



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 16 - 0 1 2 6  
APR 1 1 2016

**REPORT RE:**

**DRAFT ORDINANCE AMENDING PROVISIONS OF ARTICLES 4 AND 9 OF  
CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH  
CITYWIDE WATER EFFICIENCY STANDARDS AND REQUIRE WATER-SAVING  
SYSTEMS AND TECHNOLOGIES IN BUILDINGS AND LANDSCAPES TO  
CONSERVE AND REDUCE WATER USAGE**

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. 15-0458

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends provisions of Articles 4 and 9 of Chapter IX of the Los Angeles Municipal Code (LAMC) to establish citywide water efficiency standards and require water-saving systems and technologies in buildings and landscapes to conserve and reduce water usage.

Background

On October 14, 2014, Mayor Garcetti issued Executive Directive No. 5 to respond to the extreme drought conditions in the City of Los Angeles and California as a whole. Among the actions mandated in Executive Directive No. 5, Mayor Garcetti ordered a reduction in per-capita potable water use of 20% by 2017. Consistent with Executive Directive No. 5, on April 8, 2015, Mayor Garcetti issued a Sustainable City

Plan, which called for a per-capita potable water usage reduction of 20% by 2017 and 25% by 2035. Executive Order No. 5 further directed the Department of Building and Safety (DBS), in collaboration with the Department of Water and Power (DWP) and the Bureau of Sanitation, to compile and propose to City Council a list of potential building code changes for new and retrofitted building.

On April 14, 2015, in furtherance of the City's water conservation initiatives, the Energy and Environment Committee recommended by motion that Council instruct the Chief Legislative Analyst to work with DBS, DWP, and the Bureau of Sanitation to propose revisions to the Green Building Code requiring the use of graywater<sup>1</sup> systems in applicable circumstances.

On September 22, 2015, in response to Executive Directive No. 5 and City Council motions, DBS submitted to the Mayor's Office a proposed water conservation ordinance pertaining to graywater systems and groundwater discharge. On October 8, 2015, the draft ordinance was referred to the Energy and Environment Committee, which waived consideration of the item on November 5, 2015, referring the item to the Planning and Land Use Management (PLUM) Committee for consideration. On December 8, 2015, the PLUM Committee considered the draft ordinance at a regular meeting, and after an opportunity for public comment, approved a motion (Krekorian-Fuentes) requesting the City Attorney to prepare the ordinance.

#### Summary of Ordinance Provisions

On December 16, 2015, the City Council adopted the recommendation of the PLUM Committee to request that the City Attorney prepare and present an ordinance amending certain provisions of Articles 4 and 9 of Chapter IX of the LAMC to establish citywide water efficiency standards and require water-saving systems and technologies in newly constructed buildings and their landscapes to conserve and reduce water usage, including the use of graywater systems. The enclosed draft ordinance makes these requested amendments to the Los Angeles Green Building Code and the Los Angeles Plumbing Code.

#### CEQA Determination

Prior to adoption of this draft ordinance, we recommend that Council determine that the ordinance is not subject to the California Environmental Quality Act (CEQA) because it is categorically exempt from CEQA.

The proposed ordinance may be found categorically exempt from CEQA because it is an action taken, as authorized by state law, to maintain a natural resource. CEQA Guidelines Section 15307. The draft ordinance may also be found exempt pursuant to CEQA Guideline Section 15308, because it is an action taken, as authorized by state law, to protect the environment. *Id.* Section 15308. Here, the

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<sup>1</sup> Graywater is untreated water available for reuse from showers, sinks, laundry machines, and bathtubs, excluding water that has had contact with toilet waste.

mandatory water-saving measures being introduced are intended to maintain the City's water supply and offset an unprecedented drought that continues to threaten the City's natural environment and its inhabitants.

In addition to the aforementioned findings, you may also determine that the proposed ordinance is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15269(a) and (c) for Emergency Projects. Here, the ordinance seeks to maintain a water supply that has been seriously diminished as a result of a drought state of emergency declared by Governor Brown. In addition, the actions proposed by the ordinance are necessary to mitigate the current drought emergency, which has no indication of relenting and requires immediate action.

#### Charter Findings Not Required

The enclosed draft ordinance relates to amendments of the Los Angeles Green Building Code and Los Angeles Plumbing Code that would require the use of water-saving technologies and graywater systems in new construction. The proposed ordinance does not affect the Zoning Code. For this reason, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, Department of Water and Power, and the Housing and Community Investment Department with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Monica Castillo at (213) 978-8228. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
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DM/MDC/mrc  
Transmittal