

1 [Administrative Code - Water Efficient Irrigation]

2
3 **Ordinance amending the Administrative Code by revising the applicability threshold to**
4 **500 square feet for requirements for the development and maintenance of landscape**
5 **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;
10 Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Environmental Findings. The Planning Department has determined that the
13 actions contemplated in this ordinance comply with the California Environmental Quality Act
14 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
15 the Clerk of the Board of Supervisors in File No. 151251 and is incorporated herein by
16 reference. The Board affirms this determination.

17 Section 2. The Administrative Code is hereby amended by revising Sections 63.3, 63.4,
18 63.5, and 63.6, to read as follows:

19 **SEC. 63.3.DEFINITIONS.**

20 The terms used in this ~~ordinance~~ Chapter 63 have the meanings set forth below:

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

22 (b) Certified Landscape Irrigation Auditor: a person certified to perform landscape
23 irrigation audits by an accredited academic institution, a professional trade organization or
24 other program such as the U.S. Environmental Protection Agency's WaterSense irrigation
25 auditor certification program and the Irrigation Association's Certified Landscape Irrigation
Auditor program.

1 ~~(e)~~ Ecological restoration project: a project where the site is intentionally altered to
2 establish a defined, indigenous, historic ecosystem.

3 ~~(d)~~ 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 ~~(e)~~ First construction document: the first building permit issued for a project or, in the
7 case of a site permit, the first building permit addendum issued or other document that
8 authorizes construction of the project. "First construction document" shall not include permits
9 or addenda for demolition, grading, shoring, pile driving, or site preparation work.

10 ~~(f)~~ General Manager: the General Manager of the Public Utilities Commission, or his or
11 her designee.

12 ~~(g)~~ Irrigation audit: an in-depth evaluation of the performance of an irrigation system
13 conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not
14 limited to: inspection, system test with distribution uniformity or emission uniformity,
15 precipitation rates, reporting deficiencies in the system, reporting overspray or runoff that
16 causes overland flow, and preparation of an irrigation schedule. An irrigation audit may
17 include suggested upgrades, current estimated water usage, and suggested system
18 upgrades.

19 ~~(h)~~ Landscape area: all the planting areas, turf areas, and water features in a
20 landscape design plan subject to the Maximum Applied Water Allowance calculation,
21 including any adjacent planted areas in the public right-of-way for which the property owner is
22 responsible pursuant to ~~the~~ Section 400.1 and Section 805 of the Public Works Code. The
23 landscape area does not include footprints of buildings or structures unless the footprints
24 include planted areas such as green roofs. The landscape area also does not include
25 sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or

1 non-pervious hardscapes, and other non-irrigated areas designated for non-development
2 such as open spaces and existing native vegetation.

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

7 (j) Landscape rehabilitation project or rehabilitated landscape: includes any
8 modifications to landscape areas over a 12-month period at a site that cumulatively exceeds
9 1,000 square feet. A landscape rehabilitation project or rehabilitated landscape does not
10 include turf replacements on sports fields where the turf replaced provides a playing surface,
11 routine weeding, brush removal where no new plant materials are installed, or seasonal
12 plantings in areas dedicated solely to edible plants.

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

15 (1) The species has a water use ranking of "low" or "very low" in Region 1
16 (North-Central Coast) as established in the California Department of Water Resources
17 ~~2000~~2014 publication "Water Use Classification of Landscape Species" or subsequent editions
18 as it may be updated.

19 (2) The species has a water use ranking of "no water," "little water," or "little to
20 moderate water" in the climate zone for the planting location as established in the Sunset
21 Western Garden Book, ~~Eighth~~Ninth Edition, published by Oxmoor House on February ~~17~~,
22 ~~2007~~2012, or subsequent editions as it may be updated.

23 (3) The plantings are part of an engineered stormwater management feature
24 approved by the General Manager pursuant to the San Francisco Stormwater Management
25 Requirements and Design Guidelines established by the Public Utilities Commission;

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

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

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

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

14 ~~(f)~~ Maximum Applied Water Allowance: the amount of annual applied water established
15 by the Public Utilities Commission for a landscaped area, using State mandated formulas and
16 accounting for local climatic conditions, that serves as an upper limit for lawful water use for
17 irrigating landscaped areas.

18 ~~(m)~~ New construction landscape project: the total area of landscape in the project as
19 defined in landscape area, and the modified landscape area for a landscape rehabilitation
20 project.

