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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 10 - 0 4 4 2

REPORT RE:

DEC 29 2010

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE
SECTION 125.06 TO AUTHORIZE THE DEPARTMENT OF BUILDING AND SAFETY
TO APPROVE EXEMPTIONS FROM THE REQUIREMENTS OF
WATER CONSERVATION PLANS**

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

Council File 10-2335

Honorable Members:

We have prepared and transmit to you for your consideration, approved as to form and legality, a draft ordinance amending Los Angeles Municipal Code Section 125.06 to authorize the Department of Building and Safety (DBS) to approve exemptions from the requirements of water conservation plans.

Summary of Ordinance Provisions

On September 28, 2010, this matter was presented to your Honorable Planning and Land Use Management (PLUM) Committee. At that time, PLUM requested that the City Attorney prepare the final ordinance based on the amended proposed ordinance submitted at the Committee meeting by DBS and attached to the Council file.

This draft ordinance would authorize the DBS to give approval for exemptions from the requirements of water conservation plans. Exemptions from Section 125.03 (f) or (g) will continue to require approval from the Department of Water and Power (DWP).

Any petition for exemption based on public health, safety or welfare must be accompanied by a registered engineer's report documenting the need for the exemption and the exemption must be approved in writing by DBS or, in the case of an exemption from Section 125.03 (f) or (g), approved by DWP.

CEQA Determination

The ordinance is not a project subject to environmental review under the California Environmental Quality Act (CEQA). Under State CEQA Guidelines Section 15378(b) (2) and (b) (5), continuing administrative activities and organizational activities that will not result in direct or indirect physical changes in the environment are not CEQA projects. The ordinance is an administrative change to existing LAMC Section 125.06, which will simply shift the organizational responsibility from DWP to DBS for the processing of certain exemption petitions. The exemption petition process already exists. The organizational change will not result in any change to the physical environment.

Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety.

If you have any questions regarding this matter, please contact Deputy City Attorney Kim Rodgers Westhoff at (213) 978-8242. She or another member of this Office will be present to answer any questions you may have when you consider this matter.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/KRW:pj
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 125.06 of the Los Angeles Municipal Code to authorize the Department of Building and Safety to approve exemptions from the requirements of water conservation plans.

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

Section 1. Section 125.06 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 125.06. EXEMPTIONS.

The following buildings are exempt from this Article:

- (a) Buildings for which plans were accepted by the Department of Building and Safety and a fee paid prior to the effective date of this Article; and
- (b) Existing buildings where use of High Efficiency fixtures is infeasible because their installation will compromise public health, safety, or welfare.

Any exemption from the requirements of this Article, except exemptions from Subsection (f) or (g) of Section 125.03, requires written approval from the Department of Building and Safety. Any exemption from Subsection (f) or (g) of Section 125.03 requires written approval from the Department of Water and Power. Any application for an exemption based on public health, safety, or welfare must be accompanied by a registered engineer's report documenting the need for the exemption.

Sec. 2. 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 _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KIM RODGERS WESTHOFF
Deputy City Attorney

Date December 8, 2010

File No(s). CF 10-2335