



Department: Utilities
Cost Center: NA
For Agenda of: 4/2/2024
Placement: Public Hearing
Estimated Time: 60 minutes

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SUBJECT: INTRODUCE AN ORDINANCE AMENDING TITLE 8 (SOLID WASTE), TITLE 12 (STORMWATER), TITLE 13 (WATER AND SEWER), AND TITLE 15 (PLUMBING CODE) OF THE MUNICIPAL CODE

RECOMMENDATION

Introduce a Draft Ordinance entitled, “An Ordinance of the City Council of San Luis Obispo, California, amending Title 8 (Solid Waste), Title 12 (Stormwater), Title 13 (Water and Sewer), and Title 15 (Plumbing Code) of the City of San Luis Obispo Municipal Code.”

REPORT-IN-BRIEF

The proposed modifications and additions to multiple titles within the City’s municipal code aim to address various issues such as 1) solid waste management, 2) stormwater quality, 3) water and sewer services, and 4) plumbing code related to grease control devices.

In Title 8, concerning Health and Safety, revisions focus on regulating access to trash bins and complying with California State law AB1276 regarding single use foodware accessories and condiments.

Title 12 revisions center on stormwater quality management and discharge control, aligning with California State regulations and addressing private property drainage maintenance disputes.

Title 13 revisions cover water and sewer services, with updates reflecting California State water conservation regulations, cross-connection control, and concerns related to theft and unauthorized use of utility infrastructure. Sewer revisions target controlling Sanitary Sewer Overflows (SSOs) through improvements to the sewer lateral programs, and managing Fats, Oils, and Grease (FOG) discharge.

Title 15 revisions pertain to building and construction codes, including minor additions to plumbing standards to accommodate updated sizing calculations for grease control devices.

Overall, these proposed revisions seek to enhance public health and safety, environmental protection, and regulatory compliance within the City's municipal code. They address emerging challenges and ensure alignment with state laws and regulations governing various aspects of municipal services and infrastructure.

POLICY CONTEXT

Proposed updates to the City's existing municipal code ensure the protection of the health and safety of community members, the protection of City-owned infrastructure, and the protection of the environment. The proposed municipal code revisions are in alignment with state and federal laws regulating the conveyance of water, wastewater, and stormwater and with services related to solid waste and recycling. Proposed municipal code updates align with Major City Goals related to 1) Climate Action, 2) Housing, and 3) Fiscal Sustainability.

DISCUSSION

Modifications and additions proposed within Title 8, Title 12, Title 13, and Title 15 of the City's municipal code largely impact solid waste and recycling, water services, sewer services, restaurant Fats, Oils, and Grease (FOG) management, and stormwater. This report summarizes staff's recommended modifications and additions to the municipal code and is accompanied by a full list of municipal code revisions within Attachment A.

Structure of the Report

The ordinance proposed for introduction with this staff report includes recommended changes to several sections of the City's Municipal Code. To facilitate clarity on code changes, this report organizes the modifications by Title, followed by a summary of the recommended changes therein. The report then lists the significant changes in each code section and concludes with an explanation of the potential impacts and actions that may result from the proposed code modifications.

A. Revisions to Title 8 – Health and Safety (Solid Waste)

Title 8 includes code requirements pertaining to solid waste, including recycling and organic waste. Proposed changes in this chapter are being driven by the following two primary factors: (1) trash, recycling, and organics bins are being accessed by persons other than the property owners or staff, resulting in public nuisance and potential public and environmental health impacts; and (2) AB1276, a California State law that was made effective on January 2022, requires all food facilities and delivery platforms to provide single use foodware accessories and condiments only upon request. The City will serve as the lead enforcement agency for this requirement.

Revision Summary: Municipal Code §§8.04.180 & 210 – Clearing of Waste Matter, Debris, and Vehicles from Private Property

Requested modifications and additions to Sections 8.04.180 and 8.04.210 include the following:

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1. The City may require restaurants or businesses to install a locking mechanism on trash, recycling, and/or organics bin(s) if deemed necessary due to containers not being properly secured or maintained if trash/debris or if other environmental issues are prevalent. The cost of the locking mechanism will be at the businesses' expense as a one-time installation fee from the garbage company.

