

LEGISLATIVE DIGEST

[Water Efficient Irrigation.]

Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

Existing Law

Chapter 63 of the San Francisco Administrative Code was first enacted in 1991 to ensure compliance with provisions of the California Government Code requiring local agencies to adopt and implement water conservation measures. The purpose of this chapter was to promote efficient water use in new and renovated landscaping by utilizing proper landscape design, management and efficient irrigation equipment and techniques through mandatory restrictions on the use of landscaping in new developments and landscaping renovations. Developments were required to submit landscaping plans, soil analysis reports, and irrigation plans for City approval prior to issuance of an application for water service, and were subject to various limitations on the amount of acceptable landscaping per development and other landscape elements. Chapter 63 also imposed technology-based irrigation system design and use restrictions on the operations of irrigation systems subject.

Amendments to Current Law

California Government Code sections 65591-65599, adopted in 2006, require local agencies to either adopt the Department of Water Resources' model water efficient irrigation ordinance or adopt a local ordinance that is at least as effective in conserving water as the state model ordinance. The proposed ordinance meets that requirement, addresses San Francisco's smaller lot and landscape sizes, and enacts water waste enforcement measures now common in other California jurisdictions.

The ordinance requires that landscape projects be installed, constructed, operated, and maintained in accordance with regulations adopted by the San Francisco Public Utilities Commission (SFPUC) that establish limits on outdoor water consumption. A "Maximum Applied Water Allowance," or water budget, must be established for each landscape project and provides the project applicant with the appropriate amount of water that may be used to irrigate its landscape area.

Applicability: The primary requirements apply to all public agency, commercial, and residential new construction landscapes and rehabilitation landscape projects with a landscape area equal to or greater than 1,000 square feet. Water waste prevention provisions apply to all irrigated landscapes.

Exemptions: This ordinance does not apply in the following circumstances:

- Registered local, state or federal historical sites where the landscape is maintained as part of the historical integrity of the site;
- Ecological restoration projects that do not require a permanent irrigation system;
- Plant collections or animal habitat areas, as part of botanical gardens, zoological gardens, and arboretums, that are open to the public.

Special Landscape Areas: Certain landscape areas are permitted a higher Maximum Applied Water Allowance. These special landscape areas include:

- Areas solely dedicated to edible plants;
- Areas irrigated all or in part with graywater or harvested rain water; and
- Areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Tiered Compliance: The ordinance applies different compliance mechanisms based on the square footage of the new construction or rehabilitated landscape area.

Tier 1

New construction landscapes and landscape rehabilitation projects with the following attributes are considered Tier 1 landscapes and are eligible for a simple checklist and self certification compliance.

- Landscape area of 1,000 to 2,500 square feet;
- Turf not exceeding 25% of total landscape area;
- 75% of landscape area consists of low water use or climate appropriate plantings.

The Tier 1 project checklist describes the landscape project, documents the selection of low water use or climate appropriate plants, and confirms the use of water efficient irrigation components and other relevant landscape and irrigation information.

Following the installation of a Tier 1 landscape project, a certificate of landscape completion is submitted which requires a property owner or a landscape professional to attest that the landscape does not use water at a rate exceeding the applicable maximum water allowance.

Tier 2

New construction landscapes and landscape rehabilitation projects with the following attributes are considered Tier 2 landscapes and must submit a landscape documentation package for plan review.

- Landscape area of 2,500 square feet or greater;

- Tier 1 landscapes exceeding 25% turf requirement;
- Tier 1 landscapes with less than 75% low water or climate appropriate plantings.

The Tier 2 landscape documentation package mirrors state regulation and includes a landscape plan, irrigation plan, soil analysis, grading plan, and a worksheet for calculating the Maximum Applied Water Allowance.

Following the installation of the landscape project, a certificate of landscape completion is submitted which requires a certified landscape professional to attest that the landscape does not use water at a rate exceeding the applicable maximum water allowance.

Large Landscapes: Property owners maintaining a total irrigated landscape area within the City and County of San Francisco of 10 acres or greater, may request they be allowed to comply pursuant to an approved Compliance Plan which allows a systematic implementation of irrigation improvements rather than through individual landscape rehabilitation projects.

Compliance Points: The ordinance requires SFPUC approval of certain landscape and irrigation documentation for development projects that include a new construction landscape or landscape rehabilitation of 1,000 square feet or more.

- Landscape Documentation Deadline – The date by which landscape documentation must be submitted for approval for development projects. This date is after the issuance of the first construction document, but before issuance of the certificate of occupancy;
- First Certificate of Occupancy – SFPUC approval of the certificate of landscape completion is required before issuance of the first certificate of occupancy. The SFPUC General Manager may allow exceptions if other compliance mechanisms are available.

Climate Appropriate Plants: Plants, shrubs, groundcovers or tree species that, after a 3 year establishment period, will survive in the planting location irrigated as a low water use hydrozone are deemed to be climate appropriate plants. An expansive list of climate appropriate species has been developed for use in the Green Landscaping Ordinance and this Irrigation Ordinance, and includes a process for adding species for which water use is not calculated or is improperly rated for San Francisco's climate by the state approved list of species water use.

Gray Water and Harvested Rain Water: The Irrigation Ordinance encourages the use of gray water and harvested rain water for landscape irrigation. Areas irrigated with gray water or harvested rain water are considered special landscape areas and are allowed a Maximum Applied Water Allowance that is 20 to 30 percent greater. The effect is that a property owner who would like to install more high water use landscaping (e.g. extra turf) may do so if they irrigate it with gray water or harvested rain water.

Water Waste Prevention: Most California jurisdictions have statutory prohibitions against water waste, but San Francisco does not. The ordinance prohibits irrigation runoff from the landscape area due to drainage from low elevation water emitters, overspray, broken irrigation hardware, or other conditions where irrigation water is not absorbed at the site and flows onto adjacent property, walks, streets, or other non-irrigated areas.

Irrigation Audits: The SFPUC may conduct irrigation audits to evaluate a site's water use. The audits may be a coordinated effort between the SFPUC and the water service customer, or if a violation of the Irrigation Ordinance is reported or is discovered by the SFPUC, may be ordered by the General Manager and conducted by a certified landscape irrigation auditor. In the case of violation of the Irrigation Ordinance, the General Manager may require adjustments to an irrigation system, its use, or the landscape materials such that the landscape complies with the Maximum Applied Water Allowance.

Existing Enforcement Provisions: In the event that the Irrigation Ordinance or its companion regulations are violated, the General Manager of the SFPUC may issue written warnings, employ existing SFPUC water service rules, or trigger enforcement through Chapter 100 of the Administrative Code which includes fines and, in extreme cases of nonpayment, property liens. All these enforcement measures are found in existing law.

Background Information

In 2006, the State Legislature added sections 65591-65599 to the California Government Code, also known as the Water Conservation in Landscaping Act. This act modified water conservation requirements originally enacted in 1991, and requires that local agencies adopt a water efficient landscape ordinance that meets water conservation standards and the model ordinance adopted by the California Department of Water Resources on September 10, 2009.

After review of the Department of Water Resources new standards and model ordinance, SFPUC staff concluded that modifications to Chapter 63 of the Administrative Code were necessary to ensure compliance with the Water Conservation in Landscaping Act. The proposed ordinance will ensure such compliance. In addition, rules and regulations adopted by the SFPUC for the installation and maintenance of landscapes will help ensure compliance with the Water Conservation in Landscaping Act.