

1 [Stormwater Management.]

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3 **Ordinance amending the San Francisco Public Works Code by adding Article 4.2,**  
4 **sections 147 – 147.6, requiring the development and maintenance of stormwater**  
5 **management controls for specified activities that disturb 5,000 square feet or more of**  
6 **the ground surface, and are subject to building, planning and subdivision approvals.**

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

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

13 Section 1. Environmental Findings. The Planning Department has determined that the  
14 actions contemplated in this Ordinance are in compliance with the California Environmental  
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is  
16 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
17 incorporated herein by reference.

18 Section 2. The San Francisco Public Works Code is hereby amended by repealing  
19 Sections 140 – 149.4 of Article 4.2.

20 Section 3. The San Francisco Public Works Code is hereby amended by adding  
21 Sections 147 – 147.6, to Article 4.2, to read as follows:

22 Article 4.2. SEWER SYSTEM MANAGEMENT.

23 Section 147. Stormwater Management

24 (a) The intent of Sections 147 – 147.6 is to protect and enhance the water quality in the  
25 City and County of San Francisco's sewer system, stormwater collection system and receiving  
waters pursuant to, and consistent with Federal and State laws, lawful standards and orders

1 applicable to stormwater and urban runoff control, and the City's authority to manage and  
2 operate its drainage systems.

3 (b) Urban runoff is a significant cause of pollution throughout California. Pollutants of  
4 concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens,  
5 oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic  
6 aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.

7 (c) During urban development, two important changes occur. First, where no urban  
8 development has previously occurred, natural vegetated pervious ground cover is converted  
9 to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural  
10 vegetated soil can both absorb rainwater and remove pollutants, providing a very effective  
11 purification process. Because pavement and concrete can neither absorb water nor remove  
12 pollutants, the natural purification characteristics of the land are lost. Second, urban  
13 development creates new pollutant sources, including vehicle emissions, vehicle maintenance  
14 wastes, pesticides, household hazardous wastes, pet wastes, trash, and other contaminants  
15 that can be washed into the City's stormwater collection systems.

16 (d) A high percentage of impervious area correlates to a higher rate of stormwater  
17 runoff, which generates greater pollutant loadings to the stormwater collection system,  
18 resulting in turbid water, nutrient enrichment, bacterial contamination, toxic compounds,  
19 temperature increases, and increases of trash or debris.

20 (e) When water quality impacts are considered during the planning stages of a project,  
21 new development and redevelopment projects can more efficiently incorporate measures to  
22 protect water quality.

23 (f) Sections 147 – 147.6 protect the health, safety and general welfare of the City's  
24 residents by:

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- 1 (1) minimizing increases in pollution caused by stormwater runoff from development  
2 that would otherwise degrade local water quality;
- 3 (3) controlling the discharge to the City's sewer and drainage systems from spills,  
4 dumping or disposal of pollutants; and
- 5 (4) reducing stormwater run-off rates, volume, and nonpoint source pollution  
6 whenever possible, through stormwater management controls, and ensuring that  
7 these management controls are safe and properly maintained.

8 Section 147.1. Definitions.

9 In addition to the definitions provided in section 119 of Article 4.1 of this Code, the  
10 following definitions shall apply:

11 (a) Best management practices or "BMPs." Structural devices, measures, or programs  
12 used to reduce pollution in stormwater runoff. BMPs manage the quantity and improve the  
13 quality of stormwater runoff in accordance with the Guidelines and applicable state and  
14 federal regulatory requirements.

15 (b) Department. The San Francisco Public Utilities Commission. With regard to  
16 stormwater management in areas of the City under the jurisdiction of the Port Commission,  
17 "Department" means the San Francisco Port Commission until the Port Commission adopts  
18 its own standards and procedures.

19 (c) Development Project. Any activity disturbing 5,000 square feet or more of the  
20 ground surface, measured cumulatively from the effective date of this Article. Activities that  
21 disturb the ground surface include, but are not limited to, the construction, modification,  
22 conversion, or alteration of any building or structure and associated grading, filling,  
23 excavation, change in the existing topography, and the addition or replacement of impervious  
24 surface. All sidewalks, parking, driveways, and landscaped and irrigated areas constructed in  
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1 conjunction with the Development Project are included in the project area. Development  
2 Projects do not include interior remodeling projects, maintenance activities such as top-layer  
3 grinding, repaving, and re-roofing, or modifications, conversions or alterations of buildings or  
4 structures that does not increase the ground surface footprint of the building or structure.