Revision Summary: 8.09 – Single-use foodware accessories and condiments

Requested modifications and additions to Chapter 8.09 include the following:

1. Revise Chapter 8.09 to align with California Assembly Bill 1276, which requires all retail food facilities and food delivery platforms to provide single use foodware accessories and condiments upon request only. Single use foodware items cannot be bundled together. Single use foodware accessories and condiments can only be provided upon request, except at drive-throughs and airports, where staff can ask if a customer wants single use foodware accessories. Food facilities using third-party delivery platforms can only provide single use items and condiments that have been requested by a customer during the online ordering process. Foodware items covered by the law include single use utensils, straws, chopsticks, stirrers, and condiment cups and packets. Facilities found in violation of the law may be fined if education and outreach efforts are not effective. Self-serve stations are allowed if items are not bundled or wrapped.

Potential Impacts of Proposed Changes to Title 8 - Health and Safety (Solid Waste)

Staff and business owners have witnessed issues related to the unauthorized removal of items from waste bins, resulting in problematic amounts of debris being scattered around the area of waste containers. Working with the City's contract solid waste hauler, staff are recommending the ordinance change to require sites to have locking mechanisms installed on waste bins where issues have repeatedly occurred, and voluntary installation has not occurred, following outreach and education. Preliminary feedback from business owners indicates that voluntary compliance will be successful.

Other recommended changes include the updating of the City's existing single use straw ordinance to include condiments and foodware as stated in and required by California Assembly Bill 1276. This change is reflective of current state law and these changes would likely result in less used single use foodware and condiment containers ending up in landfills and in the environment. While preliminary feedback from business owners indicates that voluntary compliance will be successful, the City and the Integrated Waste Management Authority (IWMA) will refine and expand outreach and education efforts this year. These efforts will include social media posts, distribution of informational stickers for restaurant owners to display, and helpful links on each agency's website. If a resident notices potential non-compliance, they will be directed to submit a concern through the IWMA's website. The IWMA will perform initial outreach, and if it is determined that the business is not in compliance, they will provide the necessary information to the City to enforce.

B. Revisions to Title 12 – Streets, Sidewalks and Public Places (Stormwater)

Title 12 includes code requirements relating to streets, sidewalks, and public places. The chapter in focus, 12.08, is the City's stormwater quality ordinance. Changes in this chapter are being driven by the California State Municipal Separate Storm System (MS4) regulations and clarity around drainage maintenance responsibilities on private property.

Revision Summary: Chapter 12.08 – Urban Stormwater Quality Management and Discharge Control

Requested modifications and additions to Chapter 12.08 include the following:

1. New and modified clarifying definitions of specific terms, including "incidental runoff" and "property owners" as defined in Section 12.08.030.
2. Erosion and Sediment Control Plan Submittals, and Stormwater Pollution Prevention Plan (SWPPP) submittals and related maintenance requirements are required for persons involved in operations or owning facilities which may result in pollutant discharge, as defined in Section 12.08.150.
3. Storm control measure (SCM) inspection requirement prior to occupancy, as defined in Section 12.08.220.
4. Clean up and abatement time requirements for discharges and other stormwater pollution, as defined in Section 12.08.240.

Potential Impacts of Proposed Changes to Chapter 12.08 – Urban Stormwater Quality Management and Discharge Control

The proposed modifications to Chapter 12.08 are in alignment with the conditions and program requirements detailed in the City’s MS4 stormwater permit. The inclusion of the definition of “property owner” clarifies maintenance responsibilities for private drainage systems and includes language for joint property ownership and common interest developments, including homeowner’s associations. Items two through four memorialize existing practices for consistent application, which are defined and required by the City’s MS4 permit.

C. Revisions to Title 13 – Public Services (Water and Sewer)

Title 13 includes code requirements related to water and sewer public services provided to the community. This chapter discusses water conservation requirements as well as code requirements associated with potable water, recycled water, and sewer service delivery. Changes in the water sections of this chapter are being driven by updates to California State water conservation regulations, recycled water and cross connection control program code improvements, and concerns with tampering, theft, and unauthorized modification or use of City owned utility infrastructure.

