

1 [Health Code - Definition of Projects and Responsibilities for Alternate Water Sources]

2
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 of**
5 **large and small residential projects subject to specific requirements for such a system,**
6 **and providing authorization for the review and approval of alternative means of**
7 **compliance; and affirming the Planning Department’s determination under the**
8 **California Environmental Quality Act.**

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

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

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this ordinance comply with the California Environmental Quality Act (California Public
19 Resources Code Sections 21000, et seq.). Said determination is on file with the Clerk of the
20 Board of Supervisors in File No. 161069 and is incorporated herein by reference. The Board
21 affirms this determination.

22 Section 2. The Health Code is hereby amended by revising Sections 12C.2, 12C.4,
23 and 12C.10, to read as follows:

24 **SEC. 12C.2. DEFINITIONS.**
25

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

2 * * * *

3 **Alternate Water Source System:** The system of facilities necessary for providing Non-potable
4 Water for use in a Development Project, including but not limited to all collection, treatment, storage,
5 and distribution facilities. Non-potable Water System shall have the same meaning.

6 * * * *

7 **Development Project:** Construction of new buildings. Development Projects are Large
8 Development Projects and Small Development Projects. Development Project does not include
9 (1) any housing project funded or constructed pursuant to the HOPE SF Program sponsored and
10 developed by the San Francisco Housing Authority and either the Mayor’s Office of Housing and
11 Community Development or the Office of Community Investment and Infrastructure; (2) construction of
12 a new building that will receive water service from the San Francisco Public Utilities Commission
13 through no larger than a 5/8” domestic water meter or a 5/8” recycled water domestic meter, as
14 determined in accordance with the San Francisco Public Utilities Commission’s rules for water
15 service; 3) for District projects located within the boundaries of the Reclaimed Water Use Map,
16 construction of new buildings subject to a disposition and development agreement or similar
17 contractual agreement approved before November 1, 2015, that includes in its applicable
18 infrastructure plan the construction and operations of water treatment facilities within the project
19 boundaries that would provide recycled water to the project; 4) for District projects located within the
20 boundaries of the Reclaimed Water Use Map, construction of new buildings subject to a development
21 agreement or similar contractual agreement, within a development phase or subphase, a street
22 improvement plan, or a tentative map or vesting tentative map approved before November 1, 2015; or
23 5) for District projects located outside the boundaries of the Reclaimed Water Use Map, construction
24 of new buildings subject to a development agreement or similar contractual agreement, within a

1 development phase or subphase, a street improvement plan, or a tentative map or vesting tentative map
2 approved before November 1, 2017.

3 **District System:** An alternative Water Source System serving a District Development Project.

4 * * * *

5 **Gross Floor Area:** The floor area of a Development Project as defined in Planning Code
6 Section 102.

7 **Large Development Project:** Construction of a ~~new~~ single building, or construction of
8 multiple buildings on one or more parcels in accordance with a phased plan or approval, with a total
9 gross floor area for the single building or the multiple buildings 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 **Nonpotable Water System:** The same meaning as Alternate Water Source System.

22 * * * *

23 **Permittee:** ~~owner or operator of an on-site treated Nonpotable Water system.~~ The owner of
24 an Alternate Water Source System under this Article 12C.

25 * * * *

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

8 * * * *

9 **Water Budget Documentation:** An in-depth assessment of the Project Applicant's
10 non-potable water use, including survey information, water meter readings, water service
11 billing information, Alternate Water Source schematic drawings, or any other information
12 deemed necessary by the General Manager. For proposed District Systems, Water Budget
13 Documentation shall include implementation information that, at a minimum, shall address potential
14 infrastructure and public right of way conflicts, demonstrate compliance with all applicable
15 requirements, and establish the capabilities of the Development Project Applicant to effectively operate
16 the District System.

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

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

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

24 (2) A Large Development Project Applicant shall use the Water Budget Calculator,
25 as provided by the General Manager's rules, to prepare a Water Budget assessing the

1 amount of Rainwater, Graywater, and Foundation Drainage produced on site, and the planned
2 toilet and urinal flushing and irrigation demands.

