

Technical Advisory Committee Agenda
December 9, 2009
12:00 noon to 2:00 p.m.
Development Services Center / City Operations Building
1222 First Ave, San Diego, CA 92101
4th Floor Training Room

<u>Group Represented</u>	<u>Primary Member</u>	<u>Alternate</u>
Accessibility	<input type="checkbox"/> Mike Conroy	<input type="checkbox"/> Connie Soucy
Accessibility	<input type="checkbox"/> Cyndi Jones	<input type="checkbox"/> Connie Soucy
AGC	<input type="checkbox"/> Brad Barnum	
AIA	<input type="checkbox"/> Kirk O'Brien	<input type="checkbox"/> John Ziebarth
AIA	<input type="checkbox"/> David Pfeifer	<input type="checkbox"/> John Ziebarth
ASLA	<input type="checkbox"/> Steve Halsey	<input type="checkbox"/> Stephen Copley
BIA	<input type="checkbox"/> Kathi Riser	<input type="checkbox"/> Cary Lowe
BIA	<input type="checkbox"/> Scott Molloy	<input type="checkbox"/> Cary Lowe
BID Council	<input type="checkbox"/> Tiffany Sherer	
BIOCOM	<input type="checkbox"/> Faith Picking	
ACEC	<input type="checkbox"/> Rob Gehrke	<input type="checkbox"/> Mike Slawson
Chamber of Commerce	<input type="checkbox"/> Mike Nagy	
EDC	<input type="checkbox"/> Ted Shaw	<input type="checkbox"/> John Eardensohn
In-Fill Developer	<input type="checkbox"/> Michael Galasso	<input type="checkbox"/> James Barone
NAIOP	<input type="checkbox"/> Buddy Bohrer	<input type="checkbox"/> Craig Benedetto
Permit Consultants	<input type="checkbox"/> Brian Longmore	<input type="checkbox"/> Barbara Harris
Small Business Advis. Bd.		<input type="checkbox"/> Warren Simon
Sustainable Energy Advis. Bd.	<input type="checkbox"/> Alison Whitelaw	
LU&H Liaison (non-voting)	<input type="checkbox"/> Stephen Hill	

- 1) **Announcements**
- 2) **Approval of Minutes**
- 3) **Public Comment on Non-Agenda Items**
- 4) **Discussion/Action**
 - A. Revised Voluntary Accessibility Draft-(Action/Discussion)-Amanda Lee-(15 minutes)
 - B. Water Submetering Ordinance -(Action) – Councilmember Emerald and Cynthia Harris (15 minutes)
- 5) **Future Agenda Items**
 - Discretionary Process Improvements - Process Committee Report (Kathi Riser)
 - Accessibility (Kathi Riser)
 - CEQA Thresholds (Cecilia Gallardo)
 - Storm Water Standards-Revisions (Jim Nabong & Sumer Hasenin-November Meeting)
 - Chamber Housing Action Plan
 - Managed Competition
 - City Parking Study/SANDAG Parking Study
- 6) **Adjourn – next meeting Wednesday, January 13, 2010 or February 10, 2010**

TAC Mission: “To proactively advise the Mayor and the Land Use and Housing Committee on improvements to the regulatory process through the review of policies and regulations that impact development. And to advise on improvements to the development review process through communications, technology and best business practices to reduce processing times and improve customer service. And to advocate for quality development to meet the needs of all citizens of San Diego.”



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: December 2, 2009

TO: Members of the Technical Advisory Committee

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Voluntary Accessibility Program Amendments

The Voluntary Accessibility Program is an incentive program to encourage the incorporation of accessible design features in new residential development projects. The proposal was developed in concept by the Technical Advisory Committee (TAC) Accessibility Subcommittee to increase the number of accessible housing units in the local housing supply by offering a variety of development incentives to facilitate this type of accessible design. TAC reviewed a previous draft of the amendments on July 8, 2009, at which time committee members provided suggested edits, but did not provide a formal recommendation. Since that time, the draft was presented to the Community Planners Committee and widely distributed through an email blast for public review. The feedback was greatly supportive of the concept, with general concerns focused on the types of program incentives and the relationship to existing development. As further described below, the draft was revised to better clarify the difference between Tier I and Tier II units, and clarify program eligibility and applicable incentives.

