

memorandum

DATE: June 11, 2014

TO: Board of Building and Fire Code Appeals

FROM: Tom Sloan, Assistant Community Development Director ~~TS~~
By: Ara Retchian, Building Inspector I *AR*

SUBJECT: Senate Bill 407 Water Conservation

RECOMMENDATION

The purpose of this report is to inform the Board about changes made to the California Civil Code by Senate Bill 407 (Padilla, 2009) requiring the replacement of existing nonconforming plumbing fixtures in buildings built before 1994 with water-conserving fixtures when a property undergoes additions, alterations or improvements. No action by the Board is needed.

BACKGROUND

Since 1994, existing law has required that only water-conserving water closets or urinals be sold or installed in California. In 2009, Senate Bill 407 (SB 407) established requirements for replacing the defined nonconforming plumbing fixtures with water-conserving plumbing fixtures. The first tier of the requirements went into effect January 1, 2014. Applicants seeking to obtain permits for residential and commercial real property, built and available for use on or before January 1, 1994, are required to meet the new requirements prior to final permit approval or issuance of a certificate of occupancy. Certain types of repair and maintenance projects do not trigger the upgrades, such as electrical services, water heater replacement, re-roofs, window replacement, pools, signs and patios. A chart of flow rates is provided in Exhibit A

The following are important dates involved in SB 407:

- On or after January 1, 2014, for all building alterations or improvements to single-family residential real property, as a condition for issuance of certificate of final completion and occupancy or final permit approval by the local building department, the permit applicant shall replace all noncompliant plumbing fixtures with water-conserving fixtures.

- On or after January 1, 2014, for all building alterations or improvements to any multi-family residential and commercial real property, as a condition for issuance of certificate of final completion and occupancy or final permit approval by the local building department, the permit applicant shall replace all noncompliant plumbing fixtures with water-conserving fixtures under the following circumstances:
 - Building additions which increase the floor area of the space in a building by more than 10%.
 - Building alterations or improvements in which the total construction cost is greater than \$150,000.
 - Alterations or improvements to a room in a building that contains any noncompliant plumbing fixtures.
 - Tenant improvements within a multi-tenant building will be considered as a room in a building. Only the plumbing fixtures within the tenant's area must be replaced. Common fixtures within the building not controlled by the tenant will not be required to be replaced under a tenant improvement permit.
- On or after January 1, 2017, all noncompliant plumbing fixtures in any single-family residential real property shall be replaced by the property owner with water-conserving fixtures.
- On or after January 1, 2019, all noncompliant plumbing fixtures in any multi-family residential and commercial real property shall be replaced by the property owner with water-conserving fixtures.

Exceptions can be made for the following:

- Registered historical sites.
- Sites certified by a licensed plumber that replacement of fixtures is not feasible due to age or configuration.

DISCUSSION

In affected structures, staff is enforcing the regulations on fixtures with noncompliant flow rates by reviewing submitted plans to ensure compliance with SB 407. All noncompliant fixtures in a pre-1994 built building shall be replaced with fixtures that comply with current California Plumbing Code Standards, even if the scope of work does not affect rooms with plumbing fixtures. Repair and maintenance projects do not trigger the requirements. For projects where the improvements do not directly affect rooms containing plumbing fixtures, staff is requiring the property owner to complete and submit a Certificate of Compliance prior to or at the time of final building inspection stating that the existing fixtures are in compliance. A copy of the certification form is provided in Exhibit B.

FISCAL IMPACT

Anticipated City costs for implementing new regulations consist of staff training and enforcement. Enforcement costs may rise slightly while staff and builders familiarize themselves with code revisions.

CONCLUSION

Effective January 1, 2014, SB 407 amended the California Civil Code to require replacement of noncompliant plumbing fixtures in structures built prior to 1994 as a condition of a Building Permit when the property is undergoing an addition or alteration but not certain types of repair and maintenance projects. Staff has established policies to promote compliance with the new regulations.

