

File No. 100102

Committee Item No. 5

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 29, 2010

Board of Supervisors Meeting Date April 6, 2010

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PUC Resolution No. 10-0000</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Port Commission Resolution No. 09-75</u> |
| * <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SF stormwater Design Guidelines</u> |
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Completed by: Alisa Somera Date March 25, 2010

Completed by: Alisa Somera Date March 30, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file and the online version.

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1 [Requiring the Development and Maintenance of Stormwater Management Controls]

2
3 **Ordinance amending the San Francisco Public Works Code by repealing Article 4.2,**
4 **sections 140 – 149.4, and adding Article 4.2, sections 147 – 147.6, requiring the**
5 **development and maintenance of stormwater management controls for specified**
6 **activities that disturb 5,000 square feet or more of the ground surface, and are subject**
7 **to building, planning and subdivision approvals.**

8
9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. 100102 and is
17 incorporated herein by reference.

18 Section 2. The San Francisco Public Works Code is hereby amended by repealing
19 Sections 140 – 149.4 of Article 4.2.

20 Section 3. The San Francisco Public Works Code is hereby amended by adding
21 Sections 147 – 147.6, to Article 4.2, to read as follows: .

22 Article 4.2. SEWER SYSTEM MANAGEMENT.

23 Section 147. Stormwater Management

24 (a) The intent of Sections 147 – 147.6 is to protect and enhance the water quality in the
25 City and County of San Francisco's sewer system, stormwater collection system and receiving

1 waters pursuant to, and consistent with Federal and State laws, lawful standards and orders
2 applicable to stormwater and urban runoff control, and the City's authority to manage and
3 operate its drainage systems.

4 (b) Urban runoff is a significant cause of pollution throughout California. Pollutants of
5 concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens,
6 oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic
7 aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.

8 (c) During urban development, two important changes occur. First, where no urban
9 development has previously occurred, natural vegetated pervious ground cover is converted
10 to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural
11 vegetated soil can both absorb rainwater and remove pollutants, providing a very effective
12 purification process. Because pavement and concrete can neither absorb water nor remove
13 pollutants, the natural purification characteristics of the land are lost. Second, urban
14 development creates new pollutant sources, including vehicle emissions, vehicle maintenance
15 wastes, pesticides, household hazardous wastes, pet wastes, trash, and other contaminants
16 that can be washed into the City's stormwater collection systems.

17 (d) A high percentage of impervious area correlates to a higher rate of stormwater
18 runoff, which generates greater pollutant loadings to the stormwater collection system,
19 resulting in turbid water, nutrient enrichment, bacterial contamination, toxic compounds,
20 temperature increases, and increases of trash or debris.

21 (e) When water quality impacts are considered during the planning stages of a project,
22 new development and redevelopment projects can more efficiently incorporate measures to
23 protect water quality.
24
25

1 (f) Sections 147 – 147.6 protect the health, safety and general welfare of the City's
2 residents by:

3 (1) minimizing increases in pollution caused by stormwater runoff from development
4 that would otherwise degrade local water quality;

5 (3) controlling the discharge to the City's sewer and drainage systems from spills,
6 dumping or disposal of pollutants; and

7 (4) reducing stormwater run-off rates, volume, and nonpoint source pollution
8 whenever possible, through stormwater management controls, and ensuring that
9 these management controls are safe and properly maintained.

10 Section 147.1. Definitions.

11 In addition to the definitions provided in section 119 of Article 4.1 of this Code, the
12 following definitions shall apply:

13 (a) Best management practices or "BMPs." Structural devices, measures, or programs
14 used to reduce pollution in stormwater runoff. BMPs manage the quantity and improve the
15 quality of stormwater runoff in accordance with the Guidelines and applicable state and
16 federal regulatory requirements.

17 (b) Department. The San Francisco Public Utilities Commission. With regard to
18 stormwater management in areas of the City under the jurisdiction of the Port Commission,
19 "Department" means the San Francisco Port Commission until the Port Commission adopts
20 its own standards and procedures.

21 (c) Development Project. Any activity disturbing 5,000 square feet or more of the
22 ground surface, measured cumulatively from the effective date of this Article. Activities that
23 disturb the ground surface include, but are not limited to, the construction, modification,
24 conversion, or alteration of any building or structure and associated grading, filling,
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1 excavation, change in the existing topography, and the addition or replacement of impervious
2 surface. All sidewalks, parking, driveways, and landscaped and irrigated areas constructed in
3 conjunction with the Development Project are included in the project area. Development
4 Projects do not include interior remodeling projects, maintenance activities such as top-layer
5 grinding, repaving, and re-roofing, or modifications, conversions or alterations of buildings or
6 structures that does not increase the ground surface footprint of the building or structure.

7 (d) Development runoff requirements. The performance standards set forth in the
8 Guidelines to address both the construction and post-construction phase impacts of new
9 Development Projects on stormwater quality.

10 (e) General Manager. The General Manager of the Public Utilities Commission of the
11 City, or a designated representative of the General Manager. With regard to stormwater
12 management in areas of the City under the jurisdiction of the Port Commission, the Executive
13 Director of the San Francisco Port Commission or a designated representative of the
14 Executive Director shall have the same authority under this Article as the General Manager
15 until the Port Commission adopts it own standards and procedures regarding stormwater
16 management in all areas under Port Commission jurisdiction.

17 (f) Guidelines. The Stormwater Design Guidelines adopted by the San Francisco Public
18 Utilities Commission or the San Francisco Port Commission. The Guidelines contain
19 requirements pertaining to the type, design, sizing, and maintenance of post-construction
20 stormwater BMPs.

21 (g) Low Impact Design (LID). A stormwater management approach that promotes the
22 use of ecological and landscape-based systems that mimic pre-development drainage
23 patterns and hydrologic processes by increasing retention, detention, infiltration, and
24 treatment of stormwater at its source.

