



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 15 - 0 1 2 9  
MAY 1 9 2015

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLE I OF CHAPTER XII OF THE  
LOS ANGELES MUNICIPAL CODE TO CLARIFY PROHIBITED USES AND  
MODIFY CERTAIN WATER CONSERVATION REQUIREMENTS OF THE  
WATER CONSERVATION PLAN OF THE CITY OF LOS ANGELES**

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

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance seeks to implement enhanced water conservation controls and to clarify certain water conservation requirements now in existence. The draft ordinance will also increase options available to the City of Los Angeles concerning water restrictions in order to align with Emergency Water Conservation Regulations.

Background

Since 2013, the State of California has experienced one of the driest periods on record. In December 2013, Governor Brown formed a Drought Task Force consisting of four state agencies, including the State Water Resources Control Board (SWRCB), and followed on January 17, 2014, with a declaration of a Statewide Drought Emergency. As conditions worsened, the Governor issued an Executive Order to Redouble State Drought Actions on April 25, 2014, calling for all Californians to reduce their water use by 20%, and for the SWRCB to adopt emergency regulations as it deems necessary.

On July 29, 2014, Statewide Emergency Water Conservation Regulations were adopted by the California Office of Administrative Law, after having previously been approved by the SWRCB on July 15, 2014. The current regulation requires water purveyors to implement an outdoor watering schedule of two days per week maximum, or an alternative measure that will produce an equivalent amount of water savings. Phase II of the City's Emergency Water Conservation Ordinance has fulfilled these regulatory requirements.

With the continuing of the drought conditions, the SWRCB approved extension of the Emergency Water Conservation Regulations on March 17, 2015, and added some additional water reduction mandates. The SWRCB continues to collect monthly data from water suppliers to assess the level of compliance with the Emergency Water Conservation Regulations and to determine if permanent regulations or reporting are necessary.

In anticipation of the increasing severity of the drought and the possibility of increasingly stringent water use restrictions set by the State of California, it is recommended to include an additional phase to the City's ordinance to allow for outdoor watering two days a week. This would become the new Phase III; the current Phase III, which only allows one day a week watering, would become the new Phase IV. This added flexibility allows the City more options to implement increasingly stringent outdoor watering restrictions and fulfill present and anticipated future Statewide Emergency Water Conservation Regulations.

### CEQA Findings

In accordance with the California Environmental Quality Act (CEQA), it has been determined that amending the Emergency Water Conservation Plan Ordinance is exempt pursuant to the General Exemption described in CEQA Guidelines Section 15061(b)(3). General Exemptions apply in situations where it can be seen with reasonable certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### Summary of Ordinance Provisions

The enclosed draft ordinance approves creation of an additional phase permitting two days per week outdoor watering schedule, adds new watering restrictions, and modifies other language to clarify meaning. The proposed amendments will improve the City's ability to respond to the ongoing drought conditions and further comply with recently adopted State Emergency Water Conservation Regulations. Among the proposed amendments are:

- Revised definition for "Baseline Water Usage."
- Removal of unnecessary water rate references.

- Additional water use restriction of not irrigating within 48 hours after a measurable rain event.
- Clarifying language in Phase IV and V to properly address potable water use for pool and aesthetic water features.
- Additional language in Phase IV for watering of sensitive areas at golf courses and professional sport fields.
- Creation of a new Phase III which limits outdoor watering to two days a week. Odd-numbered street addresses irrigate on Monday and Friday, and even-numbered street addresses irrigate on Sunday and Thursday. Watering times shall be limited to:
  - Non-Conserving nozzles (spray head sprinklers and bubblers) – no more than eight (8) minutes per watering day per station for a total of 16 minutes per week.
  - Conserving nozzles (standard rotors and multi-stream rotary heads) – no more than fifteen (15) minutes per cycle and up to two (2) cycles per watering day per station for a total of 60 minutes per week.
(With the above watering times, water consumption used for both types of nozzles is essentially equal).
- The current Phase III will be renamed Phase IV and include the following new language to clarify allowable watering durations:
  - Non-Conserving nozzles (spray head sprinklers and bubblers) – no more than eight (8) minutes per watering day per station for a total of 8 minutes per week.
  - Conserving nozzles (standard rotors and multi-stream rotary heads) – no more than fifteen (15) minutes per cycle and up to two (2) cycles per watering day per station for a total of 30 minutes per week.
- The current Phase IV will be renamed Phase V.
- The current Phase V will be renamed Phase VI.

Revised Proposed Allowed Watering Days

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>Phase II</b>	Odd Address	Even Address	Odd Address	Even Address	Odd Address		Even Address
<b>Phase III</b>	Odd Address			Even Address	Odd Address		Even Address
<b>Phase IV</b>	Odd Address	Even Address					

Council Rule 38 Referral

Pursuant to Council Rule 38, this draft ordinance has been presented to the Board of Water and Power Commissioners.

If you have any questions regarding this matter, please contact Deputy City Attorney David J. Edwards at (213) 367-4496. He or another member of our Office will be available when you consider this matter.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:DJE:pj  
Transmittal