3 (3) If, based on the Water Budget Documentation, the available supply from onsite
4 sources exceeds the demands for toilet and urinal flushing and irrigation, 100% of those
5 demands shall be met by using the available onsite sources. If, based on the Water Budget
6 Documentation, the available supply from onsite sources is less than the demands for toilet
7 and urinal flushing and irrigation, 100% of the available onsite supply shall be used to meet
8 the demands for toilet and urinal flushing and irrigation. Available Blackwater or Stormwater
9 supplies may be used instead of, or in addition to Rainwater, Graywater, and Foundation
10 Drainage to meet the available onsite supply requirements calculated in accordance with the
11 Water Budget Documentation requirements of this section 12C.4(a).

12 —
13 ~~(b)(4)~~—Small Development Project Applicants shall use the Water Budget Calculator,
14 as provided by the General Manager's rules, to prepare a Water Budget assessing the
15 amount of Rainwater, Graywater and Foundation Drainage produced on site, and the planned
16 toilet and urinal flushing and irrigation demands.

17 *(c) Additional Requirements for District Systems. All District Systems shall conform to the*
18 *following requirements, subject to the General Manager's determination, in his or her sole discretion,*
19 *that an exception to any of such requirements will fulfill the purposes and objectives of this Article 12C.*

20 *(1) In addition to preparation of the Water Budget, Development Project Applicants for*
21 *District Systems shall submit implementation plans to the General Manager for review and approval, in*
22 *accordance with guidelines and rules established by the General Manager.*

23 *(2) District Systems shall be operated by a single Permittee having sole ownership and*
24 *control of operations of all of its facilities, including but not limited to treatment and distribution*

1 facilities. District Systems shall be constructed in accordance with all applicable City utility standards
2 and specifications.

3 (3) District Systems shall not provide Non-potable Water to water users or for purposes
4 located outside the boundaries of the District or approved Development Project.

5 (4) The ongoing operation and maintenance responsibilities of a completed District
6 System shall be held by the owner of the common areas within the District Development Project, and
7 may be transferred to a homeowners association or similar entity that maintains the common areas
8 within the District Development Project.

9 Where a District System complies with the requirements in subsections 1 through 4 of this
10 subsection 12C.4(c), including any exceptions approved by the General Manager, individual
11 Development Projects with the District shall not be required to demonstrate compliance as long as the
12 individual Development Projects are provided service by the approved District System.

13 (d) The General Manager may approve alternative District Systems that will achieve
14 compliance with the purposes and objectives of this Article 12C, in accordance with guidelines and
15 rules established by the General Manager. Alternative District Systems may include, but are not
16 limited to, water purchase agreements.

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

22 (f) ~~(b)~~ Subdivision Approvals.

23 (1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public
24 Works shall not approve a tentative subdivision map or a parcel map for any property unless a
25 condition is imposed requiring compliance with this Article 12C to serve the potential uses of

1 the property covered by the parcel map or tentative subdivision map, as specified in the
2 provisions of this Article.

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

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

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

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

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

15 (g) In the event that a privately owned Alternate Water Supply System approved by the General
16 Manager is subsequently determined by the California Public Utilities Commission to be subject to that
17 agency's jurisdiction and regulation, the San Francisco Public Utilities Commission may, with the
18 consent of the affected owner, acquire and operate the facilities.

19 **SEC. 12C.10. SALE OR TRANSFER ~~OF PERMITS.~~**

20 ~~(a)~~ Permittees shall notify the Director of any intent to sell or transfer the building or
21 facility containing an Alternate Water Source system within 30 days prior to following the sale
22 or transfer of property, in accordance with regulations adopted by the Director.

23 ~~(b) Any subsequent owner shall submit documentation to the Director establishing their ability~~
24 ~~to own, operate and maintain the Alternate Water Source system in accordance with this Article 12C,~~
25 ~~the rules and regulations adopted by the Department of Public Health, and all applicable local, state,~~

1 ~~and federal laws, within 90 days of transfer of the property and prior to commencement of operations~~
2 ~~of the Alternate Water Source system.~~

3 ~~(c) The Director may approve or deny the transfer of the permit to operate to any subsequent~~
4 ~~owner, in accordance with the requirements of this Article 12C and applicable regulations.~~

5
6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10
11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

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

20 By: _____
21 JOHN RODDY
22 Deputy City Attorney

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