1 (h) Non-Stormwater Discharge. Any discharge to the City's Stormwater Collection
2 System that is not composed entirely of Stormwater.

3 (i) Pollutant. Any substance listed in sec. 119(aa) of Article 4.1 of the Public Works
4 Code or any substance described as a pollutant in the Guidelines.

5 (j) Separate Stormwater/sewer System. Stormwater and sanitary sewage collection
6 facilities that convey, treat and discharge stormwater and sewage in separated catchbasins,
7 pipelines, treatment facilities, outfalls, and other facilities, and do not combine stormwater and
8 sewage in the same facilities.

9 (k) Stormwater. Water that originates from atmospheric moisture (rainfall or snowfall)
10 and that falls onto land, water or other surfaces.

11 (l) Stormwater Collection System. All City facilities operated by the San Francisco
12 Public Utilities Commission or the Port of San Francisco for collecting, transporting, treating
13 and disposing of stormwater. For purposes of this Article, the Stormwater Collection System
14 includes facilities owned and operated by public entities other than the City, where such
15 facilities direct stormwater into the Stormwater Collection System and are subject to the
16 jurisdiction of the San Francisco Public Utilities Commission or the Port of San Francisco as
17 defined by law, contract, or interjurisdictional agreement.

18 (m) Stormwater Control. A device designed to remove pollution in stormwater runoff
19 through detention, retention, filtration, direct plant uptake, or infiltration.

20 (n) Stormwater Control Plan. A plan that meets all applicable criteria, performance
21 standards and other requirements contained in this Article and the Guidelines.

22 Section 147.2. Stormwater Control Plan

23 (a) Development Projects. Every application for a Development Project , including, but
24 not limited to, a building or encroachment permit conditional use permit, variance, site permit,
25

1 or design review, shall be accompanied by a Stormwater Control Plan that meets the
2 stormwater control criteria provided by the Guidelines. No City department shall approve or
3 issue a conditional use permit, variance, site permit, design review approval, building or
4 encroachment permit unless and until a Stormwater Control Plan developed in accordance
5 with this Article and the Guidelines has been approved by the General Manager. All projects
6 subject to the stormwater management requirements of Chapter 13C of the San Francisco
7 Building Code shall comply with the requirements of the Guidelines.

8 (b) Subdivision Approvals.

9 (1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public
10 Works shall not approve a tentative subdivision map or a parcel map for any property unless
11 a condition is imposed requiring compliance with all applicable Stormwater Control Plans to
12 serve the potential uses of the property covered by the parcel map or tentative subdivision
13 map, as may be further specified in the provisions of this Article or the Guidelines.

14 (2) Subdivision Regulations. The Director of Public Works shall adopt regulations
15 as necessary, consistent with and in furtherance of this Article, to ensure that all subdividers
16 of property subject to the provisions of this ordinance provide a Stormwater Control Plan in
17 compliance with this Article and the Guidelines.

18 (3) Final Maps. The Director of Public Works shall not endorse and file a final map
19 for property within the boundaries of the City and County of San Francisco without first
20 determining whether:

21 (A) The subdivider has complied with the conditions imposed on the tentative
22 subdivision map or parcel map, pursuant to this Article and the Guidelines; and
23
24
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1 (B) For any such conditions not fully satisfied prior to the recordation of the final
2 map, the subdivider has signed a certificate of agreement and/or improvement agreement, to
3 ensure compliance with such conditions.

4 (4) This Subsection (b) shall not apply to tentative subdivision maps or parcel
5 maps submitted solely for the purposes of condominium conversion, as defined in San
6 Francisco Subdivision Code Section 1308(d).

7 Sec. 147.3. Limitations and Prohibited Discharges.

8 (a) The establishment, use, maintenance or continuation of any unauthorized drainage
9 connections to the Stormwater Collection System is prohibited.

10 (b) The discharge of Pollutants and Non-stormwater Discharges into the stormwater
11 collection facilities located in the Separate Stormwater/sewer System portions of the
12 Stormwater Collection System is prohibited, except as provided in this section.

13 (c) The following discharges are exempt from the prohibitions set forth subsection (b)
14 above if the Regional Water Quality Control Board approves the exempted category under
15 section C. 11. of the City's NPDES permit: uncontaminated pumped groundwater, foundation
16 drains, water from crawl space pumps, footing drains, air conditioning condensate, irrigation
17 water, landscape irrigation, lawn or garden watering, planned and unplanned discharges from
18 potable water sources, water line and hydrant flushing, individual residential car washing,
19 discharges or flows from emergency fire fighting activities, dechlorinated swimming pool
20 discharges.

21 Section 147.4. Compliance with Maintenance and Inspection Requirements.

22 (a) All Stormwater Controls shall be maintained according to the Guidelines and the
23 operation and maintenance plan included in the approved Stormwater Control Plan. The
24 person(s) or organization(s) responsible for maintenance shall be designated in the plan.
25

1 Those persons responsible for maintenance shall inspect the Stormwater Controls at least
2 annually and shall maintain the Stormwater Controls as required by the Guidelines and
3 described in the Stormwater Control Plan.

4 (b) Operation and Maintenance Inspection and Certificates. Every person who owns,
5 leases or operates any Stormwater Control or Controls must provide annual self-certification
6 for inspection and maintenance, as set forth in the Guidelines.

7 (c) The General Manager may perform routine or scheduled inspections, as may be
8 deemed necessary in the General Manager's sole discretion to carry out the intent of this
9 Article and the Guidelines, including, but not limited to, random sampling or sampling in areas
10 with evidence of Stormwater contamination, evidence of the discharge of Non-stormwater to
11 the Stormwater Collection System, or similar activities.