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

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

1 ~~(p)~~ Special landscape area: an area of the landscape dedicated solely to edible plants,
2 recreational areas, and water features and irrigated areas using all or in part of ~~with gray water or~~
3 ~~harvested rain water non-potable water~~ water features using only harvested rain water, and areas
4 ~~dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing~~
5 ~~surface.~~

6 **SEC. 63.4. APPLICABILITY.**

7 (a) This ~~chapter~~ Chapter 63 shall apply to the following:

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

11 (2) Tier 2: All public agency, residential and commercial new construction ~~and~~
12 ~~rehabilitated~~ landscape projects with a landscape area equal to or greater than 500 square feet; and
13 landscape rehabilitation projects with a modified landscape area equal to or greater than 2,500
14 square feet;

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

17 (b) This ~~ordinance~~ Chapter 63 does not apply to:

18 (1) Registered local, State, or Federal historical sites where the landscape is
19 maintained as part of the historical integrity of the site;

20 (2) Ecological restoration projects that do not require a permanent irrigation
21 system; and

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

1 (c) The General Manager may waive some or all of the requirements of this ~~chapter~~
2 Chapter 63 if, based on a site inspection, the General Manager determines that compliance is
3 not feasible.

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

7 **SEC. 63.5. REGULATION OF LANDSCAPE IRRIGATION EFFICIENCY.**

8 (a) Landscape projects shall be installed, constructed, operated, and maintained in
9 accordance with this ~~chapter~~ Chapter 63 and the rules and regulations adopted by the Public
10 Utilities Commission that establish limits on water consumption for the purpose of irrigating
11 landscape areas that are part of new construction, landscape rehabilitation projects, and
12 existing landscapes.

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

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

21 (d) Landscape areas irrigated with ~~graywater or harvested rain~~ non-potable water may
22 have a Maximum Applied Water Allowance that exceeds those for landscapes irrigated with
23 potable water.

24 (e) The architectural guidelines of a common interest development, which include
25 community apartment projects, condominiums, planned developments, and stock

1 cooperatives as defined in Section 1351 of the California Civil Code, shall not prohibit or
2 include conditions that have the effect of prohibiting the use of low water use plants as a
3 group.

4 **SEC. 63.6. PROVISIONS FOR WATER EFFICIENT LANDSCAPES FOR NEW**
5 **CONSTRUCTION AND LANDSCAPE REHABILITATION PROJECTS.**

6 (a) Tier 1: Beginning on the effective date of the amendments to this Chapter 63, January 1,
7 ~~2011~~, project applicants for all public agency, commercial, and residential ~~new construction~~
8 ~~landscape projects and~~ landscape rehabilitation projects, with a modified landscape area equal
9 to or greater than 1,000 square feet and less than 2,500 square feet, shall comply with this
10 ~~chapter~~ Chapter 63 and the rules and regulations adopted by the Public Utilities Commission.

11 (b) Tier 2: Beginning on the effective date of the amendments to this Chapter 63, January 1,
12 ~~2011~~, the project applicants for all public agency, commercial, and residential new construction
13 landscape projects with a landscape area equal to or greater than 500 square feet; ~~and~~ landscape
14 rehabilitation projects with a modified landscape area equal to or greater than 2,500 square
15 feet; or a project under Tier 1 with a turf limitation exceeding 25% ~~percent~~ of the landscape
16 area, shall comply with this ~~chapter~~ Chapter 63 and the rules and regulations adopted by the
17 Public Utilities Commission.

18 (c) Beginning January 1, ~~2011~~ 2016, property owners maintaining a total irrigated
19 landscape of 10 acres or greater may submit compliance plans for approval by the General
20 Manager that support a programmatic approach to compliance with this ~~chapter~~ Chapter 63,
21 rather than through the review and approval of individual landscape rehabilitation projects.

22 Section 3. In amending the effective dates of the amendments stated in Section 63.6
23 of the Administrative Code, this ordinance does not intend to change the legal obligations
24 created by Section 63.6 from January 1, 2011 forward, except to the extent that changes in
25

1 the legal obligations created by this ordinance shall become operative as of the amended
2 dates stated in Section 63.6.

3 Section 4. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

7 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
11 additions, and Board amendment deletions in accordance with the "Note" that appears under
12 the official title of the ordinance.

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

16 By: 

17 _____
18 John Roddy
19 Deputy City Attorney

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City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151251

Date Passed: February 23, 2016

Ordinance amending the Administrative Code by revising the applicability threshold to 500 square feet for requirements for the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

February 01, 2016 Land Use and Transportation Committee - RECOMMENDED

February 09, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151251

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/4/16

Date Approved