Difference between Tier I and Tier II Units

Descriptive terms were added to help distinguish the two design types that would result from the program: Tier I "accessible living units" and Tier II "visitable units". Tier I accessible living units would be required to comply with the California Building Code (CBC) Chapter 11A requirements for accessibility, with an additional requirement for multi-story units to provide a kitchen on the primary accessible level. These dwelling units would be adaptable to meet the accessibility needs of individual occupants. The revised draft clarifies that multi-dwelling unit projects would be required to provide accessible parking in accordance with CBC requirements, while single dwelling units and duplexes would only be required to provide a relatively flat, 14 by 18 foot space for accessible off-street loading/unloading in an effort to provide accessible off-street parking that would be compatible with typical low density residential parking design.

The draft was revised to further clarify that the intent of Tier II visitable units is to increase opportunities for persons with temporary, developing or permanent disabilities to visit neighboring dwelling units. Tier II units would be required to comply with a modified set of accessible design standards to create "visitable units" by facilitating access to, and access within, the primary level of a dwelling unit which would include at a minimum a kitchen, a bathroom or half bathroom, and at least one common use room. The draft also clarifies that adaptable

entrance design may only be used in lieu of an accessible entrance for up to 50 percent of the Tier II units in a project, and clarifies the applicable maneuvering space requirements for a “visitable” bathroom.

Proposed Incentive Program

Residential projects that are exempt or partially exempt from the CBC Chapter 11A accessibility requirements would be eligible for the proposed program. The Community Planners Committee recommended that a minimum number of voluntary accessible units be required (5 percent Tier I and 25 percent Tier II). However, in consideration of the benefit that additional accessible units would provide, and the fact that program incentives would apply only to the voluntary accessible units in a project; the staff proposal would reward each voluntary accessible unit in a project with incentives as follows:

- Each Tier I accessible living unit would be eligible for a floor area ratio (FAR) bonus and a choice of 1 development incentive to facilitate compliance with CBC accessibility requirements.
- Each Tier II visitable unit would be eligible for a choice of FAR bonus or development incentive to facilitate compliance with the Tier II modified set of accessible design standards.
- Projects providing at least 50 percent of the eligible units with accessible design would be eligible for expedite processing subject to Council Policy.
- Projects providing 100 percent Tier I accessible living units would be eligible for Tier I incentives and expedite processing as described above, plus a 5 percent density bonus and additional development incentive if the project would result in at least 10 units.

Accessible design typically requires wider hallways and doorways, larger room spaces, and maximum slopes along connecting interior and exterior routes of travel. Therefore, appropriate incentives were identified to include a floor area ratio bonus (up to 5 percent), reduction of setback requirements (up to 10 percent), increase in lot coverage (up to 10 percent), increase in height (up to 10 percent to accommodate an elevator or special access lift system only), reduction in the required vehicular landscape area, and parking related incentives such as counting tandem parking as two spaces, parking in the setback, and reducing motorcycle facilities or parking aisle width. The revised proposal would not allow for a reduction in the overall number or size of parking spaces, and would limit parking incentives to Tier I accessible living units since Tier II visitable units are not required to provide accessible parking. By offering a variety of development incentives to address the unique characteristics of a project site, the program can better meet the goal to increase the number of accessible units.

Staff requests that the Technical Advisory Committee review the draft amendments and provide a recommendation to the Planning Commission and City Council. Please contact Amanda Lee, Senior Planner, at (619) 446-5367 or ajohnsonlee@sandiego.gov for additional information.



Kelly G. Broughton
Director, Development Services

Chapter 14: General Regulations
Article 5: Building Regulations
Division 40: Voluntary Accessibility Program

§145.4001 Purpose

The purpose of the Voluntary Accessibility Program is to encourage residential development that incorporates accessible design features including accessible routes of travel, accessible entrances, and accessible common use rooms to meet the needs of as many users as possible. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to visit neighboring dwelling units, and to increase the number of accessible dwelling units in the local housing supply that meet long term housing needs by offering development incentives that facilitate this type of accessible design.

