

ORDINANCE NUMBER 2752 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA MODIFYING SECTION 7.18.040 OF THE SANTA MONICA
MUNICIPAL CODE TO UPDATE WELL PROHIBITION REQUIREMENTS

WHEREAS, in September 2014, the California legislature passed Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”), enacting Water Code §§10720 – 10737.8; and

WHEREAS, SGMA went into effect on January 1, 2015; and

WHEREAS, the legislative intent of SGMA, among other goals, is to provide for the sustainable management of groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible while minimizing state intervention; and

WHEREAS, SGMA requires all high and medium priority non-adjudicated groundwater basins, as designated by the California Department of Water Resources (“DWR”) in Bulletin 118, to be managed by a Groundwater Sustainability Agency (“GSA”) and that such management be accomplished pursuant to a Groundwater Sustainability Plan (“GSP”) for the basin; and

WHEREAS, the Santa Monica Basin, DWR Basin Number 4-011.01 (“Basin”) was designated by DWR as a medium priority basin thereby requiring the implementation of SGMA for the Basin; and

WHEREAS, California Water Code §10721(j) defines a GSA as one or more local agencies that implement the provisions of SGMA; and

WHEREAS, any local public agency or combination of local agencies that have water supply, water management, or land use responsibilities within a groundwater basin may elect to become a GSA over that basin; and

WHEREAS, in 2017, the Santa Monica Basin Groundwater Sustainability Agency (“SMBGSA”) was formed under a Memorandum of Understanding (“MOU”) among the City of Santa Monica, the City of Beverly Hills, the City of Los Angeles, by and through its Department of Water and Power, the City of Culver City, and the County of Los Angeles (collectively, the “Parties”); and

WHEREAS, on August 28, 2018, the Santa Monica City Council adopted Ord. No. 2584CCS § 1 (the “Sustainable Groundwater Management Ordinance”), adding Chapter 7.18 to the Santa Monica Municipal Code, which prohibits the installation of new wells or the expansion of existing wells unless and until: (a) a Groundwater Sustainability Plan is adopted; and (b) the construction of new wells or the expansion of existing wells is expressly authorized by the Groundwater Sustainability Plan; and

WHEREAS, the Groundwater Sustainability Plan (“GSP”) for the Basin was adopted by the SMBGSA in January 2022; and

WHEREAS, SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that can be maintained over a 50-year planning and implementation horizon without causing undesirable results; and

WHEREAS, under SGMA, undesirable results occur when significant and unreasonable effects for any of six sustainability indicators are caused by groundwater conditions occurring throughout the Basin; and

WHEREAS, the six sustainability indicators defined in SGMA are:

- Chronic lowering of groundwater levels
- Groundwater storage
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Depletions of interconnected surface water; and

WHEREAS, the extraction of groundwater from the Basin is prohibited without the unanimous consent of the SMBGSA, based upon a determination by the SMBGSA that the extraction of groundwater from such installation or expansion will not cause undesirable effects in the Basin, as further described in the Groundwater Sustainability Plan approved by the SMBGSA; and

WHEREAS, the City Council now seeks to amend SMMC section 7.18.040 to prohibit new or the expansion of existing private groundwater wells within the City of Santa Monica unless such expansion or extraction is approved by the SMBGSA, based upon a determination by the SMBGSA that the extraction of groundwater from such installation or expansion will not cause undesirable effects in the Santa Monica Basin, as further described in the Groundwater Sustainability Plan approved by the SMBGSA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 7.18.040 is hereby amended to read as follows:

7.18.040 Well prohibition.

The installation of new wells or the expansion of existing wells is prohibited within the City of Santa Monica unless and until such installation or expansion is approved by the unanimous consent of the Santa Monica Basin Groundwater Sustainability Agency (SMBGSA).


SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official

newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:

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Douglas Sloan, City Attorney

Approved and adopted this 25th day of July, 2023.

DocuSigned by:
Gleam Davis
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Gleam Davis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2752 (CCS) had its introduction on July 18, 2023 and was adopted at the Santa Monica City Council meeting held on July 25, 2023, by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre
 Mayor Davis, Mayor Pro Tem Negrete

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:
Denise Anderson-Warren
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Denise Anderson-Warren, City Clerk

7/26/2023

Date

A summary of Ordinance No. 2752 (CCS) was duly published pursuant to California Government Code Section 40806.