

File No. 130765

Committee Item No. 2

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 23, 2013

Board of Supervisors Meeting Date \_\_\_\_\_

### Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
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### OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Categorical Exemption Stamp, dtd 8/9/13 |
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Completed by: Alisa Miller Date September 19, 2013

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Health Code - Alternate Water Sources for Non-Potable Applications]

2  
3 **Ordinance amending the Health Code to establish permitting requirements for two or**  
4 **more parcels that share the use of alternate water sources for non-potable**  
5 **applications; setting permit fees; and making environmental findings.**

6 NOTE: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strike through italics Times New Roman~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Environmental Findings. The Planning Department has determined that the  
11 actions contemplated in this ordinance comply with the California Environmental Quality Act  
12 (California Public Resources Code Section 21000 et seq.). Said determination is on file with  
13 the Clerk of the Board of Supervisors in File No. 130765 and is incorporated herein by  
14 reference.

15 Section 2. The Health Code is hereby amended by amending Article 12C, Sections  
16 851, 854, and 855 to read as follows:

17 **ARTICLE 12C: ALTERNATE WATER SOURCES FOR NON-POTABLE**  
18 **APPLICATIONS**

19 **SEC. 851. DEFINITIONS.**

20 The terms used in this Article have the meaning set forth below:

21 (a) **Alternate Water Source:** a source of non-potable water that includes  
22 graywater, on-site treated non-potable water, rainwater, and any other source approved by  
23 the Director.

24 (b) **Black water:** wastewater containing bodily or other biological wastes, as from  
25 toilets, dishwashers, kitchen sinks and utility sinks.

1           (e) **City:** the City and County of San Francisco.

2           (d) **Director:** the Director of Public Health or any individual designated by the  
3 Director to act on his or her behalf.

4                     *District: a group of two or more parcels that share alternate water sources.*

5           (e) **First certificate of occupancy:** either a temporary certificate of occupancy or  
6 a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code  
7 Section 109A, whichever is issued first.

8           (f) **Foundation Drainage:** nuisance groundwater that is extracted to maintain a  
9 building's or facility's structural integrity and would otherwise be discharged to the City's sewer  
10 system. Foundation drainage does not include non-potable groundwater extracted for a  
11 beneficial use that is subject to City groundwater well regulations.

12           (g) **General Manager:** the General Manager of the San Francisco Public Utilities  
13 Commission, or any individual designated by the General Manager to act on his or her behalf.

14           (h) **Graywater:** untreated wastewater that has not been contaminated by any  
15 toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily  
16 wastes, and does not present a threat from contamination by unhealthful processing,  
17 manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater  
18 from bathtubs, showers, bathroom sinks, lavatories, clothes washing machines, and laundry  
19 tubs, but does not include wastewater from kitchen sinks or dishwashers.

20           (i) **Multi-Family Residential Building:** A building that contains three or more  
21 dwelling units.

22           (j) **Non-potable Water Engineering Report:** Report submitted by project  
23 applicant to the Director describing the alternate water source system in accordance with the  
24 rules and regulations adopted by the Department of Public Health.

25           (k) **Non-residential:** A building that contains occupancies other than dwelling units.

1           ~~(l)~~ *On-Site-Treated* **Non-Potable Water:** Non-potable water collected from  
2 alternate water sources, treated, and intended to be used on the Project Applicant's site *or*  
3 district parcels and is suitable for direct beneficial use.

4           ~~(m)~~ **NSF 350 System:** Any treatment system certified by NSF International to  
5 meet NSF/ANSI Standard 350 for Onsite Residential and Commercial Reuse Treatment  
6 Systems, as amended from time to time.

7           ~~(n)~~ **Permittee:** owner or operator of an on-site treated non-potable water system.

8           ~~(o)~~ **Project Applicant:** the person or entity applying for authorization to install  
9 and use an alternate water source project.

10          ~~(p)~~ **Rainwater:** precipitation collected from roof surfaces or other manmade,  
11 aboveground collection surfaces.

12          ~~(q)~~ **Small Residential Building:** A building that contains no more than two  
13 dwelling units.

14          ~~(r)~~ **Stormwater:** Precipitation collected from at-grade or below grade surfaces.

15          ~~(s)~~ **Water Budget Documentation:** An in-depth assessment of the *permittee's*  
16 project applicant's non-potable water use, including survey information, water meter readings,  
17 water service billing information, alternate water source schematic drawings, or and any other  
18 information deemed necessary by the General Manager.

