

1 [Climate Change Goals and Action Plan.]

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3 **Ordinance amending the San Francisco Environment Code by adding Chapter 9,**
4 **Sections 900 through 908, to establish City greenhouse gas emissions targets and**
5 **departmental action plans, to authorize the Department of the Environment to**
6 **coordinate efforts to meet these targets, and to make environmental findings.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough 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. The San Francisco Environmental Code is hereby amended by adding
12 Chapter 9, Sections 900 through 908, to read as follows:

13 **SEC. 900. FINDINGS AND PURPOSE.**

14 *The Board of Supervisors finds that:*

15 *(a) In 2002, the Board of Supervisors adopted Resolution 158-02 that called for the City to*
16 *develop plans to reduce its greenhouse gas emissions to 20% below 1990 levels by the year 2012.*

17 *(b) In 2004, the Department of the Environment and the San Francisco Public Utilities*
18 *Commission issued “The Climate Action Plan For San Francisco,” which included an accounting of*
19 *greenhouse gas emissions associated with City activities, an accounting of greenhouse gas emissions*
20 *within the City and County of San Francisco but not associated with City operations, and emission*
21 *reduction recommendations for transportation, energy efficiency, renewable energy and solid waste*
22 *management sectors.*

23 *(c) City Departments, under the leadership of the Department of the Environment and on their*
24 *own initiative, are engaged in various undertakings to implement the “The Climate Action Plan*

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1 recommendations in “The Climate Action Plan,” and are making steady progress in certain areas
2 toward the 2012 goal.

3 (d) In 2005, Governor Schwarzenegger issued Executive Order S-3-05 which established
4 Statewide greenhouse gas emissions reduction targets for California as follows: by 2010, reduce
5 greenhouse gas emissions to 2000 levels; by 2020, reduce greenhouse gas emissions to 1990 levels, and
6 by 2050 reduce greenhouse gas emissions to 80% below 1990 levels.

7 (e) In 2006, California enacted AB 32, the California Global Warming Solutions Act of 2006,
8 (CA Health and Safety Code Section 38,500 et seq.) which requires the California Air Resources Board
9 to determine the statewide greenhouse gas emissions level in 1990, set that 1990 level as the statewide
10 greenhouse gas emissions level to be achieved by 2020, and to adopt and implement statewide plans,
11 protocols, rules and regulations to achieve and exceed the 2020 goals.

12 (f) It is the intent of the Mayor and the Board of Supervisors to protect the health and welfare
13 in a manner that compliments state and federal efforts to improve air quality by exercising a leadership
14 role in mandating local actions to reduce global warming, and, in particular, to call upon City
15 departments and the private sector to integrate emission reduction measures into their standard
16 operating procedures in order that the City meets and exceeds the greenhouse gases emissions
17 established in this Ordinance.

18 **SEC. 901. DEFINITIONS.**

19 (a) “CARB” means the California Air Resources Board.

20 (b) “Carbon Dioxide Equivalent” means the amount of carbon dioxide by weight that would
21 produce the same global warming impact as a given weight of another greenhouse gas, based on the
22 best available science, as determined by the Department of the Environment.

23 (c) “Climate Action Plan” means the “The Climate Action Plan For San Francisco” issued in
24 2004 by the Department of the Environment and the San Francisco Public Utilities Commission.

1 ~~(d)~~ “Direct emission reduction” means a greenhouse gas emission reduction action
2 made by a greenhouse gas emission source at that source.

3 ~~(e)~~ (d) “GHG emission ~~Emission reduction measure~~” means programs, measures,
4 standards, and alternative compliance mechanisms authorized pursuant to Section 903, applicable to
5 sources or categories of sources that are designed to reduce emissions of greenhouse gases.

6 ~~(f)~~ (e) “GHG”, “Greenhouse gas” or “greenhouse gases” means and includes all of the
7 following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and
8 sulfur hexafluoride.

