

[Commercial Water Conservation Ordinance Amendments.]

Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water conservation by improving the water efficiency of commercial buildings by changing the standards for water closets, urinals, showerheads and faucet aerators and requiring leak repair, required upon the occurrence of major additions or improvements, and in all defined commercial buildings no later than January 1, 2017, authorizing an exemption to preserve historical integrity of the building, authorizing paper and/or electronic forms for compliance and providing that compliance records may be available via the internet, providing that reasonable fees may be required to pay for the cost of implementing this Chapter, to be established by subsequent Board action, and providing that this ordinance shall be effective no earlier than July 1, 2009.

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

Section 1. The San Francisco Building Code is hereby amended by amending Chapter 13A, to read as follows:

SEC. 1301A. TITLE.

This chapter shall be known as the “Commercial Water Conservation Ordinance.”

SEC. 1302A. — INTENT.

It is the intent of this chapter to conserve existing water supplies by managing the overall demand for water in commercial buildings, including tourist hotels and motels, by requiring the installation of water conservation devices in commercial buildings upon the occurrence of specific events and in any event no later than January 1, 2017.

## SEC. 1303A. DEFINITIONS.

For the purpose of this chapter, certain terms are defined as follows:

**ACCESSIBLE** means there is sufficient space in which to install the specified water and energy conservation measure without significant alteration to the structure. For ducts, plenums or pipes, "accessible" shall mean all ductwork, plenums or pipes located in mechanical rooms, on roofs and around all air handling units. In addition, pipes located above movable ceiling panels shall be considered accessible, but not ducts or plenums.

**ACCESSIBLE ATTIC SPACE** means a space between a ceiling joist and roof rafter where the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheeting at the roof ridge is greater than 18 inches (957 mm).

**BUILDING OCCUPANCY** means OCCUPANCY as defined in Chapter 3 of this code and shall also, where practicable, include the primary business activity of the property as classified by Standard Industrial Classification (SIC).

**BUILDING TYPE** means the type of building construction, as defined in Chapter 6 of this code, and shall take into consideration whether the building is a high-rise building as defined by Section 403 of this code.

**COMMERCIAL BUILDING** means any privately owned building except those residential buildings and portions of mixed residential-commercial buildings that are subject to the energy or water conservation requirements of Chapter 12 or Chapter 12A of the San Francisco Housing Code (Residential Energy Conservation Ordinance and Residential Water Conservation Ordinance).

**COST-EFFECTIVE** means having a simple economic payback that does not exceed four years or the expected life of an energy conservation measure, whichever is shorter.

ESTABLISHED CONTRACTOR'S COST means the contractor's fee, including labor and material, plus the engineer's fee to do the required work, provided that the engineer's fees do not exceed the schedule of fees provided by the Building Official.

PERMIT APPLICANT means the person listed on the building permit application as the owner or lessee of the building.

QUALIFIED INSPECTOR means an inspector defined in Section 1314A, who is authorized to perform a water conservation inspection.

QUALIFIED PROFESSIONAL means a person regularly engaged in the field of making repairs, adjustments and inspection of energy-using equipment contained in HVAC, lighting or service hot water systems.

SERVICE HOT WATER means the supply of hot water for domestic or commercial purposes other than comfort heating.

SIMPLE ECONOMIC PAYBACK means the time needed to recover a conservation investment on the basis of expected energy savings at current energy costs. Simple economic payback is expressed in years, and is calculated by dividing the established contractor's cost of a conservation measure by the estimated dollar savings in the first year. Available tax credits, incentives and future energy costs are not considered in the calculation.

WATER CONSERVATION INSPECTION means inspection of a commercial building for compliance with the requirements of this chapter.

## SEC. 1304A. RULES AND GUIDELINES.

1304A.1 Adopt Rules. The Building Official, in cooperation with the General Manager of the Public Utilities Commission and other advisors as the Building Official may deem appropriate, shall adopt reasonable rules and guidelines implementing the provisions and

intent of this chapter and shall make them available to the public along with the informational brochure described in Section 1307A. The Building Official, in cooperation with the General Manager of the Public Utilities Commission, may amend these rules and guidelines from time to time after considering public input.

1304A.2 Inspection procedures. The Building Official shall include coverage of this chapter's requirements in the Water Inspection Procedures established by the Department.

#### SEC. 1305A. CIVIL REMEDIES.

1305A.1 Abatement. A commercial building shall constitute a nuisance under the terms of Section 102A of this code when the installation of a water conservation measure in a commercial building is required pursuant to this chapter and the water conservation measure has not been installed.

The nuisance shall be abated by civil action pursuant to procedures set forth in Section 102A of this code for unsafe buildings; provided, however, that in no event shall any violation constitute a misdemeanor.

#### SEC. 1306A. REQUIREMENTS.

1306A.1 Building Additions. For building additions where the sum of concurrent building permits by the same permit applicant would increase the floor area of the space in a building by more than ten 10 percent, the permit applicant shall obtain a valid water conservation inspection and shall comply with the applicable water conservation measures required by this chapter as a condition for issuance of a Certificate of Final Completion and Occupancy by the Department upon completion of the addition.

