

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Carmen Chu, City Administrator  
Phil Ginsburg, General Manager, Recreation and Parks Department  
Alaric Degrafinried, Interim Director, Public Works  
Elaine Forbes, Executive Director, Port  
Ivar C. Satero, Airport Director  
Andrico Penick, Director, Real Estate Division  
Rich Hillis, Director, Planning Department  
Eric D. Shaw, Director, Mayor's Office of Housing and Community Development  
Dr. Grant Colfax, Director, Department of Public Health  
Patrick O'Riordan, Director, Department of Building Inspection  
Michael Carlin, Acting General Manager, San Francisco Public Utilities Commission

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee,  
Board of Supervisors

DATE: May 19, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Mandelman on May 11, 2021:

**File No. 210536**

**Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000 square feet of gross floor area, for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of non-potable water for specific purposes; 4) require that new developments with multiple buildings install an alternate water source system serving the entire development; 5) modify certain administrative review fees; and 6) require the payment of excess use charges and penalties for failure to properly use and maintain alternate water source systems; amending the**

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**Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems; and affirming the Planning Department's determination under the California Environmental Quality Act.**

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: Offices of Chair Mar and Supervisor Mandelman
- Ken Bukowski, Office of the City Administrator
- Lihmei Leu, Office of the City Administrator
- Tal Quetone, Office of the City Administrator
- Sarah Madland, Recreation and Parks Department
- David Steinberg, Public Works
- Jeremy Spitz, Public Works
- John Thomas, Public Works
- Lena Liu, Public Works
- Amy Quesada, Port
- Boris Delepine, Port
- Cathy Widener, Airport
- Scott Sanchez, Planning Department
- Corey Teague, Planning Department
- Lisa Gibson, Planning Department
- Adam Varat, Planning Department
- AnMarie Rodgers, Planning Department
- Eugene Flannery, Mayor's Office of Housing and Community Development
- Amy Chan, Mayor's Office of Housing and Community Development
- Arielle Fleisher, Department of Public Health
- Greg Wagner, Department of Public Health
- Dr. Naveena Bobba, Department of Public Health
- Sneha Patil, Department of Public Health
- Patty Lee, Department of Building Inspection
- John Murray, Department of Building Inspection
- Masood Ordikhani, San Francisco Public Utilities Commission
- John Scarpulla, San Francisco Public Utilities Commission

1 [Health, Business and Tax Regulations Codes - Alternate Water Sources for Non-Potable  
2 Applications]

3 **Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000**  
4 **square feet of gross floor area, for requiring that new buildings be constructed,**  
5 **operated, and maintained using specified alternate water sources for required non-**  
6 **potable uses; 2) exempt certain affordable housing projects and property uses from**  
7 **that requirement; 3) require that certain categories of new buildings use specific**  
8 **sources of non-potable water for specific purposes; 4) require that new developments**  
9 **with multiple buildings install an alternate water source system serving the entire**  
10 **development; 5) modify certain administrative review fees; and 6) require the payment**  
11 **of excess use charges and penalties for failure to properly use and maintain alternate**  
12 **water source systems; amending the Business and Tax Regulations Code to update**  
13 **certain annual license fee amounts for operating alternate water source systems; and**  
14 **affirming the Planning Department's determination under the California Environmental**  
15 **Quality Act.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
19 **Board amendment additions** are in double-underlined Arial font.  
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
21 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
22 subsections or parts of tables.

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

24 Section 1. Environmental Findings.

25 The Planning Department has determined that the actions contemplated in this  
ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
2 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
3 determination.

4 Section 2. The Health Code is hereby amended by revising Article 12C, Sections  
5 12C.1 through 12C.9 and 12C.11 through 12C.13, to read as follows:

6 **SEC. 12C.1. PURPOSE AND FINDINGS.**

7 The Board of Supervisors finds that:

8 (a) All California water users are responsible for making effective use of the available  
9 water resources.

10 (b) The development of alternate water source systems will assist in meeting future  
11 water requirements of the City and lessen the impacts of new developments on the City's  
12 sewer system.

13 (c) Establishing a regulatory structure that provides administrative efficiency and a  
14 streamlined project approval process will assist developers who opt to design, install, operate,  
15 and maintain alternate water source systems.

16 (d) Adoption of Article 12C by the Board of Supervisors and adoption of rules and  
17 regulations by the Department of Public Health will help achieve the City's goals for water  
18 supply use and preservation by:

19 (1) Promoting the values and benefits of non-potable water use while  
20 recognizing the need to invest water and other resources as efficiently as possible;

21 (2) Encouraging the use of non-potable water for non-potable applications; and

22 (3) Replacing potable water use for toilet and urinal flushing and irrigation to  
23 the maximum extent possible with alternative water sources.

24 (e) It shall be City policy that within five years of the effective date of Ordinance No.  
25 109-15, adding this subsection (e) to Article 12C, the City shall use only non-potable water for

1 the purpose of irrigating and cleaning parks, streets, and other public spaces. Within two  
2 years of the effective date of that ordinance, the City Administrator, in consultation as  
3 appropriate with other City departments, boards, and commissions, including, among others,  
4 the Recreation and Park Department, Department of Public Works, Port of San Francisco,  
5 San Francisco International Airport, ~~Department~~ Division of Real Estate, and Capital Planning  
6 Committee, shall study what will be required to accomplish this policy, including associated  
7 costs, and report the results of the study to the Mayor and Board of Supervisors. Upon  
8 receiving this study, the Board of Supervisors intends to evaluate any changes to the law and  
9 Capital Plan needed to implement this policy.