Sanitary sewer code changes are required to control Sanitary Sewer Overflows (SSOs) and to manage increased sewer maintenance requirements resulting from Fats Oils and Grease (FOG) discharge to the City-owned sanitary sewer system. Staff are also proposing code updates that reflect feedback received from the community at outreach events related to the sewer lateral offset program and sewer backflows into private residences and businesses.

Revision Summary: Chapter 13.04 – Water Service

Requested modifications and additions to Chapter 13.04 include the following:

1. The addition of Subsection 13.04.060(H), which allows the City to disconnect a customer from water service at the City’s water main to prevent water theft or a risk to public health and safety.
2. The addition of Section 13.04.070, which authorizes the City to issue a penalty of up to \$1,000 and pursue cost recovery if an individual tampers with a curbstop, water meter, backflow device, or fire hydrant with the intent of stealing water from the City.
3. The addition of Subsection 13.040.130(D)(5), which authorizes the City to bill a customer and recover all associated costs if a customer intentionally removes and reinstalls their water meter backwards with the intent of defrauding the City of water revenue.
4. The addition of Subsection 13.040.130(K), which references California Green Building Code standards for the addition of submeters.

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5. The addition of language to Subsection 13.04.150(E) that authorizes staff to trim or remove plants and other materials to access water meter boxes in case of emergency or if the customer neglects to provide reasonable access.
6. The addition of language to Subsection 13.04.150(F) that authorizes individuals to install remote flow monitoring devices on City-owned water meters with Utilities Department Director approval.
7. The addition of Subsections 13.04.160(B-D), which authorize the City to require backflow prevention device installation on sites adjacent to those utilizing recycled water, require that parcel owners maintain backflow devices in accordance with local, state, and federal law, and that the City has the right to discontinue water service to any property that does not comply with backflow device maintenance and/or inspection requirements.
8. The addition of language to Subsection 13.04.200(A), and the addition of Subsection 13.04.200(B), which regulate the use of City owned and privately owned fire hydrants that are connected to the City's water distribution system, with the intent of reducing water theft and the potential for damage to City infrastructure resulting from unauthorized use of this infrastructure.
9. The addition of Subsection 13.04.240(D), which, in alignment with the State's Executive Order N-7-22, ensures that prior to the installation of a new groundwater well, or the alteration of an existing well, that a property owner receive written permission from the City, ensuring that the action is not inconsistent with the adopted Groundwater Sustainability Plan.
10. The addition of language to Section 13.04.250 that increases the penalty for unauthorized operation of City-owned, water conveying infrastructure to an amount not to exceed \$1,000. This section is also being amended to allow an employee and employer to be held jointly and severally liable for such action.

Potential Impacts of Proposed Changes to Chapter 13.04 – Water Service

The majority of impacts associated with the proposed changes to the above-stated water-related sections of the municipal code would be to those individuals or parties involved in illegal activities related to water theft or the illegal operation of City-owned infrastructure.

There may also be impacts to parties that intend to install new groundwater wells or alter existing groundwater wells within the San Luis Obispo Valley Groundwater Basin. This code section, in alignment with State law, would ensure that the addition of new groundwater wells, or expansion of an existing well, would not impact local groundwater supplies.

Revision Summary: Chapter 13.06 – Mandatory Indoor Plumbing Retrofit Standards Requested modifications and additions to Chapter 13.06 include the following:

1. Defining “low-water-use plumbing fixtures”, included in Section 13.06.010, to comply with the California Green Building Code.

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2. The addition of language to Section 13.06.050 that allows home inspectors, in addition to plumbers and contractors, to inspect and verify the use of low-flow fixtures to meet compliance with program requirements.
3. The addition of Subsection 13.06.080(C), which clarifies that if non-compliance with code requirements is appealed, the decision of the appeals board shall be considered final, and the party aggrieved by the decision may seek judicial review with the San Luis Obispo Superior Court.
4. Modifications to Section 13.06.090 that clarifies enforcement, citation, and fines due to non-compliance with code requirements will be subject to enforcement provisions outlined in Chapter 1.12 and Chapter 1.24.

