

1 [Authorizing Grant Agreements - Terms of 20 Years - Public Utilities Commission Green
2 Infrastructure Grant Program]

3 **Ordinance extending for an additional two years through July 1, 2022, the delegation of**
4 **authority under Charter, Section 9.118, to the General Manager of the San Francisco**
5 **Public Utilities Commission (SFPUC), previously authorized by Ordinance No. 26-19, to**
6 **enter into grant agreements under the SFPUC’s Green Infrastructure Grant Program**
7 **with terms of up to 20 years and without Commission approval.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Background.

17 (a) San Francisco has a combined sewer system that collects and treats both
18 wastewater and stormwater in the same network of pipes. The San Francisco Public Utilities
19 Commission (“SFPUC” or “Commission”) has a multi-faceted program to maximize the
20 detention and retention of stormwater.

21 (b) Green infrastructure uses vegetation, soils, and other elements and practices
22 that mimic nature to soak up and store stormwater. Green infrastructure is a cost-effective,
23 resilient approach for managing wet weather impacts that provides many benefits. Green
24 infrastructure reduces and treats stormwater at its source while delivering environmental,
25 social, and economic benefits.

1 (c) The SFPUC desires to encourage owners of parcels containing large impervious
2 areas – such as concrete parking lots and asphalt covered playgrounds – to install Green
3 infrastructure projects on their parcels that will reduce the amount of stormwater runoff
4 entering the SFPUC’s sewer system, and thereby improve system performance.

5 (d) Towards that end, at a public hearing on November 13, 2018, the SFPUC, by its
6 Resolution No. 18-0189, approved the SFPUC Green Infrastructure Grant Program
7 Guidelines, a copy of which is on file with the Clerk of the Board of Supervisors in File No.
8 200454. The Resolution authorizes the SFPUC General Manager to award grants to
9 property owners to construct green infrastructure projects such as permeable pavement, rain
10 gardens/bioretenion, impervious surface removal, and vegetated roofs, on their parcels.
11 Under the Grant Program Guidelines, grantees must meet the following six eligibility criteria:

12 (1) Project Size: The proposed project must manage stormwater runoff from
13 a minimum of 0.5 acres of impervious surface.

14 (2) Project Location: The proposed project must be located on a parcel
15 connected to a SFPUC-owned and operated sewer system service area.

16 (3) Performance: The proposed project must capture runoff from the 90th
17 percentile 24-hour storm, equivalent to three quarters of an inch total depth. The 90th
18 percentile 24-hour storm represents an amount of precipitation that 90% of all rainfall events
19 do not exceed, as compared to the historical period of record.

20 (4) Grant Team Experience: The grant team must include the property
21 owner, an identified grant or project manager, and a licensed engineer or landscape architect
22 registered in the State of California. The proposed project team must collectively demonstrate
23 a history of successful project implementation and have experience designing, constructing,
24 and/or maintaining green infrastructure.

1 (5) Concept Design: The applicant must submit a conceptual design plan
2 drawing approximately equivalent to a 10% level of design that satisfies specific criteria set
3 forth in the Grant Program guidelines.

4 (6) At Least Two Co-Benefit Opportunities: Green infrastructure projects
5 provide a variety of co-benefit opportunities in addition to reducing the amount of stormwater
6 runoff that enters the SFPUC sewer system. Projects are required to demonstrate at least
7 two of the following co-benefits: location within or serving an Environmental Justice Area or
8 Disadvantaged Community, as designated by the SFPUC; provide public access to the project
9 site to promote awareness of and education about the importance of stormwater
10 management; groundwater recharge through infiltration of stormwater in the Westside
11 Groundwater Basin; non-potable water reuse of retained stormwater for other applications,
12 such as irrigation; the incorporation of education and/or curriculum opportunities into the
13 project that explain how green infrastructure assets work and their impact on watersheds and
14 the SFPUC's sewer system; providing job training opportunities in the green infrastructure
15 sector; and integration of biodiversity and native habitat into the project's design, such as
16 native pollinator gardens.

17 (e) Under the Grant Program Guidelines, grantees may receive up to \$765,000 per
18 impervious acre of property, or fraction thereof, for which stormwater is managed by the green
19 infrastructure project, for up to a maximum amount of \$2,000,000 per grant.