10 (f) In order to further determine opportunities to maximize and expand the use of nonpotable  
11 sources of water, the General Manager shall submit to the Board of Supervisors by June 1, 2022, a  
12 report evaluating opportunities to develop a recycled water and purified water supply for San  
13 Francisco.

14 **SEC. 12C.2. DEFINITIONS.**

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

16 **100% Affordable Housing Project:** a building where 100% of the residential units (not  
17 including a manager's unit) have (1) a maximum affordable purchase price or affordable rent set at  
18 120% of the unadjusted area median family income as determined by the Mayor's Office of Housing  
19 and Community Development on an annual basis and derived from the HUD Metro Fair Market Rent  
20 Area that contains San Francisco; (2) a rent that does not exceed 30% of the applicable household  
21 income limit for a rental unit, or a purchase price with an annual housing cost that does not exceed  
22 33% of the applicable income limit for an owner-occupied unit, as may be adjusted for household size  
23 and bedroom count; and (3) a recorded regulatory agreement, consistent with any applicable federal,  
24 state, or City government regulatory requirements, to assure that the residential units are sold or  
25

1 rented in accordance with the above criteria for the life of the project or a minimum of 55 years,  
2 whichever is shorter.

3 **100% Permanent Supportive Housing Project:** a new building where 100% of the residential  
4 units (not including a manager's unit) are (1) owned by a nonprofit charitable organization or qualified  
5 related legal entity, (2) used for permanent supportive housing to formerly homeless households subject  
6 to a recorded declaration of restriction, and (3) funded through a subsidy agreement with the  
7 Department of Homelessness and Supportive Housing.

8 **Alternate Water Source:** a source of ~~non~~Non-potable water that includes Graywater,  
9 on-site treated ~~non~~Non-potable water, Rainwater, Stormwater, Foundation Drainage, Blackwater,  
10 and any other source approved by the Director.

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

15 **Blackwater:** wastewater containing bodily or other biological wastes, as from toilets,  
16 dishwashers, kitchen sinks, and utility sinks.

17 **City:** the City and County of San Francisco.

18 **Commercial Building:** a building with a commercial use as defined in Planning Code Section  
19 102, amended from time to time.

20 **Development Project:** Construction of a new building or buildings. Development  
21 Projects are Large Development Projects and Small Development Projects. Development  
22 Project does not include rehabilitation of buildings constructed prior to August 1, 2015 the  
23 effective date of this Article 12C. Development Project does not include (1) any 100% Affordable  
24 Housing Project, 100% Permanent Supportive Housing Project, or ~~any~~ housing project funded or  
25 constructed pursuant to the HOPE SF Program sponsored and developed by the San

1 Francisco Housing Authority and either the Mayor's Office of Housing and Community  
2 Development or the Office of Community Investment and Infrastructure; (2) Hospital Buildings,  
3 Health Service Buildings, and Institutional Healthcare Use Buildings; (3) Industrial Use Buildings; (4)  
4 Production, Distribution, and Repair Use Buildings; (5) construction of a new building that will  
5 receive water service from the San Francisco Public Utilities Commission through no larger  
6 than a 5/8" domestic water meter or a 5/8" recycled water domestic meter, as determined in  
7 accordance with the San Francisco Public Utilities Commission's rules for water service; (6)  
8 for District projects located within the boundaries of the Reclaimed Water Use Map,  
9 construction of new buildings subject to a disposition and development agreement or similar  
10 contractual agreement approved before November 1, 2015, that includes in its applicable  
11 infrastructure plan the construction and operations of water treatment facilities within the  
12 project boundaries that would provide recycled water to the project; (7) for District projects  
13 located within the boundaries of the Reclaimed Water Use Map, construction of new buildings  
14 subject to a development agreement or similar contractual agreement, within a development  
15 phase or subphase, a street improvement plan, or a tentative map or vesting tentative map  
16 approved before November 1, 2015; or (8) for District projects located outside the boundaries  
17 of the Reclaimed Water Use Map, construction of new buildings subject to a development  
18 agreement or similar contractual agreement, within a development phase or subphase, a  
19 street improvement plan, or a tentative map or vesting tentative map approved before  
20 November 1, 2017.

21 **Director:** the Director of Health or any individual designated by the Director to act on  
22 ~~his or her~~ the Director's behalf.

23 **District Development Project:** a Large Development Project consisting of two or more  
24 buildings a group of two or more parcels that share Alternate Water Sources.

25

1           **District System:** An Alternate Water Source System serving a District Development  
2 Pproject.

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

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

10           **General Manager:** the General Manager of the San Francisco Public Utilities  
11 Commission, or any individual designated by the General Manager to act on his or her behalf.

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

18           **Gross Floor Area:** The floor area of a Development Project as defined in Planning  
19 Code Section 102, as amended from time to time.

20           **Health Service Building:** A building with a health service use as defined in Planning Code  
21 Section 102, as amended from time to time.

22           **Hospital Building:** A building with a hospital use as defined in Planning Code Section 102, as  
23 amended from time to time.

24           **Industrial Use Building:** A building with an industrial use as defined in Planning Code Section  
25 102, as amended from time to time.



1 **Institutional Healthcare Use Building:** A building with an institutional healthcare Use as  
2 defined in Planning Code Section 102, as amended from time to time.

