



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: November 1, 2016

TO: Ordinance Committee

FROM: Water Resources Division, Public Works Department

SUBJECT: Updates To Water Metering Requirements And Clarifying Requirement For Individual Metering

RECOMMENDATION:

That the Ordinance Committee forward to Council for Introduction An Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Chapters 14.04 and 14.08, Updating and Clarifying Water Metering Requirements; Adding Existing Water Metering Requirements Previously Located In Chapter 22.04.

DISCUSSION:

To promote water use efficiency, the City has had long-standing requirements that 1) each dwelling unit must be served by a separate water meter, and 2) separate irrigation meters are mandatory for non-residential landscapes between 1,000 and 5,000 square feet. These requirements have resided in Santa Barbara Municipal Code (SBMC) Title 22: "Environmental Policy and Construction." In an effort to make the regulations more coherent and consistent, staff recommends that these metering requirements be moved to Title 14: "Water and Sewers", and further clarification be provided on the City's existing policies. In addition, some sections of Title 14 pertaining to definitions of water connection, rates, and charges are over 40 years old and need updating.

Metering Requirements and Placement

The City's existing requirement that each dwelling unit must be served by a separate water meter is currently located in SBMC 22.04.030 (E) Section 423 "Water Meters Required." The City's existing requirement that irrigation meters for non-residential landscaped areas between 1,000 and 5,000 square feet is currently located in SBMC 22.04.060 (B) Section 5.304.2 "Outdoor Potable Water Use." These requirements were adopted as previous local amendments to the California Plumbing Code (CPC) and California Green Building Code (CGBC), respectively. Under a separate ordinance, comprehensive changes to Title 22 are being proposed as local amendments to the 2016 California Building Standards Codes, which includes CPC and CGBC. The proposed Title 22 changes will remove the above-mentioned metering requirements given that the requirements are proposed to be added to Title 14 under this proposed ordinance.

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The proposed ordinance for the Title 14 language adds the metering requirements and also provides clarification of existing policies and updated terminology regarding approved configurations of individual meters. The individual metering requirement is currently implemented by installing City meters at the curb. However, in some cases, physical/space constraints prohibit installation of City meters at the curb. When space constraints exist, upon approval by the Public Works Director, a City master meter may be installed at the curb with individual City sub-meters on private property. Approval of this configuration requires certain conditions as described in the proposed ordinance, including an easement agreement for the City to operate and maintain the sub-meters on private property.

An exemption has been added to the residential individual metering requirement for 100 percent affordable housing projects. These projects will not be required to install one water meter for each dwelling unit; however, for purposes of leak detection, one water meter may serve no more than six residential dwelling units.

A summary of the proposed changes is as follows:

Section 14.04	Amended to include definitions of “Master Meter” and “Sub-meter.”
Section 14.08.140	Amended to provide clarification of existing City policies regarding water metering requirements when there is not adequate space at the curb line of the street to install the required water meters.
Section 14.08.150	Added to include the existing requirements previously located in SBMC Title 22 requiring each dwelling unit to be served by a separate City water meter. Subsection A has been drafted to comply with recent amendments to Government Code Section 65852.2 regarding the water metering of new accessory dwelling units (granny units). Subsection D includes an exemption for affordable housing projects.
Section 14.08.160	Added to clarify that should a dwelling unit be converted to a commercial use, that commercial space must be metered separately from any residential dwelling units. This provision would be triggered if all, or any portion, of a dwelling unit is converted to a short-term rental / hotel.
Section 14.08.170	Added to clarify that separate metering is required for new non-residential condominium units.
Section 14.08.180	Added to include the existing requirements previously located in SBMC Title 22 requiring dedicated irrigation meters for landscaped areas above a certain size. The irrigation meter requirement has been amended to include all multi-family and commercial irrigated areas over 1,000 square feet in order to be more aligned with requirements set forth in the existing California Water Code (§535).

