

File No. 120488

Committee Item No. 2

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

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date May 20, 2013

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

### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <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 |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

### OTHER (Use back side if additional space is needed)

- |                                     |                          |   |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination, dtd 7/13/12</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SF PUC Citizens' Advisory Committee Recommendation</u> |
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Completed by: Alisa Miller Date May 17, 2013

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

1 [Environment Code - Bottle Filling Stations]

2  
3 **Ordinance amending the Environment Code, by adding Chapter 23, to require new**  
4 **buildings that have drinking fountains to provide bottle filling stations; setting an**  
5 **operative date; and making environmental and other 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~~.

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. 120488 and is incorporated herein by  
14 reference.

15  
16 Section 2. The San Francisco Environment Code is hereby amended by adding  
17 Chapter 23, Sections 2301 through 2306, to read as follows:

18 CHAPTER 23

19 DRINK TAP ORDINANCE

20  
21 SEC. 2301. FINDINGS.

22 The Board of Supervisors finds that:

23 (a) The City and County of San Francisco has a longstanding commitment to environmental  
24 sustainability through the prohibition of bottled water purchases by the San Francisco City and County  
25 Government, as instructed by Executive Directive 07-07.

1           (b) The Hetch Hetchy Regional Water System operated by the San Francisco Public Utilities  
2 Commission delivers pristine drinking water, which is stored in the Hetch Hetchy Reservoir, meets or  
3 exceeds all federal and state criteria for drinking water quality, and is tested over 100,000 times per  
4 year.

5           (c) Bottled water is bad for the environment. More than one billion water bottles end up in  
6 California's trash each year -- taking up valuable landfill space, leaking toxic chemicals such as  
7 phalates into the ground water, and taking 1,000 years to degrade. It takes an estimated 2,000 times  
8 more energy to produce bottled water than it does to produce an equivalent amount of tap water.  
9 Bottled water adds to greenhouse gas emissions because high amounts of oil are used to manufacture  
10 the plastic bottles, in addition to the emissions resulting from the transportation of the bottles to stores.

11           (d) Bottled water is expensive. Americans spent \$10.6 billion on bottled water in 2009 and  
12 paid up to 1,000 times the cost of tap water.

13           (e) Bottled water is potentially a health hazard. A growing number of scientific studies are  
14 pointing to the harmful effects of chemicals in the plastic that can leach into the water and be  
15 consumed. Further, most branded bottled water companies do not disclose their water sources,  
16 treatment methods or contaminants found in the water.

17           (f) The City and County of San Francisco is dedicated to being a good environmental steward  
18 by promoting water conservation efforts and educating residents about the environmental, economic,  
19 and health benefits of drinking tap water.

20  
21 **SEC. 2302. SHORT TITLE AND PURPOSE.**

22           (a) This Chapter shall be entitled "the Drink Tap Ordinance."

23           (b) The purpose of this Chapter is to improve access to clean, free drinking water for residents  
24 and visitors of the City and County of San Francisco by providing bottle filling stations.

1 **SEC. 2303. DEFINITIONS.**

2 For the purposes of this Chapter, the following words shall have the following meanings:

3 (a) "Drink Tap Station" means a bottle filling unit that:

4 (1) Supplies potable water;

5 (2) Delivers a minimum of 8.0 gallons per hour (gph) of ambient water;

6 (3) Is wall or floor mounted and is a separate unit or a combination unit including a  
7 drinking fountain; and,

8 (4) Complies with the standards of the Americans with Disabilities Act, is listed by the  
9 Underwriters Laboratory, and is certified to be lead-free compliant, including NSF/ANSI. 61-Annex G,  
10 AB1953.

11 (b) "Drinking fountain" means a fixture regulated by Chapter 4 of the California Plumbing  
12 Code (Title 24, Part 5, of the California Code of Regulations).

13 (c) "New construction" means a building that has never before been used or occupied for any  
14 purpose and does not include additions, alterations, or repairs.

15  
16 **SEC. 2304. MANDATORY PROVISION OF CLEAN, FREE DRINKING WATER.**

17 (a) For new construction that provides one or more drinking fountains, the project sponsor  
18 shall provide a Drink Tap Station in lieu of a separate drinking fountain.

19 (b) This Chapter shall apply to buildings owned by the City, as well as to privately-owned  
20 buildings.

21  
22 **SEC. 2305. IMPLEMENTATION.**

23 (a) The Public Utilities Commission, the Department of Building Inspection, and the  
24 Department of the Environment shall be responsible for the implementation of this Chapter, as further  
25 directed below.

