

1 [Health, Planning Codes - Buildings with an Alternate Water Source System; Exemption from  
2 Floor Area Ratio Limits and Calculation of Development Impact Fees]

3 **Ordinance amending the Planning Code to exempt from the computation of Floor Area**  
4 **Ratio limits and the calculation of applicable Development Impact Fees the space**  
5 **required to be used for an Alternate Water Source system; amending the Health Code**  
6 **to amend the definition of projects subject to the requirements for an Alternate Water**  
7 **Source system; affirming the Planning Department’s determination under the California**  
8 **Environmental Quality Act; and making findings of consistency with the General Plan,**  
9 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

18 Section 1. Findings.

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

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
4 Planning Code amendment will serve the public necessity, convenience, and welfare for the  
5 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board of  
6 Supervisors incorporates such reasons herein by reference.

7  
8 Section 2. The Planning Code is hereby amended by adding Section 124.2, to read as  
9 follows:

10 **SEC. 124.2. FLOOR AREA RATIO EXCEPTION: BUILDINGS WITH AN ALTERNATE WATER**  
11 **SOURCE SYSTEM.**

12 *(a) The Basic Floor Area Ratio limits set forth in the Zoning Control Table for the district in*  
13 *which the lot is located or in Section 124 of this Code shall not apply to projects which are subject to*  
14 *the requirements for Alternate Water Source systems set forth in Article 12C of the Health Code.*

15 *(b) For projects eligible for the exemption set forth in this Section 124.2, the space required to*  
16 *be used in order to install or operate the Alternate Water Source system shall not be included in the*  
17 *computation of the Floor Area Ratio.*

18 *(c) Notwithstanding anything to the contrary set forth in Article 4 or elsewhere in this Code, the*  
19 *space required to be used in order to install and operate an Alternate Water Source system shall not be*  
20 *used to calculate any Development Impact Fee applicable to a project that qualifies for the Basic Floor*  
21 *Area exemption set forth in this Section 124.2.*

22  
23 Section 3. The Health Code is hereby amended by revising Section 12C.2, to read as  
24 follows:

1 **SEC. 12C.2. DEFINITIONS.**

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

3 **Alternate Water Source:** a source of non-potable water that includes Graywater, on-  
4 site treated non-potable water, Rainwater, Blackwater, and any other source approved by the  
5 Director.

6 \* \* \* \*

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

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

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

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

20 \* \* \* \*

21 **Small Development Project:** Construction of a ~~new~~ single building, or construction of  
22 multiple buildings in accordance with a phased plan or approval and on one or more parcels, with a  
23 total gross floor area of 40,000 square feet or more, but less than 250,000 square feet. Small  
24 Development Projects are not limited to buildings constructed by individuals or non-  
25 governmental entities but, to the extent allowed by law, also include buildings constructed and

1 operated by any local, state, or federal government entity, including the City and County of  
2 San Francisco.

3 \* \* \* \*

4  
5 Section 4. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor’s veto of the ordinance.

9  
10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
14 additions, and Board amendment deletions in accordance with the “Note” that appears under  
15 the official title of the ordinance.

16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By: \_\_\_\_\_  
20 JUDITH A. BOYAJIAN  
21 Deputy City Attorney

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