

1 [Administrative Code - Water Efficient Irrigation]

2

3 **Ordinance amending the Administrative Code by revising the applicability threshold to**  
4 **500 square feet for requirements for the development and maintenance of landscape**  
5 **irrigation controls for specified new construction landscapes and landscape**  
6 **rehabilitation projects.**

7 NOTE: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strike-through 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. Environmental Findings. The Planning Department has determined that the  
12 actions contemplated in this ordinance comply with the California Environmental Quality Act  
13 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with  
14 the Clerk of the Board of Supervisors in File No. 151251 and is incorporated herein by  
15 reference. The Board affirms this determination.

16 Section 2. The Administrative Code is hereby amended by revising Sections 63.3, 63.4,  
17 63.5, and 63.6, to read as follows:

18 **SEC. 63.3.DEFINITIONS.**

19 The terms used in this ~~ordinance~~ *Chapter 63* have the meanings set forth below:

20 ~~(a)~~ Certificate of landscape completion: the document required under Section 63.6.2.

21 ~~(b)~~ Certified Landscape Irrigation Auditor: a person certified to perform landscape  
22 irrigation audits by an accredited academic institution, a professional trade organization or  
23 other program such as the U.S. Environmental Protection Agency’s WaterSense irrigation  
24 auditor certification program and the Irrigation Association’s Certified Landscape Irrigation  
25 Auditor program.

1           ~~(e)~~ Ecological restoration project: a project where the site is intentionally altered to  
2 establish a defined, indigenous, historic ecosystem.

3           ~~(d)~~ First certificate of occupancy: either a temporary certificate of occupancy or a  
4 Certificate of Final Completion and Occupancy as defined in San Francisco Building Code  
5 Section 109A, whichever is issued first.

6           ~~(e)~~ First construction document: the first building permit issued for a project or, in the  
7 case of a site permit, the first building permit addendum issued or other document that  
8 authorizes construction of the project. "First construction document" shall not include permits  
9 or addenda for demolition, grading, shoring, pile driving, or site preparation work.

10          ~~(f)~~ General Manager: the General Manager of the Public Utilities Commission, or his or  
11 her designee.

12          ~~(g)~~ Irrigation audit: an in-depth evaluation of the performance of an irrigation system  
13 conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not  
14 limited to: inspection, system test with distribution uniformity or emission uniformity,  
15 precipitation rates, reporting deficiencies in the system, reporting overspray or runoff that  
16 causes overland flow, and preparation of an irrigation schedule. An irrigation audit may  
17 include suggested upgrades, current estimated water usage, and suggested system  
18 upgrades.

19          ~~(h)~~ Landscape area: all the planting areas, turf areas, and water features in a  
20 landscape design plan subject to the Maximum Applied Water Allowance calculation,  
21 including any adjacent planted areas in the public right-of-way for which the property owner is  
22 responsible pursuant to ~~the~~ Section 400.1 and Section 805 of the Public Works Code. The  
23 landscape area does not include footprints of buildings or structures unless the footprints  
24 include planted areas such as green roofs. The landscape area also does not include  
25 sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or

1 non-pervious hardscapes, and other non-irrigated areas designated for non-development  
2 such as open spaces and existing native vegetation.

3 (i) Landscape documentation deadline: the date by which Tier 1 or Tier 2  
4 documentation must be submitted for approval by the General Manager. This date shall be a  
5 specified number of days after the issuance of the first construction document as determined  
6 by the General Manager ~~and~~ in consultation with the Department of Building Inspection.

7 (j) Landscape rehabilitation project or rehabilitated landscape: includes any  
8 modifications to landscape areas over a 12-month period at a site that cumulatively exceeds  
9 1,000 square feet. A landscape rehabilitation project or rehabilitated landscape does not  
10 include turf replacements on sports fields where the turf replaced provides a playing surface,  
11 routine weeding, brush removal where no new plant materials are installed, or seasonal  
12 plantings in areas dedicated solely to edible plants.