1           **(b) The Director of the Department of the Environment and the General Manager of the Public**  
2 **Utilities Commission shall be responsible for conducting outreach to building owners, developers,**  
3 **contractors, and others to make them aware of the requirements of this Chapter, and for providing**  
4 **them with a list of vendors who sell Drink Tap Stations, which list shall be developed by the General**  
5 **Manager.**

6           **(c) The Director of the Department of Building Inspection shall be responsible for notifying**  
7 **developers, contractors, and others of the requirements of this Chapter when such persons request a**  
8 **building permit.**

9           **(d) The Director of the Department of Building Inspection shall be responsible for the**  
10 **enforcement of this Chapter. The Director shall not issue any permit or first certificate of occupancy**  
11 **for any new construction that is subject to the requirements of this Chapter unless and until the**  
12 **Director first certifies that the project complies with the requirements of this Chapter. For projects**  
13 **under the exclusive jurisdiction of another City department, the head of that department shall first**  
14 **certify that the project complies with the requirements of this Chapter before issuing any permit or first**  
15 **certificate of occupancy for any new construction or granting any equivalent project approval.**

16           **(e) The Director of the Department of Building Inspection shall also keep a log of all Drink Tap**  
17 **Stations installed during the first three years of this Chapter and provide to the Board of Supervisors**  
18 **an annual report on total installations under this Chapter for the same three years.**

19  
20 **SEC. 2306. OPERATIVE DATE.**

21 **All of the requirements set forth in this Chapter shall become operative on July 1, 2013.**

22  
23 **Section 3. Additional Provisions.**

24 **(a) Effective Date. This Ordinance shall become effective 30 days from the date of**  
25 **passage.**

1 (b) Severability. If any section, subsection, sentence, clause, or phrase of this  
2 Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of  
3 competent jurisdiction, such decision shall not affect the validity of the remaining portions of  
4 the Ordinance. The Board of Supervisors hereby declares that it would have passed this  
5 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared  
6 invalid or unconstitutional without regard to whether any other portion of this Ordinance would  
7 be subsequently declared invalid or unconstitutional.

8 (c) Undertaking for the General Welfare. In undertaking the implementation of this  
9 Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
10 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
11 is liable in money damages to any person who claims that such breach proximately caused  
12 injury.

13 (d) No Conflict with Federal or State Law. Nothing in this Ordinance shall be  
14 interpreted or applied so as to create any requirement, power or duty in conflict with any  
15 federal or state law.

16 (e) Effect of Amendments. In enacting this Ordinance, the Board intends to amend  
17 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,  
18 charts, diagrams, or any other constituent part of the Environment Code that are explicitly  
19 shown in this legislation as additions, deletions, Board amendment additions, and Board  
20 amendment deletions in accordance with the "Note" that appears under the official title of the  
21 legislation.

22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

24 By:

  
25 JUDITH A. BOYAJIAN  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(4/2/2013, Substituted)

[Environment Code - Bottle Filling Stations]

**Ordinance amending the Environment Code, by adding Chapter 23, to require new buildings that have drinking fountains to provide bottle filling stations; setting an operative date; and making environmental and other findings.**

Existing Law

Current law does not require building owners or developers to provide bottle filling stations in addition to drinking fountains.

Amendments to Current Law

The proposal would amend the Environment Code to require that the project sponsor for any new construction that has one or more drinking fountains to provide a Drink Tap Station in lieu of a separate drinking fountain. The ordinance defines "Drink Tap Station" as a bottle filling unit that:

- Supplies potable water;
- Delivers a minimum of 8.0 gallons per hour (gph) of ambient water;
- Is wall or floor mounted and is a separate unit or a combination unit including a drinking fountain; and,
- Complies with ADA standards, is U.L. listed, and is certified to be lead-free.

The Director of the Department of the Environment is required to educate building owners, developers, contractors, and others about the requirements of the ordinance, and provide them with a list of vendors who sell Drink Tap Stations. The General Manager of the Public Utilities Commission would compile the list.

The Director of the Department of Building Inspection is responsible for enforcing the requirements and notifying developers, contractors, and others of the requirements of the ordinance when such persons request a building permit. The ordinance would also require the DBI Director to keep a list of all Drink Tap Stations installed during the first three years of the program and to report to the Board of Supervisors the total number of installations for each of those years.

The ordinance and its requirements would become operative on July 1, 2013.

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 11, 2012

File No. 120488

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

Dear Mr. Wycko:

On June 26, 2012, Supervisor Chiu introduced the following proposed legislation:

**File No. 120488**

Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Miller in cursive.

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

Attachment

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

*Not a project*

*CEQA Section 15060(c)(3)*

*Approved July 13, 2012*  
*Joy Navarrete*





San Francisco  
Water Power Sewer  
Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 12th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

September 26, 2012

The Honorable David Chiu  
President, Board of Supervisors  
City Hall  
San Francisco, CA 94102  
*Sent via electronic mail*

Re: File #120488 Drink Tap reuse ordinance

Dear President Chiu and Supervisors,

This letter is to inform you that the Citizens' Advisory Committee of the San Francisco Public Utilities Commission voted, at their August 28, 2012 meeting, to support this ordinance. The resolution is attached.