19                   **SEC. 854. PROJECT APPLICANT AND/OR PERMITTEE DESIGN AND**  
20 **CONSTRUCTION REQUIREMENTS.**

21           (a) Prior to initiating installation of any alternate water source project, project  
22 applicants shall submit to the Director an application for permits to operate alternate water  
23 source systems. Such applications shall comply with the requirements of this Article and any  
24 regulations the Director has issued. Project applicants shall pay a non-refundable permit  
25 application fee to cover the costs of investigation and processing the application and issuing

1 the permit. Each project application submitted to the Director shall include a Non-Ppotable  
2 Water Engineering Report that provides project information the Director determines to be  
3 necessary for complete review of the proposed project. City departments may not approve or  
4 issue permits for any site installing an alternate water source system unless and until the  
5 Director has approved the Non-Ppotable Water Engineering Report.

6 The Non-potable Water Engineering Report for district systems must include information on the  
7 permanent legal agreements between property owners, and provide documentation that each party is a  
8 willing and responsible participant in the district non-potable water use.

9 (b) **System Design.** All buildings using non-potable water from alternate water  
10 source systems shall include:

11 (1) A flow meter on the ~~alternate water source~~ non-potable distribution system to  
12 account for non-potable water use;

13 (2) A reduced pressure backflow assembly (RP) within 25 feet of the  
14 downstream side of the point of connection or meter to protect the City's public water and/or  
15 recycled water system;

16 (3) Signage that state law and the Department of Public Health's rules and  
17 regulations require;

18 (4) Cross connection control in accordance with California Code of  
19 Regulations Titles 17 and 22 and the San Francisco Public Utilities Commission's Cross  
20 Connection Control Program;

21 (5) Any other requirements the Director determines *is are* necessary to protect  
22 public health.

23 (c) **Water Budget Documentation.** Upon submitting a project application to the  
24 Director, a project applicant shall also submit Water Budget Documentation to the General  
25 Manager for review. Water Budget Documentation shall include a description and location of

1 the proposed alternate water source system, the project's water budget, and other applicable  
2 information as determined by the General Manager. City departments may not issue an  
3 encroachment permit, site permit or plumbing permit, or approve an alternate water source project  
4 application Non-potable Water Engineering Report unless and until the General Manager has  
5 reviewed the Water Budget Documentation.

6 (d) **Plumbing Permit.** A project applicant shall obtain from the Department of  
7 Building Inspection an appropriate plumbing permit and any other building or installation  
8 permit required to construct, install, alter, an alternate water source system. Each parcel within  
9 a district shall obtain appropriate plumbing and any other building or installation permits required.

10 (e) **Encroachment Permit.** A project applicant shall obtain from the Department of  
11 Public Works appropriate authorization for placement of any pipelines or other portions of an  
12 alternate water source system within the public right-of-way.

13 (ef) **Construction Certification Letter.** Project applicants shall certify to the  
14 Director that alternate water source system construction is complete and consistent with the  
15 approved Non-Potable Water Engineering Report in accordance with the provisions of this  
16 Article 12C and any implementing rules and regulations. City departments may not approve or  
17 issue a first certificate of occupancy or approval for any alternate water source system until  
18 the Director has reviewed and verified the Construction Certification Letter.

19 **SEC. 855. FEES.**

20 (a) The non-refundable application fees for alternative source water system permits  
21 are:

22	(1) Rainwater	\$1,544.00
23	(2) NSF 350 systems	\$2,688.00
24	(3) Foundation Drainage	\$5,032.00
25	(4) Graywater	\$5,032.00

1	(5) Black water	\$9,034.00
2	(6) Transfer of any permit	\$ 229.00
3	<u>(7) District Scale, the applicable amount above, plus</u>	<u>\$ 191.00 per hour for plan</u>
4	<u>review and/or on site inspection.</u>	

5 (b) The fees set forth in this Section may be adjusted each year, without further  
6 action by the Board of Supervisors.

7 Not later than April 1, the Director shall report to the Controller the revenues  
8 generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as  
9 well as any other information that the Controller determines appropriate to the performance of  
10 the duties set forth in this Section.

11 Not later than May 15, the Controller shall determine whether the current fees  
12 produce, or are projected to produce, revenues sufficient to support the costs of providing the  
13 services for which the fees are assessed and that the fees will not produce revenue *that*  
14 significantly exceed more than the costs of providing the services for which the fees are  
15 assessed.

16 The Controller shall if necessary, adjust the fees upward or downward for the  
17 upcoming fiscal year as appropriate to ensure that the program recovers the costs of  
18 operation without producing revenue which is significantly more than such costs. The adjusted  
19 rates shall become operative on July 1.

20 (c) Every permit holder shall also pay an annual license fee as provided in the  
21 Business and Taxation Code Section 249.24.