13 (k) Low water use plants or climate appropriate plants: plants, shrubs, groundcovers or  
14 tree species that meet at least one of the following conditions:

15 (1) The species has a water use ranking of “low” or “very low” in Region 1  
16 (North-Central Coast) as established in the California Department of Water Resources  
17 ~~2000~~2014 publication “Water Use Classification of Landscape Species” or subsequent editions  
18 as it may be updated.

19 (2) The species has a water use ranking of “no water,” “little water,” or “little to  
20 moderate water” in the climate zone for the planting location as established in the Sunset  
21 Western Garden Book, ~~Eighth~~Ninth Edition, published by Oxmoor House on February ~~17~~,  
22 ~~2007~~2012, or subsequent editions as it may be updated.

23 (3) The plantings are part of an engineered stormwater management feature  
24 approved by the General Manager pursuant to the San Francisco Stormwater Management  
25 Requirements and Design Guidelines established by the Public Utilities Commission;

1 (4) The Department of Public Works, the Recreation and Park Department, or  
2 the General Manager has determined that the species, when watered for sufficient plant  
3 health and appearance, is low water use based on the agency's experience with the species,  
4 and the agency has added the species to the Low Water Use and Climate Appropriate Plant  
5 List maintained by the General Manager;

6 (5) The species appears on the San Francisco Street Tree Species List  
7 established by the Department of Public Works Bureau of Urban Forestry;

8 (6) The planting is part of a species test approved by the Department of Public  
9 Works or the Recreation and Park Department; or

10 (7) The species has been permitted at the site by the Department of Public  
11 Works or the General Manager based on wet soil conditions stemming from proximity to  
12 naturally occurring water features such as a high water table, springs, ponds, lakes, creeks,  
13 and wetlands.

14 (~~h~~) Maximum Applied Water Allowance: the amount of annual applied water established  
15 by the Public Utilities Commission for a landscaped area, using State mandated formulas and  
16 accounting for local climatic conditions, that serves as an upper limit for lawful water use for  
17 irrigating landscaped areas.

18 (~~m~~) New construction landscape project: the total area of landscape in the project as  
19 defined in landscape area, and the modified landscape area for a landscape rehabilitation  
20 project.

21 (~~n~~) Project applicant: the person or entity applying for approval of a landscape project  
22 for a new construction project or a landscape rehabilitation project. A project applicant may be  
23 the property owner or his or her designee.

24 (~~o~~) Property Owner: the legal owner of a property.  
25

1           ~~(p)~~ Special landscape area: an area of the landscape dedicated solely to edible plants,  
2 recreational areas, and water features and irrigated areas using all or in part of ~~with gray water or~~  
3 ~~harvested rain water non-potable water~~ water features using only harvested rain water, and areas  
4 ~~dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing~~  
5 ~~surface.~~

6           **SEC. 63.4. APPLICABILITY.**

7           (a) This ~~chapter~~ Chapter 63 shall apply to the following:

8                   (1) Tier 1: All public agency, residential, and commercial ~~new construction~~  
9 ~~landscape projects and~~ rehabilitated landscape projects with a modified landscape area equal to  
10 or greater than 1,000 square feet and less than 2,500 square feet;

11                   (2) Tier 2: All public agency, residential and commercial new construction ~~and~~  
12 ~~rehabilitated~~ landscape projects with a landscape area equal to or greater than 500 square feet; and  
13 landscape rehabilitation projects with a modified landscape area equal to or greater than 2,500  
14 square feet;

15                   (3) The irrigation and maintenance of any landscape irrigation system in the City  
16 and County of San Francisco.

17           (b) This ~~ordinance~~ Chapter 63 does not apply to:

18                   (1) Registered local, State, or Federal historical sites where the landscape is  
19 maintained as part of the historical integrity of the site;

20                   (2) Ecological restoration projects that do not require a permanent irrigation  
21 system; and

22                   (3) Plant collections or animal habitat areas, as part of botanical gardens,  
23 zoological gardens, and arboretums, open to the public.

1 (c) The General Manager may waive some or all of the requirements of this ~~chapter~~  
2 Chapter 63 if, based on a site inspection, the General Manager determines that compliance is  
3 not feasible.

