


BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
John Rahaim, Director, Planning Department  
Harlan Kelly, Jr., Public Utilities Commission  
Barbara A. Garcia, Director, Department of Public Health  
Theo Miller, HOPE SF  
Olson Lee, Mayor's Office of Housing and Community Development

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: February 26, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following **substitute** legislation, introduced by Supervisor Wiener on February 23, 2016:

**File No. 150875-3**

Ordinance amending the Health Code to revise the definition of development projects subject to the requirements for an Alternate Water Source system, and the definitions of large and small residential projects subject to specific requirements for such a system; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Scott Sanchez, Planning Department  
Aaron Starr, Planning Department  
AnMarie Rodgers, Planning Department  
Juliet Ellis, Public Utilities Commission  
Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health  
Barbara Amaro, HOPE SF  
Sophie Hayward, Mayor's Office of Housing and Community Development

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1 [Health Code - Definition of Projects for Alternative Water Source Requirements]

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3 **Ordinance amending the Health Code to revise the definition of development projects**  
4 **subject to the requirements for an Alternate Water Source system, and the definitions**  
5 **of large and small residential projects subject to specific requirements for such a**  
6 **system; and affirming the Planning Department’s determination under the California**  
7 **Environmental Quality Act.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The Planning Department has determined that the actions contemplated in  
17 this ordinance comply with the California Environmental Quality Act (California Public  
18 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The  
20 Board affirms this determination.

21 Section 2. The Health Code is hereby amended by revising Sections 12C.2 and 12C.4,  
22 to read as follows:

23  
24 **SEC. 12C.2. DEFINITIONS.**

25 The terms used in this Article 12C have the meaning set forth below:

1 \* \* \* \*

2 **Development Project:** Construction of new buildings. Development Projects are Large  
3 Development Projects and Small Development Projects. Development Project does not include  
4 (1) any housing project funded or constructed pursuant to the HOPE SF Program sponsored and  
5 developed by the San Francisco Housing Authority and the Mayor’s Office of Housing and Community  
6 Development, or (2) construction of a new building that will receive water service from the San  
7 Francisco Public Utilities Commission through no larger than a 5/8” domestic water meter or a 5/8”  
8 recycled water domestic meter, as determined in accordance with the San Francisco Public Utilities  
9 Commission’s rules for water service.

10 \* \* \* \*

11 **Large Development Project:** Construction of a ~~new~~ single building, or construction of  
12 multiple buildings in accordance with a phased plan or approval and on one or more parcels, with a  
13 total gross floor area of 250,000 square feet or more:

14 (a) located within the boundaries of the Reclaimed Water Use Map designated in  
15 accordance with Sections 1203 and 1209 of the Public Works Code and subject to a site  
16 permit or building permit that is final and effective after November 1, 2015; or

17 (b) located outside the boundaries of the Reclaimed Water Use Map designated in  
18 accordance with Sections 1203 and 1209 of the Public Works Code and subject to a site  
19 permit or building permit that is final and effective after November 1, 2016.

20 Large Development Projects are not limited to buildings constructed by individuals or  
21 non-governmental entities but, to the extent allowed by law, also include buildings constructed  
22 and operated by any local, state, or federal government entity, including the City and County  
23 of San Francisco.

24 \* \* \* \*

1           **Small Development Project:** Construction of a ~~new~~ single building, or construction of  
2 multiple buildings in accordance with a phased plan or approval and on one or more parcels. with a  
3 total gross floor area of 40,000 square feet or more, but less than 250,000 square feet. Small  
4 Development Projects are not limited to buildings constructed by individuals or non-  
5 governmental entities but, to the extent allowed by law, also include buildings constructed and  
6 operated by any local, state, or federal government entity, including the City and County of  
7 San Francisco.

8           \* \* \* \*

9           **SEC. 12C.4. DEVELOPMENT PROJECT REQUIREMENTS.**

10           (a) Large Development Projects shall be constructed, operated, and maintained in  
11 compliance with the following:

12                   (1) All toilet and urinal flushing and irrigation demands shall be met through the  
13 collection and reuse of available onsite Rainwater, Graywater, and Foundation Drainage, to  
14 the extent required by application of the Water Budget Documentation developed for each  
15 Development Project.

16                   (2) A Large Development Project Applicant shall use the Water Budget Calculator,  
17 as provided by the General Manager's rules, to prepare a Water Budget assessing the  
18 amount of Rainwater, Graywater, and Foundation Drainage produced on site, and the planned  
19 toilet and urinal flushing and irrigation demands.

20                   (3) If, based on the Water Budget Documentation, the available supply from onsite  
21 sources exceeds the demands for toilet and urinal flushing and irrigation, 100% of those  
22 demands shall be met by using the available onsite sources. If, based on the Water Budget  
23 Documentation, the available supply from onsite sources is less than the demands for toilet  
24 and urinal flushing and irrigation, 100% of the available onsite supply shall be used to meet  
25 the demands for toilet and urinal flushing and irrigation. Available Blackwater or Stormwater

1 supplies may be used instead of, or in addition to Rainwater, Graywater, and Foundation  
2 Drainage to meet the available onsite supply requirements calculated in accordance with the  
3 Water Budget Documentation requirements of this section 12C.4(a).

4 ~~(b) (4)~~—Small Development Project Applicants shall use the Water Budget Calculator,  
5 as provided by the General Manager's rules, to prepare a Water Budget assessing the  
6 amount of Rainwater, Graywater and Foundation Drainage produced on site, and the planned  
7 toilet and urinal flushing and irrigation demands.

8 ~~(c) (5)~~ City departments shall not issue an encroachment permit, a site permit, or  
9 plumbing permit for a Large Development Project or a Small Development Project, or approve  
10 a Non-potable Water Engineering Report, prior to the General Manager's determination that  
11 the Water Budget Documentation has been prepared in accordance with the General  
12 Manager's rules for Water Budget calculations.

13 ~~(d) (b)~~ Subdivision Approvals.

14 (1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public  
15 Works shall not approve a tentative subdivision map or a parcel map for any property unless a  
16 condition is imposed requiring compliance with this Article 12C to serve the potential uses of  
17 the property covered by the parcel map or tentative subdivision map, as specified in the  
18 provisions of this Article.

19 (2) Subdivision Regulations. The Director of Public Works shall adopt regulations  
20 consistent with, and in furtherance of this Article 12C.

21 (3) Final Maps. The Director of Public Works shall not endorse and file a final map  
22 for property within the boundaries of the City without first determining that:

23 (A) The subdivider has complied with the conditions imposed on the tentative  
24 subdivision map or parcel map, pursuant to this Article 12C; and  
25

1 (B) For any such conditions not fully satisfied prior to the recordation of the final  
2 map, the subdivider has signed a certificate of agreement and/or improvement agreement, to  
3 ensure compliance with such conditions.

4 (4) This Subsection (d) ~~(b)~~ shall not apply to tentative subdivision maps or parcel  
5 maps submitted solely for the purposes of condominium conversion, as defined in Subdivision  
6 Code Section 1308(d).

7  
8 Section 3. Effective Date. This ordinance shall become effective 30 days after  
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
11 of Supervisors overrides the Mayor's veto of the ordinance.

12  
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
17 additions, and Board amendment deletions in accordance with the "Note" that appears under  
18 the official title of the ordinance.

19  
20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By:

  
23 JOHN RODDY  
24 Deputy City Attorney

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