3 **Large Development Project:**

4 (a) Prior to January 1, 2022, a Large Development Project is the construction ~~Construction~~ of  
5 a single building, or construction of multiple buildings on one or more parcels in accordance  
6 with a phased plan or approval, with a total ~~gross floor area~~ Gross Floor Area for the single  
7 building or the multiple buildings of 250,000 square feet or more:

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

11 ~~—(b)~~ (2) located outside the boundaries of the Reclaimed Water Use Map  
12 designated in accordance with Sections 1203 and 1209 of the Public Works Code and subject  
13 to a site permit or building permit that is final and effective after November 1, 2016.

14 (b) On or after January 1, 2022, a Large Development Project is the construction of a single  
15 building, or construction of multiple buildings on one or more parcels in accordance with a phased  
16 plan or approval, with a total Gross Floor Area for the single building or the multiple buildings of  
17 100,000 square feet or more.

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

22 **Large Development Project Applicant:** The person or entity applying for  
23 authorization to construct and operate a Large Development Project.

24 **Mixed-Use Residential Building:** A building with both a residential use and a commercial use as  
25 defined in Planning Code Section 102.

1           **Multi-Family Residential Building:** A building that contains three or more dwelling  
2 units.

3           **Non-potable Water:** ~~Non-potable~~ water collected from ~~alternate water sources;~~ Alternate  
4 Water Sources treated, and intended to be used on the Project Applicant's site or District parcels and is  
5 suitable for direct beneficial use.

6           **Non-potable Water Engineering Report:** Report submitted by the Project Applicant to  
7 the Director describing the Alternate Water Source ~~system~~ System in accordance with the rules  
8 and regulations adopted by the Department of Health.

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

10          **~~Non-residential~~ Residential Building:** A building with a non-residential use as defined in  
11 Planning Code Section 102. that contains occupancies other than dwelling units.

12          **~~NSF 350 System:~~** ~~Any treatment system certified by NSF International to meet NSF/ANSI~~  
13 ~~Standard 350 for Onsite Residential and Commercial Reuse Treatment Systems, as amended from time~~  
14 ~~to time.~~

15          **Permittee:** The Project Applicant, or any subsequent owner, assignee, successor in interest or  
16 any other transferee subject to this Article 12C, including, but not limited to, operations and  
17 maintenance of an Alternative Water Source System. Permittee includes, but is not limited to, the  
18 owner of the common areas within a District Development Project and any homeowners association or  
19 similar entity that maintains the common areas within a District Development Project. Permittee does  
20 not include the Project Applicant, subsequent owners, assignees, successors in interests, transferees,  
21 owners of a common area, homeowners associations, or any other person or entity associated with a  
22 Development Project serviced by an Alternative District System dedicated to the City in accordance  
23 with Section 12C.4(h) of this Article 12C.

1            ~~The operator of an Alternate Water Source System under this Article 12C, including, but not~~  
2 ~~limited to, a third-party contractor obtained for the purpose of operating and maintaining all or any~~  
3 ~~portion of the Alternate Water Source System.~~

4            **Production, Distribution, Repair Use Building:** A building with production, distribution, repair  
5 Use as defined in Planning Code Section 102.

6            **Project Applicant:** the person or entity applying for authorization to install and use an  
7 Alternate Water Source ~~System~~project.

8            **Rainwater:** precipitation collected from roof surfaces or other manmade, aboveground  
9 collection surfaces.

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

18            **Small Development Project:**

19            (a) Prior to January 1, 2022, a Small Development Project is the construction ~~Construction~~ of  
20 a single building, or construction of multiple buildings on one or more parcels in accordance  
21 with a phased plan or approval, with a total ~~gross floor area~~ Gross Floor Area for the single  
22 building or the multiple buildings of 40,000 square feet or more, but less than 250,000 square  
23 feet.

24            (b) On or after January 1, 2022, a Small Development Project is the construction of a single  
25 building, or construction of multiple buildings on one or more parcels in accordance with a phased

1 plan or approval, with a total Gross Floor Area for the single building or the multiple buildings of  
2 40,000 square feet or more, but less than 100,000 square feet.

3 (c) Small Development Projects ~~are not limited to buildings constructed by individuals or~~  
4 ~~non-governmental entities but, to the extent allowed by law, also include, to the extent allowed by law,~~  
5 buildings constructed and operated by any local, state, or federal government entity, including  
6 the City ~~and County of San Francisco.~~

7 **Small Development Project Applicant:** The person or entity applying for authorization  
8 to construct and operate a Small Development Project.

9 **Small Residential Building:** A building that contains no more than two dwelling units.

10 **Stormwater:** Precipitation collected from at-grade or below-grade surfaces.

11 **Water Budget:** The calculation of the potential volume of onsite ~~alternate water~~ Alternate  
12 Water Source supplies and demands of a Development Project and any other building subject  
13 to this Article 12C.

14 **Water Budget Calculator:** The water use calculation ~~application~~ tool approved by the  
15 General Manager that provides for the assessment of a proposed onsite water system,  
16 ~~alternate water source~~ Alternate Water Source, and the end uses of the Alternate Water Source.

