



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA CATEGORICAL EXEMPTION FORM

PROJECT NAME: SFPUC Stormwater Management Ordinance Amendments

PROJECT LOCATION: San Francisco

CASE NUMBER: 2015-012458ENV

PROJECT TYPE:  New Facility  Replacement Facility/Equipment  
 Repair/Maintenance/Upgrade  Other: Environmental Regulation

### 1. EXEMPTION CLASS

- Class 1: Existing Facilities
- Class 2: Replacement or Reconstruction
- Class 3: New Construction or Conversion of Small Structures
- Class 6: Information Collection
- Other: Class 8: Actions by Regulatory Agencies for Protection of the Environment

### 2. CEQA Impacts

For any box checked below, refer to the attached Environmental Evaluation Application with supporting analysis and documentation.

- Air Quality:** Would the project affect sensitive receptors (specifically schools, colleges, universities, day care facilities, hospitals, residential dwellings, or senior-care facilities)? Would project construction or operations exceed air quality screening criteria using either the SFPUC Air Quality Screening Tool or CalEEMOD?
- Noise:** Would the project conflict with the applicable local Noise Ordinance?
- Hazardous Materials:** Would the project be located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code, or impact an area with known hazardous materials such as a former gas station, auto repair, dry cleaners, heavy manufacturing use, or site with underground storage tanks? If the project site is suspected of containing hazardous materials, would the project involve 50 cubic yards or more of soil disturbance?
- Soils Disturbance/Modification:** Would the project result in soil disturbance greater than 2 feet below grade in an archeological sensitive area or 8 feet in a non-archeological sensitive area?

**Slope/Geological Hazards:** If located on slopes of 20% or greater, in a landslide or liquefaction zone, does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint?

**Hydrology/Water Quality:** Would the project cause flooding impacts, violate water quality standards, result in on- or off-site erosion impacts, or otherwise substantially degrade water quality?

**Biology:** Would the project have the potential to impact sensitive species, rare plants or designated critical habitat? Is the project consistent with the applicable tree protection ordinance?

**Visual:** Is the project located within or adjacent to a designated scenic roadway, or would the project have the potential to impact scenic resources that are visible from public locations?

**Transportation:** Would project construction or operation have the potential to adversely affect existing traffic patterns, transit operations, pedestrian and/or bicycle safety (hazards), or the adequacy of nearby transit, pedestrian and/or bicycle facilities?

**Historical Resources:** Is the project located on a site with a known or potential historical resource?

Other: \_\_\_\_\_

**3. CATEGORICAL EXEMPTION DETERMINATION**

Further Environmental Review Required.

Notes: \_\_\_\_\_

No Further Environmental Review Required. Project is categorically exempt under CEQA.

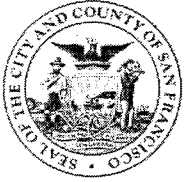
Timothy J. Johnston  
Digitally signed by Timothy J. Johnston  
DN: cn=, o=San Francisco, ou=City Planning, ou=Environmental Planning, cn=Timothy J. Johnston,  
email=timothy.johnston@sfgov.org  
Date: 2015.09.17 17:09:16 -0700  
\_\_\_\_\_  
Planner's Signature

9/17/15  
\_\_\_\_\_  
Date

Timothy Johnston, CEQA Coordinator  
\_\_\_\_\_  
Name, Title

Project Approval Action: Public Hearing

Once signed and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.



# SAN FRANCISCO PLANNING DEPARTMENT

## ENVIRONMENTAL EVALUATION APPLICATION COVER MEMO - PUBLIC PROJECTS ONLY

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.

**Please attach this memo along with all necessary materials to the Environmental Evaluation Application.**

<b>Project Address and/or Title:</b>	SFPUC Stormwater Management Ordinance Amendment
<b>Funding Source (MTA only):</b>	
<b>Project Approval Action:</b>	Ordinance Amendment approval would require public hearings (SFPUC-BOS).
<b>Will the approval action be taken at a noticed public hearing?</b>	<input checked="" type="checkbox"/> YES* <input type="checkbox"/> NO
* If YES is checked, please see below.	

### IF APPROVAL ACTION IS TAKEN AT A NOTICED PUBLIC HEARING, INCLUDE THE FOLLOWING CALENDAR LANGUAGE:

**End of Calendar:** CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

**Individual calendar items:** This proposed action is the Approval Action as defined by S.F. Administrative Code Chapter 31.