§145.4002 When Voluntary Accessibility Program Applies

- (a) Proposed residential development is eligible for this voluntary program as follows:
 - (1) Projects that are exempt from the accessibility requirements of the California Building Code (Chapter 11A),
 - (2) Projects where only a portion of the residential development is subject to the accessibility requirements of the California Building Code (Chapter 11A), or
 - (3) Projects where the required accessibility in accordance with the California Building Code (Chapter 11A) would be less accessible than would be achieved through the Voluntary Accessibility Program.
- (b) In consideration of the benefit to the community, projects with dwelling units that are voluntarily designed to be accessible may be granted development incentives in accordance with Section 145.4003.
- (c) The Voluntary Accessibility Program does not apply to dwelling units requesting reasonable accommodations in accordance with Section 131.0466.

§145.4003 Voluntary Accessibility Program Regulations and Development Incentives

- (a) Development incentives specifically granted under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require processing of a deviation from the underlying base zone.

- (b) The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.
- (c) The incentives available to a project shall be determined by the number and type of *dwelling units* that would be voluntarily designed for accessibility.

 - (1) Each *dwelling unit* voluntarily designed in accordance with Section 145.4004 (Tier I- Accessible Living Unit) shall be eligible for:

 - (A) A *floor area ratio* bonus up to a maximum of 5 percent, and
 - (B) A choice of one development incentive from Section 145.4003(d).
 - (2) Each *dwelling unit* voluntarily designed in accordance with Section 145.4005 (Tier II- Visitable Unit) shall be eligible for either a *floor area ratio* bonus up to a maximum of 5 percent or a choice of one development incentive from Section 145.4003(d).
 - (3) Projects with at least 50 percent of the eligible *dwelling units* voluntarily designed in accordance with either Section 145.4004 (Tier I- Accessible Living Unit) or Section 145.4005 (Tier II- Visitable Unit) shall be eligible for:

 - (A) Incentives for each Tier I- Accessible Living Unit in accordance with 145.4003(c)(1),
 - (B) An incentive for each Tier II-Visitable Unit in accordance with 145.4003(c)(2), and
 - (C) Expedite Processing subject to Council Policy.
 - (4) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 (Tier I- Accessible Living Unit) shall be eligible for:

 - (A) Incentives for each Tier I- Accessible Living Unit in accordance with 145.4003(c)(1),
 - (B) Expedite Processing subject to Council Policy, and

- (C) A density bonus up to 5 percent based on the pre-bonus number of dwelling units in the project voluntarily designed in accordance with Section 145.4004 (Tier I- Accessible Living Unit).
- (D) Projects providing a minimum of 10 Tier I- Accessible Living Units shall be eligible for a choice of 1 additional development incentive from Section 145.4003(d).

(d) Development Incentives

Where Section 145.4003 indicates that a project is eligible for one or more development incentives, an applicant may select from the following:

- (1) Modification of the applicable parking regulations in Section 142.0560 may be requested for Tier I- Accessible Living Units as follows:
 - (A) A reduction of the drive aisle width to a minimum of 22 feet if using standard parking space dimensions, or
 - (B) A reduction of the required motorcycle facilities up to 50 percent, or
 - (C) A reduction of the driveway width consistent with the minimum dimensions specified in Table 142-05M, or
 - (D) Encroachment of required off-street parking spaces into the required setback area of a private driveway (where parking spaces would not conflict with a required visibility area), or
 - (E) Calculation of tandem parking spaces (designed in accordance with Section 142.0560) as two spaces to meet the applicable parking requirement.
- (2) The applicable setback regulations may be reduced up to 10 percent for proposed structures where necessary to fulfill the accessible design requirements.
- (3) The applicable lot coverage regulations may be exceeded up to 10 percent where necessary to fulfill the accessible design requirements.
- (4) The applicable maximum structure height regulations may be exceeded by up to 10 percent to accommodate an elevator or

special access (wheelchair) lift system. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within designated airport influence areas.

- (5) The applicable landscape requirements may be modified or reduced as necessary to accommodate an accessible route of travel.
- (e) The *floor area ratio* bonus and development incentives applicable to a project in accordance with Section 145.4003(c) are limited to accessible units that are voluntarily designed in accordance with this program and may not be redistributed across the project as a whole.

