



## Commercial Water Conservation Ordinance Frequently Asked Questions

Last Updated 9/13/16



**1. *I own/manage a mixed-use building that has both residential and commercial space in it. Do I still need to comply?***

Property owners need to comply with the Commercial Water Conservation Ordinance for any portion of a mixed-use property that is used for commercial purposes. For example, if your property has a ground floor retail business with two floors of residential space above it, only the ground floor business will need to comply with the Commercial Conservation Ordinance. The Commercial Water Conservation Affidavit should be completed to only include plumbing fixtures for the portion(s) of the building designated for commercial use.

**2. *How is the Commercial Water Conservation Ordinance different than the Residential Water Conservation Ordinance?***

The maximum allowable water consumption for toilets, urinals, showerheads, faucet aerators, and the requirement to repair all leaks are the same for both the Commercial and Residential Water Conservation Ordinances.

The Commercial Water Conservation Ordinance applies to all commercial properties, commercial portions of mixed-use buildings, portions of residential buildings used for commercial purposes, and hotels. January 1, 2017, is the deadline for property owners to complete a property inspection and submit a Commercial Water Conservation Affidavit to the Department of Building Inspection (DBI).

The Residential Water Conservation Ordinance applies to single and two dwelling unit homes, apartment buildings, condominium units, and residential hotels in the process of selling, remodeling, or making improvements that require building permits. To obtain a certificate of compliance, schedule an inspection with [DBI's Housing Inspection Services](#) or a private Energy and Water Inspector prior to transfer of title or when improvements are performed. Click [here](#) for more information on the requirements of the San Francisco Residential Water Conservation Ordinance.

**3. *My entire building is residential but I received the Commercial Water Conservation Ordinance fact sheet and affidavit in the mail. Do I need to take any action?***

If your building is entirely residential with no commercial business in it and you received a letter through the U.S. mail that included a blank Water Conservation Affidavit, you should complete the following fields on the form and submit it to DBI by January 1, 2017:

- Property Address,
- Owner Name,
- Daytime Phone Number, and
- Where it asks for Building Type, write "RESIDENTIAL."

You do not need to complete Part A Property Inspection Results or Part B Certification of Inspection and your building will not be subject to the terms of the Commercial Water Conservation Ordinance. DBI will use your response to update its records pertaining to your property's compliance with this ordinance.

**4. *I operate a small business out of my single family home, condo, or flat. Do I need to comply with the Commercial Water Conservation Ordinance?***

No. Your residential property is not subject to the Commercial Water Conservation Ordinance. You should, however, still assess the efficiency of your plumbing fixtures for water-saving purposes and fix any leaks. To save water and money, you should:

- Replace toilets over 30 years old that exceed 1.6 gallons per flush
- Replace showerheads that exceed 2.5 gallons per minute
- Install new aerators on faucets that exceed 2.2 gallons per minute.

Water-efficient showerheads and faucet aerators are available for free through the [SFPUC's free device program](#).

**5. *Who is responsible for complying with the Commercial Water Conservation Ordinance? Is it the commercial property owner or tenant that leases a commercial space/property?***

The property owner is ultimately responsible for complying with the Commercial Water Conservation Ordinance, however the owner may designate an authorized representative or tenant to complete the Affidavit on their behalf.

**6. *What are the penalties or code enforcement proceedings if I am unable to complete the Water Conservation Affidavit and retrofit my property with efficient plumbing fixtures by the January 1, 2017 deadline?***

Failure to submit a Water Conservation Affidavit by the January 1, 2017 deadline or submitting an affidavit with inaccurate information will result in DBI initiating code enforcement proceedings, which may include monetary penalties and a lien on the property. All property owners are encouraged to comply with the ordinance by the deadline or contact the DBI Plumbing Inspection Division prior to the compliance date to discuss special circumstances or delays at (415) 558-6058 or by email at [dbi.plumbing@sfgov.org](mailto:dbi.plumbing@sfgov.org).

The SFPUC provides free programs and incentives to help property owners comply with the ordinance and replace non-compliant plumbing fixtures, including:

- Free Water-Wise Evaluations,
- Free water-efficient showerheads and faucet aerators, and
- Toilet and urinal rebates up to \$500 each (*program ends on December 31, 2016*).

Visit [www.sfwater.org/conservation](http://www.sfwater.org/conservation) or call (415) 551-4730 for more information.

**7. *How do I determine the flow rate of my toilets, showerheads, or faucets?***

Depending on the age of your existing plumbing fixtures or devices, manufacturers will likely have stamped the flow rate onto the device itself.

Flush volumes for a standard tank-style toilet are often found on the bowl. A 1.6 gallon per flush (gpf) toilet will often have “1.6 gpf” printed on the back of the bowl where it connects to the tank. You can also look inside the tank for the printed manufacture date. Toilets manufactured before 1994 do not meet the Commercial Water Conservation Ordinance requirements.

**Tank-style Toilet**



*The blue square shows the typical location of the flow rate.*

**Flushometer-style Toilet**



*The blue square shows the typical location of the flow rate.*

**Close-up of a stamped toilet**



*The stamp on this toilet indicates that it flushes at 6.0 liters per flush or 1.6 gallons per flush.*

Showerheads with a flow rate of 2.5 gallons per minute (gpm) will have “2.5 gpm” imprinted somewhere on the fixture.

Lavatory (bathroom) and kitchen faucets may also have a stamped flow rate on the aerator and can range from 0.5 gpm to 2.2 gpm.

If you are unable to locate a stamp for a showerhead or faucet you can use a marked flow bag and follow the instructions to measure the flow rate. The SFPUC provides water account holders with free flow bags, available at 525 Golden Gate Ave., first floor, Monday to Friday 8am-5pm.