For information only, the State of California recently passed Senate Bill 7 (SB 7) in September 2016, that stipulates water purveyors must require dwelling units of newly constructed multi-unit residential and mixed use residential structures to be metered by individual water meters or privately owned sub-meters operated by a landlord or the landlord’s agent. It also outlines regulations regarding how a landlord may bill their tenants for water service. This bill will go into effect January 1, 2018. Staff continues to review the City’s individual metering policies and will return to Council with recommendations, if needed, prior to SB 7 taking effect.

Updated Language for Water Connection, Rates, and Charges

SBMC Title 14: “Water and Sewers” defines water connection, rates, and charges under Chapter 14.08. Some sections in this chapter are over 40 years old and need updating. A summary of the proposed changes is as follows:

Section 14.08.010	Amended to update word choice.
Section 14.08.040	Amended so mandatory meter size changes will be based on flow rate rather than on average consumption.
Sections 14.08.045, and 14.08.050	Amended to remove outdated section references and procedures.
Section 14.08.070	Removed due to redundancy with SBMC Section 14.08.050.
Section 14.08.095	Removed and added to SBMC Section 14.08.090 to reflect current water rate terminology.
Section 14.08.130	Amended to clarify when customers are required to pay a fee to test the accuracy of their water meter.

Staff recommends that the Ordinance Committee forward the attached Ordinance to the City Council for approval. If the Ordinance Committee does so, the Ordinance will be presented to the City Council for introduction on November 8, 2016.

- ATTACHMENT:** Ordinance with proposed changes
- PREPARED BY:** Joshua Haggmark, Water Resources Manager/DH/sk
- SUBMITTED BY:** Rebecca J. Bjork, Public Works Director
- APPROVED BY:** City Administrator’s Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 11/1/16
SHOWING CHANGES FROM THE EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTERS 14.04 AND 14.08, UPDATING AND CLARIFYING WATER METERING REQUIREMENTS; ADDING EXISTING WATER METERING REQUIREMENTS PREVIOUSLY LOCATED IN CHAPTER 22.04

WHEREAS, the requirement for separate water meters for individual dwelling units is presently located in Chapter 22.04 and is proposed to be removed from that Chapter;

WHEREAS, the requirement for mandatory dedicated irrigation meters to serve landscaped areas of a certain size is presently located in Chapter 22.04 and is proposed to be removed from that Chapter;

WHEREAS, requirements for water connections in the City of Santa Barbara is located in Municipal Code Chapter 14.08; and

WHEREAS, regulatory compliance is more coherent and consistent when regulations concerning a subject are found in one location;

WHEREAS, it is necessary to clarify existing water metering requirements when there are physical constraints to water meter installation

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

SECTION 1. Chapter 14.04 of the Santa Barbara Municipal Code is amended to add Sections 14.04.065 and 14.04.075 to read as follows:

14.04.065 Meter, Master

“Master Meter” means a City meter located upstream of one or more sub-meters that is used to measure the aggregate amount of water delivered to a group of customers or uses on the same lot or within the same project.

14.040.075 Sub-meter

“Sub-meter” means a City meter located downstream from a master meter that is used to measure the amount of water furnished to an individual customer or use located on a lot, or within a project, that has multiple customers or uses where the aggregate amount of water served to the group of customers or uses is measured by a master meter.

SECTION 2. Sections 14.08.010, 14.08.040, 14.08.045, 14.08.050, 14.08.090, 14.08.130, and 14.08.140 of Chapter 14.08 of the Santa Barbara Municipal Code are amended to read as follows:

14.08.010 New Connections to Mains - Application Required.

No new connection for any premises shall be made to City water mains or to City water system unless a written application has been properly filed with the Public Works Department, signed by the owner or ~~his~~ the owner’s agent, upon forms to be furnished by the Public Works Department.

14.08.040 New Connections to Mains - Determination of Meter and Service Size.

The size of any new meter and service and/or reduction in meter size shall be subject to the final determination and approval by the Director of the Public Works Department.

~~Uniform California~~ Plumbing Code requirements, as amended by the City, will be used as a guide for determining the size where applicable.