Potential Impacts of Proposed Changes to Chapter 13.06 – Mandatory Indoor Plumbing Retrofit Standards

Proposed changes to the indoor plumbing section of the municipal code would serve to clarify terms, allow for broader qualifications of accepted plumbing fixture inspectors, and clarify the appeals process and enforcement and penalties, if required, due to non-compliance.

Revision Summary: Chapter 13.07 – Water Conservation

Requested modifications and additions to Section 13.07 include the following:

1. Modification of Section 13.07.020 to reduce the allowable time for repairs due to “water waste runoff” from ten days to 72 hours in alignment with State stormwater runoff requirements.
2. The modification of Section 13.07.050 regarding enforcement due to non-compliance with code requirements, allowing the City to utilize the standard enforcement mechanisms outlined in Chapter 1.12 and Chapter 1.24 of the municipal code.
3. The addition of Subsection 13.07.060(D), Subsection 13.07.060(F), and 13.07.070(C)(6), which restrict the use of potable water for the irrigation of “non-functional turf” located on specific classifications of properties. In compliance with California state law, restrictions are proposed to become effective as follows:
 - a. January 1, 2027, for all properties owned by the California State Department of General Services.
 - b. January 1, 2028, for all institutional, commercial, and industrial properties.
 - c. January 1, 2029, for all common areas of properties of homeowners’ associations, common interest developments, and community service organizations.
 - d. January 1, 2031, for all properties owned by local governments, local public agencies, and public water systems within a disadvantaged community.

Potential Impacts of Proposed Changes to Chapter 13.07 – Water Conservation

The proposed modifications in the water conservation section align the City's municipal code to be consistent with existing State law related to the conservation of potable water supplies. Staff will provide ongoing updates to the City Council and impacted community members related to new Statewide regulations restricting the irrigation of non-functional turf. Non-functional turf restrictions are scheduled to become effective over a five-year period, beginning in January 2027, and only apply to specific property classifications.

Revision Summary: Chapter 13.08 – Sewers

Requested modifications and additions to Chapter 13.08 include the following:

1. Modifications to Section 13.08.040 would provide additional language allowing mass-based pollutant discharge limits as an alternative method at the discretion of the Utilities Director. This section would also require notifications for draining pools with a volume of 500,000 or greater to the city's sanitary sewer.
2. Modifications and additional requirements relating to Fats, Oils, and Grease (FOG) control (13.08.090) would apply to food service establishments in the areas of used cooking oil handling, inspection and training requirements, and best management practices (BMPs).

13.08.090 also proposes code updates for Grease Control Devices (GCD) in food establishments. These are specifically related to sizing requirements, replacement requirements, and the ability of the City to require upgrading of improperly functioning devices. The section also proposes clarity on maintenance and reporting requirements.

3. Modifications to Section 13.08.390 would require backwater devices to be compliant with the California Plumbing Code and would restate that the property owner is responsible and liable for any damage resulting from improper device installation and maintenance.
4. Proposed language modifications in Section 13.08.395 would clarify that private sewer lateral inspections are required for properties in common interest developments that have systems owned and maintained by the City. Changes also remove the deadline of January 1, 2030, for common interest development private sewer lateral system inspections.

Changes in this section also serve to clarify conditions requiring private sewer lateral replacement. Specifically, if an inspection of a non-compliant sewer lateral was conditioned due to a sanitary sewer overflow, from findings of infiltration and intrusion, or from a lateral with defects having not met pipe material requirements, the lateral must be completely replaced rather than

repaired. The proposed modifications would require conditioned replacements of the entire lateral to be completed within 180 days.

5. Proposed language modifications to Section 13.08.396 are related to the wastewater flow offset program, which resulted from a 2016 legal settlement between the City and California River Watch, and the health and safety findings presented to council in subsequent years leading up to the adoption of the program in 2019. Changes in this section would expand discretion for wastewater flow offsets to include “in-lieu” offsets at the Utility Director’s discretion, allow for “on-site” offset credits for same parcel single-family residence intensification projects (including ADUs), and allow single-family ADU projects to submit and apply for offset in different capacity constrained basins provided an equivalent reduction in infiltration and intrusion is achieved.
6. Lastly, section 13.08.480 is proposed to modify the appeals process to be consistent with the terms defined in Section 1.24.090, allowing director review and appeals of administration citations to a hearing board, pursuant to Section 1.24.100.