The SFPUC Citizens' Advisory was established by ordinance to publicly discuss and make recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors on the achievement of the goals and objectives enumerated in the Charter. Our seventeen members are appointed by each of the Supervisors, with additional appointments by the Board President and the Mayor.

We appreciate the opportunity to comment on this legislation, and thank you for bringing it forward.

Sincerely,

Jennifer Clary  
Secretary

cc: Supervisors  
Mayor Lee  
Harlan Kelly, General Manager  
Public Utilities Commission

Members

**Terrence Jones, Chair**  
(D10)

Jessica Buendia (D6)

Stephen Bjorgan (M-Eng./Financial)

Doug Cain (D3)

Donald Carmignani (D2)

Jennifer Clary (D11)

Walt Farrell (D7)

Richard Hansen (D1)

Avni Jamdar (M-En Group)

Art Jensen (M-Reg' Water Customers)

Ted Ko (B-S. Business)

Alex Lantsberg (B-Env Justice)

Diane Mokoro (D5)

David Pilpel (D4)

Javieree PruittHill (D8)

Dairo Romero (D9)

Vacant (M-large water user)

Edwin M. Lee  
Mayor

Anson Moran  
President

Art Torres  
Vice President

Ann Moller Caen  
Commissioner

Francesca Vietor  
Commissioner

Vince Courtney  
Commissioner

Ed Harrington  
General Manager



**Resolution in Support of Drink Tap ordinance  
As adopted August 28, 2012 by SFPUC CAC**

Whereas, the promotion of water for consumption rather than soda can help reduce obesity and its related health problems;

Whereas, reusable water bottles reduce the consumption of single-use bottles, which use significant natural resources in production, transport, and disposal;

Whereas, an ordinance has been introduced at the Board of Supervisors that will require new and remodeled buildings that have drinking fountains to provide bottle filling stations;

Therefore, be it Resolved that the PUC Citizens' Advisory Committee supports the proposed legislation and urges the Mayor and Supervisors to support it.

Be it further Resolved, that the CAC recommends that drinking water stations not be installed in buildings where there is a risk of lead contamination in the water supply.

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Melanie Nutter, Director, Department of the Environment  
John Rahaim, Director, Planning Department  
Tom Hui, Director, Department of Building Inspection  
Harlan Kelly, Jr., General Manager, Public Utilities Commission

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

DATE: April 10, 2013

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed **substitute** legislation, introduced by Supervisor Chiu on April 2, 2013, which is being forwarded to your department for informational purposes.

**File No. 120488-2**

Ordinance amending the Environment Code, by adding Chapter 23, to require new buildings that have drinking fountains to provide bottle filling stations; setting an operative date; and making environmental and other findings.

If you have any reports or comments 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: Scott Sanchez, Planning Department  
Sarah Jones, Planning Department  
AnMarie Rodgers, Planning Department  
Monica Pereira, Planning Department  
Joy Navarrete, Planning Department  
William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Juliet Ellis, Public Utilities Commission

BOARD of SUPERVISORS



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July 11, 2012

**File No. 120488**

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

Dear Mr. Wycko:

On June 26, 2012, Supervisor Chiu introduced the following proposed legislation:

**File No. 120488**

Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

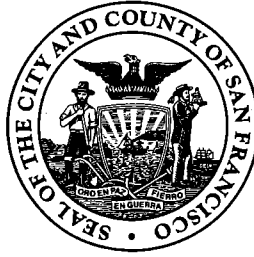
A handwritten signature in cursive script that reads "Alisa Miller".

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

Attachment

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

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## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Vivian Day, Director, Department of Building Inspection  
Ed Harrington, General Manager, Public Utilities Commission  
Melanie Nutter, Director, Department of the Environment

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

DATE: July 11, 2012

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on June 26, 2012, which is being forwarded to your department for review.

**File No. 120488**

Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.

If you have any additional reports or comments 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: Carolyn Jayin, Department of Building Inspection  
AnMarie Rodgers, Planning Department

# 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. ~~1200400~~ 120488 [ ]
- 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):**

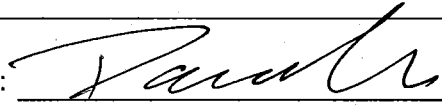
Supervisor Chiu

**Subject:**

Ordinance requiring new buildings that have drinking fountains to provide bottle filling stations.

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

[Empty box for text listing]

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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- 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 different form.**

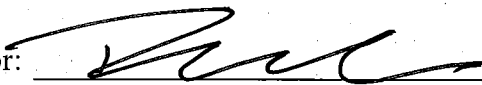
**Sponsor(s):**

Supervisor Chiu

**Subject:**

Ordinance to require new and remodeled buildings that have drinking fountains to provide bottle filling stations.

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

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

120488