§145.4004 Tier I- Accessible Living Unit Design Standards

- (a) In order to meet the Tier I Accessible Living Unit Design Standards, *dwelling units* shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b), (c), and (d).
- (b) For the purpose of this section, *dwelling units* developed with multiple *stories* shall provide a *kitchen* on the primary accessible level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements in accordance with Section 145.4004(a).
- (c) Accessible entrances designed for Tier I- Accessible Living Units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.
- (d) Required accessible *off-street parking spaces*
 - (1) *Single dwelling units* and duplexes
 - (A) *Single dwelling units* shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0520 and 142.0560.
 - (B) Duplexes shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0525 and 142.0560.

- (C) In addition to the required parking in Section 145.4004(d)(1)(A) or (B), an accessible off-street loading and unloading area shall be provided as follows:
 - (i) The minimum dimensions shall be 14 feet in width by 18 feet in depth with a maximum slope of one quarter inch per foot in any direction,
 - (ii) The off-street loading area may be located within the private driveway and may encroach into the required setback area, and
 - (iii) The loading area shall be connected to the *dwelling unit* via an accessible route of travel to an accessible entrance.

- (2) Multiple dwelling unit development with three or more dwelling units shall provide *off-street parking spaces* in accordance with Sections 145.0525 and 142.0560 including required accessible *off-street parking spaces* in accordance with California Building Code Section 1109A.

§145.4005 Tier II- Visitable Unit Design Standards

The Tier II Visitable Dwelling Unit Design Standards are intended to create *dwelling units* that facilitate access to, and access within, the primary level of a *dwelling unit* for persons with temporary, developing, or permanent disabilities. The primary level of a Tier II Visitable *Dwelling Unit* shall include accessible routes of travel, an accessible entrance, and accessible common use spaces (a kitchen, a bathroom or half bathroom, and at least one common use room) designed as follows:

(a) Accessible Exterior Route of Travel

At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway. The exterior route of travel shall be designed as follows:

- (1) A minimum width shall be provided in compliance with California Building Code Section 1113A.1.1.
- (2) A maximum slope less than 1 unit vertical and 12 units horizontal shall be provided with a maximum 2 percent cross slope.

(3) A level landing area of 5 feet in length shall be provided for every 30 inches of rise in circumstances where the accessible route of travel would have a slope exceeding 5 percent.

(4) Handrails are not required.

(b) Accessible Entrance to the Primary Level

(1) At least one accessible entrance to the primary level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.

(2) In lieu of Section 145.4005(b)(1), the entrance for up to 50 percent of the units may be designed to be adaptable for accessibility as follows:

(A) A maximum of 4 inches in step height shall be provided between the exterior and interior landings.

(B) A minimum clear space of 12 inches in length for every 1 inch in step height shall be provided on the exterior side of the door to accommodate a future ramp.

(C) The ramp clear space shall not overlap the exterior landing.

(D) Interior and exterior landings shall provide a minimum length of 48 inches to the accessible route of travel.

(E) The entry door shall provide a minimum net clear opening of 32 inches.

(c) Accessible Interior Route of Travel

At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1120.A.1. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary level:

(1) At least one bathroom or half bathroom,

(2) The *kitchen*, and

(3) Any common use rooms such as a living room or family room.

(d) One Kitchen on the Primary Level

A kitchen, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cook top, the kitchen sink, oven, dishwasher, and refrigerator/freezer.
- (2) In lieu of Section 145.4005, a kitchen with a pass through design may provide a 39 inch wide or greater accessible route of travel to a range or cooktop, kitchen sink, oven, dishwasher and refrigerator/freezer.
- (3) Kitchen sink faucet controls shall use lever hardware or other similar hardware.
- (4) A minimum linear length of 30 inches of countertop space shall be provided adjacent to the kitchen sink.

(e) Bathroom or Half Bathroom on the Primary Level

At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Sections 1132A.5 and 1134A.4.
- (2) Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and in the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.
- (3) A minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the lavatory. Maneuvering spaces may include any knee-space or toe-space available below bathroom fixtures.
- (4) A minimum clear space of 30 inches by 48 inches shall be provided for forward approach at the toilet.
- (5) When provided, a minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the shower or bathtub.

(6) Faucet controls shall use lever hardware.

(7) Clear spaces at the sink, toilet and shower/bathtub may overlap or coincide to meet the minimum requirements.

(f) Common Use Room(s) on the Primary Level

The accessible primary level shall include at least one common use room such as a living room or family room.