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

1           **SEC. 12C.3. APPLICABILITY.**

2           This Article 12C shall apply to the installation and operation of the Alternate Water  
3 Source ~~systems~~ Systems at Large Development Projects, and to the voluntary installation and  
4 operation of the Alternate Water Source ~~systems~~ Systems at sites containing ~~multi-family~~ Multi-  
5 Family Residential Building and ~~non-residential~~ Non-Residential buildings. This Article does not  
6 apply to:

7           (a) Systems at ~~small-residential~~ Small Residential Buildings ~~occupancies~~.

8           (b) Graywater systems where Graywater is collected solely for subsurface irrigation  
9 and does not require disinfection, as determined by the Director.

10          (c) Rainwater systems where Rainwater is collected solely for subsurface irrigation,  
11 drip irrigation, or non-sprinkled surface applications and does not require disinfection, as  
12 determined by the Director.

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

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

16                       (1) For Large Development Projects and District Development Projects that  
17 submit an application for a site permit on or prior to January 1, 2022, an Alternate Water Source  
18 System shall be constructed, operated, and maintained. All toilet and urinal flushing and irrigation  
19 demands shall be met through the collection and reuse of available onsite Rainwater,  
20 Graywater, and Foundation Drainage, to the extent required by application of the Water  
21 Budget Documentation developed for each Development Project.

22                       (2) For Large Development Projects consisting of a single Commercial Building  
23 that submit an application for a site permit after January 1, 2022, an Alternate Water Source System  
24 shall be constructed, operated, and maintained. Toilet and urinal flushing demands are required non-  
25 potable uses. The collection and reuse of Blackwater (required Alternate Water Source) shall be used

1 for required non-potable uses to the extent required by application of the Water Budget  
2 Documentation.

3 (3) For Large Development Projects consisting of a single Multi-Family  
4 Residential Building or Mixed-Use Residential Building that submit an application for a site permit  
5 after January 1, 2022, an Alternate Water Source System shall be constructed, operated, and  
6 maintained. Toilet and urinal flushing, clothes washing, and irrigation demands are required non-  
7 potable uses. The collection and reuse of Graywater (required Alternate Water Source) shall be used  
8 for required non-potable uses to the extent required by application of the Water Budget  
9 Documentation.

10 (4) For District Development Projects consisting of solely Commercial Buildings  
11 that submit an application for a site permit after January 1, 2022, a District System shall be  
12 constructed, operated and maintained. Toilet and urinal flushing and irrigation demands are required  
13 non-potable uses. The collection and reuse of Blackwater (required Alternate Water Source) shall be  
14 used for required non-potable uses to the extent required by application of the Water Budget  
15 Documentation.

16 (5) For District Development Projects consisting of any Multi-Family Residential  
17 Buildings or Mixed-Use Residential Buildings that submit an application for a site permit after  
18 January 1, 2022, a District System shall be constructed, operated, and maintained. Toilet and urinal  
19 flushing, clothes washing, and irrigation demands are required non-potable uses. The collection and  
20 reuse of Graywater (required Alternate Water Source) shall be used for required non-potable uses to  
21 the extent required by application of the Water Budget Documentation.

22 (b) A Large Development Project Applicant shall use the Water Budget Calculator as  
23 follows:

24 (1)(2) For Large Development Projects that submit an application for a site  
25 permit on or prior to January 1, 2022, a A Large Development Project Applicant shall use the

1 Water Budget Calculator, as provided by the General Manager's rules, to prepare a Water  
2 Budget assessing the amount of Rainwater, Graywater, and Foundation Drainage produced  
3 on site, and the planned toilet and urinal flushing and irrigation demands.

4 (2) For Large Development Projects that submit an application for a site permit  
5 after January 1, 2022, a Large Development Project Applicant shall use the Water Budget Calculator,  
6 as provided by the General Manager's rules, to prepare a Water Budget assessing the amount of  
7 Alternate Water produced on site by the required Alternate Water Sources, and the amount of  
8 Alternate Water needed to supply the required non-potable uses.

9 (c) Use of Alternate Water for Large Development Projects shall be as follows:

10 (1) For Large Development Projects that submit an application for a site permit  
11 on or prior to January 1, 2022, if ~~it~~, based on the Water Budget Documentation, the available  
12 supply from onsite sources exceeds the demands for toilet and urinal flushing and irrigation,  
13 100% of those demands shall be met by using the available onsite sources. If, based on the  
14 Water Budget Documentation, the available supply from onsite sources is less than the  
15 demands for toilet and urinal flushing and irrigation, 100% of the available onsite supply shall  
16 be used to meet the demands for toilet and urinal flushing and irrigation. Available  
17 Blackwater or Stormwater supplies may be used instead of, or in addition to Rainwater,  
18 Graywater, and Foundation Drainage to meet the available onsite supply requirements  
19 calculated in accordance with the Water Budget Documentation requirements of this Section  
20 12C.4~~(a)~~(c)(1).

21 (2)~~(3)~~ For Large Development Projects that submit an application for a site  
22 permit after January 1, 2022, if, based on the Water Budget Documentation, the available supply from  
23 required Alternate Water Sources exceeds the demand from required non-potable uses, 100% of that  
24 demand shall be met by using the required Alternate Water Sources. If, based on the Water Budget  
25 Documentation, the available supply from required Alternate Water Sources is less than the demand

1 from required non-potable uses, 100% of the available supply from required Alternate Water Sources  
2 shall be used to meet the demand from required non-potable uses.