12 (d) Authority to Sample and Establish Sampling Devices. The General Manager may
13 require any person discharging Stormwater to the Stormwater Collection System to provide
14 devices or locations necessary to conduct sampling or metering operations.

15 (e) Notification of Spills. All persons in charge of the Stormwater Controls shall
16 provide immediate notification to the General Manager of any suspected, confirmed or
17 unconfirmed release of pollutants creating a risk of non-stormwater discharge into the
18 Stormwater Collection System. Such persons shall take all necessary steps to ensure the
19 detection and containment and clean up of such release. This notification requirement is in
20 addition to and not in lieu of other required notifications.

21 (f) Requirement to Test or Monitor. The General Manager may require that any person
22 responsible for Stormwater Controls undertake such monitoring activities or analysis and
23 furnish such reports as the General Manager may specify.

24 Section 147.5 Enforcement and Cost Reimbursement.
25

1 Any violation of this Article may be enforced by the General Manager pursuant to section 132
2 of Article 4.1 of the Public Works Code. Persons violating any provision of this Article, the
3 Guidelines, or department regulations may be subject to penalties and abatement in
4 accordance with the Guidelines and sections 133 and 134 of Article 4.1 of the Public Works
5 Code.

6 Section 147.6 Severability

7 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this
8 Article, is for any reason held to be unconstitutional, invalid or ineffective by any court of
9 competent jurisdiction, such decision shall not affect the validity or effectiveness of the
10 remaining portions of this Article. The Board of Supervisors declares that it would have
11 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this
12 Article irrespective of the fact that any one or more sections, subsections, subdivisions,
13 paragraphs, sentences, clauses, or phrases could be declared unconstitutional, invalid or
14 ineffective.

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16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 JOHN RODDY
21 Deputy City Attorney
22
23
24
25

[Requiring the Development and Maintenance of Stormwater Management Controls]

LEGISLATIVE DIGEST

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, sections 140 – 149.4, and adding Article 4.2, sections 147 – 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

Existing Law

The ordinance adopts new provisions. San Francisco codes currently do not require installation and maintenance of stormwater controls for new development and redevelopment projects in San Francisco. Existing provisions of the Public Works Code contain obsolete provisions regarding sewer service charges that have been superseded by Charter provisions.

Amendments to Current Law

The proposed ordinance will ensure San Francisco's compliance with the Federal Clean Water Act and Statewide General Permit by codifying requirements of the San Francisco Stormwater Design Guidelines, a policy document developed to comply with Federal Clean Water Act requirements and a State of California National Pollutant Discharge Elimination Permit ("Statewide General Permit").

The ordinance includes the following provisions:

- 1) A regulatory framework to ensure that project proponents subject to the stormwater management activities comply with required stormwater controls;
- 2) Definition of the development projects that are required to comply with stormwater management controls;
- 3) Requirements relating to the submittal of a Stormwater Control Plan for projects that must comply with the stormwater management controls;
- 4) Prohibited discharges to the SFPUC and Port stormwater collection systems;

- 5) Maintenance and inspection requirements for completed projects; and
- 6) Enforcement and cost reimbursement provisions for those projects that violate stormwater management controls.

The current sections 140 – 149.4 of the Public Works Code are obsolete provisions relating to the authority to levy sewer service charges. These provisions have been superseded by the Charter amendments adopted in November, 2002, that added Article 8B to the Charter. Section 8B.125 of the Charter now provides the authority and process for the adoption of sewer service charges.

Background Information

Like most California municipal agencies, the Port of San Francisco ("Port") and the San Francisco Public Utilities Commission ("SFPUC") administer Stormwater Management Programs developed in accordance with the Federal Clean Water Act and a State of California National Pollution Discharge Elimination Permit ("Statewide General Permit"). Among the specific obligations set forth in this NPDES Permit, the Port and SFPUC are required to develop, implement and enforce a program to reduce pollutants in storm water runoff from new development and redevelopment projects. This effort is commonly referred to as a *post-construction stormwater control program*¹.

The Statewide General Permit includes provisions requiring permittees to demonstrate oversight for post-construction stormwater control programs. To meet this requirement, SFPUC and Port staffs have developed a stormwater management ordinance and departmental regulations. The proposed ordinance:

- o Establishes thresholds for compliance with the departmental regulations;
- o Requires project applicants to adhere to all requirements in the ordinance and regulations and to submit a Stormwater Control Plan for review;
- o Lists prohibited discharges to the SFPUC and Port stormwater collection systems,
- o Establishes ongoing maintenance and inspection requirements for completed projects, and

¹ California State Water Resources Control Board General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems, Water Quality Order 2003-0005-DWQ: "*The Permittee must use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law*".

- o Establishes an administrative framework for enforcement and cost reimbursement.

The SFPUC and the Port have partnered to develop the San Francisco Stormwater Design Guidelines ("Guidelines"), departmental regulations that fulfill state and federal requirements for post-construction stormwater runoff control. In keeping with Mayor Gavin Newsom's policy goals for promoting sustainable development in San Francisco, the Guidelines require Low Impact Design ("LID") approaches for the stormwater management. LID strategies integrate green space, native landscaping, natural hydrologic functions and various other techniques to reduce pollution in runoff from developed land. The stormwater management ordinance will function as the regulatory mechanism through which the Guidelines regulations are implemented.

Projects complying with the ordinance will protect the water quality of the San Francisco Bay and the Pacific Ocean, help to restore hydrologic function and wildlife habitat to San Francisco's urban watersheds, reduce the burden on the city's combined sewer system, and contribute to the creation of a green city.

