this ordinance is essentially the same as that approved by the CPC on February 14, 2008 and PLUM on May 6, 2008, except for clarifying language and minor technical corrections. This letter contains findings regarding the ordinance.

ENVIRONMENTAL IMPACT

The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines, the adoption of proposals and, thereafter, ordinances which have no impact on the physical environment.

FINDINGS

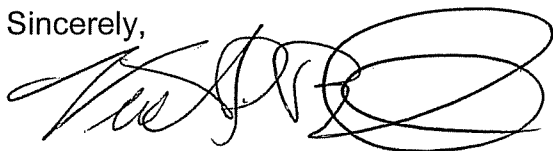
The City Planning Department recommends that the City Planning Commission, in accordance with Charter Section 558, find:

1. In accordance with Charter Section 556, that the attached ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it will further Goal 9D of the Citywide General Plan Framework through further enhancement of the "integrated solid waste management system that maximizes source reduction and materials recovery and minimize the amount of waste requiring disposal" to landfills. The proposed ordinance amendments will reinforce the goals identified in the Framework Element for waste reduction through increasing convenience and opportunity for recycling in multiple-family and commercial developments; and
2. In accordance with Charter Section 558 (b) (2), that the attached ordinance is directly related to the General Plan, specific plans or other plans being prepared by the Planning Department. This ordinance will fulfill the Citywide General Plan Framework, Objective 9.12 and Policy 9.12.2, to support integrated solid waste management efforts through the establishment of citywide diversion objectives; and
3. In accordance with Charter Section 558 (b) (2), that the attached ordinance is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice in that it will further provide residents and users of such multiple-family units and commercial buildings easy access to amenities that enhance availability and ease to perform recycling in their locations.

CHARTER SECTION 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 2007-5645-CA, I find that my action conforms with all applicable portions of the General Plan and with the February 14, 2008 action of the City Planning Commission, and I therefore approve this ordinance (attached) and recommend that it be adopted by the City Council.

Sincerely,



S. GAIL GOLDBERG, AICP
Director of Planning

GG:VB:ML:AB:TR

Attachment