Potential Impacts of Proposed Changes to Chapter 13.08 – Sewers

The significant proposed changes in this section of the municipal code would allow for possible alternative discharge limits to be considered for industrial dischargers. The proposed changes would provide additional requirements for grease control devices. The intent of these changes is to ensure adequate sizing and maintenance of these devices to ensure continued public and environmental health. This section also clarifies the need for proper installation and maintenance of backwater devices, which serve to protect against sewage backup.

After hearing from stakeholders, proposed modifications to the current sewer lateral replacement program are included in this recommendation. The proposed changes to this section provide additional discretion to staff that allow alternative paths for offset requirements that serve to support development while still meeting the intent of the private sewer lateral program, which aims to protect public and environmental health by ensuring sufficient capacity to convey sewage. Additional updates to the lateral offset program may be considered after a system-wide flow study is completed and delivered in the fall of 2024. The Utilities Department is also evaluating increasing rebate amounts for private sewer lateral replacements to keep pace with inflationary trends as part of future budget processes.

Revision Summary: Chapter 13.24 – Recycled Water Service

Requested modifications and additions to Chapter 13.24 include the following:

1. The addition of Subsections 13.24.020(B-G), which clarify existing restrictions on the use of recycled water, in alignment with State law and the City's Procedures for Recycled Water Use policies.

Potential Impacts of Proposed Changes to Chapter 13.24 Recycled Water

The changes to the municipal code in this section would ensure consistency with State law and previously adopted City policies and allow the City more clarity when enforcement action is necessary for non-compliance with recycled water regulations.

D. Revisions to Title 15 – Buildings and Construction

Title 15 includes code requirements related to building, construction, and safety, which are enforced by the Community Development Department.

Revision Summary: Chapter 15.02 – Building Codes Adopted

Requested additions to Chapter 15.02 include the following:

1. A minor addition to the code section that describes plumbing standards, 15.02.050, making reference to the new language in section 13.08.090 that includes updated sizing calculations for grease control devices.

Potential Impacts of Proposed Changes to Chapter 15.02 - Building Codes Adopted

Proposed changes to this section of the municipal code would ensure that the requirements in Title 13 for grease control devices are being properly sized and protective of the sanitary sewer system are also addressed through Title 15 and the building permit process.

Previous Council or Advisory Body Action

On City Council approved [Ordinance No 1665](#) (2019 Series), amending Chapter 13.08 of the San Luis Obispo Municipal Code Creating a Sewer Lateral Inspection and Offset Program.

Public Engagement

Staff have conducted outreach to individual stakeholders through a series of nearly three dozen meetings with developers, realtors, residential and commercial property owners, the Integrated Waste Management Authority (IWMA), San Luis Garbage, the Downtown San Luis Obispo Association, and the San Luis Obispo Chamber of Commerce to solicit feedback and generate recommendations on refining the existing and proposed drafted language in the ordinances discussed in this report. Larger group stakeholder events were also conducted, which are summarized below.

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Staff presented and discussed private sewer lateral program elements with the Association of Realtors on April 25, 2022, August 22, 2022, August 30, 2022, November 15, 2022, August 16, 2023, and on January 19, 2024. Feedback from the Realtors will be crucial in focusing outreach and education efforts to maximize the effectiveness of the programs.

On February 15, 2024, staff presented draft changes to the City's private sewer lateral offset program to 30 attendees at the Developers Round Table (DRT). Developer stakeholders from the public provided feedback similar to individual feedback that staff has received since the adoption of the program in December 2019. Stakeholders were interested in potential exemptions, assistance with finding offsets, and learning more about program offramps and about the progress made to date. Staff informed DRT participants of the current sewer system flow study, which is expected to be completed in the summer of 2024 and will provide updated sewer system capacity modeling, among other things. The prior flow study was conducted in 2012 and provides the basis for the current private sewer lateral offset program. Staff will use the results of the study to determine future capital improvement projects and the boundaries of capacity constrained sewer basins.

