

**LEGISLATIVE DIGEST**

[Public Works Code - Stormwater Management Requirements]

**Ordinance amending the Public Works Code to incorporate changes to ensure consistency and compliance with California’s municipal stormwater permit requirements; to revise application of the requirements from projects disturbing 5,000 square feet of ground surface area to projects that include construction or remodeling of 5,000 square feet of impervious surface area; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

Existing Law

Public Works Code Article 4.2, Sections 147 – 147.6, the Stormwater Management Ordinance, requires installation and maintenance of stormwater controls for new development and redevelopment projects in San Francisco that disturb 5,000 sf or more of ground surface.

Amendments to Current Law

The proposed amendments will ensure San Francisco’s compliance with the Federal Clean Water Act and the State of California’s recently adopted statewide general permit for municipal stormwater control systems by revising the current stormwater management requirements to be consistent with changes in California’s statewide municipal stormwater program that are applicable to San Francisco.

The amendments include the following provisions:

- 1) The threshold at which projects must comply with the Article 4.2 has been redefined, per the statewide general permit. Currently, projects **disturbing 5,000 square feet or more of the ground surface** are subject to the requirements. As revised, stormwater management requirements will apply to projects **creating and/or replacing 5,000 square feet or more of impervious surface**.
- 2) Small Projects, as defined in the ordinance, are regulated in separate sewer areas under the proposed amendments. Small Projects (those creating and/or replacing 2,500-5,000 square feet of impervious surface) must implement one or more green infrastructure technology. Projects of this size are not currently regulated.

### Background Information

Like most California municipal agencies, the Port of San Francisco and the San Francisco Public Utilities Commission administer stormwater management programs developed in accordance with the Federal Clean Water Act and a statewide general permit issued by the State of California. Among the specific obligations set forth in this statewide general permit, the Port and the San Francisco Public Utilities Commission 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.

In 2010, the Board of Supervisors adopted Sections 147 – 147.6 of the Public Works Code, which requires the development and maintenance of stormwater management controls for development and redevelopment projects meeting specific area and project type criteria. This action brought the City into compliance with the statewide general permit issued by the State in 2008.

After five years of implementing the current stormwater management controls, an update is required to achieve compliance with the new 2013 statewide general permit requirements and to reflect improvements made in the City's stormwater control plan review process. The major changes include:

- 1) The threshold at which projects must comply has been redefined, per the statewide general permit. The current requirements apply to projects **disturbing 5,000 square feet or more of the ground surface** were subject to the requirements. In the revision, the threshold has been revised to projects **creating and/or replacing 5,000 square feet or more of impervious surface**.
  
- 2) Small Projects are regulated in separate sewer areas under the proposed amendments. Small Projects (those creating and/or replacing 2,500-5,000 square feet of impervious surface) must implement one or more green infrastructure technology. Projects of this size are not currently regulated.

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, and contribute to the creation of a green city.

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