SPFUC water conservation technicians also can help determine the flow rate and flush volumes of plumbing fixtures for property owners or water account customers who sign up for a free [Water-Wise Evaluation](#).

**8. If my faucet doesn't accommodate an aerator, do I still have to do anything?**

Yes. Faucets that are unthreaded or do not accept aerators must be replaced if they exceed a maximum flow rate of 2.2 gallons per minute. Old, unthreaded faucets can use up to 7 gallons of water per minute.

**9. Do 1.6 gallon per flush (gpf) toilets comply with the Commercial Water Conservation Ordinance?**

Yes. Any existing toilets at your property with a flush volume of 1.6 gpf or less are in compliance with the Commercial Water Conservation Ordinance and do not need to be replaced. Toilets identified during a property inspection with a flush volume greater than 1.6 gpf will need to be

replaced with a toilet that meets the current California Plumbing Code standard of 1.28 gpf or less. If your 1.6 gpf toilet is over 20 years old, poorly performing, and has leaks you can't repair, you should consider replacing it even though it's not required under the ordinance.

If your property has flushometer-style toilets that have previously been retrofitted with new valves or internal parts (diaphragm kits) to flush at 1.6 gpf, the fixtures are still considered inefficient and need to be replaced. For example, an existing 3.5 gpf bowl retrofitted with a 1.6 gpf valve does not meet the requirements of the Commercial Water Conservation Ordinance and likely does not perform well, resulting in double or triple flushing since the bowl and valve were never designed to work together.

A compliant and properly performing flushometer toilet will have a bowl and valve with matched flush rates such as 1.28 gpf. If your property's existing flushometer-style toilet bowls are not stamped with 1.6 gpf or less, you will need to retrofit both the bowl and valve to comply with the Commercial Water Conservation Ordinance. Properties with mismatched flush volumes are still eligible for the [SFPUC's Toilet Rebate Program](#).

**10. Which flow rate do I need to comply with for my showerhead, is it 2.5 gallons per minute (gpm) or 2.0 gpm?**

First, determine what the flow rate of your showerhead is. If it is greater than 2.5 gpm, then you will need to replace it with a fixture that meets the current California Plumbing Code standard of 2.0 gpm or less. If your showerhead flows at 2.5 gpm or less, then you don't need to replace it to comply with the Commercial Water Conservation Ordinance. If you are trying to reduce water use in your building, you may want to replace 2.5 gpm showerheads with more water-efficient models.

**11. Can commercial properties with a historic landmark designation seek an exemption from toilet and urinal replacements based on potential impact to the historical integrity of the building?**

Owners of commercial properties listed as a historic landmark on a local, state, or national register and who believe replacement of urinals and toilets would impact the interior spaces or features in their building (that are specifically noted in their building's landmark designation) must request an inspection by DBI's Plumbing Inspection Division to be considered for potential exemption. The property owner or designee will need to provide DBI proof of the building's landmark status and explain how fixture replacement would impact the historic features noted in their designation. Please note that the actual porcelain toilet and/or urinal fixture is not typically considered "historic" in a property's landmark designation.

If the particular plumbing configuration of your building's existing toilet or urinal would require removal of walls and flooring to replace it with a water-efficient model and alteration of the affected walls and flooring are part of the building's historic features noted in its landmark designation, DBI may consider exemption from full replacement of the fixture, or consider other retrofit options to lower flush volumes. For more information, you can contact DBI at (415) 558-6058 or by email at [dbi.plumbing@sfgov.org](mailto:dbi.plumbing@sfgov.org).

Designations of historic buildings in San Francisco fall under the purview of the [San Francisco Planning Department](#).

**12. Can commercial properties *not* listed on any historic landmark register seek an exemption or variance from toilet and urinal replacements?**

Property owners who can demonstrate to DBI that the unique plumbing configuration of their existing urinals or toilets would make replacement with efficient models impossible, without an extensive building remodel, must contact DBI's Plumbing Inspection Division to request an inspection. Based on DBI's inspection, your property may be eligible for a temporary variance until the time that a major bathroom remodel is warranted. DBI may also determine that other retrofit options could be pursued to reduce the fixture's flow rates. There are very few circumstances affecting a small number of buildings in San Francisco that would warrant a temporary variance from the ordinance; most buildings need to fully comply with the ordinance by replacing inefficient fixtures. Examples that might warrant a temporary variance until the time of major remodel may include:

- Buildings with floor mounted urinals that require demolition to the bathroom floor and walls to replace the fixture.
- Buildings with three-bolt flushometer-style toilet bowls that require demolition to the bathroom wall in order to replace the toilet bowl carrier with a 4-bolt bowl pattern.

**13. Tips for completing the Commercial Water Conservation Affidavit:**

- *Do I need to write my block and lot number? If so, where can I find my block and lot number?*

Yes, you need to provide your block and lot number. Block and lot numbers are available through the San Francisco Planning Department's website at <http://propertymap.sfplanning.org>

- *What is my SEQ number?*

You do not need to include a SEQ number, or you can just mark it as "NA" or "Not Applicable." SEQ refers to a DBI code related to housing, but is not relevant to Commercial Water Conservation Ordinance compliance. The Water Conservation Affidavit on the web site has since been updated to clarify that you do not need to fill this in.

- *If my property does not have one of the plumbing fixtures identified in Part A. of the Affidavit, (e.g., showerhead or urinal), do I still need to check the "Yes" or "No" box?*

No. Enter "0" on the line that says "Total number of.." and leave the "Yes" and "No" boxes blank.

- *My property is residential/commercial mixed use. Do I need to record the plumbing fixtures for the entire building on the Affidavit?*

No. Part A. 'Property Inspection Results' should only include results from the commercial portions of your building.