Attachment 2

ORDINANCE NO. 15-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH A WATER CAPACITY CHARGE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Beverly Hills hereby finds as follows:

(a) Each new connection to the City's water system creates a demand for additional water and additional capacity in the water system.

(c) The City Council wishes to establish a charge for the cost of water facilities in existence and for new water facilities to be acquired or constructed that are of proportional benefit to the person being charged.

(d) The City Council commissioned a study (the "Study") by Raftelis Financial Consultants, Inc., dated December 22, 2014, to calculate such charge in an amount that reflects the proportional costs to serve a new or expanded connection to the water system.

(e) On this date, the City Council conducted a public hearing on the proposed water capacity charge.

Section 2. The City Council hereby amends the Municipal Code of the City of Beverly Hills by adding Article 2.5 to Chapter 1 (City Utility Services) of Title 6 (Utilities and Franchises) to read as follows:

"Article 2.5. Water Capacity Charge

6-1-250: Purpose:

The purpose of this article is to establish a water capacity charge for the cost of water facilities in existence and for new water facilities to be acquired or constructed that are of proportional benefit to the person being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the City involving capital expense relating to its use of existing or new water facilities.

6-1-251: Establishment of a Water Capacity Charge:

~~Upon near completion of a qualifying residential or commercial project when the project is ready for connection to the City's water system , a~~The user of city water service shall pay a water capacity charge in an amount established by resolution of the city council. The water capacity charge is due upon the occurrence of one of the following events, as deemed appropriate by the Director of Public Works Services, or his or her designee: (1) installation of a new water meter, (2) change in the size of a water meter, or (3) the final inspection of a project.

6-1-252: Project and Floor Area Defined:

(a) For the purposes of this Article, "project" means the construction or addition of "floor area~~," as defined in section 10-3-100 of this code,~~" which requires a building permit. "Project" also shall mean any change of use of property, which requires a larger water meter and a building permit.

(b) For the purposes of this Article, "floor area" shall mean the following:

A. Nonresidential and multi-family residential zones: "Floor area" shall mean the area of all floors or levels included within the surrounding walls of a building or structure. Space

devoted only to the following shall not be considered in determining the total floor area within a building or structure:

1. Stair shafts;

2. Elevator and escalator shafts and elevator lobbies located in parking areas or on rooftops. The area of each elevator lobby at each floor shall not exceed one hundred (100) square feet per elevator cab; provided, however, that any elevator lobby area in excess of one hundred (100) square feet per elevator cab shall be considered in determining the total floor area within a building or structure;

3. Courts;

4. Parking spaces below the first floor and access thereto, including void spaces in parking areas below the first floor used exclusively for storage related to operation of the building. Such void spaces may be enclosed and shall not exceed two thousand (2,000) square feet on each parking floor or five percent (5%) of the floor area of the entire building, whichever is less;

5. Rooms exclusively housing building operating equipment or machinery;

6. Parking spaces at or above the first story and access thereto provided that in commercial zones:

a. Not less than the front forty feet (40') of the ground floor shall be devoted to retail sales, offices, or financial uses; notwithstanding such restriction, the director of planning and community development may reduce the amount of floor area required under this provision by up to ten percent (10%) pursuant to the provisions of article 36 of this chapter regarding minor accommodations if the director finds that the dimensions

of the site do not provide adequate space for internal circulation for parking and such accommodation would not substantially compromise pedestrian activity in the area; and

b. At least one full level of parking below grade is provided;

7. Mall areas; and

8. Space used or provided within a building or structure for publicly owned off street parking facilities.

B. Single-family residential zone: "Floor area" shall mean the area of all portions of floors and levels, including basements, which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include crawl spaces and up to four hundred (400) square feet of garage area.

6-1-253: Collection of Water Capacity Charge:

The city may collect the water capacity charge from the water user with a bill for water service charges, or by delivering a separate bill for the water capacity charge. The City may collect the water capacity charge in two or more installments The city council may provide, by resolution, for an alternative procedure for collection of the water capacity charge.

6-1-254: Establishment of Special Fund for Charge:

Pursuant to Government Code section 66013, there is hereby established a special fund entitled the "water capital facilities fund." The city shall place the revenues from the water

capacity charge into the water capital facilities fund to be used solely for the purposes established by this article.

6-1-255: Annual Report:

The city shall annually provide the information required by Government Code section 66013, as such law may be amended from time to time, in the manner provided by such law.

6-1-256: Adjustments:

A person may apply to the Director of Public Works Services or his/her designee for an adjustment to the water capacity charge for a project based upon facts that show the person previously paid a water capacity charge in an amount that reflects the proportional costs to serve the new or expanded connection to the water system for the property. "

Section 3. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

_____
LILI BOSSE
Mayor of the City of Beverly Hills, California

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
MAHDI ALUZRI
Interim City Manager

_____
DON RHOADS
Director of Administrative Services/Chief Financial Officer

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