### THE FOLLOWING MATERIALS ARE INCLUDED:

- 2 sets of plans (11x17)
- Project description
- Photos of proposed work areas/project site
- Necessary background reports (specified in EEA)
- MTA only: Synchro data for lane reductions and traffic calming projects



San Francisco  
**Water Power Sewer**  
 Services of the San Francisco Public Utilities Commission

Bureau of Environmental Management  
 525 Golden Gate Avenue, 6<sup>th</sup> Floor  
 San Francisco, CA 94102  
 T (415) 934-5700  
 F (415).934-5750

September 8, 2015

Ms. Sarah B. Jones, Environmental Review Officer  
 Environmental Planning Division  
 San Francisco Planning Department  
 1650 Mission Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94103

RE: Stormwater Management Ordinance  
 Proposed Amendment  
 CEQA Exemption Request

Dear Sarah:

The San Francisco Public Utilities Commission (SFPUC) requests review of the proposed amendment (“amendment” or “proposed amendment”) to the Stormwater Management Ordinance (Article 4.2 of the San Francisco Public Works Code, adopted under Ordinance Number 83-10, Approved April 22, 2010) under the California Environmental Quality Act. The purposes of this letter are to (1) provide the Environmental Planning (EP) Division of the San Francisco Planning Department with a detailed description of the proposed Ordinance amendment, and (2) request EP concurrence that the proposed Ordinance amendment and subsequent updates to the Stormwater Management Requirements and Design Guidelines are categorically exempt under CEQA Section 15308, Class 8 (Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to ensure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

The following description demonstrates the proposed action would not result in adverse environmental effects, and provides support for our recommendation that the action (recommendation of adoption of the draft amendment by the SFPUC and approval of the draft amendment by the Board of Supervisors) is categorically exempt under CEQA.

Provided below is relevant background information regarding the purpose and need for the proposed amendment. Also below, environmental information regarding potential environmental effects, as well as CEQA compliance, is addressed.

Edwin M. Lee  
 Mayor  
 Ann Moller Caen  
 President  
 Francesca Vietor  
 Vice President  
 Vince Courtney  
 Commissioner  
 Anson Moran  
 Commissioner  
 Ike Kwon  
 Commissioner  
 Harlan L. Kelly, Jr.  
 General Manager



## **Background**

In order to comply with the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharge of Stormwater from Small Municipal Storm Sewer Systems (areas served by separate storm sewers serving less than 100,000 people), the SFPUC developed a Stormwater Management Plan and Stormwater Design Guidelines. The majority of the City of San Francisco land area and population is served by a combined sewer system which collects both sanitary and stormwater flows. Less than 10% of the City's land area and population, including the Port of San Francisco, Hunters Point Shipyard, Mission Bay, Treasure Island, Candlestick Point, and areas that discharge to inland receiving waters such as Lake Merced are served by a municipal separate sewer system (MS4).

Ordinance 83-10, Requiring the Development and Maintenance of Stormwater Management Controls, specified the applicability of the Stormwater Design Guidelines to development projects disturbing 5,000 square foot of land area or more and required developments subject to the Ordinance prepare a Stormwater Control Plan for review and approval by the SFPUC or the Port of San Francisco depending upon the project site in question.

Under the delegation agreement between the Planning Department and the SFPUC Bureau of Environmental Management a Certificate of Determination of Exemption/Exclusion from Environmental Review (copy attached) was issued November 19, 2009 which determined the proposed Stormwater Design Guidelines and the proposed Ordinance were exempt from environmental review under CEQA Guidelines Section 15308. On December 2, 2009, Environmental Review Officer Bill Wycko concurred with the issuance of the Certificate of Determination.

## **Proposed Action**

The intent of the Stormwater Management Ordinance is to reduce the volume of stormwater entering the City's Combined and Separate Sewer System and protect and enhance the water quality in the City and County of San Francisco's sewer system, stormwater collection system and of receiving waters pursuant to, and consistent with Federal and State laws, lawful standards and orders applicable to stormwater and urban runoff control, and the City's authority to manage and operate its drainage systems.

As stated above, the Ordinance currently applies to development or redevelopment projects which disturb 5,000 square feet or more of land area.

The proposed amendment to the Ordinance (a copy of the draft amendment is attached) would include the following provisions:

- Establish definitions and regulatory controls of Large Development Projects (creation or replacement of 5,000 square feet or more of impervious surface) and Small Development Projects (creation or replacement of between 2,500 and 5,000 square feet of impervious surface)(projects which would create or replace less than 2,500 square feet of impervious surface would not be subject to the amended ordinance);
- Establish a definition for Post-Construction Stormwater Controls, technologies designed to reduce pollution in stormwater runoff, or reduce runoff rate or volume, through non-potable reuse, detention, retention, filtration, direct plant uptake, or infiltration;
- Establish requirements pertaining to the type, design, performance, sizing, and maintenance of Post-Construction Stormwater Controls under the San Francisco Stormwater Management Requirements and Design Guidelines (SMR).

