

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: August 19, 2010

FILE #: 101079

DESCRIPTION: Water Efficient Irrigation – Administrative Code Amendment

FROM:

- Budget & Finance
- City Operations & Neighborhood Services
- City & School District Select
- Government Audit & Oversight
- Land Use & Economic Development
- Rules
- Public Safety

This item is scheduled to be heard in Committee on: N/A

URGENT (response needed within one week) OR: No date set yet

Hearing or Legislation referred to:

- Building Inspection Commission *Charter Section D3.750-5*
- Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- Historic Preservation Commission *Charter Section 4.135*
- Planning - Code Amendment *Planning Code Section 302(b) and 306(a) (90 days to respond)*
- Planning - Environmental review – *30 days to respond*
- Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- Planning - Interim Controls *Planning Code Section 306.7(c)*
- Retirement Board *Campaign & Governmental Code or Elections Code*
- Small Business Commission *M01-33*
- Youth Commission *Charter Section 3.720-2; Charter Section 4.124 (12 day to respond)*
- FYI – Department of Public Works
- FYI – Department of Building Inspection
- FYI – Recreation and Parks Department
- FYI – Public Utilities Commission

1 [Water Efficient Irrigation]

2

3 **Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in**
4 **its entirety and adding Chapter 63, requiring the development and maintenance of**
5 **landscape irrigation controls for specified new construction landscapes and landscape**
6 **rehabilitation projects.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are ~~*strike-through italics Times New Roman*~~.
9 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Environmental Findings. The Planning Department has determined that the
12 actions contemplated in this Ordinance are in compliance with the California Environmental
13 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
14 on file with the Clerk of the Board of Supervisors in File No. _____ and is
15 incorporated herein by reference.

16 Section 2. The San Francisco Administrative Code is hereby amended by repealing
17 Chapter 63 in its entirety and adding a new Chapter 63, to read as follows:

18 SEC. 63.1. TITLE.

19 This chapter shall be known as the Water Efficient Irrigation Ordinance.

20 SEC. 63.2. INTENT.

21 The Board of Supervisors finds that:

22 (a) Irrigated landscapes contribute significantly to the quality of life of the people of San
23 Francisco by providing areas for active and passive recreation and as an enhancement to the
24 environment by cleaning air and water, and adding to the natural beauty of our commercial,
25 industrial, and residential neighborhoods.

1 (b) San Francisco has been a leader in water conservation policy in California and
2 currently has the lowest per capita use of water in the state. Our potable water supply is a vital
3 public resource that faces ever increasing demands; and landscape design, installation,
4 maintenance, and management can and should be water efficient.

5 (c) In 2006, the California Legislature passed and the Governor signed Assembly Bill
6 1881, the Water Conservation in Landscaping Act, which enacted Article 10.8 of the California
7 Government Code requiring that local agencies adopt a water efficient landscape ordinance
8 that meets water conservation criteria and standards adopted by the California Department of
9 Water Resources.

10 (d) Adoption of this ordinance by the Board of Supervisors and adoption of regulations
11 by the Public Utilities Commission will improve the effectiveness of the City's landscape water
12 efficiency program and ensure compliance with the requirements of the State's Water
13 Conservation in Landscaping Act.

14 (e) Consistent with these legislative findings, this ordinance will:

15 (1) Promote the values and benefits of landscapes while recognizing the need to
16 invest water and other resources as efficiently as possible;

17 (2) Encourage the use of climate appropriate and local California native plant
18 species.

19 (3) Establish a structure for planning, designing, installing, maintaining, and
20 managing water efficient landscapes in new construction and rehabilitated projects;

21 (4) Establish provisions for water management practices and water waste
22 prevention for existing landscapes;

23 (5) Use water efficiently without waste by setting a Maximum Applied Water
24 Allowance, using state mandated formulas and accounting for local climatic conditions, that
25 will serve as an upper limit for water use by irrigated landscapes; and

1 (6) Comply with the requirements of Article 10.8 of the California Government
2 Code, enacted by the State as the Water Conservation in Landscaping Act.

3 SEC. 63.3. Definitions.

4 The terms used in this ordinance have the meaning set forth below:

5 (a) Certificate of landscape completion: the document required under Section 63.6.2.