4 (d) A process for document submissions and approvals pursuant to Section 63.6.1 will  
5 be developed by the General Manager in conjunction with the Department of Building  
6 Inspection, with the purpose of administrative efficiency and effective customer service.

7 **SEC. 63.5. REGULATION OF LANDSCAPE IRRIGATION EFFICIENCY.**

8 (a) Landscape projects shall be installed, constructed, operated, and maintained in  
9 accordance with this ~~chapter~~ Chapter 63 and the rules and regulations adopted by the Public  
10 Utilities Commission that establish limits on water consumption for the purpose of irrigating  
11 landscape areas that are part of new construction, landscape rehabilitation projects, and  
12 existing landscapes.

13 (b) Landscape projects shall be planted and irrigated efficiently by complying with water  
14 efficient design and operation requirements developed by the General Manager, including but  
15 not limited to the use of low water use plants or climate appropriate plants, restrictions on turf  
16 areas over 25% of the total landscaped area or on steep slopes, irrigation system audits, and  
17 regular irrigation scheduling and maintenance practices.

18 (c) All landscape projects shall not exceed a Maximum Applied Water Allowance using  
19 the formulas developed by the General Manager for local climate conditions within the City  
20 and County of San Francisco.

21 (d) Landscape areas irrigated with ~~graywater or harvested rain~~ non-potable water may  
22 have a Maximum Applied Water Allowance that exceeds those for landscapes irrigated with  
23 potable water.

24 (e) The architectural guidelines of a common interest development, which include  
25 community apartment projects, condominiums, planned developments, and stock

1 cooperatives as defined in Section 1351 of the California Civil Code, shall not prohibit or  
2 include conditions that have the effect of prohibiting the use of low water use plants as a  
3 group.

4 **SEC. 63.6. PROVISIONS FOR WATER EFFICIENT LANDSCAPES FOR NEW**  
5 **CONSTRUCTION AND LANDSCAPE REHABILITATION PROJECTS.**

6 (a) Tier 1: Beginning on the effective date of the amendments to this Chapter 63, January 1,  
7 ~~2011~~, project applicants for all public agency, commercial, and residential ~~new construction~~  
8 ~~landscape projects and~~ landscape rehabilitation projects, with a modified landscape area equal  
9 to or greater than 1,000 square feet and less than 2,500 square feet, shall comply with this  
10 ~~chapter~~ Chapter 63 and the rules and regulations adopted by the Public Utilities Commission.

11 (b) Tier 2: Beginning on the effective date of the amendments to this Chapter 63, January 1,  
12 ~~2011~~, the project applicants for all public agency, commercial, and residential new construction  
13 landscape projects with a landscape area equal to or greater than 500 square feet; ~~and~~ landscape  
14 rehabilitation projects with a modified landscape area equal to or greater than 2,500 square  
15 feet; or a project under Tier 1 with a turf limitation exceeding 25% percent of the landscape  
16 area, shall comply with this ~~chapter~~ Chapter 63 and the rules and regulations adopted by the  
17 Public Utilities Commission.

18 (c) Beginning January 1, ~~2011~~ 2016, property owners maintaining a total irrigated  
19 landscape of 10 acres or greater may submit compliance plans for approval by the General  
20 Manager that support a programmatic approach to compliance with this ~~chapter~~ Chapter 63,  
21 rather than through the review and approval of individual landscape rehabilitation projects.

22 Section 3. In amending the effective dates of the amendments stated in Section 63.6  
23 of the Administrative Code, this ordinance does not intend to change the legal obligations  
24 created by Section 63.6 from January 1, 2011 forward, except to the extent that changes in  
25

1 the legal obligations created by this ordinance shall become operative as of the amended  
2 dates stated in Section 63.6.

3 Section 4. Effective Date. This ordinance shall become effective 30 days after  
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
6 of Supervisors overrides the Mayor's veto of the ordinance.

7 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.

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14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By: \_\_\_\_\_  
17 John Roddy  
18 Deputy City Attorney

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