BOARD of SUPERVISORS



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February 1, 2010

File No. 100102

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On January 26, 2010, Mayor Newsom introduced the following proposed legislation:

File: 100102

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, sections 140 – 149.4, and adding Article 4.2, sections 147 – 147.6, requiring the development and maintenance of storm water management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

*Exempt from CEQA Guidelines
per Sections 15060(e)(3)
and 15398. Not a project.
Nannie R. Turrell
February 26, 2010*



December 7, 2009

San Francisco Public Utilities Commission
1155 Market Street
San Francisco, CA 94103

San Francisco Port Commission
Pier 1
San Francisco, CA 94111

RE: The San Francisco Stormwater Design Guidelines

Dear Commissioners:

I am very pleased to support approval of the *San Francisco Stormwater Design Guidelines* and promulgation of the San Francisco Stormwater Ordinance. This is a major milestone towards my vision for sustainable development in San Francisco and an important element for the implementation of other environmental and planning policy initiatives, including the Better Streets Plan and the San Francisco Green Building Ordinance.

The *Guidelines* provide innovative and multi-purpose solutions for managing stormwater in San Francisco's urban setting. In addition to protecting water quality, the *Guidelines* will contribute to attractive civic spaces, open spaces and streetscapes, and will protect and enhance wildlife habitat.

I applaud the Port and the SFPUC's ongoing commitment to stormwater management and urge your support of this important policy effort.

Sincerely,

Gavin Newsom
Mayor

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 10-0008

WHEREAS, urban stormwater runoff is a significant contributor of pollution to the San Francisco Bay and Pacific Ocean; and

WHEREAS, the Federal Clean Water Act and a State of California National Pollution Discharge Elimination System (NPDES) Permit require the City and County of San Francisco to administer a Stormwater Management Program to reduce pollution in stormwater runoff in San Francisco's municipal separate storm sewer systems; and

WHEREAS, developing and administering a Stormwater Management Program to reduce the volume and rate of stormwater runoff delivered to the combined sewer areas of San Francisco will enhance compliance with NPDES permits issued by the State of California and USEPA for combined sewer discharges; and

WHEREAS, the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise and the Port of San Francisco (Port) have been charged with developing and implementing a stormwater management program that fulfills state and federal requirements for regulation of post-construction stormwater runoff control and provides the means to enforce the requirements of the program; and

WHEREAS, Port and SFPUC staff have developed the San Francisco Stormwater Design Guidelines (Guidelines), which define regulatory thresholds and requirements for development projects and offer San Francisco-specific approaches for stormwater management, including Low Impact Design (LID) solutions; and

WHEREAS, the SFPUC and the Port conducted an extensive community planning and public outreach effort in support of Guidelines development and incorporated input from community and technical stakeholders into the final Guidelines document; and

WHEREAS, the Guidelines require the use of LID wherever feasible and are therefore consistent with Mayor Gavin Newsom's policy and San Francisco Public Utilities Commission policy goals to promote greening and sustainable development in San Francisco; and

WHEREAS, the Guidelines are designed to work within the context of existing San Francisco regulations and policies, and are consistent with the City's Building Code and Planning Code requirements;

WHEREAS, the proposed Stormwater Ordinance establishes an administrative framework to ensure compliance with requirements established in the Guidelines; and

WHEREAS, the Commission is authorized to adopt regulations for matters under its jurisdiction, in accordance with Charter sections 4.104(a)(1) and 8B.121(a); and

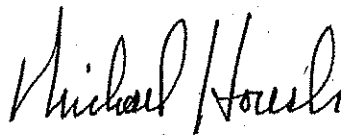
WHEREAS, as required by San Francisco Charter Section 4.104(a)(1), on November 25, 2009, the SFPUC provided public notice of the SFPUC public hearing on the proposed Guidelines; and

WHEREAS, on December 2, 2009 the Planning Department determined that the actions contemplated in this resolution were exempt from the California Environmental Quality Act ("CEQA") as a Class 8 categorical exemption under CEQA Guidelines Section 15308 as described in the determination contained in the SFPUC files for this matter, now, therefore, be it

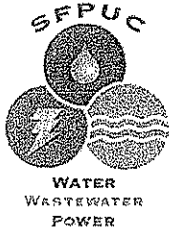
RESOLVED, That the Commission, pursuant to its Charter authority to adopt rules and regulations, hereby adopts the San Francisco Stormwater Design Guidelines; and be it

FURTHER RESOLVED, That the Commission authorizes and directs the General Manager of the SFPUC to submit the Stormwater Management Ordinance to the San Francisco Board of Supervisors for consideration and adoption, as an amendment of the San Francisco Public Works Code.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *January 12, 2010*



Secretary, Public Utilities Commission



AGENDA ITEM
Public Utilities Commission
City and County of San Francisco



DEPARTMENT Wastewater Enterprise AGENDA NO. #18
 MEETING DATE January 12, 2010

Adopt Guidelines: Regular Calendar
Project Manager: Sarah Minick

Adopt the San Francisco Stormwater Design Guidelines and Recommend the Stormwater Management Ordinance to the Board to Supervisors

Summary of Proposed Commission Action:	Adopt the San Francisco Stormwater Design Guidelines and recommend the San Francisco Stormwater Management Ordinance to the Board of Supervisors for approval.
Background:	<p>Stormwater management is a critical municipal responsibility required by the Federal Clean Water Act that has a direct impact on public health and safety, surface water quality, and watershed function. The San Francisco Public Utilities Commission (SFPUC) and the Port of San Francisco (Port) administer Stormwater Management Programs developed in accordance with the State of California National Pollution Discharge Elimination System (NPDES) Statewide General Permit for Stormwater Discharges (Permit) in their respective areas of jurisdiction. The SFPUC Wastewater Enterprise (WWE) is responsible for maintaining compliance with the SFPUC's Permit, which covers non-Port municipal separate storm sewer systems. The Port is responsible for maintaining compliance under its own Permit, which covers Port-owned properties. Because the requirements are the same for both agencies, SFPUC and Port staffs are working collaboratively to achieve Permit compliance.</p> <p>The Permit specifies a suite of activities that municipalities must undertake to achieve compliance. One of these is the development, implementation, and enforcement of a program to reduce pollutants in stormwater runoff from new development and redevelopment projects. This effort is commonly referred to as a post-construction stormwater control program. San Francisco's strategy for implementing post-construction stormwater controls is to pursue Low Impact Design (LID), also known as green infrastructure. LID applies decentralized, site-based</p>

