

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 ~~*italics Times New Roman font*~~.  
12 **Board amendment additions** are in Arial font.  
13 **Board amendment deletions** are in ~~Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

13

14

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

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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. 161069 and is incorporated herein by reference. The Board  
20 affirms this determination.

21

22

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

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

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

3 \* \* \* \*

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

7 \* \* \* \*

8 **Development Project:** Construction of new buildings. Development Projects are Large  
9 Development Projects and Small Development Projects. Development Project does not  
10 include rehabilitation of buildings constructed prior to the effective date of this Article 12C.  
11 Development Project does not include (1) any housing project funded or constructed pursuant to the  
12 HOPE SF Program sponsored and developed by the San Francisco Housing Authority and either the  
13 Mayor’s Office of Housing and Community Development or the Office of Community Investment and  
14 Infrastructure; (2) construction of a new building that will receive water service from the San  
15 Francisco Public Utilities Commission through no larger than a 5/8” domestic water meter or a 5/8”  
16 recycled water domestic meter, as determined in accordance with the San Francisco Public Utilities  
17 Commission’s rules for water service; 3) for District projects located within the boundaries of the  
18 Reclaimed Water Use Map, construction of new buildings subject to a disposition and development  
19 agreement or similar contractual agreement approved before November 1, 2015, that includes in its  
20 applicable infrastructure plan the construction and operations of water treatment facilities within the  
21 project boundaries that would provide recycled water to the project; 4) for District projects located  
22 within the boundaries of the Reclaimed Water Use Map, construction of new buildings subject to a  
23 development agreement or similar contractual agreement, within a development phase or subphase, a  
24 street improvement plan, or a tentative map or vesting tentative map approved before November 1,  
25 2015; or 5) for District projects located outside the boundaries of the Reclaimed Water Use Map,

1 construction of new buildings subject to a development agreement or similar contractual agreement,  
2 within a development phase or subphase, a street improvement plan, or a tentative map or vesting  
3 tentative map approved before November 1, 2017.

4 **District System:** An ~~Alternate~~ Water Source System serving a District Development Project.

5 \* \* \* \*

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

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

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

14 (b) located outside 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, 2016.

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

21 \* \* \* \*

22 **Nonpotable Water System:** The same meaning as Alternate Water Source System.

23 \* \* \* \*

24 **Permittee:** ~~owner or operator of an on-site treated Nonpotable Water system.~~ The owner  
25 operator of an Alternate Water Source System under this Article 12C, including, but not limited to, a

1 third – party contractor obtained for the purpose of operating and maintaining all or any  
2 portion of the Alternate Water Source System.

3 \* \* \* \*

4 **Responsible Party:** The Project Applicant, or any subsequent owners, assignees,  
5 successors in interest or any other transferees responsible for compliance with this Article  
6 12C. Responsible Party includes, but is not limited to, the owner of the common areas within  
7 a District Development Project and any homeowners association or similar entity that  
8 maintains the common areas within a District Development Project. Responsible Party does  
9 not include the Project Applicant, subsequent owners, assignees, successors in interests,  
10 transferees, owners of common area, homeowners associations, or any other person or entity  
11 associated with a Development Project serviced by an Alternative District System as  
12 described in Section 12C.4(d).

13 \* \* \* \*

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

21 \* \* \* \*

22 **Water Budget Documentation:** An in-depth assessment of the Project Applicant's  
23 non-potable water use, including survey information, water meter readings, water service  
24 billing information, Alternate Water Source schematic drawings, or any other information  
25 deemed necessary by the General Manager. *For proposed District Systems, Water Budget*

1 Documentation shall include implementation information that, at a minimum, shall address potential  
2 infrastructure and public right of way conflicts, demonstrate compliance with all applicable  
3 requirements, and establish the capabilities of the Development Project Applicant to effectively operate  
4 the District System.

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

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

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

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

16 (3) If, based on the Water Budget Documentation, the available supply from onsite  
17 sources exceeds the demands for toilet and urinal flushing and irrigation, 100% of those  
18 demands shall be met by using the available onsite sources. If, based on the Water Budget  
19 Documentation, the available supply from onsite sources is less than the demands for toilet  
20 and urinal flushing and irrigation, 100% of the available onsite supply shall be used to meet  
21 the demands for toilet and urinal flushing and irrigation. Available Blackwater or Stormwater  
22 supplies may be used instead of, or in addition to Rainwater, Graywater, and Foundation  
23 Drainage to meet the available onsite supply requirements calculated in accordance with the  
24 Water Budget Documentation requirements of this section 12C.4(a).

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

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

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

11            (2) District Systems shall be operated by a single Permittee having sole ownership  
12 and control of operations of all of its facilities, including but not limited to treatment and distribution  
13 facilities. District Systems shall be constructed in accordance with all applicable City utility standards  
14 and specifications.

15            (3) District Systems and Development Projects shall not provide Non-potable Water  
16 to water users or for purposes located outside the boundaries of the District or approved Development  
17 Project, except when the water users or other purposes are located on property contiguous to,  
18 or across a public right of way from the boundaries of the District or approved Development  
19 Project, and the total amount of Nonpotable Water produced by the Alternate Water Source  
20 System will not exceed 125% of the District System's or approved Development Project's  
21 Non-potable Water demands for toilet and urinal flushing and irrigation, as determined by the  
22 approved Water Budget Documentation.

23            (4) For District Systems, the ongoing operation and maintenance responsibilities of a  
24 completed District System the Responsible Party shall be held by the owner of the common areas  
25

1 within the District Development Project, and may be transferred to a homeowners association or  
2 similar entity that maintains the common areas within the District Development Project.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 ~~(b) Any subsequent owner shall submit documentation to the Director establishing their ability~~  
18 ~~to own, operate and maintain the Alternate Water Source system in accordance with this Article 12C,~~  
19 ~~the rules and regulations adopted by the Department of Public Health, and all applicable local, state,~~  
20 ~~and federal laws, within 90 days of transfer of the property and prior to commencement of operations~~  
21 ~~of the Alternate Water Source system.~~

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



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

5  
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By: \_\_\_\_\_  
16 JOHN RODDY  
17 Deputy City Attorney

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