The proposed action would also involve approval of the revised draft Stormwater Management Requirements and Design Guidelines (2015 Version, copy attached) by the SFPUC and the Port of San Francisco.

#### **Schedule for Adoption of the Proposed Ordinance Amendment and SMR**

The proposed Ordinance amendment and adoption of the SMR is scheduled for hearing before the SFPUC on September 22<sup>nd</sup> with a recommendation for approval by the Board of Supervisors.

#### **ENVIRONMENTAL INFORMATION**

The SFPUC recommends adoption of the proposed Ordinance amendment would not result in any adverse effects to aesthetics, air quality, biological resources, cultural resources, hazards or hazardous materials, noise, transportation or water quality.

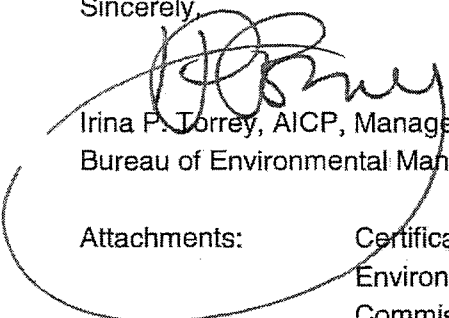
Ms. Sarah B. Jones, Environmental Review Officer  
Environmental Planning Division, San Francisco Planning Department  
Stormwater Management Ordinance Proposed Amendment  
CEQA Exemption Request  
September 8, 2015  
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### **CEQA Compliance/Recommendation**

The SFPUC recommends approval of the proposed amendment to Ordinance Number 83-10, the Stormwater Management Controls, and adoption of the draft San Francisco Stormwater Management Requirements and Design Guidelines by the SFPUC and the Port of San Francisco be classified as categorically exempt under CEQA Guidelines Section 15308, Class 8 (Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to ensure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

If you have any questions regarding the proposed action, please contact Barry Pearl, Senior Environmental Project Manager, at 415-551-4573.

Sincerely,



Irina P. Torrey, AICP, Manager  
Bureau of Environmental Management

Attachments: Certificate of Determination of Exemption/Exclusion from Environmental Review, San Francisco Public Utilities Commission and Port of San Francisco Stormwater Design Guidelines and Stormwater Management Ordinance, issued November 19, 2009  
2015 Version, Draft San Francisco Stormwater Management Requirements and Design Guidelines  
Draft Ordinance Amendment Article 4.2, Sections 147 through 147.6 of the San Francisco Public Works Code,  
Final Draft [Date]

Cc: Sarah Minick, SFPUC Wastewater Enterprise  
Pauline Perkins, SFPUC Wastewater Enterprise  
John Roddy, Deputy City Attorney,  
Office of the City Attorney

**CERTIFICATION OF DETERMINATION  
OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW**

**Project Title:** San Francisco Public Utilities Commission and Port of San Francisco *Stormwater Design Guidelines* and Stormwater Management Ordinance  
**Location:** Various Locations  
**City and County:** San Francisco, San Francisco County

**Description of Nature and Purpose of Project:** The San Francisco Public Utilities Commission (SFPUC) and the Port of San Francisco (Port) have developed the *San Francisco Stormwater Design Guidelines (Guidelines)* to implement a stormwater management plan for projects that meet certain minimum thresholds described below. The SFPUC and the Port are required by the State Water Resources Control Board under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharge of Stormwater from Small Municipal Storm Sewer Systems to develop a Stormwater Management Plan for the areas of the City served by separate storm sewers, which consist of less than 10 percent of the City and serve less than 100,000 people.

The SFPUC and the Port have developed a draft Stormwater Management Ordinance that would amend the San Francisco Public Works Code by addition of Article 4.2, Sections 147 through 147.6. The Stormwater Management Ordinance would provide an administrative framework to ensure compliance with requirements established in the *Guidelines*.

An exemption determination was issued on June 12, 2009 related to implementation of the *Guidelines* only in those areas of the City currently served by separate storm sewer systems. (Areas of the City served by separate storm sewer systems include the Port of San Francisco, Hunters Point Shipyard, Mission Bay, Treasure Island, portions of Candlestick Point, and areas that discharge to inland receiving waters such as Lake Merced.) This exemption determination would amend and supersede the previously issued determination dated June 12, 2009 to require compliance with the *Guidelines* citywide.