APPROVAL:

DEPARTMENT / BUREAU _____
 COMMISSION SECRETARY Mike Housh

FINANCE Todd L. Rydstrom
 GENERAL MANAGER Ed Harrington

strategies to manage the quantity and quality of stormwater runoff. LID Strategies include rain gardens, vegetated roofs, permeable pavement, swales, treatment wetlands, and rainwater harvesting. These strategies can be integrated into all development types, from public open spaces to high-density housing.

The program must be paired with an administrative framework to allow the SFPUC and the Port to monitor and enforce the program requirements. Staff proposes to achieve this via an ordinance and is therefore presenting two items to the Commission as a package:

- o the San Francisco Stormwater Design Guidelines (Guidelines), which describe the new requirements to developers and provide the tools to help them achieve compliance; and
- o the San Francisco Stormwater Management Ordinance (Stormwater Ordinance), which provides the administrative framework to enforce compliance.

Although the Permit only applies to separate storm sewer areas, implementing the Stormwater Ordinance and Guidelines city-wide will yield multiple benefits to the collection system and will compliment the city-wide stormwater requirements already in place under the Green Building Ordinance (effective since November, 2008). With this in mind, staff proposes that the Guidelines and Stormwater Ordinance be effective city-wide, covering both combined and separate sewer areas.

Approximately 90% of San Francisco is served by a **combined sewer**. In combined sewer areas, stormwater runoff contributes to localized flooding and combined sewer discharges and can reduce the efficiency and efficacy of the treatment system. In these areas, reducing the rate and volume of stormwater discharged to the sewer during large rain events provides the following benefits: it reduces the burden of wet weather flows on the city's combined sewer, allows existing infrastructure to perform more efficiently, increases upstream storage capacity, decreases the amount of energy and chemicals used to pump and treat stormwater, enhances compliance with NPDES additional Permits associated with combined sewer areas, and creates a more resilient infrastructure in the face of climate change.

San Francisco's **separate storm sewer areas** make up approximately 10% of the city. This includes Port lands, areas already under SFPUC jurisdiction (such as Lake Merced), and areas that will soon be under City jurisdiction, such as Mission Bay, Hunters Point Shipyard/Candlestick and Treasure Island. In separate storm sewer areas, stormwater flows directly to receiving waters without treatment and transports pollutants to receiving waters such as San Francisco Bay. Because of this, in separate sewer areas the goal of stormwater management is water quality protection, achieved by capturing and treating runoff before it reaches receiving waters.

To achieve the stormwater management goals of flow and volume reduction in combined areas and capture and treatment in the separate areas, the Guidelines require on-site stormwater management for all new and redevelopment projects of 5,000 square feet or more. Every gallon of stormwater managed on-site represents essential benefits to the SFPUC:

- 1) The addition of distributed, upstream storage that increases the capacity of the entire combined sewer system; and
- 2) The protection of downstream receiving waters, as required under the Federal Clean Water Act.

The San Francisco Stormwater Design Guidelines

In February 2007, SFPUC and Port staff initiated a joint effort to develop a regulatory document that fulfills state and federal requirements for post-construction stormwater runoff control. The Guidelines represent the culmination of this effort, which included extensive public outreach and opportunity for public comment (see Attachment 5 for a complete list of public outreach efforts).

In keeping with the Charter's policy goals for promoting sustainable development, the Guidelines require the use of LID wherever feasible to comply with stormwater management requirements. The Guidelines are designed to work within the context of existing San Francisco regulations and policies, including the Green Building Ordinance, the Better Streets Plan, the Sewer System Master Plan, and the Green Landscaping Ordinance, and are consistent with existing Building Code and Planning Code requirements for the City and the Port. The full text of the Guidelines is provided as Attachment 2.

Thresholds for Compliance

Projects that disturb 5,000 square feet or more of ground surface will be required to comply with the Guidelines. 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. See the Stormwater Ordinance for definitions (Attachment 3).

Performance Measures

Projects located in separate storm sewer areas that are subject to the Guidelines are required to capture and treat 90% of the average annual rainfall using acceptable best management practices and using a design storm of .75 inches. This performance measure is equivalent to LEED Sustainable Sites Credit 6.2 titled "Stormwater Design: Quality Control."

Projects located in combined sewer areas that are subject to the Guidelines are required to reduce the rate and quantity of stormwater entering the combined sewer by implementing one of two options under LEED Credit Sustainable Sites 6.1 titled "Stormwater Design: Quantity

Control.”

Methods of Compliance

Project applicants have a broad suite of design solutions that will enable them to achieve compliance with stormwater management requirements. Examples include rainwater harvesting, rain gardens, green roofs, and permeable paving. The Guidelines offer five tools to help project applicants achieve compliance:

- o A step-by-step guide describing how to manage stormwater on site;
- o A set of stormwater Best Management Practices (BMP) Fact Sheets;
- o A vegetation palette to assist in BMP-appropriate plant selection;
- o Sizing calculators to determine the required size of each BMP; and
- o Maintenance checklists explaining the types and frequencies of the maintenance activities associated with each BMP.

Project Review Processes

SFPUC staff has established new procedures for project review to ensure compliance with the Guidelines. These processes have been coordinated with the Department of Building Inspection, the Planning Department, and WWE’s Collection Systems Division.