6 (b) Certified Landscape Irrigation Auditor: a person certified to perform landscape
7 irrigation audits by an accredited academic institution, a professional trade organization or
8 other program such as the US Environmental Protection Agency's WaterSense irrigation
9 auditor certification program and the Irrigation Association's Certified Landscape Irrigation
10 Auditor program.

11 (c) Ecological restoration project: a project where the site is intentionally altered to
12 establish a defined, indigenous, historic ecosystem.

13 (d) First certificate of occupancy: either a temporary certificate of occupancy or a
14 Certificate of Final Completion and Occupancy as defined in San Francisco Building Code
15 Section 109A, whichever is issued first.

16 (e) First construction document: the first building permit issued for a project or, in the
17 case of a site permit, the first building permit addendum issued or other document that
18 authorizes construction of the project. "First construction document" shall not include permits
19 or addenda for demolition, grading, shoring, pile driving, or site preparation work.

20 (f) General Manager: the General Manager of the Public Utilities Commission, or his or
21 her designee.

22 (g) Irrigation audit: an in-depth evaluation of the performance of an irrigation system
23 conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not
24 limited to: inspection, system test with distribution uniformity or emission uniformity,
25 precipitation rates, reporting deficiencies in the system, reporting overspray or runoff that

1 causes overland flow, and preparation of an irrigation schedule. An irrigation audit may
2 include suggested upgrades, current estimated water usage, and suggested system
3 upgrades.

4 (h) Landscape area: all the planting areas, turf areas, and water features in a
5 landscape design plan subject to the Maximum Applied Water Allowance calculation,
6 including any adjacent planted areas in the public right-of-way for which the property owner is
7 responsible pursuant to the Section 400.1 and Section 805 of the Public Works Code. The
8 landscape area does not include footprints of buildings or structures unless the footprints
9 include planted areas such as green roofs. The landscape area also does not include
10 sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or
11 non-pervious hardscapes, and other non-irrigated areas designated for non-development
12 such as open spaces and existing native vegetation.

13 (i) Landscape documentation deadline: the date by which Tier 1 or Tier 2
14 documentation must be submitted for approval by the General Manager. This date shall be a
15 specified number of days after the issuance of the first construction document as determined
16 by the General Manager and in consultation with the Department of Building Inspection.

17 (j) Landscape rehabilitation project or rehabilitated landscape: includes any
18 modifications to landscape areas over a 12-month period at a site that cumulatively exceeds
19 1,000 square feet. A landscape rehabilitation project or rehabilitated landscape does not
20 include turf replacements on sports fields where the turf replaced provides a playing surface,
21 routine weeding, brush removal where no new plant materials are installed, or seasonal
22 plantings in areas dedicated solely to edible plants.

23 (k) Low water use plants or climate appropriate plants: plants, shrubs, groundcovers or
24 tree species that meet at least one of the following conditions:

1 (1) The species has a water use ranking of “low” or “very low” in Region 1
2 (North-Central Coast) as established in the California Department of Water Resources 2000
3 publication “Water Use Classification of Landscape Species” or subsequent editions as it may
4 be updated.

5 (2) The species has a water use ranking of “no water”, “little water,” or “little to
6 moderate water” in the climate zone for the planting location as established in the Sunset
7 Western Garden Book, Eighth Edition, published by Oxmoor House on February 1, 2007 or
8 subsequent editions as it may be updated.

9 (3) The plantings are part of an engineered stormwater management feature
10 approved by the General Manager pursuant to the San Francisco Stormwater Design
11 Guidelines established by the Public Utilities Commission;

12 (4) The Department of Public Works, the Recreation and Park Department, or
13 the General Manager has determined that the species, when watered for sufficient plant
14 health and appearance, is low water use based on the agency’s experience with the species,
15 and the agency has added the species to the Low Water Use and Climate Appropriate Plant
16 List maintained by the General Manager;

17 (5) The species appears on the San Francisco Street Tree Species List
18 established by the Department of Public Works Bureau of Urban Forestry;

19 (6) The planting is part of a species test approved by the Department of Public
20 Works or the Recreation and Park Department; or

21 (7) The species has been permitted at the site by the Department Public Works
22 or the General Manager based on wet soil conditions stemming from proximity to naturally
23 occurring water features such as a high water table, springs, ponds, lakes, creeks, and
24 wetlands.