Where insufficient information is available to determine the size from the ~~Uniform California~~ Plumbing Code, the proper size may be determined on an area basis as follows:

(1) Usable Land Area:	Service Size:
10,000 square feet or less	5/8 inch by 3/4 inch
10,000 to 20,000 square feet	1 inch
20,000 to 34,000 square feet	1-1/2 inch
35,000 square feet and over	2 inch or larger as required

(2) Existing services and meters: In cases where the ~~consumption history~~ flow rate of a ~~consumer's~~ customer’s ~~meter demand~~ is greater than the ~~average consumption of the next larger size meter~~ manufacturer’s recommendation, the Director may require the

~~consumer~~ customer to have installed at his the customer's expense the ~~next larger~~ appropriate size meter and services.

(3) Change in meter size for any property will not be approved without the written ~~consent~~ acknowledgment of the property owner.

14.08.045 Effective Date of Revised Fees, Charges, and Rates.

~~The revised rates and schedules imposed by Sections 14.08.050, 14.08.090 and 14.08.095 of this chapter shall become effective as of the commencement of the first complete billing period following the effective date of the ordinance codified herein. The fees, charges, and rates referenced in this Chapter shall become effective as of the effective date of the most recent resolution of the City Council establishing such fees, charges, and rates.~~

14.08.050 New Connections to Mains and Service Relocations - Fee Schedule.

~~A.~~(a) The service fees for original connections to the City water system and service relocations shall be set by resolution of the City Council.

~~B.~~(b) In addition to the service fees provided for in §14.08.050(a), applicants for original connections to the City water system shall also pay a "buy in" charge as established by resolution of the City Council. ~~This subsection shall be applicable only to the existing water service area at the time of the adoption of this ordinance.~~

14.08.090 Water Service Meter Rates at Premises - Monthly Rates.

The monthly rates to be charged and collected shall be set by resolution of the City Council. These rates include usage charges based on the volume of water used and other fixed charges assessed without regard to the amount of water actually used.

14.08.130 Meter Test - Replacing Meter.

Any ~~consumer~~ customer may have the accuracy of the meter through which water is being furnished to his the customer's premises examined and tested by the City by making a written application therefor upon forms provided by the City ~~and accompanying the same with a fee in an amount determined by resolution of the City Council.~~ Upon receipt of such application ~~and fee~~, the City shall examine and test such meter. If the meter is found to register a quantity of water which varies from the actual quantity of water passing through it by more than ~~two percent (2%)~~ published industry standards for metering accuracy, such meter shall be removed and another meter installed in lieu thereof. ~~In any event, the fee shall be retained by the City. If the meter is found to register a quantity of water which varies from the actual quantity of water passing through the meter by no more than published industry standards for metering accuracy, the meter shall remain in service and the customer shall pay a fee for the evaluation of the meter in an amount determined by resolution of the City Council.~~

14.08.140 Placement Generally and General Treatment of Meters.

A. General Rule. All City meters of the Public Works Department shall be placed at the curb line of the street, whenever and wherever practicable, and shall be protected and maintained as a part of the operation of the Department.

B. Exceptions. If it is not practicable to place a City meter or City meters at the curb line of the street due to topography, the number of meters required for the project, or other existing uses of the right of way that conflict with the placement of the meters at the curb line, the Director may authorize such meter(s) to be located on private property, provided that:

1. A sub-meter located on private property shall be served by way of an upstream City master meter, which master meter may serve one or more sub-meters,

2. A master meter shall be located at the curb line of the street,

3. Sub-meters shall not serve non-residential uses, including, without limitation, commercial and industrial spaces, irrigation, and common areas, unless the Director determines that there is no feasible alternative for providing service,

4. A single master meter shall not serve sub-meters of differing user classifications, as those user classifications are specified in the City Council resolution adopted pursuant to Section 14.08.090,

5. The customer shall be responsible for the cost to install master meter and the sub-meter(s) and to pay any applicable fees as set forth in the City Council resolution adopted pursuant to Section 14.08.050,

6. The owner of the property being served shall enter into a written agreement with the City which includes a provision or provision(s) detailing ownership of the water distribution and water meter infrastructure located within the City right of way and on private property, and

7. The owner of the property being served shall grant to City an easement, license, or right of way as approved by the Director for purposes including but not limited to meter reading, maintenance, and replacement, turning on or off of water service, installation or removal of flow restrictors, and ingress to and egress from meters for said purposes.