9 ~~(g)~~ (f) “San Francisco Greenhouse Gas Emissions limit” means the combined level of
10 greenhouse gas emissions, expressed in tons of carbon dioxide equivalents, from all sources within the
11 geographic limit of the City and County of San Francisco, whether or not such source is subject to
12 regulation by local law.

13 (g) “SFPUC” mean the San Francisco Public Utilities Commission.

14 **SEC. 902. GREENHOUSE GAS EMISSIONS LIMIT.**

15 (a) The following San Francisco greenhouse gas emission~~s~~ limits are hereby established:

16 (i) By 2008, determine 1990 City greenhouse gas emissions as provided in Section
17 902(c) below;

18 (ii) By 2017, reduce greenhouse gas emissions by 25% below 1990 levels;

19 (iii) By 2025, reduce greenhouse gas emissions by 40% below 1990 levels; and

20 (iv) By 2050, reduce greenhouse gas emissions to 80% below 1990 levels.

21 These targets shall remain in effect unless otherwise amended or repealed.

22 (b) All City departments shall consider the effect of all decisions and activities within their
23 jurisdiction on green house gas emissions and undertake their responsibilities to the end that the City
24 achieves the greenhouse gas emissions limits set forth in this Ordinance.

1 (c) No later than January 1, 2009, the Commission on the Environment, shall, after one or
2 more public hearings, determine what the greenhouse gas emissions level within the City and County of
3 San Francisco for City and private enterprise activities was in 1990. Such determination shall be the
4 baseline level for determining the greenhouse gas emission limits to be achieved in 2012 and 2050,
5 under subsection (a), above. In determining the 1990 level, the Department of the Environment shall
6 take into consideration the inventory identified in the Climate Action Plan, the methodology adopted by
7 the State Air Board under AB 32, and the best available scientific, technological, and economic
8 information and shall make reasonable efforts, where appropriate, to promote consistency between its
9 methodology and the methodology used by other international, federal and state greenhouse gas
10 emission measurement and reporting programs.

11 (d) The Department of the Environment is urged to promulgate interim greenhouse gas
12 emissions goals to facilitate the City's achievement of the 2012 and 2050 greenhouse gas emissions
13 limits set forth in subsection (a), above, provided, however, that such interim goals shall be for
14 purposes of measuring the City's progress toward achieving the targets set forth in subsection (a),
15 above and shall not be independently binding.

16 (e) The Department of the Environment shall, where appropriate and to the maximum extent
17 feasible, work with other local, state and federal governmental agencies, including but not limited to
18 the CARB, and non-profit organizations entities to develop uniform standards and protocols for
19 measuring, verifying and reporting on greenhouse gas emissions.

20 **SEC. 903. GREENHOUSE GAS EMISSIONS REDUCTION PLAN.**

21 (a) Consistent with its Charter duty regularly to produce an assessment of San Francisco's
22 environmental condition, the Department of the Environment shall coordinate all departmental action
23 plans, reports of actions taken, and their effectiveness in achieving the greenhouse gas emissions limits
24 provided herein.

1 **(b) The Department of the Environment, in cooperation with the SFPUC San Francisco**
2 **Public Utilities Commission, shall manage the City's monitoring and reporting obligations imposed,**
3 **from time to time, by federal or state law, including but not limited to requirements imposed by the**
4 **CARB under AB32.**

5 **(c) On or before January 30, 2009, all City departments shall assess GHG emissions**
6 **associated with their activities and submit, in a format specified by the Department of the**
7 **Environment, a written action plan that identifies and makes recommendations on GHG**
8 **emission reduction measures applicable to (i) operations of the department and other City**
9 **greenhouse gas emission sources within its jurisdiction, and (ii) private sector greenhouse gas**
10 **emission sources regulated by the department. Such Plan shall identify the potential costs of**
11 **identified measures and the estimated potential benefits of elements in the plan for reducing**
12 **greenhouse gases, and may also identify other economic and non-economic impacts to the**
13 **City's economy and environment** ~~No later than September 1, 2008, and annually thereafter as~~
14 ~~provided in Section 904, the Department of the Environment, in consultation with the Public~~
15 ~~Utilities Commission, shall review and, as necessary, update, the Climate Action Plan.~~