Inspection and Enforcement

Property owners are responsible for the maintenance of stormwater BMPs on their property. Under the Permit, the SFPUC is responsible for ensuring that owners properly maintain BMP(s). In addition, property owners will be required to self-certify their stormwater BMPs by submitting annual maintenance checklists. Every three years, SFPUC inspectors will inspect the BMPs to ensure that they remain functional. Inspection procedures are detailed in the Guidelines.

San Francisco Stormwater Ordinance

To ensure that the Guidelines are successfully implemented, the Permit includes provisions requiring permittees to demonstrate oversight for post-construction stormwater control programs. To meet this requirement, SFPUC and Port staffs have drafted a Stormwater Ordinance which would reside in the San Francisco Public Works Code. The proposed Stormwater Ordinance achieves the following:

- o Establishes thresholds for compliance with the Guidelines;
- o Requires project applicants to adhere to all requirements in the Guidelines and submit a Stormwater Control Plan for review;
- o Lists prohibited discharges to the SFPUC and Port stormwater collection systems,
- o Establishes ongoing maintenance and inspection requirements for completed projects; and
- o Establishes an administrative framework for enforcement and cost reimbursement.

The Stormwater Ordinance and the Stormwater Control Plan are provided as Attachments 3 and 4, respectively.

	<p>Environmental Review A Class 8 Categorical Exemption was issued for the Guidelines by the Major Environmental Analysis Division of the San Francisco Planning Department on December 2, 2009.</p>
<p>Result of Inaction:</p>	<p>A delay in approving this agenda item will:</p> <ul style="list-style-type: none"> o Render the SFPUC and Port in violation of the Statewide General Stormwater Permit administered by the Regional Water Quality Control Board. o Prevent the dissemination of technical and regulatory guidance to applicants seeking to comply with proposed and already existing stormwater management requirements for approval of new development and redevelopment projects.
<p>Description of Action:</p>	<p>Adopt the San Francisco Stormwater Design Guidelines and recommend the San Francisco Stormwater Management Ordinance to the Board of Supervisors and Mayor Gavin Newsom for approval. If the Guidelines are adopted and the Stormwater Ordinance is approved, the requirements set forth in the Guidelines will be effective city-wide.</p>
<p>Recommendation:</p>	<p>SFPUC staff recommends that the Commission adopt the attached resolution.</p>
<p>Attachment(s):</p>	<ol style="list-style-type: none"> 1. SFPUC Resolution 2. San Francisco Stormwater Design Guidelines 3. Stormwater Ordinance 4. Stormwater Control Plan 5. Public Outreach 6. State Water Resources Control Board Order Number 2003-0005-DWQ, Attachment 4

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. _____

WHEREAS, urban stormwater runoff is a significant contributor of pollution to the San Francisco Bay and Pacific Ocean; and

WHEREAS, the Federal Clean Water Act and a State of California National Pollution Discharge Elimination System (NPDES) Permit require the City and County of San Francisco to administer a Stormwater Management Program to reduce pollution in stormwater runoff in San Francisco's municipal separate storm sewer systems; and

WHEREAS, developing and administering a Stormwater Management Program to reduce the volume and rate of stormwater runoff delivered to the combined sewer areas of San Francisco will enhance compliance with NPDES permits issued by the State of California and USEPA for combined sewer discharges; and

WHEREAS, the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise and the Port of San Francisco (Port) have been charged with developing and implementing a stormwater management program that fulfills state and federal requirements for regulation of post-construction stormwater runoff control and provides the means to enforce the requirements of the program; and

WHEREAS, Port and SFPUC staff have developed the San Francisco Stormwater Design Guidelines (Guidelines), which define regulatory thresholds and requirements for development projects and offer San Francisco-specific approaches for stormwater management, including Low Impact Design (LID) solutions; and

WHEREAS, the SFPUC and the Port conducted an extensive community planning and public outreach effort in support of Guidelines development and incorporated input from community and technical stakeholders into the final Guidelines document; and

WHEREAS, the Guidelines require the use of LID wherever feasible and are therefore consistent with Mayor Gavin Newsom's policy goals to promote greening and sustainable development in San Francisco; and

WHEREAS, the Guidelines are designed to work within the context of existing San Francisco regulations and policies, and are consistent with the City's Building Code and Planning Code requirements;

WHEREAS, the proposed Stormwater Ordinance establishes an administrative framework to ensure compliance with requirements established in the Guidelines; and

WHEREAS, the Commission is authorized to adopt regulations for matters under its jurisdiction, in accordance with Charter sections 4.104(a)(1) and 8B.121(a); and

WHEREAS, as required by San Francisco Charter Section 4.104(a)(1), on November 25, 2009, the SFPUC provided public notice of the SFPUC public hearing on the proposed Guidelines; and

WHEREAS, on December 2, 2009 the Planning Department determined that the actions contemplated in this resolution were exempt from the California Environmental Quality Act ("CEQA") as a Class 8 categorical exemption under CEQA Guidelines Section 15308 as described in the determination contained in the SFPUC files for this matter, now, therefore, be it

RESOLVED, That the Commission, pursuant to its Charter authority to adopt rules and regulations, hereby adopts the San Francisco Stormwater Design Guidelines; and be it

FURTHER RESOLVED, That the Commission authorizes and directs the General Manager of the SFPUC to submit the Stormwater Management Ordinance to the San Francisco Board of Supervisors for consideration and adoption, as an amendment of the San Francisco Public Works Code.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of _____ *January 12, 2010*

Secretary, Public Utilities Commission



MEMORANDUM

December 2, 2009

TO: MEMBERS, PORT COMMISSION
Hon. Rodney Fong, President
Hon. Stephanie Shakofsky, Vice President
Hon. Kimberly Brandon
Hon. Michael Hardeman
Hon. Ann Lazarus