1306A.1.1 Scope. This subsection shall apply to the entire building.

1306A.2 Building Alterations and Improvements.

1306A.2.1 For alterations or improvements where the total construction cost estimated in the building permit is greater than \$150,000, as a condition for issuance of a Certificate of Final Completion and Occupancy, or final permit sign off, by the Department upon completion of the alterations or improvements, the permit applicant shall obtain a valid water conservation inspection and shall install the applicable water conservation devices required by this chapter that serve the specific area of alteration or improvement.

1306A.2.2 Notwithstanding Section 1306A2.1, for any alterations or improvements to a room containing any of the water conservation devices identified in Section 1313A, as a condition for issuance of a Certificate of Final Completion and Occupancy or final permit signoff by the Department upon completion of the alterations or improvements, the permit applicant shall install the applicable water conservation devices required by this chapter in that room.

1306A.3 On or before January 1, 2017, all commercial buildings shall be in compliance with this chapter, and the owner or the owner's authorized representative shall cause a water conservation inspection to be completed, and shall have a certificate of compliance on file with the Department for the entire building, or the entire portion of the mixed residential and commercial building that is subject to the required water compliance measures identified in Section 1313A.

SEC. 1307A. INFORMATIONAL BROCHURE.

1307A.1 The Department shall make available to the public an informational brochure specifying the water conservation requirements.

## SEC. 1308A. POSTPONEMENTS OF REQUIREMENTS.

1308A.1 Postponement for Demolition. The duty of an owner or permit applicant to comply with inspection and water conservation requirements applicable to any portion of a building subject to this chapter shall be postponed for one year from the date of issuance of a demolition permit for said building. If the building is demolished and a certificate of completion is issued by the Department before the end of the one-year postponement, the requirements of this chapter shall not apply. If the building is not demolished after the expiration of one year, the provisions of this chapter shall apply, subject to appeal, even though the demolition permit is still in effect or a new demolition permit has been issued.

## SEC. 1309A. EARLY COMPLIANCE WITH WATER CONSERVATION MEASURES.

1309A.1 Early Compliance. To encourage early compliance with the requirements of this chapter, compliance pursuant to Section 1311A may be completed at any time before compliance would otherwise be required. In the event of early compliance, a water conservation inspection shall be completed and a certificate of compliance shall be filed with the Department in accordance with Section 1311A.

## SEC. 1310A. WATER CONSERVATION INSPECTIONS.

1310A.1 Inspections. A water conservation inspection which satisfies the requirements of this chapter shall be performed as required by this chapter.

## SEC. 1311A. PROOF OF COMPLIANCE WITH WATER CONSERVATION MEASURES.

1311A.1 Inspection Form. The Department shall provide standardized forms, that may be paper and/or electronic suitable for conducting a valid water conservation inspection and

certifying compliance with the requirements of this chapter. The inspection form shall be completed and signed by a qualified inspector, furnished to the permit applicant, building owner or the owner's authorized representative, and submitted to the Department in accordance with this Section.

1311A.2 Certificate of Compliance. When all of the water conservation requirements have been met, a certificate of compliance shall be signed and submitted to the Department.

1311A.3 Public Records. Water conservation inspection results and certificates of compliance shall be public information, shall be available for inspection by any interested person during regular business hours at the Department, and may be made available electronically via the internet.

1311A.4 Fees. Reasonable fees may be required to pay for, but not exceed, the costs of implementing this chapter. Such fees shall be established by the Board of Supervisors upon recommendation of the Director of the Department and shall include:

1. The cost of inspections performed by the Department;
2. The cost of the appeal process and the request for exemption process;
3. The cost of filing and processing documents at the Department;
4. The cost of printing forms and informational brochures by the Department;
5. Other expenses incurred by the City and County of San Francisco in implementing this Chapter.

1311A.4.1 Fee Schedule. See Building Code Section 110A, Table 1 A-N for the applicable fees, once established.

1311A.4.2 Fee Review. The Director of the Department of Building Inspection shall cause an annual report of fees to be made and filed with the Controller as set forth in Section

3.17-2 of the San Francisco Administrative Code. The Controller shall review the report and file it with the Board of Supervisors along with a proposed ordinance readjusting the fee rates as necessary.

#### SEC. 1312A. APPEALS FROM RESULTS OF A WATER CONSERVATION INSPECTION OR REQUEST FOR EXEMPTION.

1312A.1 Notice of Appeal. Any person with an interest in the property subject to a water conservation inspection who contests the determination of a qualified inspector regarding required water conservation measures may appeal said decision to the Director within ten working days from the date the completed inspection form was filed with the Department. The notice of appeal shall state, clearly and concisely, the grounds upon which the appeal is based. The burden of proof shall be on the applicant to demonstrate that the water conservation measure is not required under this chapter. The determination of the Director may be appealed to the Building Inspection Commission pursuant to the appeal procedures established in the Administrative Code Chapter 77.