On February 20, 2024, staff presented to a stakeholder group consisting of restaurant operators and commercial property owners. Over 300 stakeholders were invited to the event through direct email outreach. The "Restaurant Forum" was held to present and solicit feedback from the business community on draft changes relating to single use foodware, locking dumpsters, and Fats, Oils, and Grease (FOG) control requirements. Attendees were receptive to the concepts presented and provided valuable feedback that will assist staff focus outreach and education efforts on grease control device servicing and sizing, the use of compostable single use foodware, and voluntary locking dumpster retrofits.

On February 22, 2024, the Construction Board of Appeals received a presentation by staff on the proposed changes to Municipal Code section 13.08.090 (FOG Discharge Control Program Requirements) and Chapter 15.02 as it pertains to the California Plumbing Code. Although the Board did not provide a formal recommendation, the presentation and following discussion generated practical feedback on sizing calculations and considerations for business turnover, which staff have reflected in the final version of the proposed updated ordinance.

In February 2024, staff constructed a [webpage](#) to present potential ordinance changes described in this report, and have encouraged the community to reach out with questions and feedback. As new questions are received, they are published on the website as Frequently Asked Questions (FAQs). Notification of the public hearing will be circulated as a legally required advertisement in New Times San Luis Obispo.

CONCURRENCE

The City Attorney’s Office, Public Works Department, and Community Development Department have provided input on, and concur with the proposed municipal code revisions.

ENVIRONMENTAL REVIEW

The proposed ordinance revisions are exempt from environmental review per California Environmental Quality Act (CEQA) Statute (Public Resources Code Section 21000, et seq.) and State CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because the ordinance revisions are within certain classes of projects that have been determined not to have a significant effect on the environment.

The proposed ordinance revisions and additions qualify for exemptions as follows: Section 15301 (Existing Facilities) because the operation, repair, maintenance, and minor alteration of existing water and sewer infrastructure and accessory equipment would involve negligible or no expansion of existing use; Section 15303 (New Construction or Conversion of Small Structures) because the new structures and accessory equipment (such as sewer laterals, manholes, backflow devices, pre-treatment devices, flow monitoring devices, and sub-meters) are small and would only require minor modifications; Sections 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment) because the solid waste, recycled water, irrigation, water conservation, and groundwater management-related ordinance revisions are proposed consistent with State laws to assure the maintenance, restoration, or enhancement of a natural resource (including, but not limited to surface and groundwater resources and land resources related to reductions in landfill waste) and the ordinance revisions are proposed to assure the maintenance, restoration, enhancement, and protection of the environment and include procedures for the protection of the environment, including but not limited to the protection of water quality, the avoidance and minimization of sewage overflows and spills, the avoidance and reduction of litter adversely impacting water quality and surrounding land, and reductions in landfill solid waste; and Section 15309 (Inspections) and 15321 (Enforcement Actions by Regulatory Agencies) because the ordinance revisions include clarified procedures and requirements for inspections and enforcement procedures and actions.

FISCAL IMPACT

Budgeted: NA
Funding Identified: NA

Budget Year: NA

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$0	\$0	\$0	\$0
State				
Federal				
Fees				
Other:				
Total	\$0	\$0	\$0	\$0

The proposed ordinance revisions would result in minimal or no noticeable impacts to the City’s finances. Should impacts requiring adjustment to the budget be identified, staff will return to Council at a later date to describe the need and recommend adjustments as necessary.

ALTERNATIVES

1. ***The City Council could decide to not approve any sections of the proposed updates.*** This action is not recommended by staff because all proposed municipal code revisions or additions will help the City to ensure the protection of public health and safety, protection of the environment, and ensure compliance with state and federal regulations.
2. ***The City Council could decide only to approve specific sections of the proposed updates.*** This action is not recommended by staff because all proposed municipal code revisions or additions will help the City to ensure the protection of public health and safety, protection of the environment, and ensure compliance with state and federal regulations. If Council decided to only approve certain sections, Council would need to approve the introduction of the modified ordinance and the modified ordinance would require a second reading. Substantive modifications would require re-introduction and another second reading.

ATTACHMENTS

A - Draft Ordinance Amending Title 8 (Solid Waste), Title 12 (Stormwater, Title 13 (Water and Sewer), and Title 15 (Plumbing code) of the San Luis Obispo Municipal Code.