FROM: Monique Moyer *Monique Moyer*
Executive Director

SUBJECT: Adoption of San Francisco Stormwater Design Guidelines and
Recommendation of Stormwater Ordinance to the Board of Supervisors

DIRECTOR'S RECOMMENDATION: Approve Attached Resolution

INTRODUCTION

Stormwater management is a critical municipal responsibility which has a direct impact on public health and safety, surface water quality, and wildlife habitat. Like many California municipal agencies, the Port of San Francisco administers a Stormwater Management Program developed in accordance with the Federal Clean Water Act and a State of California National Pollution Discharge Elimination Permit ("Statewide General Permit"). Among the specific obligations set forth in this NPDES Permit, the Port is required to develop, implement and enforce a program to reduce pollutants in storm water runoff from new development and redevelopment projects. This effort is commonly referred to as a *post-construction stormwater control program*.

In February 2007 Port staff introduced a community planning effort to the Port Commission wherein the Port would partner with the San Francisco Public Utilities Commission (SFPUC) to develop a regulatory guidance document that fulfills state and federal requirements for post-construction stormwater runoff control. This document, the *Stormwater Design Guidelines ("Guidelines")*, integrates and provides synergy with other current planning efforts in San Francisco, including the Better Streets Plan, Sewer System Master Plan, and the Urban Forest Master Plan. It is designed to fulfill regulatory policy mandates of the federal Clean Water Act while at the same time functioning within the context of existing regulations and policies administered in San

This Print Covers Calendar Item No. 11A

Francisco. After extensive public outreach and comment, Port and SFPUC staffs have completed a final draft of the *Guidelines* and a Stormwater Ordinance that establishes an administrative framework to ensure compliance with requirements set forth in the *Guidelines*. Port staff requests that the Port Commission adopt the *Guidelines* and urge that the San Francisco Board of Supervisors and Mayor Gavin Newsom for approve the Stormwater Ordinance.

BACKGROUND

The *Guidelines* are driven by state and federal clean water regulatory requirements that apply to the City's separate storm sewer areas, which include the Port, Hunters Point Shipyard, Mission Bay, Treasure Island and various parcels that discharge to inland receiving waters (e.g., Lake Merced). Stormwater runoff in these areas accumulates pollutants such as petroleum, metals and sediment as it flows to waterways. The *Guidelines* establish an engineering, planning and regulatory framework for designing new infrastructure in a manner that reduces or eliminates these pollutants.

Low Impact Design

In keeping with Mayor Gavin Newsom's policy goals for promoting sustainable development in San Francisco, the project team is pursuing a "Low Impact Design" or "LID" approach for the *Guidelines*. LID strategies integrate green space, native landscaping, natural hydrologic functions and various other techniques to reduce pollution in runoff from developed land. LID serves multiple functions within a facility design, and can be integrated into civic open spaces and recreational areas. LID also achieves consistency with the policy goals of regulatory bodies that have jurisdiction over Port development, including the San Francisco Bay Conservation and Development Commission ("BCDC") and the San Francisco Planning Department. The Stormwater Design Guidelines consider a broad range of LID stormwater controls, including the following which can be incorporated into development projects as landscape or open space features:

- Vegetated swales
- Rain gardens and above ground planters
- Permeable pavers
- Treatment wetlands

LID stormwater controls are an element of LEED ("Leadership in Energy and Environmental Design") certification. Port staff has discussed LID /LEED synergy with development teams working on Port projects and the feedback has been positive.

Community Outreach

Because stormwater regulations require local agencies to promote public participation in program development, public outreach is a key component to the *Guidelines* planning process. The project team developed a database of over 2,000 community stakeholders, including members of Port waterfront advisory groups and local civic and environmental organizations. Public meetings were held in March and October 2007 to

solicit public feedback on the *Guidelines* process. Additional meetings and presentations were held with Port advisory groups and local civic groups. A summary of the public outreach is provided as Attachment A.

The Stormwater Design Guidelines Document

The *Guidelines* document is comprised of two volumes. The first volume provides policy overview and a San Francisco specific context for post-construction stormwater control requirements, and explains how these requirements will be incorporated into the City's planning and permit review process. The second volume is comprised of appendices that provide detailed instructions on how to develop a *Stormwater Control Plan*. Every applicant seeking a building permit, encroachment permit and/or CEQA approval within Port jurisdiction for a new development or redevelopment project over 5,000 square feet must submit a Stormwater Control Plan to the Port Engineering Division showing that they have incorporated appropriate stormwater controls into their project. Port planning and engineering staff will review Stormwater Control Plan submittals for adequacy.

The *Guidelines* include compliance strategies, a decision tree to assist the selection of stormwater controls, and spreadsheets that assist in sizing stormwater controls. A hypothetical example project illustrates how to complete each step in the design process, and a template for the Stormwater Control Plan is included at the end of the document. Port and SFPUC staff included this level of detail in the document with the goal of streamlining the permitting and approval process for stormwater controls.

The San Francisco Stormwater Ordinance

The Statewide General Permit includes specific provisions that require local government stormwater programs to demonstrate adequate regulatory oversight for post-construction control programs. Specifically:

*"The Permittee must use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law."*¹

Further, the San Francisco Bay Regional Water Quality Control Board (RWQCB) stated in a May 6, 2009 letter providing review and comments to the draft *Guidelines*:

"The Port must clarify its authority for enforcing implementation of the Guidelines for new development and redevelopment projects or provide a time schedule for adopting a storm water ordinance or other document to obtain this authority, prior to expiration of the General Permit. We stress the importance for SFPUC and the Port to develop a clear and enforceable stormwater ordinance to implement the Guidelines for both new and redevelopment projects."