3 (d) Small Development Project Applicants shall be as follows:

4 (1) For Small Development Projects that submit an application for a site permit  
5 on or prior to January 1, 2022, Small Development Project Applicants shall use the Water Budget  
6 Calculator, as provided by the General Manager's rules, to prepare a Water Budget  
7 assessing the amount of Rainwater, Graywater and Foundation Drainage produced on site,  
8 and the planned toilet and urinal flushing and irrigation demands.

9 (2) For Small Development Projects that submit an application for a site permit  
10 after January 1, 2022, Small Development Project Applicants shall use the Water Budget Calculator,  
11 as provided by the General Manager's rules, to prepare a Water Budget assessing the supply from  
12 Alternate Water Sources available on site, and the demand from non-potable uses on site.

13 (e) Large Development Projects and District Development Projects shall be subject to  
14 excess use charges for exceeding potable water allocations determined in accordance with rules  
15 adopted by the General Manager. If a Large Development Project or District Development Project  
16 exceeds its allocation of potable water, the Permittee for the Large Development Project or District  
17 Development Project shall be subject to excess use charges on each unit of potable water exceeding  
18 the allocation at 300% (or 3x) the applicable water and wastewater rates.

19 (f) Large Development Projects and District Development Projects shall not provide Non-  
20 potable Water to water users or for purposes located outside the boundaries of the Large Development  
21 Project or District Development Project, except (1) as permitted in the sole discretion of the General  
22 Manager, or (2) when the water users or other purposes are located on property contiguous to, or  
23 across a public right of way from the boundaries of the Large Development Project or District  
24 Development Project, and the total amount of Non-potable Water produced by the Alternate Water  
25 Source System will not exceed 125% of the Large Development Project's or District Development



1 Project's required non-potable demands as determined by the approved Water Budget  
2 Documentation.

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

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

11 (2) ~~District Systems shall be operated by a single Permittee having sole control~~  
12 ~~of operations of all of its facilities, including but not limited to treatment and distribution facilities.~~  
13 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~~  
16 ~~Water to water users or for purposes located outside the boundaries of the District or approved~~  
17 ~~Development Project, except when the water users or other purposes are located on property~~  
18 ~~contiguous to, or across a public right of way from the boundaries of the District or approved~~  
19 ~~Development Project, and the total amount of Nonpotable Water produced by the Alternate Water~~  
20 ~~Source System will not exceed 125% of the District System's or approved Development Project's Non-~~  
21 ~~potable Water demands for toilet and urinal flushing and irrigation, as determined by the approved~~  
22 ~~Water Budget Documentation.~~

23 —(4) ~~For District Systems, the ongoing operation and maintenance~~  
24 ~~responsibilities of the Responsible Party shall be held by the owner of the common areas within the~~

1 ~~District Development Project, and may be transferred to a homeowners association or similar entity~~  
2 ~~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(e), including any exceptions approved by the General Manager, individual~~  
5 ~~Individual buildings within a Development Projects with the~~ District shall not be required to  
6 demonstrate compliance as long as the individual buildings ~~Buildings Development Projects~~ are  
7 provided service by the approved District System.

8 (h~~d~~) The General Manager may approve ~~alternative~~ Alternate District Systems that  
9 will achieve compliance with the purposes and objectives of this Article 12C, in accordance  
10 with guidelines and rules established by the General Manager. Alternative District Systems  
11 may include, but are not limited to, the dedication to the City, without cost to the City, of a District  
12 System's treatment and/or conveyance system that is constructed in accordance with all applicable  
13 utility standards and specifications~~water purchase agreements.~~

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

19 (j~~f~~) Subdivision Approvals.

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

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

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

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

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

10 (4) This ~~§~~subsection (~~fi~~) shall not apply to tentative subdivision maps or  
11 parcel maps submitted solely for the purposes of condominium conversion, as defined in  
12 Subdivision Code Section 1308(d).

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

18 **SEC. 12C.5. REGULATION OF ALTERNATE WATER SOURCES.**

19 (a) Any person or entity who installs and operates an Alternate Water Source  
20 system shall comply with this Article 12C, the rules and regulations adopted by the  
21 Department of Public Health, and all applicable ~~local~~ City, state, and federal laws.

22 (b) ~~The Within 90 days after passage of this ordinance, the~~ Director shall issue rules and  
23 regulations regarding the operation of Alternate Water Source systems necessary to  
24 effectuate the purposes of ~~the~~ this Article 12C and to protect public health and safety. These  
25 regulations shall address, at a minimum:

- 1 (1) Water quality criteria;
- 2 (2) Monitoring and reporting content and frequencies; and
- 3 (3) Operation and maintenance requirements.

4 (c) The Director shall review applications for Alternative Water Sources systems and  
5 may issue or deny such applications, in accordance with applicable laws and regulations.

6 (d) The Department of Building Inspection shall review plans and issue or deny  
7 plumbing permits for the construction, installation, or modification of Alternate Water Source  
8 systems, in accordance with applicable laws and regulations.

9 **SEC. 12C.6. PROJECT APPLICANT AND/OR PERMITTEE DESIGN AND**  
10 **CONSTRUCTION REQUIREMENTS.**

11 (a) Prior to initiating installation of any Alternate Water Source project, Project  
12 Applicants shall submit to the Director an application for permits to operate Alternate Water  
13 Source systems. Such applications shall comply with the requirements of this Article 12C and  
14 any regulations the Director has issued. Project Applicants shall pay a non-refundable permit  
15 application fee to cover the costs of investigation and processing the application and issuing  
16 the permit. Each project application submitted to the Director shall include a Non-potable  
17 Water Engineering Report that provides project information the Director determines to be  
18 necessary for complete review of the proposed project. City departments may not approve or  
19 issue permits for any site installing an Alternate Water Source system unless and until the  
20 Director has approved the Non-potable Water Engineering Report.