16 **(d) On or before July 1, 2008, in consultation with the Department of the Environment,**
17 **and except as provided in Section 903(f), all departments of the City and County of San**
18 **Francisco shall prepare an inventory and action plan that identifies and makes**
19 **recommendations on direct emission reduction measures applicable to (i) operations of the**
20 **department and other City greenhouse gas emission sources within its jurisdiction, and (ii)**
21 **private sector greenhouse gas emission sources regulated by the department. Such Plan**
22 **shall identify the potential costs of identified measures and the estimated potential benefits of**
23 **elements in the plan for reducing greenhouse gases, and may also identify other economic**
24 **and non-economic impacts to the City's economy and environment.**

1 ~~(e)~~(d) In addition to the requirement set forth in subsection (d), above, the following
2 requirements apply to the following City departments:

3 (i) The San Francisco Planning Department shall:

4 (A) Review the City’s General Plan, including but not limited to the environmental
5 protection, air quality, urban design and transportation elements, for consistency with this Ordinance
6 and, as appropriate, urge the Planning Commission to recommend to the Board of Supervisors
7 amendments to the General Plan to add the greenhouse gas emissions limits in this Ordinance and
8 policies to achieve those targets;

9 (B) Include consideration of a project’s impact on the San Francisco greenhouse gas
10 emissions limits in this Ordinance as part of its review under the California Environmental Quality Act
11 (CEQA); and

12 (C) In consultation with the Executive Director of the Municipal Transportation
13 Agency, Department of Public Health, San Francisco County Transportation Authority, the Department
14 ~~of~~ of the Environment and other affected City departments, review City transit, pedestrian, bicycle,
15 parking, and transportation demand management programs and requirements within their jurisdiction
16 and, as appropriate, recommend legislation to the Board of Supervisors that will enhance the City’s
17 “transit first” policy, encourage a shift to sustainable transportation modes for trips to, from, and
18 within the City, and reduce transportation-related emissions to achieve City greenhouse gas emissions
19 targets set forth in this Ordinance.

20 (ii) The San Francisco Department of Building Inspection shall review and, as
21 appropriate, recommend to the Board of Supervisors amendments to the Building Code or other local
22 laws (A) to improve energy efficiency in new construction and in repairs and alterations to existing
23 buildings, (B) to optimize energy efficiency of HVAC, lighting, and other building systems, and (C) to
24 mandate retrofitting of buildings at time of sale.

1 (iii) The Department of Public Works shall:

2 (A) Review maintenance and construction standards, programs and requirements within
3 its jurisdiction and, as appropriate, develop orders, regulations, or amendments to the Department's
4 Standard Plans and Specifications to address the policies of this Ordinance and/ or recommend
5 legislation to the Board of Supervisors, including amendments to the Public Works Code or other City
6 codes or ordinances, to achieve the greenhouse gas emissions limits set forth in this Ordinance; and

7 (B) in consultation with the ~~Public Utilities Commission~~ SFPUC and other affected
8 City Departments, review, and as appropriate recommend changes to street and other public lighting
9 standards to enhance energy efficiency and thereby reduce City greenhouse gas emissions.

10 (iv) The City Administrator shall:

11 (A) review, in consultation with the SFPUC, the energy efficiency of City buildings
12 and city occupied leaseholds, and, as necessary, recommend cost effective steps to increase their
13 efficiency, and

14 (B) in collaboration with the Department of the Environment and other affected City
15 departments, review, and, as appropriate, recommend amendments to City procurement laws and
16 practices, including but not limited to Chapter 2 of this Code (Environmentally Preferable Purchasing
17 Ordinance), to include the impact of City procurement decisions on greenhouse gas emissions.