SECTION 3. Sections 14.08.070 and 14.08.095 of Chapter 14.08 of the Santa Barbara Municipal Code are deleted without replacement:

~~14.08.070 Fees for Service Relocations.~~

~~— Fees for City water service relocations shall be identical with those expressed in Section 14.08.050.~~

~~14.08.095 Customer Service Charge.~~

~~— In addition to all other charges imposed by this chapter, a customer service charge is hereby imposed and the same shall be collected in connection with all billings for water, without regard to actual water use, if any, at rates determined by resolution of the City Council.~~

SECTION 4. Chapter 14.08 of the Santa Barbara Municipal Code is amended to add Sections 14.08.150, 14.08.160, 14.08.170 and 14.08.180 to read as follows:

14.08.150 New Dwelling Units - Metering Requirements.

A. GENERAL RULE. Every new dwelling unit, including condominium units, apartment units, and accessory dwelling units, shall be served by a separate meter. However, if a new accessory dwelling unit is located within a single-family residential zone, contained within the existing space of a single-family residence or an existing accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, the new accessory dwelling unit is not required to be served by a separate meter.

B. PROJECTS OF FOUR OR FEWER UNITS. For projects adding four (4) or fewer new dwelling units, common area uses on the lots or parcels within the project including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, may be served by the meter or meters measuring the water supplied to the dwelling units or may be served by a separate meter or meters. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

C. PROJECTS OF FIVE OR MORE UNITS. For projects adding five (5) or more dwelling units, the meters measuring the water supplied to the interior of the dwelling units shall only measure the water use within the dwelling units. All other uses on the lots or parcels within the project, including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, shall be served by one or more meters separate from the meters measuring the water supplied to the dwelling units. For purposes of this subsection, if a project demolishes an existing dwelling unit and

constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

D. LOW INCOME HOUSING PROJECTS. For developments in which 100% of the units are rental units which are affordable to very low or low income households, one water meter may serve six (6) residential dwelling units if the following conditions are met:

(1) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states: (a) all of the residential units on the Real Property shall be rented to very low or low income households; (b) the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time; and (c) the maximum rent shall be controlled through recorded documents to assure continued affordability for a term that is consistent with the City's Affordable Housing Policies and Procedures Manual. The City shall be a party to the covenant; and

(2) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states that the development has received a reduction in the number of water meters required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either: (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that there is compliance with the City's water metering requirements then in effect, or (ii) the owner shall provide additional water meters as needed in order to comply with the City's water metering requirements then in effect and owner pay any applicable installation and/or capacity-based fees or costs associated with the additional water meters. The City shall be a party to the covenant.

14.08.160 Conversion of Dwelling Unit to Nonresidential Use.

If an existing dwelling unit, or a portion thereof, is converted to a nonresidential use, that nonresidential use shall be metered separately from any existing or proposed dwelling unit(s).

14.08.170 Nonresidential Uses – Separate Metering

On lots or condominium units that have both residential and nonresidential uses, no meter serving a nonresidential use shall also serve a residential use. No meter serving a nonresidential use on any lot or condominium unit shall serve a use on another lot or condominium unit.

14.08.180 Multi-unit Residential and Nonresidential Uses - Irrigation Meters

The following requirement shall apply to multi-family residential and nonresidential use classifications: when a project requires new water service or upgraded water service and includes at least 1,000 square feet of irrigated landscaped area a separate City-issued irrigation meter shall be installed to measure the use of potable water for landscape purposes.