21 The Non-potable Water Engineering Report for District systems must include  
22 information on the permanent legal agreements between property owners, and provide  
23 documentation that each party is a willing and responsible participant in the District Non-  
24 potable Water use.

1 (b) System Design. All buildings using Non-potable Water from Alternate Water

2 Source systems shall include:

3 (1) A flow meter on the non-potable distribution system to account for Non-potable  
4 Water use;

5 (2) A flow meter on the potable make-up water pipeline to the Alternate Water Source

6 System;

7 (32) A reduced pressure backflow assembly (RP) within 25 feet of the downstream  
8 side of the point of connection or meter to protect the City's public water and/or recycled water  
9 system;

10 (43) Signage that state law and the Department of Public Health's rules and  
11 regulations require;

12 (54) Cross connection control in accordance with California Code of Regulations  
13 Titles 17 and 22 and the San Francisco Public Utilities Commission's Cross Connection  
14 Control Program; and

15 (65) Any other requirements the Director determines are necessary to protect  
16 public health.

17 (c) Plumbing Permit. A Project Applicant shall obtain from the Department of  
18 Building Inspection an appropriate plumbing permit and any other building or installation  
19 permit required to construct, install, alter, an Alternate Water Source system. Each parcel  
20 within a District shall obtain appropriate plumbing and any other building or installation permits  
21 required.

22 (d) Encroachment Permit. A Project Applicant shall obtain from the Department of  
23 Public Works appropriate authorization for placement of any pipelines or other portions of an  
24 Alternate Water Source system within the public right-of-way.

25

(e) Construction Certification Letter. Project Applicants shall certify to the Director that Alternate Water Source system construction is complete and consistent with the approved Non-potable Water Engineering Report in accordance with the provisions of this Article 12C and any implementing rules and regulations. City departments may not approve or issue a First Certificate of Occupancy or approval for any Alternate Water Source system until the Director has reviewed and verified the Construction Certification Letter.

**SEC. 12C.7. FEES.**

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

(1)	Rainwater, <u>Stormwater, Foundation Drainage</u>	<u>\$2,616.28</u> <del>\$1,544.00</del>
(2)	<del>NSF 350 systems</del>	<del>\$2,688.00</del>
(3)	<del>Foundation Drainage</del>	<del>\$5,032.00</del>
(24)	Graywater	<u>\$8,142.66</u> <del>\$5,032.00</del>
(35)	Blackwater	<u>\$13,958.84</u> <del>\$9,034.00</del>
(46)	Transfer of any permit	<u>\$226</u> <del>229.00</del>
(57)	District Scale, the applicable amount above, plus	<u>\$226</u> <del>191.00</del> per
hour		for plan review
		and/or on-site
		inspection.

(b) The fees set forth in this Section 12C.7 may be adjusted each year, without further action by the Board of Supervisors.

Not later than April 1, the Director shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section 12C.7.

1 Not later than May 15, the Controller shall determine whether the current fees  
2 produce, or are projected to produce, revenues sufficient to support the costs of providing the  
3 services for which the fees are assessed and that the fees will not produce revenue that  
4 significantly exceed more than the costs of providing the services for which the fees are  
5 assessed.

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

10 (c) Every permit holder shall also pay an annual license fee as provided in the  
11 Business and Tax Regulations Code Section 249.24.

12 **SEC. 12C.8. OPERATING REQUIREMENTS.**

13 When the Director determines the Project Applicant ~~applicant~~ has satisfied all the  
14 requirements of this Article 12C, the Director may issue an operations permit for an  
15 Alternative Water Source system. Permittees shall timely submit all water quality monitoring  
16 information required by the provisions of this Article and the Department of Public Health's  
17 rules and regulations. Permittees shall conduct ongoing backflow prevention and cross  
18 connection testing in accordance with this Article, the rules and regulations of the Department  
19 of Public Health, and all applicable ~~local~~ City, state, and federal laws.

20 **SEC. 12C.9. NON-POTABLE WATER USE AUDITS.**

21 When required by the General Manager, the Permittee ~~or property owner,~~ shall conduct  
22 a Non-potable Water use audit describing the extent of Non-potable Water use in accordance  
23 with requirements provided by the General Manager.

1           **SEC. 12C.11. INSPECTION ~~AND NOTICES OF VIOLATION.~~**

2           The Director may inspect any Alternate Water Source system subject to the  
3 requirements of this Article 12C to determine compliance with the provisions of this Article  
4 and applicable regulations.

5           **SEC. 12C.12. VIOLATION AND PENALTIES.**

6           ~~The Director may impose administrative penalties on any Permittee, or person otherwise~~  
7 ~~subject to the requirements of this Article 12C, who violates any provision of this Article or any~~  
8 ~~applicable rule or regulation shall be subject to enforcement in accordance with Chapter 100 of the~~  
9 ~~San Francisco Administrative Code with respect to administrative penalties, and may pursue any other~~  
10 ~~available legal remedies for such violations.~~

11           Administrative penalties shall be assessed and collected by the Department of Public Health as  
12 set forth in this Section 12C.12.