1 (l) Maximum Applied Water Allowance: the amount of annual applied water established
2 by the Public Utilities Commission for a landscaped area, using state mandated formulas and
3 accounting for local climatic conditions, that serves as an upper limit for lawful water use for
4 irrigating landscaped areas.

5 (m) New construction landscape project: the total area of landscape in the project as
6 defined in landscape area, and the modified landscape area for a landscape rehabilitation
7 project.

8 (n) Project applicant: the person or entity applying for approval of a landscape project
9 for a new construction project or a landscape rehabilitation project. A project applicant may be
10 the property owner or his or her designee.

11 (o) Property Owner: the legal owner of a property.

12 (p) Special landscape area: an area of the landscape dedicated solely to edible plants,
13 areas irrigated all or in part with gray water or harvested rain water, water features using only
14 harvested rain water, and areas dedicated to active play such as parks, sports fields, golf
15 courses, and where turf provides a playing surface.

16 SEC. 63.4. Applicability

17 (a) This chapter shall apply to the following:

18 (1) Tier 1: All public agency, residential, and commercial new construction
19 landscape projects and rehabilitated landscape projects with a modified landscape area equal
20 to or greater than 1,000 square feet and less than 2,500 square feet;

21 (2) Tier 2: All public agency, residential and commercial new construction and
22 rehabilitated landscape projects with a modified landscape area equal to or greater than 2,500
23 square feet;

24 (3) The irrigation and maintenance of any landscape irrigation system in the
25 City and County of San Francisco.

1 (b) This ordinance does not apply to:

2 (1) Registered local, state or federal historical sites where the landscape is
3 maintained as part of the historical integrity of the site;

4 (2) Ecological restoration projects that do not require a permanent irrigation
5 system;

6 (3) Plant collections or animal habitat areas, as part of botanical gardens,
7 zoological gardens, and arboretums open to the public.

8 (c) The General Manager may waive some or all of the requirements of this chapter if,
9 based on a site inspection, the General Manager determines that compliance is not feasible.

10 (d) A process for document submissions and approvals pursuant to Section 63.6.1 will
11 be developed by the General Manager in conjunction with the Department of Building
12 Inspection, with the purpose of administrative efficiency and effective customer service.

13 SEC. 63.5. Regulation of Landscape Irrigation Efficiency

14 (a) Landscape projects shall be installed, constructed, operated, and maintained in
15 accordance with this chapter and the rules and regulations adopted by the Public Utilities
16 Commission that establish limits on water consumption for the purpose of irrigating landscape
17 areas that are part of new construction, landscape rehabilitation projects, and existing
18 landscapes.

19 (b) Landscape projects shall be planted and irrigated efficiently by complying with water
20 efficient design and operation requirements developed by the General Manager, including but
21 not limited to the use of low water use plants or climate appropriate plants, restrictions on turf
22 areas over 25% of the total landscaped area or on steep slopes, irrigation system audits,
23 regular irrigation scheduling and maintenance practices.

1 (c) All landscape projects shall not exceed a Maximum Applied Water Allowance using
2 the formulas developed by the General Manager for local climate conditions within the City
3 and County of San Francisco.

4 (d) Landscape areas irrigated with graywater or harvested rain water may have a
5 Maximum Applied Water Allowance that exceeds those for landscapes irrigated with potable
6 water.

7 (e) The architectural guidelines of a common interest development, which include
8 community apartment projects, condominiums, planned developments, and stock
9 cooperatives as defined in Section 1351 of the California Civil Code, shall not prohibit or
10 include conditions that have the effect of prohibiting the use of low water use plants as a
11 group.

12 SEC. 63.6. Provisions for Water Efficient Landscapes for New Construction and
13 Landscape Rehabilitation Projects

14 (a) Tier 1: Beginning January 1, 2011, project applicants for all public agency,
15 commercial, and residential new construction landscape projects and landscape rehabilitation
16 projects, with a modified landscape area equal to or greater than 1,000 square feet and less
17 than 2,500 square feet, shall comply with this chapter and the rules and regulations adopted
18 by the Public Utilities Commission.