5 (d) Development runoff requirements. The performance standards set forth in the  
6 Guidelines to address both the construction and post-construction phase impacts of new  
7 Development Projects on stormwater quality.

8 (e) General Manager. The General Manager of the Public Utilities Commission of the  
9 City, or a designated representative of the General Manager. With regard to stormwater  
10 management in areas of the City under the jurisdiction of the Port Commission, the Executive  
11 Director of the San Francisco Port Commission or a designated representative of the  
12 Executive Director shall have the same authority under this Article as the General Manager  
13 until the Port Commission adopts it own standards and procedures regarding stormwater  
14 management in all areas under Port Commission jurisdiction.

15 (f) Guidelines. The Stormwater Design Guidelines adopted by the San Francisco Public  
16 Utilities Commission or the San Francisco Port Commission. The Guidelines contain  
17 requirements pertaining to the type, design, sizing, and maintenance of post-construction  
18 stormwater BMPs.

19 (g) Low Impact Design (LID). A stormwater management approach that promotes the  
20 use of ecological and landscape-based systems that mimic pre-development drainage  
21 patterns and hydrologic processes by increasing retention, detention, infiltration, and  
22 treatment of stormwater at its source.

23 (h) Non-Stormwater Discharge. Any discharge to the City's Stormwater Collection  
24 System that is not composed entirely of Stormwater.

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1 (i) Pollutant. Any substance listed in sec. 119(aa) of Article 4.1 of the Public Works  
2 Code or any substance described as a pollutant in the Guidelines.

3 (j) Separate Stormwater/sewer System. Stormwater and sanitary sewage collection  
4 facilities that convey, treat and discharge stormwater and sewage in separated catchbasins,  
5 pipelines, treatment facilities, outfalls, and other facilities, and do not combine stormwater and  
6 sewage in the same facilities.

7 (k) Stormwater. Water that originates from atmospheric moisture (rainfall or snowfall)  
8 and that falls onto land, water or other surfaces.

9 (l) Stormwater Collection System. All City facilities operated by the San Francisco  
10 Public Utilities Commission or the Port of San Francisco for collecting, transporting, treating  
11 and disposing of stormwater. For purposes of this Article, the Stormwater Collection System  
12 includes facilities owned and operated by public entities other than the City, where such  
13 facilities direct stormwater into the Stormwater Collection System and are subject to the  
14 jurisdiction of the San Francisco Public Utilities Commission or the Port of San Francisco as  
15 defined by law, contract, or interjurisdictional agreement.

16 (m) Stormwater Control. A device designed to remove pollution in stormwater runoff  
17 through detention, retention, filtration, or infiltration.

18 (n) Stormwater Control Plan. A plan that meets all applicable criteria, performance  
19 standards and other requirements contained in this Article and the Guidelines.

20 Section 147.2. Stormwater Control Plan

21 (a) Development Projects. Every application for a Development Project , including, but  
22 not limited to, a building or encroachment permit conditional use permit, variance, site permit,  
23 or design review, shall be accompanied by a Stormwater Control Plan that meets the  
24 stormwater control criteria provided by the Guidelines. No City department shall approve or  
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1 issue a conditional use permit, variance, site permit, design review approval, building or  
2 encroachment permit unless and until a Stormwater Control Plan developed in accordance  
3 with this Article and the Guidelines has been approved by the General Manager. All projects  
4 subject to the stormwater management requirements of Chapter 13C of the San Francisco  
5 Building Code shall comply with the requirements of the Guidelines.

6 (b) Subdivision Approvals.

7 (1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public  
8 Works shall not approve a tentative subdivision map or a parcel map for any property unless  
9 a condition is imposed requiring compliance with all applicable Stormwater Control Plans to  
10 serve the potential uses of the property covered by the parcel map or tentative subdivision  
11 map, as may be further specified in the provisions of this Article or the Guidelines.

12 (2) Subdivision Regulations. The Director of Public Works shall adopt regulations  
13 as necessary, consistent with and in furtherance of this Article, to ensure that all subdividers  
14 of property subject to the provisions of this ordinance provide a Stormwater Control Plan in  
15 compliance with this Article and the Guidelines.