1312A.2 Exemptions. Any person with an interest in the property subject to a water conservation inspection who claims an exemption pursuant to Section 1313A.3 and 1313A.4 of this chapter may request a determination of exemption from the Director by filing the request and stating the basis for the claim. The burden of proof shall be on the applicant to demonstrate the qualifications for the exemption. The determination of the Director may be appealed to the Building Inspection Commission pursuant to the appeal procedures established in the Administrative Code Chapter 77. Any appeal or request for exemption to the Director pursuant to this Section shall be accompanied by payment of a filing fee, pursuant to Section 1216 of the San Francisco Housing Code.

## SEC. 1313A. REQUIRED WATER CONSERVATION MEASURES.

The following water conservation measures are required for commercial buildings:

1313A.1 Showerheads. Replace all showerheads having a maximum flow rate exceeding 2.5 gallons (9.46 liters) per minute, with showerheads not exceeding the maximum flow rate established by the California Energy Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title 20, Sections 1601 to 1608, as it may be amended. Showers shall have no more than one showerhead per valve. For purposes of this subsection, the term "showerheads" includes rain heads, rain tiles, or any other fitting that transmits water for purposes of showering.

1313A.2 Faucet Aerators. Replace all faucets and faucet aerators having a maximum flow rate exceeding 2.2 gallons per minute at a water pressure of 60 pounds per square inch, with plumbing fittings not exceeding the maximum flow rate established by the California Energy Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title 20, Sections 1601 to 1608, as it may be amended. Health-care facilities that are required by this chapter to install faucet aerators may satisfy that requirement by installing other flow restricting devices, such as laminar flow control devices.

1313A.3 Water Closets. Replace all water closets that have a rated water consumption exceeding 1.6 gallons per flush with fixtures not exceeding the rated maximum water consumption established in the San Francisco Plumbing Code Chapter 4, Section 402.2, as it may be amended. An owner of a commercial building may request an exemption from replacing a water closet in the building if the replacement would detract from the historical integrity of the building, as determined by the Director of the Department of Building Inspection pursuant to the California Historic Building Code and Section 1312A.2.

1313A.4 Urinals. Replace all urinals that have a flow rate exceeding one gallon per flush with fixtures not exceeding the maximum flow rate established in the San Francisco Plumbing Code, Section 402.3, as it may be amended. An owner of a commercial building may request an exemption from replacing a urinal in the building if the replacement would detract from the historical integrity of the building, as determined by the Director of the Department of Building Inspection pursuant to the California Historical building Code and Section 1312A.2.

1313A.5 Leak repair. All water leaks shall be located and repaired. To determine the existence of leaks, the following is required.

1. Visual inspection or water meter registration. If water meter registration is used, compliance is achieved if there is no meter movement for ten minutes while all fixtures are shut off.

2. All tank type water closets shall be tested with leak detector tablets or dye to detect slow valve leaks and all flushometer type fixtures shall be visually checked for proper operation with respect to timing and leaks.

## SEC. 1314A. WATER CONSERVATION INSPECTIONS.

1314A.1 Inspections. Inspections to determine compliance with the water conservation requirements of this chapter may be conducted by one of the following:

1. An authorized inspector of the Department;
2. A private inspector authorized by the Building Official pursuant to established rules and guidelines;

3. A private inspector hired by the Department, or Public Utilities Commission, on a contractual basis under terms and fees to be recommended by the Departments and established by the Board of Supervisors.

1314A.2 Qualified Inspector Duties. The duties of a qualified inspector shall be as follows:

1. To inspect portions of a building that are subject to this chapter to determine whether the water conservation standards specified in Section 1313A have been met and, if met, to sign a certificate of compliance, pursuant to Section 1311A, and to furnish it to the permit applicant, building owner or owner's agent;

2. To record on an official inspection form, pursuant to Section 1311A, all measures required by this chapter for which the building is in noncompliance, and to sign the inspection form and furnish it to the permit applicant, building owner or owner's agent.

1314A.3 Private Water Inspectors. Private inspectors shall be required to demonstrate financial responsibility by being insured and/or bonded in amounts to be determined by the Building Official.

1314A.4 Conflict of Interest. No authorized inspector may conduct a water inspection on any building in which that inspector has a financial interest. For the purposes of this section, an inspector shall be deemed to have a financial interest in a building if the inspector:

1. Is an owner of the building or the property upon which the building is located in full or in part;

2. Is a full- or part-time employee of the building or its owners;

3. Is regularly placed on the building staff by a company that provides building engineering, operations and maintenance, or other building services to the property.

1314A.5 Inspector as Employee. No inspector may approve a certificate of water conservation compliance for a building where that inspector is an employee or officer of a company that performed construction or repair work required by this chapter.

1314A.6 Limitation. Water conservation inspections are intended to enforce the provisions of this chapter only, and are not intended to determine compliance or noncompliance with any other portions of this code.

Section 2. This ordinance shall be effective no earlier than July 1, 2009.