(g) Accessible Design and Fixtures on the Primary Level

Accessible rooms located along the interior accessible path of travel and the accessible entrance to the primary level shall comply with the following:

(1) Doors

(A) Doors shall have a minimum net clear opening of 32 inches.

(B) Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required for all doors, except for pocket doors or sliding doors.

(C) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.

(2) Electrical Outlets and Fixtures

(A) Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.

(B) Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 6, ARTICLE 7, DIVISION 1 OF THE MUNICIPAL CODE; AMENDING CHAPTER 6, ARTICLE 7 BY ADDING NEW DIVISION 6; AMENDING CHAPTER 14, ARTICLE 4, DIVISION 5; AMENDING CHAPTER 14, ARTICLE 7, DIVISION 4 BY ADDING NEW SECTION 147.0410; ALL RELATING TO WATER SUBMETERING.

WHEREAS, the San Diego region is heavily reliant on imported water, importing as much as 90% of its water from outside the County; and

WHEREAS, increased water conservation is necessary to ensure sufficient water resources for current and future residents of the City of San Diego; and

WHEREAS, nearly 50% of the residents of the City of San Diego live in multi-family residential or mixed-use buildings where water consumption in each individual unit is not measured; and

WHEREAS, the cost of water and sewer service for multi-family residential and mixed-use buildings is often divided among the individual units without regard for the actual volume of water consumed in the unit; and

WHEREAS, charging individual residential units in multi-family residential and mixed-use buildings based on the actual amount of water consumed will create a financial incentive for residents of multi-family residential units to conserve water; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 7, Division 1 of the San Diego Municipal Code is amended by amending Section 67.0102:

§67.0102 Definitions

Fixed charges means the charges in the *master bill* that do not vary with the volume of water consumed.

Master bill means the bill received by the *submeter operator* from the City of San Diego or other utility retailer.

Submeter means a device for recording the volume of water consumed that is located on the *consumer's* side of the water meter owned or operated by the City of San Diego or other utility retailer.

Submetered consumer means any person who receives water through a *submeter* and is responsible to pay a *submeter operator* for *utility services*.

Submeter operator means a *consumer* who has an account with the City of San Diego or other utility retailer for *utility service*, and owns or manages a multi-family residential or mixed -use property with a separate *submeter* for each residential unit.

Submeter system means any system for measurement of the volume of water consumed by the occupants of each individual residential unit through the use of water *submeters*.

Utility service means any combination of water service, sewer service, and storm water service.

Variable charges means the charges in the *master bill* that vary depending on the volume of water consumed.

Section 2. That Chapter 6, Article 7, Division 6 of the San Diego Municipal Code is created by adding Sections 67.0601 through 67.0608.

§67.0601 Purpose and Intent

This Division is adopted to encourage water conservation in multi-family residential and mixed-use buildings by requiring the use of water *submeters* for each individual residential unit. Billing individual residential units based on the actual amount of water consumed in the unit will create a financial incentive for residents of multi-family residential units to conserve water.

§67.0602 Application

- (a) This Division applies to multi-family residential and mixed-use buildings where *submeters* have been installed to measure water consumption by each individual residential unit. This Division does not apply to mobile home parks or to residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency.
- (b) Nothing herein shall be construed to limit or alter any existing regulations related to testing and oversight of *submeters* by the California Department of Food and Agriculture, Division of Measurement Standards.

§67.0603 Submeter Billing

- (a) Every *submeter operator* shall bill each *submetered consumer* either monthly or bi-monthly for *utility service* based on water consumption recorded by the *submeters*.
- (b) The *submeter operator* shall bill each *submetered consumer* a portion of the *fixed charges*, calculated by dividing the total *fixed charges* equally among the total number of *submetered consumers* and non-residential units without *submeters*, if any, which do not receive a separate *master bill*.
- (c) The *submeter operator* shall bill each *submetered consumer* for *variable charges* at the same rate charged in the *master bill*. In the event a *submeter* reading is unavailable, the *submeter operator* shall bill the *submetered consumer* based on a reasonable estimate of water consumption.
- (d) The *submeter operator* may charge an administrative fee for the actual third party costs of reading *submeters* and providing billing services, up to a maximum of \$4.00 per *submetered consumer* per month. The maximum administrative fee shall increase by \$0.25 on January 1, 2011 and by \$0.25 every three years thereafter.
- (e) The *submeter operator* may charge a *submetered consumer* a late fee not to exceed \$10.00 per billing cycle in the event that the utility bill is not paid in full prior to the due date, which shall be no less than 19 days following the date of mailing or delivery of the bill.