22 Section 3. This ordinance shall become effective 30 days from the date of passage.

23 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to  
24 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
25 punctuation, charts, diagrams, or any other constituent part of the Health Code or Business

1 and Taxation Code that are explicitly shown in this legislation as additions, deletions, Board  
2 amendment additions, and Board amendment deletions in accordance with the "Note" that  
3 appears under the official title of the legislation.

4 Section 5. By adopting this Article, the City and County of San Francisco is assuming  
5 an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on  
6 its officers and employees, an obligation or duty for breach of which it is liable in money  
7 damages or any other relief to any person who claims that such a breach proximately caused  
8 injury or damages.

9  
10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: *Virginia Dario Elizondo*  
13 VIRGINIA DARIO ELIZONDO  
14 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Health Code - Alternate Water Sources for Non-Potable Applications]

**Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.**

### Existing Law

Currently, Health Code Article 12C ("Article 12C") requires alternative source water systems obtain a permit from the Department of Public Health ("Department"), and be constructed and operated in accordance with rules and regulations established by the Department that define appropriate water quality standards, monitoring criteria and other requirements for such systems. The Department of Building Inspection reviews plans and issues plumbing permits for on-site alternative source water systems.

Article 12C authorizes the installation and operation of the alternate water source systems at sites containing multi-family and non-residential buildings. A project applicant must submit an engineering report to the Department that describes the design of the proposed alternative source water system and clearly indicates the means for compliance with the Department's rules and regulations. The Department reviews the engineering report and issues a permit to operate the system if the system complies with the applicable rules and regulations. The Department of Building Inspection provides final inspection and sign-off to ensure that appropriate bypass and cross-connection control elements are part of construction. Article 12C authorizes water use audits, permit transfers upon sale of the property, suspension or revocation of permits, and the imposition of penalties for violations pursuant to Administrative Code chapter 100.

Article 12C provides for the payment of fees to cover the Department's costs for administering the program.

### Amendments to Current Law

Article 12 C would be expanded to cover two or more parcels that share alternate water sources, and an additional hourly fee would be imposed by the Department to cover the staff time necessary for reviewing more complex plans and making additional site inspections.

### Background Information

These amendments will facilitate larger scale use of alternative water sources and more comprehensive project planning.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

July 30, 2013

File No. 130765

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On July 23, 2013, Supervisor Chiu introduced the following proposed legislation:

**File No. 130765**

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning  
Joy Navarrete, Environmental Planning

Non-physical exemption  
Clear Section 15060(c)(2)  
Joy Navarrete Aug. 9, 2013  
JOY NAVARRETE  
2013.1100E

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, September 23, 2013

**Time:** 1:30 p.m.

**Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 130765. Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.

If the legislation passes, a new fee would be added to the applicable application fees for alternative source water system permits for groups of two or more parcels sharing alternative water sources, at the rate of \$191.00 per hour for plan review and/or on site inspections. This fee would be imposed to cover the Department of Public Health's costs for reviewing complex plans and making additional site inspections.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 20, 2013.

  
Angela Calvillo, Clerk of the Board

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Alisa Miller  
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

EXM 2534403

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description: Fee Ad - File No. 130765

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

09/13/2013 , 09/19/2013

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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THE INTER-CITY EXPRESS, OAKLAND	(510) 272-4747

NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS  
MONDAY, SEPTEMBER 23, 2013 - 1:30 PM COMMITTEEROOM 263, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA  
NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 130765. Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings. If the legislation passes, a new fee would be added to the applicable application fees for alternative source water system permits for groups of two or more parcels sharing alternative water sources, at the rate of \$191.00 per hour for plan review and/or on site inspections. This fee would be imposed to cover the Department of Public Health's costs for reviewing complex plans and making additional site inspections. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA, 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 20, 2013. Angela Calvillo, Clerk of the Board



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BOARD of SUPERVISORS



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July 30, 2013

**File No. 130765**

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On July 23, 2013, Supervisor Chiu introduced the following proposed legislation:

**File No. 130765**

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.

This legislation is being transmitted to you for environmental review.

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By: Alisa Miller, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Barbara Garcia, Director, Department of Public Health  
Harlan Kelly, General Manager, Public Utilities Commission  
Ben Rosenfield, City Controller

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: July 30, 2013

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on July 23, 2013:

**File No. 130765**

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.

This matter is being forwarded to your department for informational purposes. If you have any 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.

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Greg Wagner, Department of Public Health  
Juliet Ellis, Public Utilities Commission

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

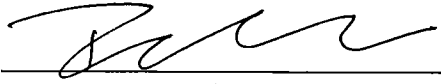
Supervisors Chiu, Mar

**Subject:**

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications.

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

130765