SECTION 5. The provisions of this ordinance shall take effect at 12:01 a.m. on January 1, 2017. Projects where the application was deemed complete prior to the effective date of this ordinance shall not be subject to these requirements. Projects that were deemed complete on or before December 31, 2016 shall continue to process in accordance with Santa Barbara Municipal Code Sections 22.04.030 and 22.04.060 as those sections existed on the date the project was deemed complete.



PUBLIC WORKS DEPARTMENT

WATER RESOURCES DIVISION

ORDINANCE UPDATING WATER METERING REQUIREMENTS

Ordinance Committee: November 1, 2016

Purpose

- Clarify existing water metering requirements to make requirements more explicit and consistent
- Add new metering requirements that have previously been ambiguous
- Move water metering requirements out of the Building Code and into Title 14 “Water and Sewers”

Background

- Previous metering policies have been part of local amendments to the California Plumbing Code and the California Green Building Code
- Requirement for individual residential water meters dates back to the early 90's
- Requirement for irrigation meters adopted in 2013

Background

- Purpose of individual metering requirement is water use efficiency
 - Individual meters/billing are a communication tool with customers
 - Improved leak detection
 - Customer accountability for water use
- Irrigation meters provide water budgets based on efficient use

Existing Metering Code Language

- **423.1 Group R Occupancies.** Each dwelling unit, including apartment units and secondary units, shall be served by a separate City water meter. For projects of five (5) dwelling units or more, such meter shall serve only uses within the dwelling unit. All other uses, including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, shall be served by an additional separate City water meter.
- **423.2 Occupancies Other Than Group R.** All occupancies other than Group R serving a separate legal parcel shall be served by a single meter and no such meter shall also serve Group R occupancy.

Issues with Existing Language

- Code language is brief and inexplicit
 - Ambiguity does not lead to consistent enforcement
- Does not address exemptions
- Located in SBMC Title 22 (Building Code)
 - Language references Building Code occupancies; not consistent with water customer classifications

Sections 14.04 and 14.08.140

- Addresses space constraints at curb line
- Reflects City's current administrative policy
 - Sub-metering/Master Metering
- New legislation on sub-metering (SB 7) is anticipated in 2018
 - Requires individual metering
 - Staff will return to Ordinance Committee with any required changes

Section 14.08.150

- Includes existing individual metering requirement for residential units
- Reflects compliance with new State law regarding accessory dwelling units (granny units)
- Added exemption for 100% affordable housing projects (each meter may serve 6 dwelling units)
 - *Limits burden on tenants while preserving conservation benefit*

Section 14.08.160

- Makes explicit that dwelling units converted to non-residential uses should be metered separately from residential uses
 - Will affect hotel/short-term rental (STR) conversions
 - Staff's original direction to applicants was STRs need to be metered separately from residences
 - However, loophole in code did not allow this
 - New code closes loophole
- Staff is proposing to include exemption for pending applications

Section 14.08.170

- Makes explicit that non-residential uses and residential uses should be metered separately.
- Clarifies that commercial condos should also be separately metered.
 - New requirement—ambiguous in the past

Section 14.08.180

- Dedicated irrigation meters required for irrigated landscapes over 1,000 square feet
 - Does not apply to single family homes
- Consolidates existing City requirement in Title 22 and State Water Code (Section 535)

Other Updates

Section	Change
14.08.010	Amended to update word choice
14.08.040	Amended so mandatory meter size changes will be based on flow rate rather than average consumption
14.08.045 and 14.08.050	Amended to remove outdated section references and procedures
14.08.070	Removed due to redundancy with SBMC Section 14.08.050
14.08.095	Removed and added to SBMC Section 14.08.090 to reflect current water rate terminology
14.08.130	Amended to clarify when customers are required to pay a fee to test the accuracy of their water meter

Timeline

- Nov 1, 2016 – Ordinance Committee
- Nov 8, 2016 – Introduction to City Council
- Nov 15, 2016 – Adoption by City Council
- Jan 1, 2017 – Ordinance becomes effective



Questions/Input?