16 (3) Final Maps. The Director of Public Works shall not endorse and file a final map  
17 for property within the boundaries of the City and County of San Francisco without first  
18 determining whether:

19 (A) The subdivider has complied with the conditions imposed on the tentative  
20 subdivision map or parcel map, pursuant to this Article and the Guidelines; and

21 (B) For any such conditions not fully satisfied prior to the recordation of the final  
22 map, the subdivider has signed a certificate of agreement and/or improvement agreement, to  
23 ensure compliance with such conditions.

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1 (4) This Subsection (b) shall not apply to tentative subdivision maps or parcel  
2 maps submitted solely for the purposes of condominium conversion, as defined in San  
3 Francisco Subdivision Code Section 1308(d).

4 Sec. 147.3. Limitations and Prohibited Discharges.

5 (a) The establishment, use, maintenance or continuation of any unauthorized drainage  
6 connections to the Stormwater Collection System is prohibited.

7 (b) The discharge of Pollutants and Non-stormwater Discharges into the stormwater  
8 collection facilities located in the Separate Stormwater/sewer System portions of the  
9 Stormwater Collection System is prohibited, except as provided in this section.

10 (c) The following discharges are exempt from the prohibitions set forth subsection (b)  
11 above if the Regional Water Quality Control Board approves the exempted category under  
12 section C. 11. of the City's NPDES permit: uncontaminated pumped groundwater, foundation  
13 drains, water from crawl space pumps, footing drains, air conditioning condensate, irrigation  
14 water, landscape irrigation, lawn or garden watering, planned and unplanned discharges from  
15 potable water sources, water line and hydrant flushing, individual residential car washing,  
16 discharges or flows from emergency fire fighting activities, dechlorinated swimming pool  
17 discharges.

18 Section 147.4. Compliance with Maintenance and Inspection Requirements.

19 (a) All Stormwater Controls shall be maintained according to the Guidelines and the  
20 operation and maintenance plan included in the approved Stormwater Control Plan. The  
21 person(s) or organization(s) responsible for maintenance shall be designated in the plan.  
22 Those persons responsible for maintenance shall inspect the Stormwater Controls at least  
23 annually and shall maintain the Stormwater Controls as required by the Guidelines and  
24 described in the Stormwater Control Plan.

1 (b) Operation and Maintenance Inspection and Certificates. Every person who owns,  
2 leases or operates any Stormwater Control or Controls must provide annual self-certification  
3 for inspection and maintenance, as set forth in the Guidelines.

4 (c) The General Manager may perform routine or scheduled inspections, as may be  
5 deemed necessary in the General Manager's sole discretion to carry out the intent of this  
6 Article and the Guidelines, including, but not limited to, random sampling or sampling in areas  
7 with evidence of Stormwater contamination, evidence of the discharge of Non-stormwater to  
8 the Stormwater Collection System, or similar activities.

9 (d) Authority to Sample and Establish Sampling Devices. The General Manager may  
10 require any person discharging Stormwater to the Stormwater Collection System to provide  
11 devices or locations necessary to conduct sampling or metering operations.

12 (e) Notification of Spills. All persons in charge of the Stormwater Controls shall  
13 provide immediate notification to the General Manager of any suspected, confirmed or  
14 unconfirmed release of pollutants creating a risk of non-stormwater discharge into the  
15 Stormwater Collection System. Such persons shall take all necessary steps to ensure the  
16 detection and containment and clean up of such release. This notification requirement is in  
17 addition to and not in lieu of other required notifications.

18 (f) Requirement to Test or Monitor. The General Manager may require that any person  
19 responsible for Stormwater Controls undertake such monitoring activities or analysis and  
20 furnish such reports as the General Manager may specify.

21 Section 147.5 Enforcement and Cost Reimbursement.

22 Any violation of this Article may be enforced by the General Manager pursuant to section 132  
23 of Article 4.1 of the Public Works Code. Persons violating any provision of this Article, the  
24 Guidelines, or department regulations may be subject to penalties and abatement in  
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1 accordance with the Guidelines and sections 133 and 134 of Article 4.1 of the Public Works  
2 Code.

3 Section 147.6 Severability

4 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this  
5 Article, is for any reason held to be unconstitutional, invalid or ineffective by any court of  
6 competent jurisdiction, such decision shall not affect the validity or effectiveness of the  
7 remaining portions of this Article. The Board of Supervisors declares that it would have  
8 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this  
9 Article irrespective of the fact that any one or more sections, subsections, subdivisions,  
10 paragraphs, sentences, clauses, or phrases could be declared unconstitutional, invalid or  
11 ineffective.

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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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