- (f) This Division shall not preclude a *submeter operator* from paying some or all of the cost of *utility service* for a *submetered consumer* as an incentive to attract or retain tenants. While such an incentive is in effect, the *submeter operator* shall continue to provide each *submetered consumer* with a monthly or bi-monthly submeter bill pursuant to this Division, reflecting a credit for the portion of the bill paid by the *submeter operator*.

§67.0604 Contents of Submeter Bills

All utility bills prepared by a *submeter owner* pursuant to this Division must include all of the following itemized information:

- (a) The total amount due, separated into *fixed charges* and *variable charges*.
- (b) The beginning and ending *submeter* readings with the dates of the *submeter* readings.
- (c) The total amount of the *master bill*, including the total *fixed charges* and the total *variable charges*.
- (d) Any administrative fees or late fees being charged.
- (e) A statement that the bill is not from the local utility.
- (f) The name of the local utility(ies) providing the *utility services*.
- (g) Name of the entity preparing the *submeter* bill.
- (h) A toll free telephone number for inquiries and questions.
- (i) In situations where *submeter* readings cannot be obtained, a statement that the bill was estimated. In no event shall a *submeter* reading be estimated for more than three consecutive months.
- (j) The date the bill is due.

- (k) Any past due amounts.

§67.0605 Rental Agreements

All rental agreements that require tenants to pay for *utility service* in a multi-family residential building with a *submeter system* shall contain all of the following information:

- (a) A description of any administrative fees or late fees that will be assessed.
- (b) The name of the submeter billing provider (if any) that will be providing the submeter billing service as of the time the rental agreement is signed.
- (c) A specific reference to this Division.
- (d) A description of how *submeter* bills are calculated, including how *fixed charges* and *variable charges* are apportioned in pursuant to Section 67.0603.

§67.0606 Records

Submeter owners shall retain the *master bill* and copies of all *submeter* bills for at least one year after the date of the bill, and make such records available at the request of a *submetered consumer* upon three business days notice, either electronically or on paper, in addition to information about the *submeter system* that will allow the individual consumer to verify his or her charges. Nothing herein is intended allow a *submetered consumer* to obtain a copy of a *submeter* bill of another *submetered consumer*.

§67.0607 Violations

It is unlawful to violate any mandatory provision of this Division. Any violation that continues over more than one billing period of the *master bill* is considered a separate violation for purposes of enforcement.

Section 3. That Chapter 14, Article 4, Division 5 of the San Diego Municipal Code is amended by adding new subsection (g) to Section 144.0507:

§144.0507 Development Regulations for Condominium Conversions

Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed [unchanged]:

[Subsections (a) through(f) unchanged]

- (g) Water Submeters - Water submeters shall be installed where more than 65 percent of the interior potable water supply piping is being replaced, in accordance with Section 147.0410.

Section 4. That Chapter 14, Article 7, Division 4 of the San Diego Municipal Code is amended by adding Section 147.0410. This section shall not apply to applications for development received by the City prior to the effective date of this ordinance:

§147.0410 Water Submeters

- (a) Notwithstanding Section 147.0402, water submeters shall be installed in the following types of *development* to provide for the measurement of the volume of water consumed by the occupants of each *dwelling unit*:
 - (1) New *multiple dwelling units* with three or more *dwelling units*.
 - (2) Existing *multiple dwelling units* with three or more *dwelling units* with a horizontal loop potable water system where more than 65 percent of the interior potable water supply piping is being replaced within a five year time span.

- (3) Existing *multiple dwelling units* built pursuant to the 1998 California Plumbing Code or any subsequent version and has only one cold water connection and one hot water connection serving each individual unit.
- (b) Every water submeter shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.
- (c) Water submeters installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code.
- (d) For *development* of residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, residential units shall be pre-plumbed for water submeters. The requirement of this Section to install a water submeter shall only apply when a residential unit is no longer designated as affordable housing.