13           (a) Any Permittee, or other person otherwise subject to the requirements of this Article 12C,  
14 who violates any provision of this Article or any applicable rule or regulation shall be subject to an  
15 administrative penalty imposed by order of the Director, not to exceed \$1,000. Each day or portion  
16 thereof that a violation exists constitutes a separate and distinct violation for which an administrative  
17 penalty may be imposed. In assessing the amount of the administrative penalty, the Director may  
18 consider any one or more of the following: the nature and seriousness of the misconduct, the number of  
19 violations, the persistence of the misconduct, the length of time over which the misconduct occurred,  
20 and the willfulness of the violator's misconduct.

21           (b) If the Director determines that any Permittee, or other person otherwise subject to the  
22 requirements of this Article 12C, is in violation of any provision of this Article or any applicable rule  
23 or regulation, the Director shall issue a Notice of Violation to the person. The Notice of Violation shall  
24 contain the following information: a description of circumstances or condition constituting the  
25 violation; the date by which the person must correct the violation; the amount of the administrative



1 penalty that the Director will impose daily until such time as the person has demonstrated to the  
2 satisfaction of the Director that the violation has been corrected; and the right to seek administrative  
3 review of the Notice of Violation by filing an appeal within 30 days of the date that the Notice of  
4 Violation is served to challenge the Director's determination and/or the proposed administrative  
5 penalty.

6 (c) If no request for administrative review is timely made, the right to request a hearing shall be  
7 waived, and the Director's determination shall become final. The failure to timely request a hearing  
8 shall constitute a failure to exhaust administrative remedies and shall preclude judicial review of the  
9 validity of the enforcement action. The Director shall issue an order imposing the administrative  
10 penalties, which shall be due and payable within 15 days of the date of the order.

11 (d) Administrative penalties assessed by the Director shall be paid to the Treasurer of the City  
12 and County of San Francisco and credited to the Public Health Environmental Health Code  
13 Compliance Fund, authorized by Administrative Code Section 10.100-193.

#### 14 **SEC. 12C.13. REVOCATION AND SUSPENSION OF PERMIT.**

15 The Director may order a Permittee to cease operation of an Alternate Water Source  
16 system, or may revoke or suspend the permit to operate if the Director determines that:

17 (a) The Permittee or its manager<sub>s</sub>, operator<sub>s</sub> or any employee<sub>s</sub> has violated any  
18 provision of this Article 12C or any regulation issued pursuant to this Article;

19 (b) The Alternate Water Source system is being operated or maintained in a manner  
20 threatening the public health or health of patrons and/or residents; or

21 (c) The Permittee ~~owner or operator~~ has refused to allow any duly authorized City  
22 official to inspect the premises or the operations of the Alternate Water Source system.

23  
24 Section 3. Article 2 of the Business and Tax Regulations Code is hereby amended by  
25 revising Section 249.24, to read as follows:





**LEGISLATIVE DIGEST**

[Health, Public Works, Business and Tax Regulations Codes - Alternate Water Sources for Non-Potable Applications]

**Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000 square feet of gross floor area, for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of non-potable water for specific purposes; 4) require that new developments with multiple buildings install an alternate water source system serving the entire development; 5) modify certain administrative review fees; and 6) require the payment of excess use charges and penalties for failure to properly use and maintain alternate water source systems; amending the Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

Existing Law

Under section 4.110 of the Charter, the Health Commission and the Department of Public Health (“Department”) are generally authorized to provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County. The Charter also provides that the Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

Article 12C to the San Francisco Health Code contains laws that implement the Health Commission and the Department’s authority to provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County. The Article requires that persons desiring or required to implement alternative source water systems obtain permission to construct and operate such systems, in accordance with the rules and regulations established by the Department that define appropriate water quality standards, monitoring criteria and other requirements for such systems. The Article also directs the Department of Building Inspection to review plans and to issue plumbing permits for on-site alternative water source systems.

Article 12C applies to and authorizes the installation and operation of the alternate water source systems at sites containing multi-family and non-residential buildings. New development projects of 250,000 square feet or more of gross floor area that did not receive a site permit prior to November 1, 2016 are required to construct, operate, and maintain an onsite non-potable water system to treat and reuse available sources of rainwater, graywater, blackwater and foundation drainage for toilet and urinal flushing and irrigation.

The amounts and types of water sources available for such new development projects will be assessed by using the San Francisco Public Utilities Commission's (SFPUC) Water Budget Calculator. If the Water Budget Calculator assessment shows that the available supply from onsite sources exceeds the demands for toilet and urinal flushing and irrigation, 100% of those demands must be met by using the available onsite sources. If the Water Budget Calculator assessment shows that the available supply from onsite sources is less than the demands for toilet and urinal flushing and irrigation, 100% of the available onsite supply must be used to meet the demands for toilet and urinal flushing and irrigation.

New development projects of 40,000 square feet or more of gross floor area are not required to construct, operate, and maintain an onsite non-potable water system, but are required to use the Water Budget Calculator to prepare a water budget assessing the amount of available rainwater, graywater, and foundation drainage produced on site, and the planned demands for toilet and urinal flushing and irrigation.

Article 12C requirements do not apply to systems at small residential occupancies, graywater systems where graywater is collected solely for subsurface irrigation and does not require disinfection, as determined by the Director, and rainwater systems where rainwater is collected solely for subsurface irrigation, drip irrigation, or non-sprinkled surface applications and does not require disinfection, as determined by the Director.