¹ California State Water Resources Control Board, "General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems, Water Quality Order 2003-0005-DWQ.

Port and SFPUC staffs have developed an ordinance that is responsive to requirements of the Statewide General Permit (Attachment B). The ordinance includes the following provisions:

- 1) Establishment of regulatory authority in the San Francisco Public Works Code for the Port Executive Director or his/her designee for specific activities related to stormwater management.²
- 2) Detail as to which types of projects are required to comply with the *Guidelines*.
- 3) Requirements relating to the submittal of a Stormwater Control Plan for projects that must comply with the *Guidelines*.
- 4) A summary of prohibited discharges to the SFPUC and Port stormwater collection systems,
- 5) Detail regarding ongoing maintenance and inspection requirements for completed projects.
- 6) Provisions for enforcement and cost reimbursement for those projects which violate the *Guidelines*.

Port and SFPUC staffs will continue to solicit public review and comment during the Board of Supervisor approval process. After adoption by the Board of Supervisors the *Guidelines* will be applied and enforced by means of the Stormwater Ordinance. In early 2010 the Port Building Code will be revised to adopt the *Guidelines* and the Stormwater Ordinance.

REGULATORY APPROVALS

Development, approval and implementation of the San Francisco Stormwater Design *Guidelines* was determined to be Categorically Exempt from environmental review by the San Francisco Planning Department subject to Section 15308 of the CEQA *Guidelines* ("Actions Taken by Regulatory Agencies for Protection of the Environment").

SCHEDULE

The following table shows the proposed implementation schedule for the *Guidelines*.

MILESTONE	DATE
Port and SFPUC Commission Approval of the <i>Guidelines</i> , Adoption of Port Building Code Amendments, and Referral to Board of Supervisors	December 8, 2009
Board of Supervisors Adoption of Stormwater Ordinance	February 2010
Port Building Code Amendments	February 2010

² Article 4.1 of the San Francisco Public Works Code already delegates authority to the SFPUC General Manager to regulate discharges to the City's sewer and stormwater collection systems.

SUMMARY

In response to federal and state mandates, Port and SFPUC staffs have developed formal design guidelines for the reduction of stormwater pollution associated with new development and redevelopment in separately sewerred areas of San Francisco. Effective administration of these guidelines requires that the San Francisco Board of Supervisors adopt an implementing ordinance. Port staff request that the Port Commission adopt the *San Francisco Stormwater Design Guidelines* and recommend the Stormwater Ordinance to the San Francisco Board of Supervisors and Mayor Gavin Newsom for approval. *The Stormwater Design Guidelines* will apply to all new development and redevelopment projects greater than 5,000 square feet in size and will go into effect February 2010.

Prepared By: John Mundy, Utility Specialist

For: Edward Byrne, Chief Harbor Engineer

Attachment A: Stormwater Design Guidelines Public Outreach Summary
Attachment B: San Francisco Stormwater Ordinance

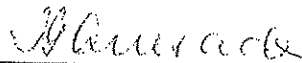
PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 09-75

- WHEREAS, Urban stormwater runoff is a significant contributor of pollution to the San Francisco Bay and Pacific Ocean; and
- WHEREAS, The Federal Clean Water Act and a State of California National Pollution Discharge Elimination System (NPDES) Permit require the City and County of San Francisco to administer a Stormwater Management Program to reduce pollution in stormwater runoff in San Francisco's municipal separate storm sewer systems; and
- WHEREAS, The San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise and the Port of San Francisco (Port) have been charged with developing and implementing said Stormwater Management Program in a manner that fulfills state and federal requirements for regulation of post-construction stormwater runoff control and provides the means to enforce the requirements of the program; and
- WHEREAS, Port and SFPUC staff have developed the *San Francisco Stormwater Design Guidelines (Guidelines)*, which define regulatory thresholds and requirements for development projects, and offer San Francisco-specific approaches for stormwater management, including Low Impact Design (LID) solutions; and
- WHEREAS, The SFPUC and the Port conducted an extensive community planning and public outreach effort in support of *Guidelines* development and incorporated input from community and technical stakeholders into the final *Guidelines* document; and
- WHEREAS, The *Guidelines* require the use of (LID) wherever feasible and are thereby consistent with Mayor Gavin Newsom's policy goals to promote greening and sustainable development in San Francisco; and
- WHEREAS, The *Guidelines* are designed to work within the context of existing San Francisco regulations and policies, and are consistent with the City's Building Code and Planning Code requirements; and
- WHEREAS, The proposed Stormwater Ordinance establishes an administrative framework to ensure compliance with requirements set forth in the *Guidelines*; and

- WHEREAS, The Port of San Francisco derives its authority to regulate and permit building construction or improvements within its jurisdiction from the Burton Act (Chapter 1333 of the Statutes of 1968) and from relevant sections of the Agreement Relating to Transfer of the Port of San Francisco from the State of California to the City and County of San Francisco; and
- WHEREAS, The Port Commission has established its own building department with the responsibility for enforcement, administration, and interpretation of building standards on Port property; and
- WHEREAS, The Planning Department has determined that the actions contemplated in this resolution are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Secretary of the Port Commission for Item No. 11A and is incorporated herein by reference, now, therefore, be it
- RESOLVED, That the Port Commission, pursuant to its Charter authority to adopt rules and regulations, hereby adopts the San Francisco Stormwater Design Guidelines; and be it further
- RESOLVED, That the Port Commission urges the San Francisco Board or Supervisors and Mayor Gavin Newsom to adopt the Stormwater Ordinance for incorporation in the San Francisco Public Works Code; and be it further
- RESOLVED, That Port staff incorporates the Stormwater Ordinance by reference into the Port Building Code after adoption by the Board or Supervisors.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of December 8, 2009.



Secretary

SAN FRANCISCO stormwater design guidelines