EXHIBITS:

Exhibit A: Chart showing noncompliant and compliant flow rates.

Exhibit B: Certificate of Compliance form

EXHIBIT A

Noncompliant and Compliant Flow Rates

SINGLE-FAMILY RESIDENTIAL		
Fixture	Noncompliant Rate	CALGreen/CPC Rate
Water Closet	Exceeds 1.6 gal/flush	1.28 gal/flush
Showerhead	Exceeds 2.5 gal/minute	2.0 gal/minute
Multiple Showerheads	Exceeds 2.5 gal/minute	2.0 gal/minute combined
Lavatory Faucet	Exceeds 2.2 gal/minute	1.5 gal/minute
Kitchen Faucet	Exceeds 2.2 gal/minute	1.8 gal/minute
MULTI-FAMILY RESIDENTIAL		
Fixture	Noncompliant Rate	CALGreen/CPC Rate
Water Closet	Exceeds 1.6 gal/flush	1.28 gal/flush
Urinal	Exceeds 1.0 gal/flush	0.5 gal/flush
Showerhead	Exceeds 2.5 gal/minute	2.0 gal/minute
Multiple Showerheads	Exceeds 2.5 gal/minute	2.0 gal/minute combined
Lavatory Faucets (within units)	Exceeds 2.2 gal/minute	1.5 gal/minute
Lavatory Faucets (common area)	Exceeds 2.2 gal/minute	0.5 gal/minute
Kitchen Faucet	Exceeds 2.2 gal/minute	1.8 gal/minute
COMMERCIAL		
Fixture	Noncompliant Rate	CALGreen/CPC Rate
Water Closet	Exceeds 1.6 gal/flush	1.28 gal/flush
Urinal	Exceeds 1.0 gal/flush	0.5 gal/flush
Showerhead	Exceeds 2.5 gal/minute	2.0 gal/flush
Multiple Showerheads	Exceeds 2.5 gal/minute	2.0 gal/minute combined
Lavatory Faucet	Exceeds 2.2 gal/minute	0.5 gal/minute
Kitchen Faucet	Exceeds 2.2 gal/minute	1.8 gal/minute

EXHIBIT B



BUILDING DIVISION
Community Development Department
City of Burbank

WATER-CONSERVING PLUMBING FIXTURES
CERTIFICATE OF COMPLIANCE
(For buildings built on or before Jan. 1, 1994)

Project Address: _____ Permit No: _____

I certify, under penalty of perjury, as owner of this property, that noncompliant plumbing fixtures have been replaced with water-conserving plumbing fixtures in accordance with Civil Code Sections 1101.1 through 1101.8, the current California Plumbing Code and California Green Building Standards Code, and manufacturer's installation requirements, and that the water-conserving plumbing fixtures comply with the requirements as listed below.

Owner's Name: _____ Date: _____

Owner's Signature: _____

SINGLE-FAMILY RESIDENTIAL	
Fixture	CALGreen/ CPC
Water Closet	1.28 gals/flush
Showerhead	2.0 gals/min
Multiple Showerheads	2.0 gals/min combined
Lavatory Faucet	1.5 gals/min
Kitchen Faucet	1.8 gals/min

MULTI-FAMILY RESIDENTIAL	
Fixture	CALGreen/ CPC
Water Closet	1.28 gals/flush
Urinal	0.5 gals/flush
Showerhead	2.0 gals/min
Multiple Showerheads	2.0 gals/min combined
Lavatory Faucet (within units)	1.5 gals/min
Lavatory Faucet (common areas)	0.5 gals/min
Kitchen Faucet	1.8 gals/min

COMMERCIAL	
Fixture	CALGreen/ CPC
Water Closet	1.28 gals/flush
Urinal	0.5 gals/flush
Showerhead	2.0 gals/min
Multiple Showerheads	2.0 gals/min combined
Lavatory Faucet	0.5 gals/min
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