18 **SEC. 904. MANDATORY ANNUAL GREENHOUSE GAS EMISSIONS REPORTING.**

19 (a) Beginning at the close of fiscal year 2008-2009, no later than ninety days after the close of
20 each fiscal year, all City departments shall submit, in a format specified by the Department of the
21 Environment, a written update of the plans, status of any recommendation required by Section 903, and
22 the ~~direct~~ GHG emission reductions from actions taken to the Department of the Environment. Such
23 updates shall, to the extent feasible, provide information to enable the Department of the Environment

1 to calculate the City's progress toward meeting the greenhouse gas emissions limits set forth in this
2 Ordinance.

3 (b) Beginning in January 2010, and annually thereafter, and based on the written reports
4 required in Section 904(a) and such other reliable data as the Department of the Environment shall
5 compile, the Department of the Environment shall report to the Board of Supervisors on the City's
6 progress toward achieving the San Francisco greenhouse gas emissions limits of this Ordinance. Such
7 annual report shall be consistent with the methodology established by the Department of the
8 Environment under Section 902(b), except that the Department of the Environment may revise such
9 methodology to conform to recognized protocols.

10 **SEC. 905. ENFORCEMENT.**

11 The Department of the Environment shall report any non-compliance with the reporting
12 requirements of this Ordinance to the Mayor and the Board of Supervisors.

13 **SEC. 906. MARKET-BASED COMPLIANCE MECHANISMS.**

14 (a) The Department of the Environment, utilizing the expertise of relevant City
15 Departments and Agencies, shall research and, as appropriate, recommend legislation to the Board
16 of Supervisors, concerning whether and how to develop or utilize available market-based compliance
17 mechanisms, such as greenhouse gas emissions exchanges, banking, credits, and other similar
18 transactions governed by rules and protocols established by the City, ~~the State Air Quality Board~~
19 CARB or other recognized governmental or non-profit entity as credit toward City greenhouse gas
20 emission reductions.

21 (b) The Department of the Environment shall provide technical assistance, and coordinate City
22 applications for, any approved market-based mechanisms that the City intends to use in furtherance of
23 achieving the San Francisco greenhouse gas emissions limit.

24 **SEC. 907. LOCAL ENERGY GENERATION.**

1 The Board of Supervisors urges the ~~SFPUC~~ ~~Public Utilities Commission~~ to develop and to
2 implement an energy action plan that includes at least the following:

3 (a) In coordination with the Department of the Environment, develop a plan to achieve the goal
4 of San Francisco becoming fossil fuel free by 2030;

5 (b) In coordination with the Department of the Environment, setting annual goals for
6 generating electricity locally through ~~solar, wind and tidal~~ renewable generation; and

7 (c) Integrating the greenhouse gas emissions targets and policies of this Ordinance into the
8 Sewer Master Plan.

9 **SEC. 908. MISCELLANEOUS.**

10 (a) **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for
11 any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,
12 such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of
13 Supervisors hereby declares that it would have passed this Ordinance and each and every section,
14 subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to
15 whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

16 (b) **No Conflict With Federal Or State Law.** Nothing in this Ordinance shall be interpreted or
17 applied so as to create any requirement, power or duty in conflict with any federal or state law. Any
18 and all greenhouse gas reduction activities adopted and implemented under this Ordinance are
19 intended to be complementary and nonduplicative of measures required or to be adopted by any state
20 or federal agency under state or federal law.

21 Nothing in this Ordinance shall relieve any person, entity, including any City Department or
22 City Official of compliance with other applicable federal, state, or local laws or regulations, including
23 federal or state air and water quality requirements, and other requirements for protecting public health
24 or the environment.

1 (c) Undertaking For The General Welfare. In undertaking the implementation of this
2 Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable
4 in money damages to any person who claims that such breach proximately caused injury.

5 Section 2. **Environmental Findings.** On _____, the Planning Department
6 determined that the actions contemplated in this Ordinance are categorically exempt from the
7 California Environmental Quality Act (California Public Resources Code sections 121000 et
8 seq.) Said determination is on file with the Clerk of the Board of Supervisors in File No.
9 and is incorporated herein by reference.

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 CATHARINE S. BARNES
14 Deputy City Attorney