**Name of Project Applicant:** Wastewater Enterprise, Planning & Regulatory Compliance Division,  
Public Utilities Commission, City & County of San Francisco  
Port of San Francisco, Planning Division

**EXEMPT STATUS:**

- Categorical Exemption (State Guidelines, Section 15300-15329; Public Resources Code, Section 21084).  
State Class Number: 15308.
- Declared Emergency Exclusion (State Guidelines, Section 15269(a); Public Resources Code Section 21172).
- Emergency Project Exclusion (State Guidelines, Section 15269(b) and (c); Public Resources Code, Section 21080 (b) (2) and (4).
- Feasibility or Planning Study (State Guidelines, Section 15262; Public Resources Code, Section 21102).
- General Rule Exclusion (State Guidelines, Section 15061 (b) (3)).
- Ministerial Exclusion (State Guidelines, Section 15268; Public Resources Code, Section 21080 (b) (1)).
- Non-Physical Exclusion (State Guidelines, Section 15061 (b) (1) and 15378; Public Resources Code, § 21060.5).
- Ongoing Project, approved prior to November 23, 1970 (State Guidelines, Section 15261).
- Rates, Tolls, Fares and Charges (State Guidelines, Section 15273; Public Resources Code, Section 21080 (b)(8)).
- Specified Mass Transit Projects (State Guidelines, Section 15275; Public Resources Code, § 21080 (b)(11-14)).
- Other Exclusion (Specify): \_\_\_\_\_

**REMARKS:**

New construction and redevelopment projects disturbing 5,000 square feet (SF) or more of the ground surface would be subject to the Stormwater Management Ordinance and would be required to comply with the performance measures and maintenance responsibilities specified in the proposed *Guidelines* in order to protect the quality of receiving waters and to optimize the performance of combined sewer and separate stormwater systems. Activities that disturb the ground surface include, but are not limited to, the construction, modification, conversion, or alteration of any building or structure and associated grading, filling, excavation, change in the existing topography, and the addition or replacement of impervious surface.



### Regulatory Requirements

Section 402(p) of the federal Clean Water Act established a two-phased plan to regulate polluted stormwater runoff under the National Pollutant Discharge Elimination System (NPDES) for municipal separate storm sewer systems (MS4s). Phase I permits applied to systems serving populations of 100,000 people or more, while Phase II permits applied to systems serving populations less than 100,000 people. Because the areas of the City served by separate storm sewer systems represent less than 100,000 people, the Phase II regulations applied to the San Francisco Public Utilities Commission and to the Port of San Francisco, which hold NPDES permits for the systems they operate and maintain. To comply with the NPDES Phase II regulations, permit holders must develop and implement Stormwater Management Plans (SWMPs) to reduce pollution in stormwater runoff in MS4 areas. The General Permit for Discharge of Stormwater from Small MS4 areas requires permit holders to implement four measures for post-construction stormwater management in new and redevelopment areas served by separate sewers:

1. Develop, implement and enforce a program to address stormwater runoff from new and redevelopment projects to ensure that controls are in place to prevent or minimize water quality impacts;
2. Develop and implement stormwater management strategies, including a combination of structural and/or non-structural best management practices (BMPs) appropriate for the community;
3. Use an ordinance or other regulatory mechanism to control post-construction runoff from new and redevelopment projects to the extent allowable under the law; and
4. Ensure the adequate long-term operation and maintenance of BMPs.

The City discharges effluent from the combined system under NPDES permits issued by the San Francisco Bay Regional Water Quality Control Board and the USEPA. Under the permits, the City must maximize use of the collection system for storage of wet weather flows and must optimize the operation of its system to minimize combined sewer discharges and to maximize pollutant removal during all wet weather conditions. The Stormwater Management Ordinance and the Stormwater Design Guidelines will assist the SFPUC in achieving compliance with those requirements.

### Stormwater Management Ordinance

To ensure that project applications adhere to all requirements in the *Guidelines*, a Stormwater Management Ordinance has been drafted for adoption by the Board of Supervisors that would amend the Public Works Code to incorporate the proposed stormwater management controls. Addition of Article 4.2, Sections 147 through 147.6 to the San Francisco Public Works Code would require development and maintenance of stormwater management controls for specified activities throughout the City. Project applicants subject to the Stormwater Management Ordinance would be required to complete a Stormwater Control Plan (SCP) that would be reviewed and approved by the SFPUC or Port, depending upon project location. Under the *Guidelines*, projects subject to stormwater requirements of Chapter 13C of the San Francisco Building Code that are not also subject to the Stormwater Management Ordinance must meet the performance requirements set forth in the *Guidelines*, but need not submit a Stormwater Control Plan.