Article 12C requires a project applicant to 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 will review the engineering report and issue a permit to operate the system, if the system complies with the applicable rules and regulations.

Under Article 12C, the Department of Building Inspection (DBI) will provide final inspection and sign-off to ensure that appropriate bypass and cross-connection control elements as part of construction. The Article also provides authority to perform water use audits, approve permit transfers on point of sale of the property, suspend or revoke permits, and to abate violations, including the imposition of penalties pursuant to Administrative Code chapter 100.

Article 12C also provides for the payment of fees to cover the Department's costs for administering the program and, by adding section 249.24 to the Business and Taxation Code, for the payment of an annual license fee to the Tax Collector.

#### Amendments to Current Law

The draft ordinance proposes the following changes:

- Lowers the threshold for applicability of Article 12C to large development projects from a total gross floor area for the single building or the multiple buildings of 250,000 square feet or more, to a total gross floor area for the single building or the multiple buildings of 100,000 square feet or more.
- Exempts from applicability the following development projects: 100% affordable housing projects; 100% permanent supportive housing projects; hospital buildings; health service buildings; institutional healthcare use buildings; industrial use buildings; and production, distribution, and repair use buildings.
- Requires commercial building development projects to reuse blackwater for indoor uses.
- Requires multi-family and mixed-use residential building development projects to provide graywater for clothes washing as an end use.
- Removes enforcement of rainwater collection and reuse as a required alternate water source.
- Requires development projects consisting of multiple commercial buildings to develop district scale alternate water source systems.
- Increases Department fees to cover the administrative costs of performing inspections and approval and oversight functions.
- Modifies Department enforcement tools to create consistency with current Department procedures and increases potential penalties for non-compliance.
- Clarifies that development projects are subject to excess use charges for failure to comply with obligations under Article 12C to use alternate water sources.

### Background Information

The City's Non-Potable Water Program is administered through an inter-agency partnership among the Department, SFPUC, DBI, and SFPW. The purpose of this program is to create a streamlined process for new large developments in San Francisco to collect, treat, and use non-potable water on-site for toilet flushing, irrigation, and other non-potable applications. Non-potable is a term that refers to water that is not of drinking water quality, but can be used for other productive uses such as toilet flushing and irrigation, in compliance with applicable City, State and Federal laws.

According to the SFPUC, non-potable water is used across the nation to reduce the pressure on natural water resources. Treated non-potable water can be used for a number of beneficial purposes, including irrigation, toilet flushing, decorative fountains, dust control and cooling applications. Capturing and treating rainwater, foundation drainage, and graywater – and then reusing the water for toilet flushing and irrigation – could result in a dramatic reduction in the overall water footprint of a building. Furthermore, using on-site sources may reduce the volume of flows into the sewer. Reducing the volume of rainwater and wastewater flowing into the combined sewer system, especially during the rainy season, can help reduce the risk of combined sewer discharges.

Under this program, several types of alternate water sources generated on site can be collected and treated, including:

Rainwater – precipitation collected from roofs and above-grade surfaces.

Graywater – wastewater collected from bathtubs, showers, bathroom sinks, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks, toilets or dishwashers.

Foundation Drainage – nuisance groundwater that is dewatered to maintain a building's structural integrity and would otherwise be discharged to the City's sewer system. Foundation drainage is not the same as non-potable groundwater, which requires a production well and is already regulated by City ordinance.

Stormwater – precipitation collected at or below grade surfaces.

Blackwater – wastewater collected from toilets, dishwashers, kitchen sinks and utility sinks.

Non-potable water cannot be used for drinking, washing or bathing, washing of clothing, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or other personal service rooms. Rainwater, however, is often allowed for clothes washing and recycled water is allowed for commercial laundries. The City's Non-Potable Water Program is designed for new, large-scale commercial, mixed-use, and multifamily residential developments installing on-site systems to capture, treat, and reuse water for toilet flushing, irrigation, and other non-potable applications. Single-family residential properties are the focus of other programs developed by the SFPUC, namely the Laundry-to-Landscape Pilot Graywater Program, the Graywater Permit Rebate Program, and the Discounted Rain Barrel and Cistern Program, and therefore are not included in this Non-Potable Water Program.

Typical elements of an alternative water source system may include:

- Collection: Plumbing used to collect on-site supplies, such as graywater, and convey it to a treatment system.

- Storage (Collection): Storage tank used to equalize collection flows prior to treatment.
- Treatment System: A System that processes untreated water with filtration, disinfection, and/or other processes to achieve acceptable water quality results.
- Treated Water Storage: Storage tank used to store treated graywater, rainwater, or foundation drainage water after treatment and before distribution.
- Distribution System: (pumps and piping): Distribution pumps to convey water from the treated storage tank to designated fixtures in the building via non-potable distribution plumbing. Distribution system piping is completely separate from other piping in a building and is used to convey the treated non-potable supplies to specific uses such as toilet flushing.



# Introduction Form

By a Member of the Board of Supervisors or 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 [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Mandelman, Mar

Subject:

[Health, Business and Tax Regulations Codes - Alternate Water Sources for Non-Potable Applications]

The text is listed:

Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000 square feet of gross floor area, for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of nonpotable water for specific purposes; 4) require that new developments with multiple buildings install an alternate water source system serving the entire development; 5) modify certain administrative review fees; and 6) require the payment of excess use charges and penalties for failure to properly use and maintain alternate water source systems; amending the Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems, and amending the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only