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Mark M. Mercer
Deputy City Attorney

TCZ:MMM:ca
09/29/2009
Or.Dept: Water
O-2010-xx

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date) JERRY SANDERS, Mayor

Vetoed: _____
(date) JERRY SANDERS, Mayor

(O-[Ord Code])

ORDINANCE NUMBER O-_____ (NEW SERIES)

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WHEREAS, the San Diego region is heavily reliant on imported water, importing as much as 90% of its water from outside the County; and

WHEREAS, increased water conservation is necessary to ensure sufficient water resources for current and future residents of the City of San Diego; and

WHEREAS, nearly 50% of the residents of the City of San Diego live in multi-family residential or mixed-use buildings where water consumption in each individual unit is not measured; and

WHEREAS, the cost of water and sewer service for multi-family residential and mixed-use buildings is often divided among the individual units without regard for the actual volume of water consumed in the unit; and

WHEREAS, charging individual residential units in multi-family residential and mixed-use buildings based on the actual amount of water consumed will create a financial incentive for residents of multi-family residential units to conserve water; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

(O-[Ord Code])

Section 1. That Chapter 6, Article 7, Division 1 of the San Diego Municipal Code is amended by amending Section 67.0102:

§67.0102 Definitions

Fixed charges means the charges in the *master bill* that do not vary with the volume of water consumed.

Master bill means the bill received by the *submeter operator* from the City of San Diego or other utility retailer.

Submeter means a device for recording the volume of water consumed that is located on the *consumer's* side of the water meter owned or operated by the City of San Diego or other utility retailer.

Submetered consumer means any person who receives water through a *submeter* and is responsible to pay a *submeter operator* for *utility services*.

Submeter operator means a *consumer* who has an account with the City of San Diego or other utility retailer for *utility service*, and owns or manages a multi-family residential or mixed -use property with a separate *submeter* for each residential unit.

Submeter system means any system for measurement of the volume of water consumed by the occupants of each individual residential unit through the use of water *submeters*.

Utility service means any combination of water service, sewer service, and storm water service.

(O-[Ord Code])

Variable charges means the charges in the *master bill* that vary depending on the volume of water consumed.

Section 2. That Chapter 6, Article 7, Division 6 of the San Diego Municipal Code is created by adding Sections 67.0601 through 67.0608.

§67.0601 Purpose and Intent

This Division is adopted to encourage water conservation in multi-family residential and mixed-use buildings by requiring the use of water *submeters* for each individual residential unit. Billing individual residential units based on the actual amount of water consumed in the unit will create a financial incentive for residents of multi-family residential units to conserve water.

§67.0602 Application

- (a) This Division applies to multi-family residential and mixed-use buildings where *submeters* have been installed to measure water consumption by each individual residential unit. This Division does not apply to mobile home parks or to residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency.
- (b) Nothing herein shall be construed to limit or alter any existing regulations related to testing and oversight of *submeters* by the California Department of Food and Agriculture, Division of Measurement Standards.

§67.0603 Submeter Billing

(O-[Ord Code])

- (a) Every *submeter operator* shall bill each *submetered consumer* either monthly or bi-monthly for *utility service* based on water consumption recorded by the *submeters*.
- (b) The *submeter operator* shall bill each *submetered consumer* a portion of the *fixed charges*, calculated by dividing the total *fixed charges* equally among the total number of *submetered consumers* and non-residential units without *submeters*, if any, which do not receive a separate *master bill*.
- (c) The *submeter operator* shall bill each *submetered consumer* for *variable charges* at the same rate charged in the *master bill*. In the event a *submeter* reading is unavailable, the *submeter operator* shall bill the *submetered consumer* based on a reasonable estimate of water consumption.
- (d) The *submeter operator* may charge an administrative fee for the actual third party costs of reading *submeters* and providing billing services, up to a maximum of \$4.00 per *submetered consumer* per month. The maximum administrative fee shall increase by \$0.25 on January 1, 2011 and by \$0.25 every three years thereafter.
- (e) The *submeter operator* may charge a *submetered consumer* a late fee not to exceed \$10.00 per billing cycle in the event that the utility bill is not paid in full prior to the due date, which shall be no less than 19 days following the date of mailing or delivery of the bill.