### Green Building Ordinance

The Green Building Ordinance (GBO) (SF Building Code Chapter 13C, Ordinance Number 180-08, Approved August 4, 2008) also mandates compliance with the *Guidelines* for the following types of projects:

Midsize Residential 5+ units & < 75' (height to highest occupied floor)	High-Rise Residential 5+ units & > or = 75' (height to highest occupied floor)	New Mid-Size Commercial Office Buildings of a B Occupancy (>5,000 square feet (SF) and <25,000 SF)	New Large Commercial Office Buildings of a B Occupancy (>25,000 SF)
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All projects that trigger either the Stormwater Management Ordinance thresholds or the thresholds in Chapter 13C of the San Francisco Building Code would be required to meet the stormwater management performance measures set forth in the proposed *Guidelines*.

On January 28, 2008, the Environmental Review Officer of the San Francisco Planning Department determined the Green Building Ordinance, which includes stormwater management requirements, was exempt from environmental review under Section 15308, Class 8 of the California Environmental Quality Act (Actions by Regulatory Agencies for Protection of the Environment).

**San Francisco Stormwater Design Guidelines**

The stormwater performance measures applicable to areas served by separate storm sewers under Port jurisdiction would require capture and treatment of: (a) The flow of stormwater runoff from a rain event equal to or at least 0.2 inch per hour intensity; or (b) Eighty percent or more of the annual stormwater runoff volume determined from design rainfall capture curves for San Francisco. The maximum drawn-down time for stormwater captured during a rain event is 48 hours.

In areas served by separate storm sewers under SFPUC jurisdiction, applicants subject to the *Guidelines* would be required to capture and treat rainfall from a 3/4-inch design storm employing acceptable BMPs. The maximum drawn-down time for stormwater captured during a rain event would be 48 hours. This performance measure is based on The Leadership in Energy and Environmental Design (LEED) Sustainable Sites Credit 6.2, entitled "Stormwater Design: Quality Control". The 3/4-inch rainfall depth is the LEED-based performance measure applicable to semi-arid watersheds, such as those in San Francisco.

While the stormwater systems for the Hunters Point Shipyard, Mission Bay and Treasure Island are currently operated by non-city entities and are not under the City's jurisdiction, these projects would eventually be transferred to the City and would therefore be developed in accordance with the requirements of the GBO, the Stormwater Management Ordinance, and the proposed *Guidelines*.

In areas served by the combined sewer system under SFPUC jurisdiction, applicants subject to the Stormwater Management Ordinance would be required to meet Leadership in Energy and Environmental Design (LEED) Sustainable Sites Credit 6.1, entitled "Stormwater Design: Quantity Control".

The proposed *Guidelines* identify appropriate BMPs and treatment control options (infiltration, detention, bioretention, biofiltration, and retention) based upon the proposed land use, site design goals, and the anticipated type of pollutant (metals, sediments, trash, oil and grease, organics, and nutrients). The *Guidelines* also provide technical tools to assist project applicants in achieving compliance.

CEQA State Guidelines Section 15308, or Class 8, (Actions by Regulatory Agencies for Protection of the Environment), provides an exemption from environmental review for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment, where the regulatory process involves procedures for protection of the environment. Therefore, adoption and implementation of the proposed Stormwater Management Ordinance and *San Francisco Stormwater Design Guidelines*, are exempt from environmental review under Class 8.

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Contact Person: Sarah Minick, Utility Analyst

Telephone: (415) 551-4868

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Date of Determination:

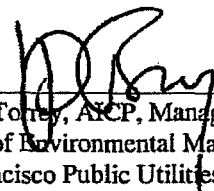
**November 19, 2009**

I do hereby certify that the above determination has been made pursuant to State and local requirements.

---

Date

cc: Bill Wycko, SF Planning Department, MEA, ERO  
Sarah Minick, SFPUC Wastewater Enterprise  
Barry Pearl, SFPUC Bureau of Environmental Management  
Jon Loiacono, SFPUC Wastewater Enterprise  
Marla Jurosek, SFPUC Wastewater Enterprise  
John Mundy, Port of San Francisco  
John Roddy, Deputy City Attorney, Office of the City Attorney  
Sue Hestor, Esq.  
Exemption/Exclusion File

  
Irina P. Toney, AICP, Manager  
Bureau of Environmental Management  
San Francisco Public Utilities Commission