19 (b) Tier 2: Beginning January 1, 2011, the project applicant for all public agency,
20 commercial, and residential new construction landscape projects and landscape rehabilitation
21 projects, with a modified landscape area equal to or greater than 2,500 square feet, or a
22 project under Tier 1 with a turf limitation exceeding 25 percent of the landscape area, shall
23 comply with this chapter and the rules and regulations adopted by the Public Utilities
24 Commission.

1 (c) Beginning January 1, 2011, property owners maintaining a total irrigated landscape
2 of 10 acres or greater may submit compliance plans for approval by the General Manager that
3 support a programmatic approach to compliance with this chapter, rather than through the
4 review and approval of individual landscape rehabilitation projects.

5 63.6.1. Landscape Documentation.

6 (a) Tier 1 project applicants' documentation shall be submitted for approval to the
7 General Manager not later than the landscape documentation deadline. Tier 1 documentation
8 shall include a project checklist describing the proposed landscape project, the selection of
9 low water use plants or climate appropriate plants, water efficient irrigation system
10 components, and other applicable project information as determined by the General Manager.

11 (b) Tier 2 project applicants' documentation shall be submitted for approval to the
12 General Manager not later than the landscape documentation deadline. Tier 2 documentation
13 shall include a Landscape Documentation Package describing the proposed landscape
14 project that includes a landscape plan, irrigation plan, soil management report, grading plan,
15 the calculation of the Maximum Applied Water Allowance, and other applicable project
16 information as determined by the General Manager.

17 (c) If complete documentation for Tier 1 or Tier 2 compliance has not been submitted
18 to the General Manager on or before the landscape documentation deadline, an address
19 restriction shall be placed on the property such that no further construction permits or
20 addenda shall be issued and no further inspections by the Department of Building Inspection
21 shall occur, unless and until all landscape documentation, developed in accordance with the
22 provisions of this chapter and the Public Utilities Commission's rules and regulations has been
23 submitted to the General Manager for approval.

24 ///

25 ///

1 SEC. 63.6.2. Certificate of Landscape Completion.

2 (a) Upon completion of a new construction landscape project or rehabilitated landscape
3 project that requires the submittal of landscape documentation pursuant to Section 63.6.1, the
4 project applicant shall submit a Certificate of Landscape Completion for review and approval
5 by the General Manager.

6 (b) No City department shall approve or issue a first certificate of occupancy or
7 landscape project completion authorization or approval for any site where Tier 1 or Tier 2
8 compliance is required, unless and until the landscape documentation pursuant to Section
9 63.6.1 and a Certificate of Landscape Completion, developed in accordance with the
10 provisions of this chapter and the Public Utilities Commission's rules and regulations, has
11 been approved by the General Manager. The General Manager may authorize issuance of a
12 first certificate of occupancy prior to approval of a Certificate of Landscape Completion,
13 subject to conditions determined by the General Manager.

14 SEC. 63.7. Water Waste Prevention.

15 (a) This section shall apply to all landscaped areas in the City and County of San
16 Francisco.

17 (b) Water runoff leaving the landscape area due to low head drainage, overspray,
18 broken irrigation hardware, or other similar conditions where water flows onto adjacent
19 property, walks, roadways, parking lots, structures, or non-irrigated areas designated for non-
20 development such as open spaces and existing native vegetation, is prohibited.

21 SEC. 63.7.1. Irrigation Audits for Landscape Areas.

22 (a) When required by the General Manager, the project applicant or property owner,
23 whichever is deemed appropriate by the General Manager, shall conduct an irrigation audit
24 through a certified landscape irrigation auditor.

1 (1) Following the findings and recommendations of the certified landscape
2 irrigation auditor, the project applicant or property owner shall perform adjustments to the
3 irrigation usage, irrigation hardware, or landscape materials to reduce irrigation water use and
4 to bring the irrigation systems in compliance with the applicable Maximum Applied Water
5 Allowance, as directed by the General Manager.

6 SEC 63.8. Enforcement.

7 The property owner or project applicant, where appropriate, shall be subject to
8 enforcement for violation of any provision of this chapter, in accordance with Chapter 100 of
9 the San Francisco Administrative Code, and any other available legal remedies, at the sole
10 discretion of the General Manager.

11
12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 John Roddy
17 Deputy City Attorney
18
19
20
21
22
23
24
25