20 (f) To receive funding under the Green Infrastructure Grant Program, a grantee
21 must enter into a Green Infrastructure Grant Agreement ("Grant Agreement"), a template of
22 which is on file with the Clerk of the Board of Supervisors in File No. 200454. SFPUC has
23 determined that the useful life of the type of green infrastructure projects that are eligible for
24 funding under the Grant Program is approximately 20 years. Ongoing, proper maintenance of
25 green infrastructure projects is critical for these projects to function properly and benefit the

1 SFPUC sewer system for the useful life of these assets. Accordingly, the Grant Agreement
2 requires that the Grantee maintain the green infrastructure project for the 20-year term of the
3 agreement, authorizes the SFPUC to conduct periodic inspections of the Grantee's
4 construction, operation, and maintenance of the project, and provides the SFPUC with
5 remedies against the Grantee in the event that the Grantee fails to maintain the project for the
6 20-year term. The Grant Agreement also requires the Grantee to execute and record against
7 the property a deed restriction that serves to notify future owners that the 20-year
8 maintenance obligation runs with the land.

9 (g) In approving the Grant Program, the Commission delegated authority to the
10 SFPUC General Manager to negotiate, award, and execute Grant Agreements with a term of
11 up to 20 years and recommended that the Board of Supervisors adopt an ordinance
12 delegating its authority under Charter Section 9.118 to the SFPUC General Manager to
13 execute the Grant Agreements for a term in excess of 10 years.

14 (h) In February 2019, the City enacted Ordinance No. 26-19 (File No. 181113)
15 delegating authority to the SFPUC General Manager through July 1, 2020, to enter into Grant
16 Agreements under the SFPUC Green Infrastructure Grant Program provided that (1) the term
17 of the grant agreement does not exceed 20 years and (2) each grant award is approved by
18 the Commission at a public hearing. Since that time, the Commission has awarded three
19 grants totaling just over \$2 million dollars for construction of green infrastructure projects in
20 schoolyards at two public schools (Lafayette Elementary School and Bessie Carmichael
21 Middle School) and one private school (St. Thomas More School).

22 (i) The Board of Supervisors now desires to extend the delegation of authority to the
23 SFPUC General Manager provided for in Ordinance No. 26-19 for an additional two years,
24 with a sunset date of July 1, 2022, and remove the requirement that each grant award be
25 approved by the Commission at a public hearing.

1
2 Section 2. Delegation of Authority Under Charter Section 9.118 to SFPUC General
3 Manager.

4 (a) Delegation of Authority. Pursuant to its authority under Charter Section 9.118, the
5 Board of Supervisors delegates to the SFPUC General Manager authority to enter into Grant
6 Agreements under the Green Infrastructure Grant Program referenced in Section 1 of this
7 ordinance, in substantially the same form as on file with the Clerk of the Board of Supervisors
8 in File No. 200454, for a term in excess of 10 years, so long as the term does not exceed 20
9 years. The Board of Supervisors further authorizes the SFPUC General Manager to enter into
10 any amendments or modifications to the Grant Agreements that do not extend the terms of
11 the agreements beyond 20 years, and that the SFPUC General Manager determines, in
12 consultation with the City Attorney, are in the best interest of the City, do not materially
13 decrease the City's rights or materially increase the City's obligations or liabilities, are
14 necessary or advisable to effectuate the purposes and intent of the Grant Program, and are in
15 compliance with all applicable laws, including the City Charter.

16 (b) Reporting Requirement. Starting with the quarter beginning July 1, 2019, SFPUC
17 shall submit quarterly written reports to the Clerk of the Board of Supervisors summarizing all
18 Grant Agreements SFPUC has entered into during the prior quarter pursuant to the authority
19 granted under subsection 2(a) of this ordinance, and shall post such quarterly written reports
20 on its website. Each such report shall be submitted no later than 30 days following the
21 completion of the quarter that is the subject of the report.

22 (c) Sunset Dates.

23 (1) The delegation of authority provided for under subsection 2(a) of this
24 ordinance shall apply only to Grant Agreements, and amendments or modifications of Grant
25



City and County of San Francisco

Tails
Ordinance

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

File Number: 200454

Date Passed: June 23, 2020

Ordinance extending for an additional two years through July 1, 2022, the delegation of authority under Charter, Section 9.118, to the General Manager of the San Francisco Public Utilities Commission (SFPUC), previously authorized by Ordinance No. 26-19, to enter into grant agreements under the SFPUC's Green Infrastructure Grant Program with terms of up to 20 years and without Commission approval.

June 10, 2020 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 10, 2020 Budget and Finance Committee - RECOMMENDED AS AMENDED

June 16, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

June 23, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200454

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/23/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

7.3.20

Date Approved