(O-[Ord Code])

- (f) This Division shall not preclude a *submeter operator* from paying some or all of the cost of *utility service* for a *submetered consumer* as an incentive to attract or retain tenants. While such an incentive is in effect, the *submeter operator* shall continue to provide each *submetered consumer* with a monthly or bi-monthly submeter bill pursuant to this Division, reflecting a credit for the portion of the bill paid by the *submeter operator*.

§67.0604 Contents of Submeter Bills

All utility bills prepared by a *submeter owner* pursuant to this Division must include all of the following itemized information:

- (a) The total amount due, separated into *fixed charges* and *variable charges*.
- (b) The beginning and ending *submeter* readings with the dates of the *submeter* readings.
- (c) The total amount of the *master bill*, including the total *fixed charges* and the total *variable charges*.
- (d) Any administrative fees or late fees being charged.
- (e) A statement that the bill is not from the local utility.
- (f) The name of the local utility(ies) providing the *utility services*.
- (g) Name of the entity ~~generating~~ preparing the *submeter* bill.
- (h) A toll free telephone number for inquiries and questions.
- (i) In situations where *submeter* readings cannot be obtained, a statement that the bill was estimated. In no event shall a *submeter* reading be estimated for more than three consecutive months.
- (j) The date the bill is due.

- (k) Any past due amounts.

§67.0605 Rental Agreements

All rental agreements that require tenants to pay for *utility service* in a multi-family residential building with a *submeter system* shall contain all of the following information:

- (a) A description of any administrative fees or late fees that will be assessed.
- (b) The name of the ~~utility submeter~~ billing provider (if any) that will be providing the ~~—submeter—~~ billing service as of the time the rental agreement is signed.
- (c) A specific reference to this Division.
- (d) A description of how *submeter* bills are calculated, including how *fixed charges* and *variable charges* are apportioned in pursuant to Section 67.0603.

§67.0606 Records

Submeter owners shall retain the *master bill* and copies of all *submeter* bills for at least one year after the date of the bill, and make such records available at the request of a *submetered consumer* upon three business days notice, either electronically or on paper, in addition to information about the *submeter system* that will allow the individual consumer to verify his or her charges. Nothing herein is intended allow a *submetered consumer* to obtain a copy of a *submeter* bill of another *submetered consumer*.

§67.0607 Violations

(O-[Ord Code])

It is unlawful to violate any mandatory provision of this Division. Any violation that continues over more than one billing period of the *master bill* is considered a separate violation for purposes of enforcement.

Section 3. That Chapter 14, Article 4, Division 5 of the San Diego Municipal Code is amended by adding new subsection (g) to Section 144.0507:

~~§144.0507 — Development Regulations for Condominium Conversions~~

~~Prior to final map approval, to the satisfaction of the City Engineer, the following improvements shall be completed [unchanged]:~~

~~[Subsections (a) through (f) unchanged]~~

~~(g) — Water Submeters — Water submeters shall be installed where more than 50 percent of the interior potable water supply piping is being replaced, in accordance with Section 147.0410.~~

Section 4. That Chapter 14, Article 7, Division 4 of the San Diego Municipal Code is amended by adding Section 147.0410. This section shall not apply to applications for development received by the City prior to the effective date of this ordinance:

§147.0410 Water Submeters

(a) Notwithstanding Section 147.0402, water submeters shall be installed in the following types of *development* to provide for the measurement of the volume of water consumed by the occupants of each *dwelling unit*:

(1) New *multiple dwelling units* with three or more *dwelling units*.

(O-[Ord Code])

- (2) Existing *multiple dwelling units* with three or more *dwelling units* where ~~more than 50 percent of the~~ entire interior potable water supply piping is being replaced.

(i) Except those multiple dwelling units whose individual units are served by more than one cold water riser and one hot water riser system.

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- (b) Every water submeter shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.
- (c) Water submeters installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code.
- (d) For *development* of residential units designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, residential units shall be pre-plumbed for water submeters. The requirement of this Section to install a water submeter shall only apply when a residential unit is no longer designated as affordable housing.

Section 5. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

(O-[Ord Code])

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Mark M. Mercer
Deputy City Attorney

TCZ:MMM:ca
09/29/2009
Or.Dept: Water
O-2010-xx

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor