

1 [Environment Code - Office Building After-Hours Lighting]

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3 **Ordinance amending the San Francisco Environment Code by adding a new Chapter 9**
4 **to conserve electricity by prohibiting commercial buildings from lighting unoccupied**
5 **interior spaces after business hours; and to make environmental findings.**

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

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

10 Section 1. Findings

11 1. The state of our environment is of paramount importance, and the City and County
12 of San Francisco has a duty to protect our environment.

13 2. It is estimated that almost half of the electricity used in a typical office building is
14 used to keep lights on, and that commercial establishments account for about half of the
15 lighting energy used in the United States.

16 3. Not only are lights typically left on in buildings when occupants leave an office
17 during the middle of the day, but the night skylines of all U.S. cities are filled with lights from
18 countless empty offices, and San Francisco is no exception.

19 4. Simply instructing office workers to turn lights off voluntarily has not been an
20 effective environmental strategy, since many workers forget to do so, and cleaning crews
21 often turn lights on again.

22 5. In recent years, there has been a rapid development in cost-effective lighting control
23 technologies that turn lights off automatically when the last person leaves an office.

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1 6. These automatic lighting technologies not only have a positive impact on the
2 environment by reducing greenhouse gas emissions, but also save significant sums of money
3 by reducing utility bills, while simultaneously ensuring the security of office buildings.

4 7. Additionally, in San Francisco, there are significant rebates for buildings that invest
5 in lighting controls. While PG&E estimates that the typical payback period for an investment
6 in lighting control technology is 2 to 2.5 years, many buildings do not take advantage of these
7 rebate programs due to the lack of awareness of such programs.

8 8. Given the business terms of many commercial leases, in which commercial
9 landlords pass along electricity costs to commercial tenants, and commercial tenants have no
10 direct contractual relationship with an electric utility, many parties lack direct economic
11 incentives to invest in lighting controls.

12 9. As San Francisco has joined cities around the world in turning off lights for one hour
13 on March 28th as part of the international Earth Hour event, the City and County of San
14 Francisco should lead the way in encouraging office buildings to turn lights off and to
15 implement lighting controls.

16 Section 2. The San Francisco Environment Code is hereby amended by adding a new
17 Chapter 9, to read as follows:

18 **SEC. 900. SHORT TITLE.**

19 *This Ordinance shall be entitled the “Office Building After Hours Lighting Ordinance.”*

20 **SEC. 901. DEFINITIONS.**

21 *The following terms shall have the meanings set forth below.*

22 *(a) “After Hours” means the earlier of (1) one hour after the conclusion of a person's*
23 *published or posted business hours until one hour prior to the occupant's published or posted business*
24 *hours, or (2) 9:00 PM until 6:00 AM.*

1 (b) “Commercial Building” means any privately owned building that is occupancy group A,
2 B, L, M or S as defined in the San Francisco Building Code that is located in any C-3 District within
3 the City and County of San Francisco.

4 (c) “Director” means the Director of the Department of the Environment or his or her
5 designee.

6 (d) “Exit Sign” means a sign located and illuminated as required by the Building Code.

7 (e) “Lighting efficiency janitorial agreement” means a contract or similar agreement that
8 requires after hours cleaning and other maintenance staff to illuminate areas only while providing
9 services within an area, and to extinguish lighting upon completing required tasks and exiting the
10 area.

11 (f) “Luminaire” means an interior or exterior complete lighting unit, including internally
12 or externally illuminated signs, consisting of the lamp and the parts designed to distribute the light, to
13 protect the lamp, and to connect the lamp to the power supply, but not including illuminated utilization
14 equipment or exit signs as defined herein.

15 (g) “Occupancy Sensor Control Device” means a device that automatically turns off a
16 luminaire or series of luminaires no more than 30 minutes after it senses that the area is vacated.

17 (h) “Published or posted business hours” means the regular hours that the business is open
18 to the public as stated in any printed or electronic media at the direction of, or with the approval of, the
19 business proprietor(s), including but not limited to hours included in a business or professional
20 directory, advertisement, business card, or lobby or entry sign.

21 (i) “Path of Travel lighting” means any lighting required to be provided for emergency
22 purposes by the San Francisco Building Code.

23 (j) “Person” means an individual, trust, firm, joint stock company, corporation,
24 partnership or association that owns or controls a commercial building or a tenancy in a commercial
25 building.

1 (k) "Unoccupied Space" means any interior area in a commercial building with no person
2 physically present except for interior areas fitted with luminaires controlled by an occupancy sensor
3 control device that does not control an area in the building of more than 250 square feet, or interior
4 areas subject to a "lighting efficiency janitorial agreement."

5 (l) "Utilization Equipment" means commercial, retail or industrial equipment, including
6 but not limited to, refrigeration equipment, fully enclosed retail display cases, vending machines,
7 printing equipment or conveyors, which uses light bulbs, lamps or tubes as an integrated part of such
8 equipment. "Utilization Equipment" shall not include furniture or workstations.

9 **SEC. 902. AFTER HOURS LIGHTING PROHIBITION AND AUDIT REQUIREMENT.**

10 (a) No person may illuminate any unoccupied space in a commercial building after hours
11 except for exit signs, path of travel lighting and utilization equipment lighting.

12 (b) Each floor of a commercial building where after hours lighting is displayed in violation
13 of this Section 902 constitutes a separate violation. Each day that after hours lighting is displayed in
14 violation of this Section 902 constitutes a separate violation.

15 (c) No later than six months after the effective date of this Ordinance, and annually
16 thereafter, each person who owns a commercial building shall submit the following information to the
17 City on a form and in a manner specified by the Department of the Environment:

18 (i) the locations, if any, in the commercial building where operational occupancy
19 sensor control devices control luminaire, including the floor or floors so controlled and, for partial
20 floors, the street orientation or geographic (north/south/east/west) orientation of suite or suites within
21 a floor so controlled, and such additional information as the Department of the Environment shall, by
22 rule, require,

23 (ii) confirmation that the commercial building is serviced entirely by a lighting
24 efficiency janitorial agreement, or, if not, the floors within the building, if any, subject to such
25 agreement, or if only partial floors, the street orientation or geographic (north/south/east/west)

1 orientation of suite or suites within a floor subject to such agreement, and such additional information
2 as the Department of the Environment shall, by rule, require, and

3 (iii) the identity and business hours of each tenant or owner-occupant in the
4 commercial building with business hours extending after 9:00 PM and commencing before 6:00 AM.

5 **SEC. 903. ENFORCEMENT.**

6 (a) Beginning twelve months after the effective date of this Ordinance, the Director of the
7 Department of the Environment, or his or her designee, may issue a written warning to any person he
8 or she determines is violating Section 902. If, after issuing a written warning, the Director finds that
9 person continues to violate Section 902, the Director may apply for or impose the various sanctions
10 provided in Section 903(b) and (c).

11 (b) The Director of the Department of the Environment, or his or her designee, may issue
12 administrative citations to any person he or she determines is violating Section 902(a), 902(b) or
13 902(c). San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of
14 Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and
15 the procedure for imposition, enforcement, collection, and administrative review of administrative
16 citations issued under this Section 903(b).

17 (c) Any person who violates the provisions of Section 902(a) or 902(b) of this Ordinance
18 shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall
19 be punished for the first offense by a fine of not more than \$100.00 for a first violation; not more than
20 \$200.00 for a second violation in the same year; and not more than \$500.00 for each subsequent
21 violation in the same year.

22 **SEC 904. RULES.**

23 The Director, upon recommendation of the Commission on the Environment after a public
24 hearing, shall adopt, and may amend, reasonable rules, guidelines and forms for implementing the
25 provisions and intent of this Ordinance.

1 **SEC. 905. REPORT TO THE BOARD OF SUPERVISORS.**

2 No later than eighteen months after the effective date of this Ordinance, and annually
3 thereafter, the Director, in consultation with the City Administrator and with input from members of the
4 public, as appropriate, shall submit to the Board of Supervisors a written report summarizing the
5 implementation of this Ordinance and recommending changes, if any, to this Ordinance, including
6 whether the prohibition against illuminating unoccupied spaces not regulated by occupancy sensor
7 control devices or lighting efficiency janitorial agreements after hours in commercial buildings should
8 be extended to other types of buildings, as supported by the report.

9 Each annual written report required by this Section 905 shall specifically address (1) the
10 impact of this Ordinance on energy usage; (2) the compliance by building owners subject to this
11 Ordinance with the audit requirements in Section 902(c), including warning letters and citations
12 issued, and (3) the approximate square footage of commercial space (a) regulated by occupancy
13 sensor control devices and (b) subject to lighting efficiency janitorial agreement, based on the audit
14 data.

15 **SEC 906. OPERATIVE DATE.**

16 This Ordinance shall take effect and be in full force from and after its effective date.

17 **SEC. 907. UNDERTAKING FOR THE GENERAL WELFARE.**

18 In undertaking the enforcement of this Ordinance, the City and County of San Francisco is
19 assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on
20 its officers and employees, an obligation for breach of which it is liable in money damages to any
21 person who claims that such breach proximately caused injury.

22 **SEC. 908. SEVERABILITY.**

23 If any provisions or clause of this Ordinance or the application thereof to any person or
24 circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent
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1 jurisdiction, such invalidity shall not affect other provisions, and clauses of this Ordinance are
2 declared to be severable.

3 Section 3. The Planning Department has determined that the actions contemplated in
4 this Ordinance are in compliance with the California Environmental Quality Act (California
5 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
6 the Board of Supervisors in File No. _____ and is incorporated herein by reference.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 CATHARINE BARNES
12 Deputy City Attorney

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